VILLAGE OF NORTH PALM BEACH COMMUNITY DEVELOPMENT DEPARTMENT

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

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.

1	ORDINANCE NO. 2024			
2				
3	AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH			
4	PALM BEACH, FLORIDA, AMENDING DIVISION 3, "SITE PLAN AND			
5	APPEARANCE REVIEW," OF ARTICLE III, "APPEARANCE CODE," OF			
6	CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," TO ADOPT A NEW			
7	SECTION 6-61, "EXPIRATION OF SITE PLAN AND APPEARANCE APPROVAL;"			
8	PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;			
9	PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.			
10	TROVIDING FOR CONTEICTS, AND TROVIDING FOR AN EFFECTIVE DATE.			
11	WHEREAS, the Village Code of Ordinances does not currently address the expiration of site plan and			
12	appearance approvals, and the only current limitation on such approvals is tied to traffic concurrence			
13	and			
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14	WILEDEAC at the ground dation of William Staff the William Council wishes to edeat growletions			
15	WHEREAS, at the recommendation of Village Staff, the Village Council wishes to adopt regulation			
16	governing the expiration of site plan and appearance review approvals and ability of an applicant to			
17	request an extension; and			
18	WHIEDEAC AL Willow Commit details and the dead of the Outliness London Land			
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20	safety, and welfare of the residents of the Village of North Palm Beach.			
21	NOW THEREFORE DE IT ORDANIED BY THE VIII ACE COUNCIL OF THE VIII ACE OF			
22	NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF			
23	NORTH PALM BEACH, FLORIDA as follows:			
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26	incorporated herein.			
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28	Section 2. The Village Council hereby amends Division 3, "Site Plan and Appearance Review," of			
29	Article III, "Appearance Code," of Chapter 6, "Buildings and Building Regulations," of the Village Code			
30	of Ordinances to adopt a new Section 6-61 to read as follows (additional language <u>underlined</u>):			
31	A DEVOLUTION AND A PART OF CORP.			
32	ARTICLE III. APPEARANCE CODE			
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35	DWIGON A CUEE BY AN AND ARREAD ANCE DEVIEW			
36	DIVISION 3. SITE PLAN AND APPEARANCE REVIEW			
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40	Sec. 6-61. Expiration of site plan and appearance approval.			
41				
42	(a) Unless otherwise set forth in the development order, a site plan and			
43	appearance approval, including site plans approved as part of a planned unit development,			
44	shall expire and become null and void after two (2) years from the date of the approval			
45	unless the applicant commences development within the two (2) year period.			
46	Commencement of development shall consist of the issuance of a building permit for a			
47	principal structure or for the installation of infrastructure improvements and the			
48	completion of the first inspection approval.			

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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 avail	able 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				
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15	(=) =====				
16	(e) The village may approve	e a phasing plan for a develor	oment that includes		
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18	<u> </u>	<u> </u>	<u> </u>		
19	Section 3. The provisions of this Ordinar	nce shall become and be n	nade part of the Code of		
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21	oranianos for the vinage of North Lumi Beach	, 1 101144.			
22	Section 4. If any section, paragraph, senten	ce. clause, phrase, or word o	f this Ordinances is for any		
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26	Section 5. All ordinances and resolutions, o	r parts of ordinances and reso	lutions, in conflict herewith		
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28	0.20 1.01.00 J 1.0p 0.02.00 0.00 0.00.00 0.1 0.00.00 0.00.00				
29	Section 6. This Ordinance shall be effective	e immediately upon adoption			
30	<u>section o</u> . This standard shall be entered	apen adeption			
31	PLACED ON FIRST READING THIS	DAY OF	. 2024.		
32			, 202		
33	PLACED ON SECOND, FINAL READING	AND PASSED THIS	DAY OF		
34	2024.				
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37	(Village Seal)				
38	(mage seal)	MAYOR			
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49	VILLAGE ATTORNEY				
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