



City of Delray Beach

100 N.W. 1st Avenue
Delray Beach, FL 33444

Cover Memorandum/Staff Report

File #: 19-139

Agenda Date: 2/12/2019

Item #: 9.B.

TO: Mayor and Commissioners
FROM: Lynn Gelin, Interim City Attorney
DATE: February 12, 2019

Ordinance 09-19 (FIRST READING)

Recommended Action:

Motion to approve Ordinance 09-19 amending Section 4.4.13 (K), "CBD Review and Approval Process," and Section 4.5.6, "The West Atlantic Avenue Overlay District," of the Land Development Regulations.

Background:

Ordinance 09-19 seeks to amend section 4.4.13 and section 4.5.6 of the City's Land Development Regulations ("LDR's) that relate to the review and approval process of City applications for land development by various boards and committees. Currently, development applications must be reviewed by various boards and committees, some of which are not comprised of members appointed by the City Commission. Such groups are not subject to the open meeting requirements of the Sunshine Law.

This Ordinance deletes the requirement of review of projects by boards that are not subject to the Sunshine Law, specifically the West Atlantic Redevelopment Coalition (WARC) and the Pineapple Grove Design Review Committee. It should be noted that removing this requirement as a condition of the application process would not preclude members of these committees from conducting their own review and notifying the City. This change would no longer make such review *mandatory*. Residents and businesses affected by development requests would continue to receive notice of same and could participate in any public hearings held by either the City Commission or appointed advisory boards. Thus, the ability of any member of the public to speak for or against a project would still exist.

In addition, the portion of 4.4.13(K) mandating review by the DDA and CRA is also deleted. Review by the DDA and CRA is currently a requirement listed section 2.4.2(C)(1) of the LDR's. Thus, by removing this portion of section 4.4.13, staff is merely streamlining the LDR's and removing portions that are duplicitous.

City Attorney Review:

Approved as to Form and Legal Sufficiency.