



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Site Plan Review and Appearance Board

Meeting	File No.	Application Type
March 20, 2023	2023-097-LDR	Amendment to the Land Development Regulations

Applicant

City of Delray Beach

Request

Provide a recommendation to the City Commission on Ordinance No. 13-23, a City-initiated amendment to Section 2.2.3, "The Site Plan Review and Appearance Board," of the Land Development Regulations (LDR) to reduce the number of required monthly meetings from two to one, and to simplify language to improve readability.

Background Information

The Site Plan Review and Appearance Board (SPRAB) is required by the LDR to hold at least two regular meetings each month – typically the second and fourth Wednesday of the month. This minimum meeting requirement has been in the LDR since its rewrite in 1990 (if not before). At that time, there was less development throughout Delray Beach and development applications required minimal processing time. The two-meeting minimum requirement likely assisted applicants in navigating the process quicker, when Delray Beach was trying to incentivize development and readily accommodate business owners. As development demands increased over the years, particularly between 2000 and 2007, the two meetings were utilized to balance the heavy agendas until the 2008 recession slowed development applications.

Currently, to hold only one meeting per month, permission from the City Manager is required. In June 2020, Staff was granted permission to reduce the number of meetings from two to one per month, and this practice has continued through the present time. During this time, Staff has been able to better focus on project review, to prepare Staff Reports with a thorough and complex analysis, and to better manage their time around meeting dates (and associated deadlines) to complete other planning tasks that do not require Board review. Additionally, it is important to acknowledge the toll that two meetings per month takes on the volunteer SPRAB Members.

However, to simply the process to schedule a second meeting, if needed, Staff has continued to reserve the anticipated second meeting date (second Wednesday of each month) to assist in balancing an agenda when the number of items for consideration will create too heavy of an agenda in a given month. Decisions on important development proposals should not be made in haste or when the Board is not able to have a nuanced discussion on the review considerations and required findings. For example, the number and type of applications ready for review at the January 25, 2023 SPRAB meeting would have resulted in a long and late meeting. Staff confirmed with the Board that a quorum would be available for a second meeting in February, and those items that were deemed complete and ready last, were placed on the additional agenda two weeks later.

In comparison to the current SPRAB meeting requirements, the Planning and Zoning Board, Historic Preservation Board, and Board of Adjustment (all coordinated by Development Services Staff), are all required by the LDR to hold a minimum of one meeting per month.

Description of Proposal

The primary purpose of the update is to amend the minimum meeting requirements for the SPRAB, but minor changes are also proposed to improve readability and clarity. The proposed modifications to **LDR Section 2.2.3** are summarized below.

Subsection (A), Creation.

- Changes to improve readability and clarity are proposed.

Subsection (B), Composition and special qualifications.

- Changes to improve readability and clarity are proposed.

Subsection (C), Meetings and quorum.

- Changes the meeting requirement from “at least two regularly scheduled business meetings each month” to “at least one regularly scheduled business meetings each month.”
- Adds language that “The required regular meeting shall be canceled if there are no petitions before the Board.”

Subsection (D), Duties, powers, and responsibilities.

- Primarily, changes to improve readability and clarity are proposed.
- Modifies language related to landscape plans to remove the distinction between preliminary and final plans.
- Improves language to clarify the types of signs subject to SPRAB approval.
- Language is also proposed to clarify that any other regulations or requirements elsewhere noted that specify relief is available by the body acting upon the development application can be approved by SPRAB.

The full text of the proposed changes is provided in Ordinance No. 13-23 (attached).

Review and Analysis

Pursuant to **LDR Section 1.1.6, Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.*

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings.

Pursuant to **LDR Section 2.4.5(M)(1), Amendment to the Land Development Regulations**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is initiated by the City, in order to simplify SPRAB operations. The reduced minimum meeting requirement does not preclude additional meetings, but it improves the process for both Staff and the Board members to have only one meeting per month. It also allows meetings to be cancelled if no development applications are ready for SPRAB review.

Pursuant to **Section 2.4.5(M)(5), Findings**, *the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan.*

The following Goals, Objectives, and Policies (GOPs) of the adopted Comprehensive Plan are applicable to and support the proposed amendment:

Neighborhoods, Districts, and Corridors Element

Objective NDC 3.5 Update Land Development Regulations *Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.*

The reduced meeting requirement allows Staff to adjust the meeting schedule, as necessary. This will prevent the overburdening of the SPRAB with unnecessary meetings, if a second meeting is not necessary to maintain a timely and thorough review process in a given month.

Review By Others

The City Commission is anticipated to review the proposed LDR Amendments at two meetings in April and May 2023, with the second being a public hearing.

Options For Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 13-23, a City-initiated amendment to Section 2.2.3, "The Site Plan Review and Appearance Board," of the Land Development Regulations (LDR) to reduce the number of required monthly meetings from two to one, and to simplify language to improve readability, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 13-23, **as amended**, a City-initiated amendment to Section 2.2.3, "The Site Plan Review and Appearance Board," of the Land Development Regulations (LDR) to reduce the number of required monthly meetings from two to one, and to simplify language to improve readability, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 13-23, a City-initiated amendment to Section 2.2.3, "The Site Plan Review and Appearance Board," of the Land Development Regulations (LDR) to reduce the number of required monthly meetings from two to one, and to simplify language to improve readability, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.
- D. Continue with direction.

Public and Courtesy Notices

N/A Courtesy Notices are not required.

N/A Public Notices are not required for this request.