

**VILLAGE OF NORTH PALM BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Caryn Gardner-Young, Community Development Director

DATE: April 25, 2024

SUBJECT: **ORDINANCE 1st Reading** – An Ordinance of the Village Council amending Division 3, “Site Plan and Appearance Review” of Article III “Appearance Code” of Chapter 6, “Building and Building Regulations” to Adopt a new Section 6-61 “Expiration of Site Plan and Appearance Approval”

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**Background**

The Village Code does not currently address the expiration of the Site Plan and Appearance approvals. The only current limitation is related to traffic concurrency.

A site plan is a comprehensive drawing that shows the proposed construction and improvements on a particular lot. It includes the layouts of buildings, landscaping, driveways, parking lots, utility improvements, detention ponds, and other necessary features. The Planning, Zoning, and Adjustment Board (Board) reviews and decides on Site Plans and Appearance petitions. If the Board approves the petition, the Site Plan and Appearance becomes effective permanently.

Most municipalities have regulations that require construction to begin within a specific timeframe after obtaining the initial Site Plan and Appearance approval. If the Site Plan and Appearance petition expires without any work initiated, it becomes invalid, and the property owner must file a new petition. However, extensions for the Site Plan and Appearance petition are usually allowed in case of unforeseen construction delays.

To address this issue, the Village Staff has proposed new regulations that would render Site Plan and Appearance petitions invalid two years after their approval date unless either (1) a building permit has been obtained for a principal structure, or (2) installation of infrastructure improvements and the approval of the first inspection of the improvements. A one-year extension can be requested if needed, but it must be requested no later than three months before the expiration of the two years. Any extension beyond three years will require approval from the Village Council.

The proposed ordinance was discussed at the Planning, Zoning, and Adjustment Board meeting on February 6, 2024. Board Member Hogarth motioned to recommend its approval, but no second was made. As a result, the proposed Ordinance was presented to the PZAB for a second vote.

On April 2, 2024, the PZAB unanimously approved the proposed Ordinance with two changes which are:

1. The expiration of the Site Plan and Appearance Review will be connected to building permit activity instead of completion of inspection or when a certain percentage of the total infrastructure cost is completed.
2. To change the Community Development Director's standard to allow a one-year extension from "a good faith effort by the applicant to complete" to "good cause."

The proposed Ordinance reflects the PZAB's recommendations.

**Legal Review**

The attached Ordinance has been prepared/reviewed by the Village Attorney for legal sufficiency.

**Fiscal Impacts**

N/A

**Recommendation:**

Village Staff recommends Village Council consideration and approval on the first reading of the attached Ordinance.



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2           (b) No later than three (3) months prior to the expiration of the two (2) year  
3 period, the applicant may request an extension of up to one (1) year to commence  
4 development. Such extension may be granted by the community development director  
5 for good cause shown.

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7           (c) Any additional extension beyond three (3) years shall only be granted by  
8 the village council.

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10           (d) An extension pursuant to this section shall not be available with respect to  
11 any extension period authorized by state law or action of the Governor which extends the  
12 effective date of the site plan and appearance approval. Extensions under state law reduce  
13 the time period for extensions available pursuant to this section on a one (1) day for one  
14 (1) day basis.

15  
16           (e) The village may approve a phasing plan for a development that includes  
17 multiple principal structures and provide expiration dates for each phase.

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19 Section 3.     The provisions of this Ordinance shall become and be made part of the Code of  
20 Ordinances for the Village of North Palm Beach, Florida.

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22 Section 4.     If any section, paragraph, sentence, clause, phrase, or word of this Ordinances is for any  
23 reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding  
24 shall not affect the remainder of the Ordinance.

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26 Section 5.     All ordinances and resolutions, or parts of ordinances and resolutions, in conflict herewith  
27 are hereby repealed to the extent of such conflict.

28  
29 Section 6.     This Ordinance shall be effective immediately upon adoption.

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31 PLACED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

32  
33 PLACED ON SECOND, FINAL READING AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
34 2024.

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36  
37 (Village Seal) \_\_\_\_\_  
38 MAYOR

39  
40 ATTEST:  
41  
42 \_\_\_\_\_  
43 VILLAGE CLERK

44  
45 APPROVED AS TO FORM AND  
46 LEGAL SUFFICIENCY:  
47  
48 \_\_\_\_\_  
49 VILLAGE ATTORNEY