



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance 09-19

Meeting	File No.	Application Type
February 25, 2019	2019-115	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission regarding Ordinance No. 09-19, a City-initiated request to amend Land Development Regulations 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.

Recommendation

Recommend **approval** of 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, 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).

Background Information

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 (which is a subcommittee of the Pineapple Grove Main Street group). It should be noted that removing this requirement as a condition of the application process does not preclude members of these committees from conducting their own review and notifying the City of their comments and concerns. While review would no longer be required by these entities in the process, current city practices include providing courtesy notices to groups such as area or nearby home owner associations; WARC and Pineapple Grove Main Street committee will continue to be notified of new developments.

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 duplicious.

The City Commission approved this ordinance on first reading on February 12, 2019.

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.

Pursuant to **Future Land Use Element, 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 developments and to accommodate mixed-use developments, and other innovative development practices.

The proposed amendment provides an updated and more streamlined process for development approval. The substantive update ensures the boards that are required in the development review process set forth by the City's Land Development Regulations are comprised of members appointed by elected officials and meet in the "sunshine."

Review By Others

The City Commission approved this ordinance on first reading on February 12, 2019 (First Reading).

Assessment and Conclusion

The proposed amendments provide a streamlined process by appointed boards adhering to ethical standards applicable to the development review process. Current courtesy notice practices include notifying other organizations, such as homeowner associations, and will continue to include the WARC and the Pineapple Grove Main Street committee. The amendments are consistent with the Comprehensive Plan and meet the criteria set forth in LDR Section 2.4.5(M).

Alternative Actions

- A. Move a recommendation of approval of Ordinance No. 09-19, as amended, to the City Commission of the City-initiated request to amend 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, 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).
- B. Move a recommendation of denial of Ordinance No. 08-19 to the City Commission of the City-initiated request to amend 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, 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).

Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

☒ Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

- Pineapple Grove Main Street, February 15, 2019
- Community Redevelopment Agency, February 15, 2019
- Downtown Development Authority (DDA), February 15, 2019

N/A Public Notices are not required for this request.

N/A Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius on (insert date), 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

N/A Public Notice was published in the Sun Sentinel on Friday, January 18, 2019, 10 calendar days prior to the meeting.

N/A Public Notice was posted to the City's website on (insert date), 10 calendar days prior to the meeting.

N/A Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting.

☒ Agenda was posted on Friday, February 15, 2019, at least 5 working days prior to meeting.