



PLANNING & ZONING BOARD STAFF REPORT

PLANNING, ZONING AND BUILDING DEPARTMENT
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Ordinance 24-18, Zoning Certificate of Use and Occupancy

Meeting: September 17, 2018	File No.: 2018-207	Application Type: Land Development Regulations Amendment
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Request:

Provide a recommendation to the City Commission regarding Ordinance No. 24-18, a City-initiated request to amend Land Development Regulations Section 2.1.2, "Administrative Organization and Responsibilities", 2.4.5(F), "Site and Development and Master Development Plans", 2.4.5(G), "Modifications to Site and Development Plans", and Appendix A "Definitions" to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans.

Recommendation:

Recommend approval of Ordinance No. 24-18 to the City Commission of the City-initiated request to amend Land Development Regulations Section 2.1.2, "Administrative Organization and Responsibilities", 2.4.5(F), "Site and Development and Master Development Plans", 2.4.5(G), "Modifications to Site and Development Plans", and Appendix A "Definitions" to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans, by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Proposed Amendment:

The proposed amendments primarily provide a new process (Zoning Certificate of Use and Occupancy) for the approval of a use change in an existing tenant space which does not require site or building improvements. The current process requires submittal of a Class III Site Plan Modification, 8 copies of associated exhibits such as a site survey, site plan, floor plan, and a fee of \$1,500. Class III Site Plan Modifications go through a technical compliance review with City Staff, then are scheduled for Board action which can take six to eight weeks. The proposed process is less onerous on the applicant or business owner which would be reviewed and approved administratively, thereby significantly reducing the approval time frame, and require a lower fee which has not yet been determined.

The additional amendments provide clarification of existing processes for site plan and Master Development Plan requests, or corrective amendments in formatting.

Review and Analysis:

Pursuant to **LDR Section 2.4.5(M)(1)**, 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 a city-initiated text amendment to the Land Development Regulations.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), 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 Comprehensive Plan identifies the following with respect to processing site plan requests:

Objective A-5: The City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential

Project Planner:		Review Dates:	Attachments:
Amy Alvarez, Senior Planner; alvarez@mydelraybeach.com , 561.243.7284		<u>Planning and Zoning Board</u> , September 17, 2018 <u>City Commission</u> , October 16, 2018, 1 st Reading and November 6, 2018, 2 nd Reading	*Ordinance No. 24-18 *Draft Zoning Certificate of Occupancy and Use application



developments and to accommodate mixed-use developments, and other innovative development practices.

The proposed amendment is consistent with this Objective as it clarifies the existing process for site plans and Master Development Plans, while providing a new, more efficient process for a request for a new use in an existing tenant space. The proposed process for the Zoning Certificate of Use and Occupancy will provide “timely, equitable and streamlined” review which can be completed administratively upon confirmation that no associated site or building improvements would be required such as the provision of additional parking spaces.

Assessment and Conclusion:

The proposed amendments create a new process (Zoning Certificate of Use and Occupancy) to assist in the streamlining of requests which currently require Board action; therefore, the new process is more business-friendly and supports a timelier path for new or relocated businesses to begin operations. Additionally, existing processes for site plan and Master Development Plan are clarified and will also further assist the public in understanding the submittal requirements and review process for those types of requests.

Alternative Actions:

- A. Move a recommendation of approval to the City Commission regarding Ordinance No. 24-18, a City-initiated request to amend the Land Development Regulations to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of approval to the City Commission regarding Ordinance No. 24-18, as amended, a City-initiated request to amend the Land Development Regulations to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- C. Move a recommendation of denial to the City Commission regarding Ordinance No. 24-18, a City-initiated request to amend the Land Development Regulations to provide a new process for Zoning Certificate of Use and Occupancy, and clarify review requirements associated with Site Plans and Master Development Plans, by adopting the findings of fact and law contained in the staff report, finding that the text amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).