

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

DATE: May 5, 2026
TO: Chairperson and Members
Planning Board
FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: PB26-0830, **Review Procedures for Land Use Boards and Staff Review.**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS," ARTICLE II THEREOF, ENTITLED "DEFINITIONS," SECTION 1.2.1 THEREOF, ENTITLED "GENERAL DEFINITIONS," TO CREATE CERTAIN DEFINED TERMS; BY AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE II, ENTITLED "GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES," SECTION 2.2.4 THEREOF, ENTITLED "PUBLIC HEARING," TO CLARIFY AND MODIFY REQUIREMENTS FOR DECISIONS OF THE LAND USE BOARDS; BY AMENDING ARTICLE V, ENTITLED "REZONINGS AND DEVELOPMENT APPROVALS," SECTION 2.5.3.3 THEREOF, ENTITLED "ADMINISTRATIVE DESIGN REVIEW," TO EXPAND AND CLARIFY THE TYPES OF IMPROVEMENTS AND MODIFICATIONS ELIGIBLE FOR ADMINISTRATIVE REVIEW BY THE PLANNING DIRECTOR; BY AMENDING SECTION 2.5.3.5 THEREOF, ENTITLED "DESIGN REVIEW BOARD," TO REVISE REQUIREMENTS FOR THE REVIEW OF MODIFICATIONS TO DESIGN REVIEW BOARD APPROVALS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

BACKGROUND

On February 5, 2026, at the request of Commissioner Joseph Magazine, the City Commission referred a proposed amendment to the Land Development Regulations of the City Code (LDRs) pertaining to the application and review procedures for all land use boards and to expand the types of development projects and improvements located outside of historic districts and sites that can be approved at staff level (C4 S) to the LUSC and the Planning Board.

On March 24, 2026, the LUSC endorsed the proposed LDR amendment with a favorable recommendation and transmitted the amendment to the Planning Board with a recommendation that the Board provide additional feedback on the proposed height of rooftop additions.

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.
Consistent
The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.
2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.
Consistent
The proposed amendment does not modify district boundaries.
3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Consistent
The proposed Ordinance does not affect the overall scale of development.
4. Whether the proposed change would tax the existing load on public facilities and infrastructure.
Consistent
The proposed amendment does not increase loads on public facilities or infrastructures.
5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Not Applicable
6. Whether changed or changing conditions make the passage of the proposed change necessary.
Consistent
The proposed change is necessary to ensure that all land use boards stay within their specified role and scope when reviewing development applications. Additionally, the proposed expansion of administrative authority for certain types of improvements will reduce the number of applications that must be considered by the DRB.
7. Whether the proposed change will adversely influence living conditions in the neighborhood.
Consistent
The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.
8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.
Not Applicable
9. Whether the proposed change will seriously reduce light and air to adjacent areas.
Not Applicable
10. Whether the proposed change will adversely affect property values in the adjacent area.
Not Applicable
11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Not Applicable

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Applicable

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Not Applicable

2. Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Not Applicable

3. Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Not Applicable

ANALYSIS

The attached ordinance amending the LDRs has been developed to address the following objectives:

1. An expansion of projects and improvements on properties not located within local historic districts or historic sites that can be reviewed and approved by Planning Department staff.
2. Clarifications to the scope of authority applicable to all land use boards (Planning Board, Board of Adjustment, Historic Preservation Board and Design Review Board), specifying that all decisions by the applicable board must be specific to the role of that board.
3. Reducing the wait time and notice provisions for minor amendments to DRB orders, as well as clarification hearings.

The following is a summary of the proposed LDR amendments:

1. Provisions have been added to require that decisions of an applicable land use board (LUB) are limited to the proposed improvements set forth in the application, as well as the purpose, scope and role of the applicable LUB. The board would not be able to impose any conditions that are outside the scope, applicability and purpose of the board.

NOTE: These new provisions will not preclude or prohibit voluntary proffers of the project applicant.

2. The following improvements would be subject to administrative design review approval:
 - a. Ground level additions to existing structures that can be approved by staff would increase in maximum allowable height from 30 feet to 50 feet and could be visible from the public right-of-way, any waterfront or public park. Additionally, for lots greater than 10,000 square

- feet, the floor area of an addition that can be approved by staff would increase from 10 percent of the existing structure to 30 percent as well as an increase in the maximum total floor area from 10,000 square feet up to 30,000 square feet.
- b. Roof-top additions, not to exceed 35 feet above the existing roof.
 - c. Stairwell and elevator bulkheads, not to exceed 25 feet above the roof.
 - d. The replacement of windows, doors, storefront frames and windows would now include modifications to the size of window and door openings.
 - e. The approval of porte-cocheres, security booths and structures, exterior lighting and, exterior security gates.
 - f. Railing replacement consistent with the architectural style of the building and applicable railing replacement design guidelines.
 - g. Façade and building alterations, may include modifications to the size of window and door openings.
 - h. Modifications to storefronts or façade alterations in commercial zoning districts that support indoor/outdoor uses would be allowed on a property located within 500 feet of any residential zoning district. Previously the minimum separation was 300 feet.
3. For design review applications, the design review board (DRB) may only prescribe appropriate conditions in accordance with their established role and scope and cannot impose conditions outside the scope of architecture and site plan approval, unless proffered by the applicant.
 4. Changes to exterior surface finishes and materials that do not result in changes to the massing, size or layout of a building approved by the DRB shall not be subject to the standard 30-day notice requirements. A minimum 5-day courtesy notice for the item will be provided online.
 5. DRB clarification hearings shall not be subject to the standard 30-day notice requirements. A minimum 5-day courtesy notice for the item will be provided online.

NOTE: The clarification hearing is not for the purpose of amending the order and is limited solely to administrative guidance regarding the conditions in the order.

6. Provisions for staff to review and approval of minor modifications to exterior surface finishes and design elements associated with plans approved by the DRB have been included. The eligible modifications cannot affect the massing, size or layout of the building, and must be to address unforeseen conditions and circumstances associated with the lot, surrounding lots, existing buildings or construction and permitting.

The LUSC recommended that the Planning Board provide additional feedback regarding the administrative approval of rooftop additions with regard to height. Currently, any rooftop addition requires the review and approval of the Design Review Board. The ordinance as currently proposed would allow staff level review of rooftop additions not to exceed 35 feet above the existing roof.

Staff is supportive of the proposed amendments as they are a measured and balanced approach to ensure that all land use boards stay within their specified role and scope when reviewing development applications. Additionally, the proposed expansion of administrative authority for certain types of improvements will reduce the number of applications that must be considered by the DRB.

Staff is confident that the expanded administrative review role of is well within the architecture and urban design acumen of the Planning Department and recommends that the Planning Board

transmit the ordinance to the City Commission with a favorable recommendation as noted below.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

REVIEW PROCEDURES FOR LAND USE BOARDS AND STAFF REVIEW

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 1, ENTITLED “GENERAL PROVISIONS,” ARTICLE II THEREOF, ENTITLED “DEFINITIONS,” SECTION 1.2.1 THEREOF, ENTITLED “GENERAL DEFINITIONS,” TO CREATE CERTAIN DEFINED TERMS; BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” BY AMENDING ARTICLE II, ENTITLED “GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES,” SECTION 2.2.4 THEREOF, ENTITLED “PUBLIC HEARING,” TO CLARIFY AND MODIFY REQUIREMENTS FOR DECISIONS OF THE LAND USE BOARDS; BY AMENDING ARTICLE V, ENTITLED “REZONINGS AND DEVELOPMENT APPROVALS,” SECTION 2.5.3.3 THEREOF, ENTITLED “ADMINISTRATIVE DESIGN REVIEW,” TO EXPAND AND CLARIFY THE TYPES OF IMPROVEMENTS AND MODIFICATIONS ELIGIBLE FOR ADMINISTRATIVE REVIEW BY THE PLANNING DIRECTOR; BY AMENDING SECTION 2.5.3.5 THEREOF, ENTITLED “DESIGN REVIEW BOARD,” TO REVISE REQUIREMENTS FOR THE REVIEW OF MODIFICATIONS TO DESIGN REVIEW BOARD APPROVALS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the recommendation of the Land Use and Sustainability Committee (“LUSC”) on March 24, 2026, the Planning Department and City Attorney’s Office prepared draft amendments to the Resiliency Code to streamline the development review process, address development concerns that have arisen on a recurring basis, and clarify development review procedures; and

WHEREAS, the City Commission desires to streamline the development review and approval process; and

WHEREAS, building renovations including small additions can enhance neighborhood revitalization efforts; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 1, entitled “General Provisions,” Article II thereof, entitled “Definitions,” is hereby amended as follows:

Chapter 1 GENERAL PROVISIONS

* * *

Article II – Definitions

Sec. 1.2.1 General Definitions

* * *

Land use board means the Board of Adjustment, Design Review Board, Historic Preservation Board, or Planning Board.

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SECTION 2. Chapter 2, entitled “Administration and Review Procedures,” Article II thereof, entitled “General Development Application and Hearing Procedures,” is hereby amended as follows:

Chapter 2 ADMINISTRATION AND REVIEW PROCEDURES

* * *

Article II – General Development Application and Hearing Procedures

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2.2.4 PUBLIC HEARING

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2.2.4.2 General Hearing Procedures

- a. The planning director shall provide the applicant with advance notice of the applicable land use board hearing date and time, including a copy of the agenda and the recommendation of the planning department.
- b. At the board hearing, the applicant and interested persons shall have an opportunity to address the board in accordance with the board’s adopted rules and procedures. Any development application requiring a quasi-judicial hearing, as determined by the city attorney, shall also comply at a minimum with the standards of section 2.2.4.3. In addition, the city attorney shall determine whether a request is properly before the board.
- c. Any decision must take the form of an approval, approval with conditions, or denial, and must include written findings supporting the decision.
 - 1. An order rendering the decision contains sufficient written findings if the order states whether the board found that each applicable criterion, condition, or factor considered by the board was satisfied or not satisfied, based upon the board’s findings of fact, as well as the evidence and testimony presented at the public hearing and made a part of the record for the matter.
 - 2. If the decision is a denial, the city shall include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the application.
 - 3. Any decision of denial is with prejudice unless otherwise specified by the land use board.

* * *

2.2.4.6 Board decision and pPost-dDecision-making

- a. Decision of the Board. Each land use board may approve, approve with conditions, deny or continue an application, in accordance with the following:
1. A decision to approve an application or approve an application with conditions shall be limited to the general scope of the development approval requested in the application, and must be consistent with the scope of review, applicability, and purpose of the land use board as more specifically outlined in chapter 2 of these land development regulations.
 2. The land use board may prescribe any appropriate conditions in granting its approval, consistent with the review criteria applicable to the request, but in no event shall a land use board impose any conditions that are outside the scope of review, applicability, or purpose of the land use board as more specifically outlined in chapter 2 of these Land Development Regulations.
 3. Nothing in this subsection (a) shall be construed to preclude or prohibit a land use board from approving a condition or modification to the development application which is voluntarily proffered or agreed to by the project applicant.
- b. a. Within 44 21 calendar days after a final decision on an application, the Director shall provide the applicant with written notice of the decision and make a copy of the decision available to the public.
- c. ~~b.~~ Sequencing of application approval. Approval of an application in accordance with these land development regulations authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one development approval is a prerequisite to another development approval (e.g., variance approval prior to a site plan approval), development may not take place until all required approvals or permits are obtained. Approval of one development application does not guarantee approval of any subsequent development application. A development approval automatically revokes existing development approvals of the same type for the property, unless otherwise indicated in the development approval.
- d. ~~e.~~ Timeframes to obtain a building permit. The applicant shall have up to 18 months, or such lesser time as may be specified by the board, from the date of the land use board meeting at which a development application approval was issued to obtain a full building permit or a phased building permit, a certificate of occupancy, a certificate of use or a certificate of completion, whichever occurs first. The foregoing 18-month time period, or such lesser time as may be specified by the board, includes the time period during which an appeal of the decision of the board may be filed. If the applicant fails to obtain a full building permit or a phased building permit, a certificate of occupancy, a certificate of use or a certificate of completion, whichever occurs first, within 18 months, or such lesser time as may be specified by the board, of the board meeting date at which the development approval was granted or construction does not commence and proceed in accordance with said permit and the requirements of the applicable Florida Building Code, the development approval shall be deemed null and void. Extensions for good cause, not to exceed a total of one year for all extensions, may be granted by the land use board which approved the original development approval, at its sole discretion, provided the applicant submits a request in writing to the planning director no later than 90 calendar days after the expiration of the original approval, setting forth good cause for such an extension. At the discretion of the planning director, an applicant may have up to 30 days (not to extend beyond 30 months from the date of original

approval) to complete the building permit review process and obtain a full building permit, provided that within the time provided by the board to obtain a full building permit a valid full building permit application and plans have been filed with the building department, a building permit process number has been issued and the planning department has reviewed the plans and provided initial comments.

* * *

SECTION 3. Chapter 2, entitled “Administration and Review Procedures,” Article V thereof, entitled “Rezoning and Development Approvals,” is hereby amended as follows:

Chapter 2 ADMINISTRATION AND REVIEW PROCEDURES

* * *

ARTICLE V – Rezoning and Development Approvals

* * *

2.5.3.3 Administrative design review

- a. The planning director shall have the authority to approve, approve with conditions, or deny an application on behalf of the board, for the following:
 - 1. Ground level additions to existing structures, whether attached or detached, not to exceed ~~30~~ 50 feet in height, ~~which are not substantially visible from the public right-of-way, any waterfront or public park.~~ For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ~~ten~~ 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed ~~40,000~~ 30,000 square feet.
 - 2. Roof-top additions, not to exceed 35 feet above the existing roof.
 - 3. Stairwell and elevator bulkheads, not to exceed 25 feet above the roof.
 - 4. Replacement of windows, doors, storefront frames and windows, including modifications to the size of window and door openings.
 - 5. ~~or the~~ The approval of awnings, canopies, porte-cocheres, security booths and structures, exterior lighting, exterior security gates, exterior surface colors, storm shutters and signs.
 - 6. Railing replacement consistent with the architectural style of the building and applicable railing replacement design guidelines.
 - 7. Façade and building alterations, renovations and restorations which are minor in nature, including modifications to the size of window and door openings.
 - 8. Modifications to storefronts or façade alterations in commercial zoning districts that support indoor/outdoor uses, which are compatible with the architecture of the building, except for vehicular drive-through facilities. Such modifications may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Applications submitted pursuant to this subsection ~~(4)~~ (8) shall comply with the following regulations:
 - A. The property shall not be located within ~~300~~ 500 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's zoning district map; and

B. The extent of demolition and alterations to the façade of the building shall not permanently alter the character of the building's architecture by removing original architectural features that cannot be easily replaced, or by compromising the integrity of the architectural design.

Should the proposed storefront modification not comply with any of the above regulations, the proposed modifications to storefronts or facade alterations shall require design review board review and approval.

9. Modifications to storefronts or facade alterations utilizing an exterior component within the storefront or facade, which are compatible with the architecture of the building (including, without limitation, the installation of walk-up teller systems and similar 24/7 ATM-style pickup openings, dry-cleaning drop-off and pick-up kiosks, and similar self service facilities; but excluding vehicular drive-through facilities). Any new openings shall be architecturally compatible with the building and minimally sized to facilitate the transfer of goods and services.
 10. Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
 11. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
 12. Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
 13. Minor work involving public improvements upon public rights-of-way and easements.
 14. Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.
 15. Applications related to exterior balcony, terrace, porch and stairway rails on existing buildings, which have become nonconforming as it pertains to the Florida Building Code, Life Safety Code or other applicable Florida State Codes, and which have been issued a violation by an agency or city department responsible for the enforcement of ~~Florida Statutes associated with life safety~~ such codes. Modifications required to address compliance with applicable ~~state life safety codes~~ State Code provisions shall be consistent with the original design character of the existing rails, and may include the introduction of secondary materials such as fabric mesh, solid panels and glass panels.
 16. New construction of eligible educational facilities pursuant to section 7.1.13 that do not exceed 25,000 square feet of floor area and do not exceed 50'-0" in height.
- b. The director's decision on an application for administrative design review shall be based upon the criteria in subsection 2.5.3.1. The applicant may appeal a decision of the planning director pursuant to the procedural requirements of Article IX, "Administrative Appeals".

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2.5.3.5 Design Review Board

- a. The design review board shall consider applications pursuant to the procedures of article II and those provided in this subsection. The board may require such changes in the plans and specifications, and conditions, as in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, as established by the standards contained in these land development regulations and as specified in the city's comprehensive plan and other specific plans adopted by the city of pertaining to the areas identified in subsection 2.5.3.2(b).

- b. The applicant may withdraw its application pursuant to subsection 2.2.4.4 or defer or continue its application pursuant to subsection 2.2.4.5. In the event there is a lack of a quorum, all pending or remaining matters shall be continued to the next available meeting of the board.
- c. A phased development permit shall apply to multiple building/structure development only and shall include all plans for each phase of the project as submitted, required and approved by the design review board. The applicant shall request the board approve a phased development at the public hearing and the board shall specify a reasonable time limit within which the phases shall begin or be completed or both. The board shall require a progress report from the applicant at the completion of each phase. A phased development permit shall not be a demolition, electrical, foundation, mechanical or plumbing permit or any other partial permit.
- d. In granting design review approval, the design review board may prescribe appropriate conditions, ~~in accordance with section 2.2.4.6, and safeguards either~~ as part of a written order ~~or on approved plans~~. Violation of such conditions and safeguards, when made a part of the terms under which the design review approval is granted, shall be deemed a violation of these land development regulations.
- e. After the approval of an application by the board, changes to exterior surface finishes and materials that do not result in changes to the massing, size or layout of the building may be considered by the board as a proposed amendment to the order. Such amendment shall not be subject to the standard notice requirements in section 2.2.4.1; however, at least 5 days prior to the board meeting, a courtesy notice for the item shall be provided on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes.
- f. Upon approval of an application by the board, ~~plans shall be submitted to the planning director in the format required by the planning director. Two sets of plans shall be returned to the applicant who may then submit an application for a building permit. The plans submitted for building permit shall be fully consistent with the plans approved by the design review board. The remaining approved plans shall be part of the board's official record and shall be maintained on file with the planning department.~~
- g. Should a question arise as to compliance with the conditions as outlined by the design review board, a clarification hearing before the design review board may be called at the request of the planning director, or by the applicant. The clarification hearing shall not be subject to the standard notice requirements in section 2.2.4.1, but at least 5 days prior to the board meeting, a courtesy notice for the item shall be provided on a publicly accessible website hosted by Miami-Dade County, consistent with the requirements of section 50.0311, Florida Statutes. The clarification hearing shall not be for the purpose of amending the order, and shall be limited solely to administrative guidance regarding the conditions of the existing approval.
- h. The Director shall be authorized to review and approve minor modifications to exterior surface finishes and design elements associated with the approved plans, provided such modifications do not affect the massing, size, or layout of the building, upon a finding by the Director that the minor modification is intended to address unforeseen conditions and circumstances associated with the lot, surrounding lots, existing buildings, or construction

and permitting, including compliance with the applicable provisions of the Florida Building Code, Fire Prevention Code, or the public works manual.

SECTION 4. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2026

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2026

Second Reading: _____, 2026

Verified by: _____
Thomas R. Mooney, AICP
Planning Director