
PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson**

Andrew H. Cohen

Kelly M. Fernandez*

Maggie D. Mooney*

R. David Jackson*

Regina A. Kardash*

Lori M. Dorman[∞]

* Board Certified City, County and Local Government Law

** Of Counsel

[∞] Also licensed in Colorado

Telephone (941) 306-4730

Facsimile (941) 306-4832

Email: kfernandez@flgovlaw.com

Reply to: Venice

MEMORANDUM

DATE: June 8, 2022

TO: City Council

FROM: Kelly M. Fernandez, City Attorney

SUBJECT: Final Legal Review of LDRs

Upon Planning Commission's approval of a version of the new Land Development Regulations (LDRs) to transmit to City Council, I engaged in a final review of the entire document. While I had reviewed every portion of the proposed LDRs one or more times previously, this was the first time I was able to conduct a complete review of the LDRs as a unified document. As would be expected, this final review has resulted in quite a few revisions. However, other than as will be noted herein, the revisions are non-substantive in nature and instead fall into one of the following categories:

1. Correction of typos, grammar errors, and formatting errors.
2. Rewordings and/or the movement of text to improve clarity.
3. Elimination of redundant or unnecessary text.
4. Standardization of abbreviations and references.
5. Incorporation of text from the existing LDRs that was inadvertently left out of the proposed LDRs.

My final legal review has resulted in the following proposed revisions that are of a substantive nature:

1. Chapter 88 – During final review I determined that the Floodplain Management Article currently in Chapter 98 of the City’s LDRs was not fully incorporated into new Chapter 88. The entirety of the Floodplain Management Article has now been incorporated into new Chapter 88 and portions of it that had been inappropriately placed in new Chapter 89 or Chapter 88 have been struck.
2. The elimination of the requirement that appointed Board members could only be removed for “just cause” as Board appointees serve at the pleasure of Council.
3. The streamlining of the nomination process to the Local Register contained in Chapter 87, Section 7, which Harry Klinkhamer and I have previously discussed.

As a result of my final legal review, I also brought to the attention of staff a variety of items that deserved another look and which may have become the subject of substantive revisions being proposed by staff. It is my belief that this close review of the final document has resulted in an improved product that will eliminate the need for other corrections in the future.