



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY**

ORDINANCE NUMBER 1091

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING SECTION 39.4, NEIGHBORHOOD PLANNING, OF CHAPTER 39, COMMUNITY REDEVELOPMENT AGENCY, GENERAL ORDINANCES, MARTIN COUNTY CODE; PROVIDING FOR ADDITIONAL TIME FOR REDEVELOPMENT; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Martin County, Florida is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, the Board of County Commissioners has established a Community Redevelopment Agency; and

WHEREAS, the Board of County Commissioners has established 6 Community Redevelopment areas with adopted Community Redevelopment Plans; and

WHEREAS, the proposed amendments to Chapter 39, Community Redevelopment Agency, were considered by the Martin County Board of County Commissioners at a duly advertised public hearing; and

WHEREAS, the Board of County Commissioners has determined that slum and blight conditions are still evident within the 6 Community Redevelopment areas requiring additional time for redevelopment; and

WHEREAS, the Board of County Commissioners finds the proposed amendments consistent with the Board's goals, objectives and policies.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:

PART 1: Section 39.4, Neighborhood planning, of Chapter 39, Community Redevelopment Agency of the Code of Ordinances, Martin County, Florida, are amended as follows:

Sec. 39.4. - Neighborhood planning.

39.4.A. Neighborhood advisory committees.

1. Creation and appointment.

- a. The Board of County Commissioners (board) will establish a Neighborhood Advisory Committee based upon availability of applicants to serve on such committee, to act in an advisory capacity to the agency, for each of the Community Redevelopment Areas, as follows:

Golden Gate Neighborhood Advisory Committee

Hobe Sound Neighborhood Advisory Committee

Jensen Beach Neighborhood Advisory Committee

Old Palm City Neighborhood Advisory Committee

Port Salerno Neighborhood Advisory Committee

Rio Neighborhood Advisory Committee

- b. The Board of County Commissioners shall have final appointment authority and will appoint, by resolution, members of the Neighborhood Advisory Committees, after solicitation of resumes. Each Neighborhood Advisory Committee shall be composed of a minimum of five and a maximum of nine individuals who are either:
 - i. a resident of the respective Community Redevelopment Area, as evidenced by being a registered voter in the respective Community Redevelopment Area for at least one year; or
 - ii. a resident of Martin County, as evidenced by being a registered voter in Martin County for at least one year, who is also a business owner of a business located within the respective Community Redevelopment Area; or
 - iii. a resident of Martin County, as evidenced by being a registered voter in Martin County for at least two years, who is also a senior manager of a business located within the respective Community Redevelopment Area; or
 - iv. a resident of Martin County, as evidenced by being a registered voter in Martin County for at least one year, who also owns real property within a mile of the respective Community Redevelopment Area.

No more than two members of any respective Neighborhood Advisory Committee will be appointed from category iv. above.

- c. A majority of the membership of a Neighborhood Advisory Committee shall constitute a quorum.

2. Terms and duties.

- a. The terms of office of the committee members shall be for four years, except that three of the members first appointed shall be designated to serve terms of one, two, and three years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of four years from the date

of their appointments. A vacancy occurring during a term shall be filled for the unexpired term.

- b. All members appointed by the board to serve on neighborhood advisory committees are expected to attend each and every meeting of the committee. If a member is absent from three meetings of the committee within a twelve month period, said member is automatically removed from the neighborhood advisory committee, but may apply for re-appointment by the Board of County Commissioners. There will be no excused absences and special meetings count.
- c. Each committee shall assist in the preparation and modification of the required community redevelopment plan for its particular designated community redevelopment area. The completed community redevelopment plan shall be presented to the community redevelopment agency for review and approval prior to presentation to the board. The final community redevelopment plan shall be adopted by the board.
- d. In addition to providing advice and recommendations to the Community Redevelopment Agency on the implementation of an adopted Community Redevelopment plan, each committee shall work towards consensus to provide advice and recommendations to the Community Redevelopment Agency, to the extent permitted by the development review process, grant deadlines or other similar time constraints, regarding the following:
 1. Proposed amendments and modifications to a Community Redevelopment Plan.
 2. Development applications within its Community Redevelopment Area that are classified as major applications under the provisions of the Martin County Land Development Regulations.
 3. The prioritization of community redevelopment capital projects.
 4. Any other matters as directed by the Board of County Commissioners or the Agency.

39.4.B. *Community redevelopment plans.*

1. All community redevelopment plans shall be subject to implementation under conditions set forth in F.S. ch. 163, and the remainder of this section.
2. The community redevelopment plan for each community redevelopment area may be implemented by the adoption of an overlay zoning district, or other appropriate zoning code, which will set forth the zoning standards necessary to accomplish the redevelopment goals and objectives of the community redevelopment plan.
3. The community redevelopment plan for each community redevelopment area shall:
 - a. Conform to F.S. § 163.360;
 - b. Conform to the Comprehensive Growth Management Plan for the County; and
 - c. Conform to the 2020 Sustainable Vision Plan.
 - d. Indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the Community Redevelopment Area; zoning and planning changes, if any; land uses; maximum densities; building requirements; and provide for the

development of affordable housing, or state the reasons for not addressing in the plan the development of affordable housing in the area.

- e. Prior to submitting a proposed new community redevelopment plan for a community redevelopment area to the board for final approval, the agency shall submit such plan to the local planning agency of the county for review and recommendation as to its conformity with the Comprehensive Plan for the development of the County as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received in such 60 days, then without such recommendations, the agency may proceed with its consideration of the proposed community redevelopment plan.
- f. The agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the board and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The board shall then proceed with the public hearing on the proposed community redevelopment plan as prescribed herein.
- g. The board shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.
- h. Following such hearing, the board may approve the community redevelopment plan if it finds that:
 - (1) The community redevelopment plan conforms to the Comprehensive Plan for the County as a whole;
 - (2) The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provisions of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plans;
 - (3) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county as a whole, for the rehabilitation or redevelopment of the area by private enterprise;
 - (4) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; and
 - (5) The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.

- i. Upon approval by the board of a community redevelopment plan for a community redevelopment area or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the board may then cause the agency to carry out such plan or modification in accordance with its terms.
 - j. Notwithstanding any other provisions of this section, when the board certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency, under F.S. § 252.34(3), with respect to which the governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the board may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the County and a public hearing on the community redevelopment.
 - k. Modifications to the community redevelopment plan shall meet the criteria of F.S. § 163.361.
4. Contents of the community redevelopment plan for each community redevelopment area shall:
- a. Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.
 - b. Show by diagram and in general terms:
 - (1) The approximate amount of open space to be provided and the street layout.
 - (2) Limitations on the type, size, height, number, and proposed use of buildings.
 - (3) The approximate number of dwelling units.
 - (4) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.
 - c. If the community redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.
 - d. Identify specifically any publicly funded capital projects to be undertaken within the community redevelopment area.
 - e. Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.
 - f. Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the board deems necessary to effectuate the purposes of this ordinance.
 - g. Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

- h. Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly or if the plan is not intended to remedy such shortage, the reasons therefor.
- i. Contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the agency or the county proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues.
- j. Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved or adopted or amended pursuant to F.S. §163.361(1). Additional time may be added to a redevelopment plan consistent with F.S. §§163.361, 163.362, and 163.387, not to exceed sixty (60) years after the fiscal year in which the plan was initially approved or adopted or for a plan initially approved or adopted after July 1, 2002, not to exceed forty (40) years after such approval or adoption.

PART 2: Applicability.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART 3: Conflicting Provisions.

Special acts of the Florida legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART 4: Severability.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any other person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART 5: Filing with the Department of State.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART 6: Codification.

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section," "article" or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts two through seven shall not be codified.


PART 7: Effective Date.

This ordinance is effective upon filing with the Department of State.

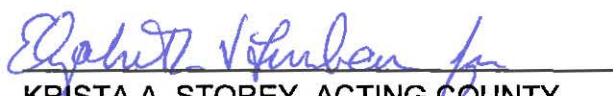
DULY PASSED AND ADOPTED THIS 29 DAY OF JANUARY, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA


CAROLYN FIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:


KRISTA A. STOREY, ACTING COUNTY
ATTORNEY



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 5, 2019

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1091, which was filed in this office on February 5, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb