



MARTIN COUNTY, FLORIDA  
Growth Management Department  
Staff Report

**Amendment of the  
Land Development Regulations  
and  
Amendment of the Zoning Atlas**

Project	Update of the Land Development Regulations for the CRAs
Staff	Irene A. Szedlmayer, AICP
Date of this Report	November 20, 2019

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#### **A. Introduction**

Normally, the adoption of an amendment to the Land Development Regulations and an amendment of the Zoning Atlas to re-zone a property are the subjects of two separate staff reports. However, this staff report reviews both the proposed adoption of Division 3, Rio Community Redevelopment Code, Article 12 of the LDR and the proposed amendment of the Zoning Atlas to assign the Rio Redevelopment Zoning District.

Typically, Martin County amends the Zoning Atlas by adoption of a resolution by the Board of County Commissioners. However, Article 12, Redevelopment Code, LDR, was adopted on September 24, 2019 and became effective on November 7, 2019. Section 12.1.01.B, Adoption and modification of the Redevelopment Code, provides as follows:

“The adoption or modification of the Redevelopment Code and Redevelopment Zoning Districts and the assignment of land to a Redevelopment Zoning District and Subdistrict shall be by ordinance amending the Land Development Regulations. When such ordinance assigns land to a Redevelopment Zoning District and Subdistrict, public notice shall be the same as for development applications and for amendments to the Martin County zoning atlas as set forth in Article 10.”

This is the first amendment of Article 12 and the first amendment of the Zoning Atlas to assign a Redevelopment Zoning District subsequent to Ordinance 1111 taking effect. Therefore, the procedure for adoption of the amendment of the Zoning Atlas for the Rio CRA has been modified. Rather than the adoption of an ordinance to amend the LDR and the adoption of a resolution to amend the Zoning Atlas, staff recommends that the Board adopt a single ordinance to amend both the Land Development Regulations and the Zoning Atlas. Future amendments may follow this procedure. Alternatively, staff may recommend an amendment of the text of Section 12.1.01.B.

***B. Division 3, Rio Redevelopment Code, Article 12, Redevelopment Code, Martin County LDR***

A copy of the proposed Article 12, Redevelopment Code, Division 3, Rio Community Redevelopment Code, is included in this agenda item.

Article 12, Redevelopment Code, Division 1, General, was adopted by the Board on September 24, 2019 and became effective on November 8, 2019. Art. 12, Div. 1 will be applicable in all six of Martin County's CRAs. Art. 12, Div. 3, Rio Community Redevelopment Code, the subject of this agenda item, cannot be fully understood without reference to Div. 1. Therefore, Art. 12, Div. 1 is included in the agenda packet in addition to the proposed text of Art. 12, Div. 3, Rio Redevelopment Code.

The highlights of the proposed Division 3, Rio Redevelopment Code, are as follows:

1. Because the goal for a vibrant, compact, walkable Rio CRA has not substantially changed, the proposed LDR are intended to facilitate a built environment that is consistent with the vision established in the Rio Community Redevelopment Plan, adopted in 2001 and amended in 2009 and 2015.
2. Article 12, Division 3 establishes the Rio Redevelopment Zoning District and re-states the vision for the community. (Div. 3, page 1)
3. Division 3 includes the Regulatory Plan for Rio. The Regulatory Plan assigns different land areas to the zoning subdistricts. Rio will have nine zoning subdistricts: Core, General, Waterfront, Corridor, Industrial, Multifamily, Mobile Homes, Detached 1 and Detached 2 zoning subdistricts. (Div. 3, pages 2 and 3)
4. The Regulatory Plan also identifies Marine Service Areas (where permanent residential dwellings are not permitted unless new Marine Service Area can be identified) and proposed streets. (Div. 3, page 2 and 3)
5. Division 3 also includes the Street Regulating Plan which designates primary streets (most of the length of County Route 707 through Rio CRA and NE Martin Avenue), secondary streets, and proposed streets. (Div. 3, page 4 and 5)
6. Permitted use group and development standards vary by zoning subdistrict.
7. The permitted use groups for the various subdistricts remain consistent, though not identical, with the permitted uses in Rio now. (Div. 3, page 7)
8. The development standards for the Core, General, Waterfront, Corridor, Industrial, Multifamily, Mobile Homes, Detached-1 and Detached-2 zoning subdistricts are set forth in Table R-5. (Div. 3, page 9). The development standards remain consistent with the development standards uses in Rio effect now, with a few modifications.
  - a. The Rio CRA currently has no building or frontage types. Division 3 includes building types and frontage types for Rio. (Div. 3, pages 9 through 25)
  - b. Maximum Height. Whereas the current maximum height in the Town Center Zoning

Overlay is three stories and 35 feet, Division 3 will allow three stories and 40 feet in the Core Subdistrict.

c. Residential Density and Minimum Lot Area.

- (1) The CRA Center future land use designation permits up to 15 dwelling units per acre unless further restricted in the LDR. (Comprehensive Growth Management Plan (CGMP) Policy 18.2A.4.). That density is consistent with the maximum permitted for mixed-use projects in the Mixed-Use Overlay. In Rio, the Core, General and Corridor zoning subdistricts permit 15 dwelling units per acre. The boundaries of the Core, General and Corridor subdistricts differ slightly from the location of the Mixed-Use Future Land Use Overlays. A little more than 6 acres not now located within the Mixed-Use Future Land Use Overlay is assigned to the Core, Corridor or General zoning subdistrict.
- (2) The CRA Neighborhood future land use designation permits up to 10 dwelling units per acre unless further restricted in the LDR. (CGMP Policy 18.2C.3.) The Multifamily, Mobile Home, Detached-1, and Detached-2 zoning subdistricts implement the CRA Neighborhood future land use in Rio. The Multifamily and the Mobile Home zoning subdistricts permit up to 10 dwelling units per acre. These zoning subdistricts are assigned to land already developed for multifamily residences (Beacon 21) or mobile homes (Palm Circle Park).
- (3) The Detached-2 subdistrict requires a minimum lot area of 5,000 square feet. The Detached 2 subdistrict is proposed for land that is located in the R-2, R-2B, R-1, R-1A and R-6 Zoning Districts. The R-2, R-2B, RS-6 zoning districts require a minimum lot area of 7,500 sq. ft. R-1A requires 10,000 sq. ft. and R-1 requires 15,000 sq. ft.

In most cases, the platted lot areas are larger than 5,000 square feet but not large enough to be split into two lots. The neighborhood north of NE Dixie Highway and east of Beacon 21 is comprised mostly of lots that exceed 10,000 sq. ft. Theoretically redevelopment in that neighborhood could result in lot splits and increased density. Nonetheless, the stable, established nature of the neighborhood makes this less likely. South of County Route 707 and east of NE Orange Avenue, there are eleven larger waterfront lots that could possibly be subdivided in the future into smaller lots. Six of the eleven lots are now subject to a minimum lot area of 7,500 sq. ft. Additionally, the long, narrow shape of the lots coupled with the lack of any roadway right-of-way pose challenges to subdivision. The neighborhood located south of NE Dixie Highway, east and west of NE Rio Avenue, consists of 25-foot platted lots of record. Most existing dwellings occupy more than two lots, but some occupy just two lots. The 5,000 sq. ft. minimum lot area is intended to permit a new dwelling on two of these 25-ft. wide platted lots of record.

- (4) The Detached-1 subdistrict requires a minimum lot area of one-half acre (21,780 square feet). This is a smaller lot area than most dwellings currently occupy but larger than the 15,000 sq. ft. minimum lot area required by the R-1 Zoning District and the 10,000 sq. ft. required by the R1-A Zoning District. The minimum lot area is consistent with the Estate Density Residential future land use designation. Only lots that currently

exceed 1 full acre would be eligible to do a lot split to create a second lot.

- d. Open Space. A minimum of 20% open space is required in Core, General, Waterfront, Corridor, and Industrial subdistricts, consistent with the current standard for mixed-use projects in the Mixed-Use Overlay or conventional development on land with the General Commercial or Industrial future land use designation.
- e. The Multifamily, Mobile Home and Detached-1 subdistricts require 30 percent open space. The Detached-2 subdistrict requires that a minimum of 50 percent open space be maintained.

## ***C. Amendment of the Zoning Atlas***

### ***1. Application Information***

**Applicant:** Martin County Board of County Commissioners

**Represented By:** Susan Kores, Manager, Office of Community Development

Property Owners:	Multiple
Planner in charge:	Irene A. Szedlmayer, AICP
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	CPA 19-23
Application Received:	03/26/2019
Date of Staff Report:	11/20/2019
LPA Meeting Date:	10/03/2019
BCC Meeting Date:	12/17/2019

### ***2. Project description and analysis***

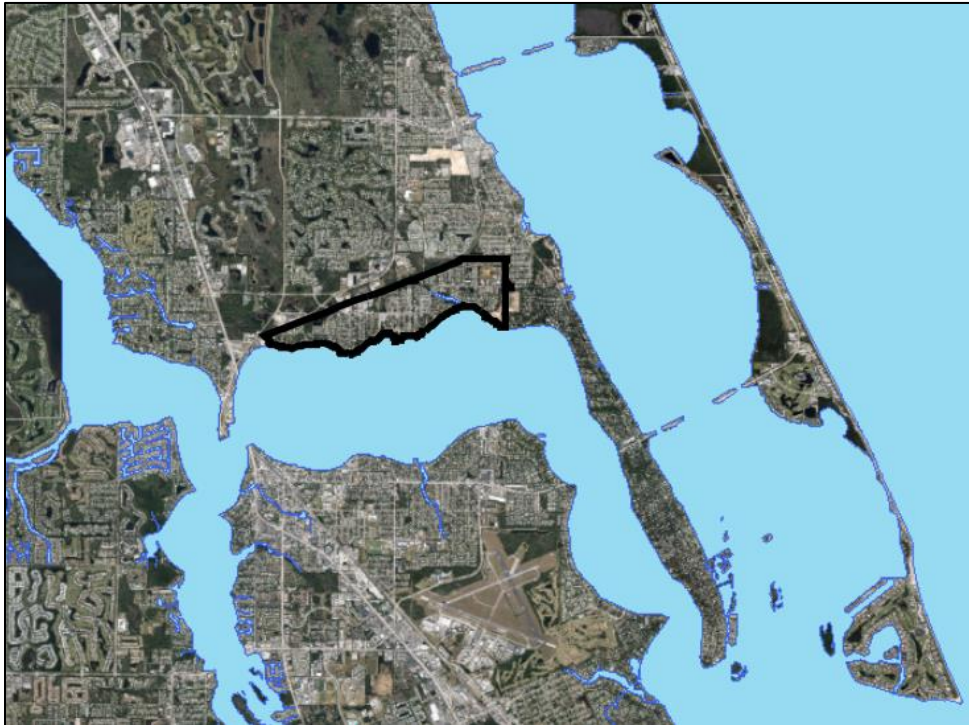
#### **a) Introduction**

This application involves the Rio Community Redevelopment Area (CRA) which measures approximately 542 acres. The Rio CRA is located in the northeast section of Martin County. See Figure 1. The Rio CRA is a waterfront community, bordered on the south by the St. Lucie River. To the north is the FEC Railroad. The Rio CRA shares short borders with the City of Stuart on the west and the Town of Sewell's Point on the east. See Figure 1.

Currently, 20 different zoning districts are assigned to Rio's 542 acres:

1. R-1 (Single-family Residential)
2. R-1A (Single-family Residential)
3. R-2 (Single-family Residential)

Figure 1. Location Map



4. R-2B (Single-family Residential)
5. R-3 (Multiple-family Residential)
6. R-3A (Liberal Multiple-family)
7. R-T (Mobile Home Subdivision)
8. RS-6 (Medium Density Residential)
9. HR-2 (Multiple-family Residential)
10. RS-3 (Single-family Residential)
11. RE-1/2A (Residential Estate Density, ½ acre)
12. B-1 (Business)
13. B-2 (Business -Wholesale Business)
14. COR-1 (Commercial Office/Residential)
15. LC (Limited Commercial)
16. GC (General Commercial)
17. LI (Limited Industrial)
18. PUD-R (Planned Unit Development-Residential)
19. PS (Public Service)
20. PS-2 (Public Service)



Additionally, the Rio CRA has four separate zoning overlay districts:

1. Western Zoning Overlay
2. Town Center Zoning Overlay
3. Industrial Zoning Overlay
4. Eastern Zoning Overlay.

See Figures 2 and 3.

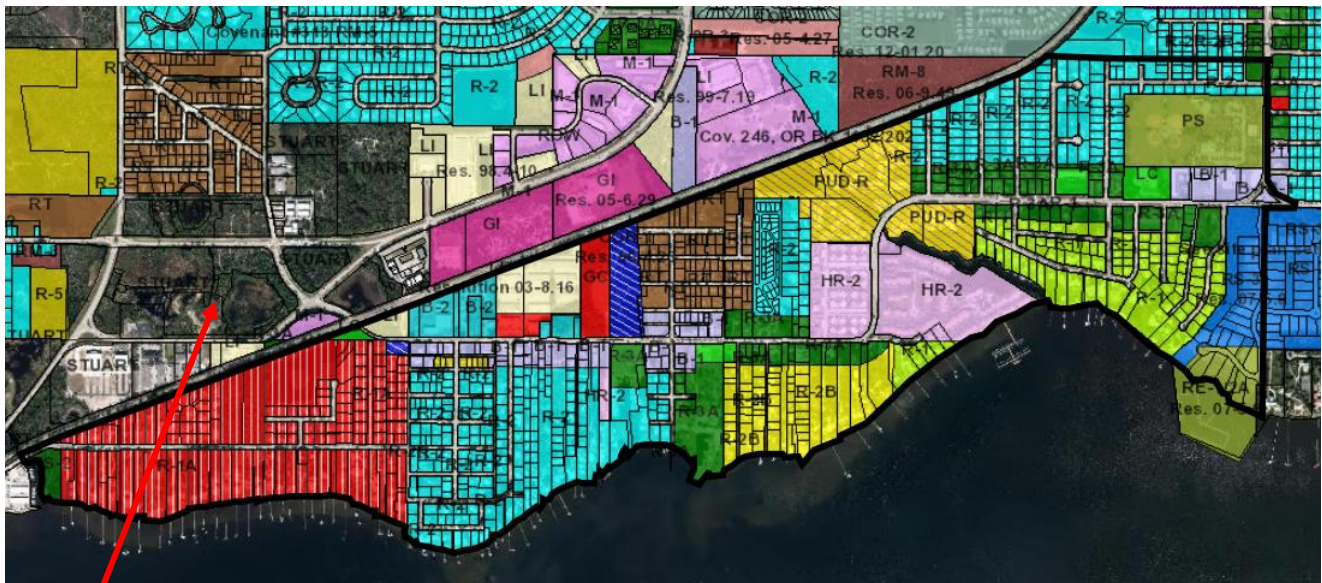
The request is to amend the Martin County Zoning Atlas to replace 15 of the 20 zoning districts with the Rio Community Redevelopment Zoning District and to eliminate the four zoning overlays. See Figure 4.

The zoning districts that implement the General Institutional future land use designation (PS and PS-2), the PUD district for Beacon 21 (PUD-R), and the residential zoning districts in Langford Landing (RS-3 and RE-1/2 acre) will remain in place and are not affected by the requested amendment of the Zoning Atlas.

The permitted uses and development standards for the Rio Redevelopment Zoning District are set forth in Article 12, Redevelopment Code, Division 1, General, and Division 3, Rio Community Redevelopment Code, LDR. The permitted uses and development standards vary depending on the zoning subdistrict. The zoning subdistricts for the Rio CRA are established by Division 3 of Article 12, LDR. The location of the zoning subdistricts is shown on the Regulating Plan, which is also established in Division 3 of Article 12.

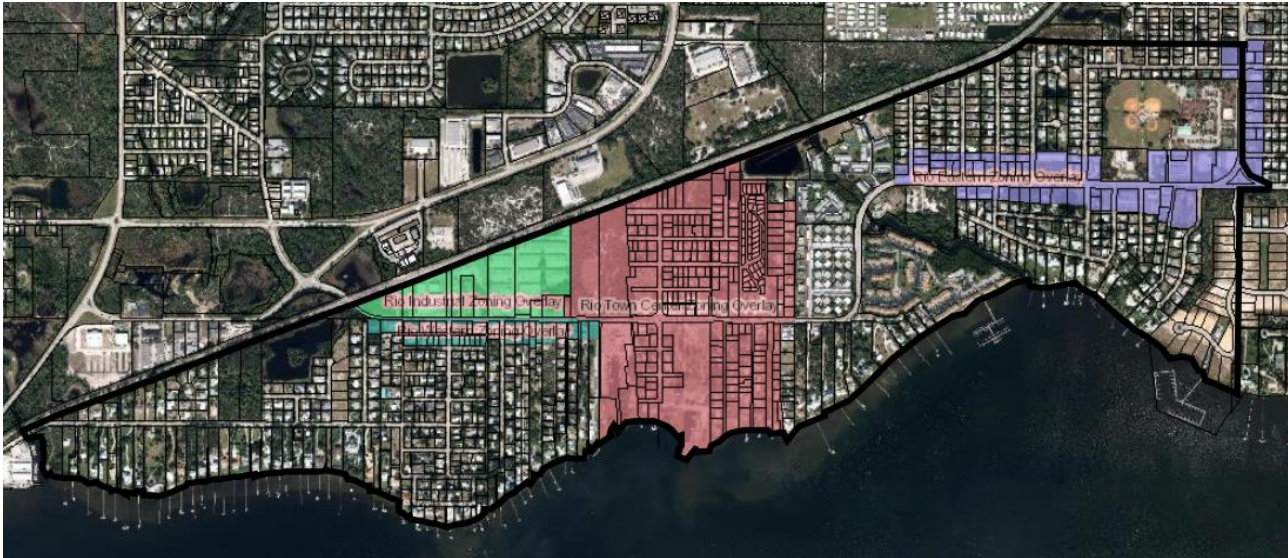
Nine zoning subdistricts are proposed for the Rio CRA: Core, Corridor, General, Waterfront, Industrial, Mobile Home, Multifamily, Detached-1 and Detached-2.

Figure 2. Current Zoning Atlas for the RIO CRA

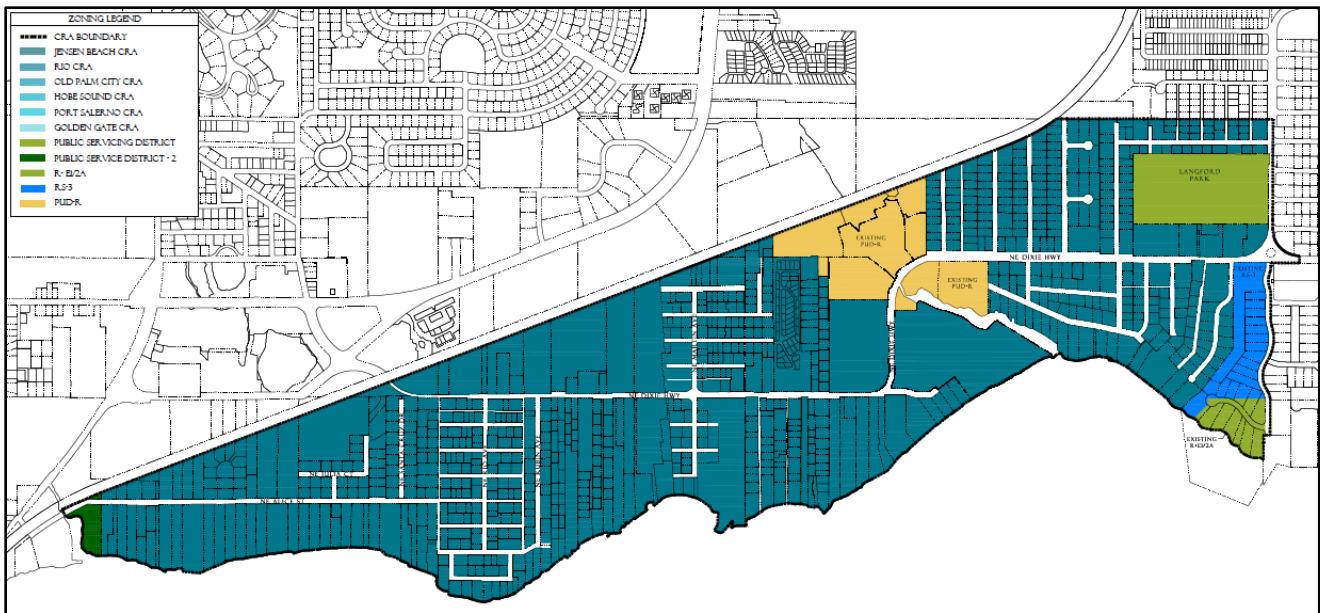


Area that is not colored is located within the City of Stuart.

**Figure 3. RIO CRA Zoning Overlays**



**Figure 4. Proposed Zoning Atlas for the RIO CRA**

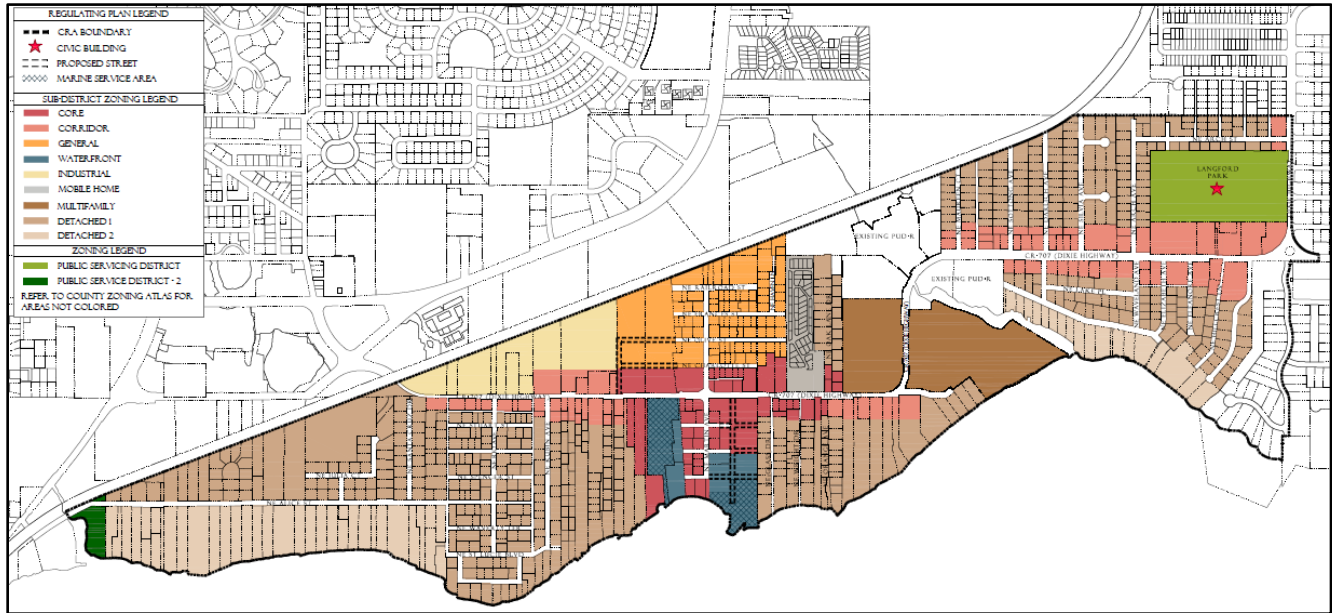


**Legend for Proposed Zoning Atlas**

 - Rio Redevelopment Zoning District	 - Existing PUD-R	 - Public Service
 - RS-3	 - RE-1/2acre	 - Public Service -2



**Figure 5. Proposed Regulating Plan**



**Enlarged Legend for Figure 5:**

REGULATING PLAN LEGEND	
---	CRA BOUNDARY
★	CIVIC BUILDING
---	PROPOSED STREET
....	MARINE SERVICE AREA
SUB-DISTRICT ZONING LEGEND	
■	CORE
■	CORRIDOR
■	GENERAL
■	WATERFRONT
■	INDUSTRIAL
■	MOBILE HOME
■	MULTIFAMILY
■	DETACHED 1
■	DETACHED 2
ZONING LEGEND	
■	PUBLIC SERVICING DISTRICT
■	PUBLIC SERVICE DISTRICT - 2
REFER TO COUNTY ZONING ATLAS FOR AREAS NOT COLORED	

## b) Description of the Rio Subdistricts

The Rio Redevelopment Zoning District will have nine subdistricts. The subdistricts are described in Article 12, Division 1 as follows:

**CORE:** The Core subdistrict is a pedestrian-oriented center for surrounding neighborhoods and the entire CRA. These are centers of dining, shopping, housing, and entertainment, with shaded sidewalks, large windows, intimate pedestrian spaces,



outdoor dining, and richly detailed building facades. A broad mix of uses is encouraged in the Core subdistrict.

**GENERAL:** The General subdistrict offers a wide variety of housing, civic spaces, and pedestrian-oriented businesses. The General subdistrict also fosters a mix of uses but is more residential in scale and character.

**WATERFRONT:** The Waterfront subdistrict is defined by marinas and working waterfronts. The Waterfront subdistrict may also promote a mixed-use waterfront environment with restaurants, entertainment, resort and residential uses.

**CORRIDOR:** The Corridor subdistrict is intended to extend the pedestrian-oriented building types, frontages and streetscapes along a major roadway.

**INDUSTRIAL:** The Industrial subdistrict identifies areas where industrial uses are permitted and encouraged.

**MULTIFAMILY:** The Multifamily subdistrict allows for denser and more varied residential buildings.

**DETACHED:** The Detached subdistrict is predominately single family homes with front yards and walkable sidewalks. (Detached-1 and Detached-2 differ regarding minimum lot area and open space.)

**MOBILE HOME:** The Mobile Home subdistrict identifies areas where mobile homes are permitted.

c. Adjacent Zoning Districts (See Figure 2 on page 6)

Due to the natural boundary created by the St. Lucie River to the south and the 100 year old FEC Railroad right-of-way to the north, zoning districts adjacent to the Rio CRA are limited.

The R-2, R-3A, B-1 and RS-3 zoning districts located outside the Rio CRA to the east and to the north and east of the railroad, are the same zoning districts located within the Rio CRA. The permitted uses and development standards for the various zoning subdistricts proposed for the Rio CRA are consistent with the permitted uses and development standards in the existing zoning districts. Therefore, the proposed Rio Redevelopment Zoning District, and the proposed zoning subdistricts are compatible with the zoning adjacent to the Rio CRA. The proposed Rio Redevelopment Zoning District and the subdistricts should have no negative impact on nearby zoning districts. Nor should these nearby zoning districts negatively impact the proposed Rio Redevelopment Zoning District.

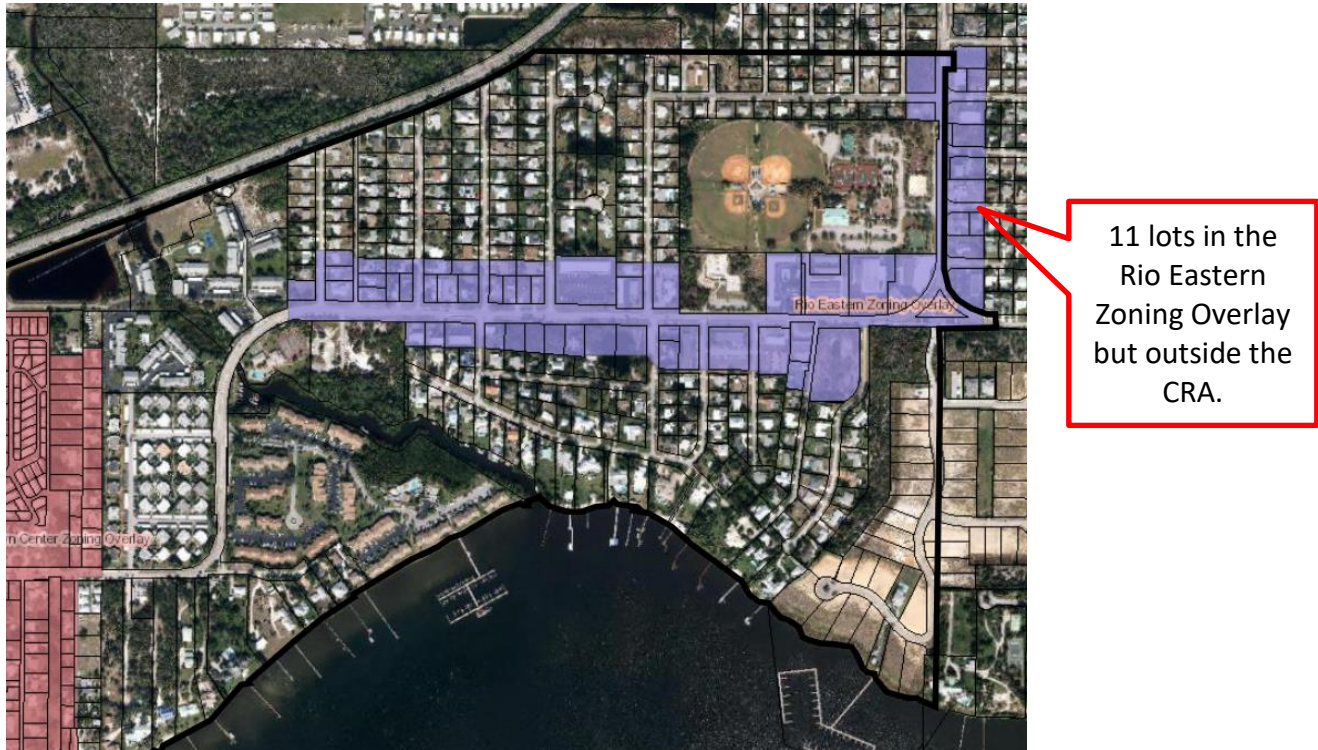
d. Rio Eastern Zoning Overlay

The Rio CRA presents a unique anomaly not found in another Martin County CRA. There are eleven lots totaling 4.27 acres located within the Rio Eastern Zoning Overlay but not located within the Rio CRA. See Figure 6. This circumstance results from the inclusion in Ordinance 624, adopted in 2002, of this text:

“NOTE: These District regulations (Table 2 and Figure 2, as well as Section 3.264.B through I) also apply to the following: Lots 1 and 2, South Jensen Heights 1<sup>st</sup> Addition; Tracts D, E, F, and H, South Jensen Heights 1<sup>st</sup> Addition; and Tracts A, B, and C, South Jensen Heights.”

Since that time those identified properties have been mapped as within the Rio Eastern Zoning Overlay but never within the CRA.

Figure 6. Rio Eastern Zoning Overlay



It is important to emphasize that these eleven lots are in the Rio Eastern *Zoning* Overlay. They are not in the Rio Mixed-Use Future Land Use Overlay. See Figures 7 and 8.

The amendment of the Future Land Use Map and the Zoning Atlas and the adoption of new LDR for the Rio CRA present the opportunity to resolve this issue. Staff intends to meet with the owners of these eleven properties and prepare a separate re-zoning application regarding them.

Fig. 7. Rio Eastern Zoning Overlay



Fig. 8. Mixed-Use Future Land Use Overlay



### **3. Standards for Amendments to the Zoning Atlas**

The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provides the following “Standards for amendments to the Zoning Atlas.”

*The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories, which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives, and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.*

Pursuant to LDR Section 3.2.E., the following factors must be considered:

- a. *Whether the proposed zoning amendment is consistent with all applicable provisions of the Comprehensive Plan.*

The Rio Redevelopment Zoning District and the Core, General, Waterfront, Corridor, Detached-1, Detached-2, Mobile Home and Industrial zoning subdistricts are consistent with all applicable provisions of the Comprehensive Plan.

- b. *Whether the proposed zoning amendment is consistent with all applicable provisions of the LDR.*

Any development proposal, pursuant to the Rio Redevelopment Zoning District, will be required to comply with all applicable LDRs including uses, density, set-backs, height, open-space, wetlands, uplands, landscaping, stormwater, etc. The Rio Redevelopment Zoning District Core, General, Waterfront, Corridor, Detached-1, Detached-2, Mobile Home and Industrial zoning subdistricts are consistent with all applicable provisions of the Land Development Regulations.

- c. *Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use.*

The Rio Redevelopment Zoning Code was developed expressly for the land to which it will apply—the Rio CRA. It is compatible with the existing land uses within the Rio CRA as well as those in adjacent and surrounding areas.

- d. *Whether and to what extent there are documented changed conditions in the area.*

The analysis required for this section is similar to the analysis required pursuant to CGMP Section 1.11.C.(1) when considering the proposed amendment to the Future Land Use Map. The amendment of the Zoning Atlas will not substantially change the land uses or intensity of development permitted. Rather, the intent is to modify the regulatory framework in order to simplify interpretation and implementation for property owners, developers and County staff and provide greater flexibility regarding permitted uses. The intent is to realize more efficiently and effectively the longstanding vision for the CRAs as represented in the Redevelopment Plans adopted in the late 1990s and early 2000s. Therefore, whether or not there are documented changed conditions in the area does may not be a pertinent factor. Because the Rio CRA is has been identified as an area in need of redevelopment, the lack of substantial change may offer support for the proposed new zoning.

- e. *Whether and to what extent the proposed amendment would result in demands on public facilities.*

The land subject to the re-zoning is located within the Primary Urban Service District. Therefore, pursuant to CGMP Objective 4.7A., the full range of public facilities and services at the adopted Level of Service are to be provided or programmed to be provided. The maximum residential density allowed within the proposed Core, Corridor and General zoning subdistricts is the same as that permitted pursuant to the current Rio Mixed-Use Future Land Use Overlay and the land area included within these



subdistricts is mostly the same land as is located within the Mixed-Use Future Land Use Overlay. Therefore, the amendment of the Zoning Atlas will not create demand on public facilities that is not anticipated by the current zoning. When a proposed site plan is reviewed, Comprehensive Plan policies and the Martin County Land Development Regulations ensure that present or planned public facilities and services are capable of meeting and maintaining the adopted LOS standards for the proposed development. Additionally, the County Impact Fee program is designed to mitigate such impacts and ensure development pays for itself.

- f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the County's resources.*

The proposed new zoning district is designed to encourage infill development and redevelopment and such infill development and redevelopment would be logical, timely and orderly, would conserve or improve the value of existing development, and is an appropriate use of County resources. Additionally, by providing for residential development within the CRA, it may be possible to help extend the life of the boundary of the Primary Urban Service District.

- g. Consideration of the facts presented at the public hearings.*

Whatever facts are presented at the public hearing on this proposed amendment of the Zoning Atlas should be taken into account in the decision-making. The hearing provides the public an opportunity to participate in the review and decision-making process.

#### **4. Recommendation**

Staff recommends approval of the proposed amendment of the Martin County Zoning Atlas regarding the Rio CRA, as illustrated in Figure 4 (page 7).

The specific findings and conclusion of each county department related to this request are identified in Sections F through T of this report. The rezoning process does not include review of a site plan. Therefore, departments related to site plan review are not included in this rezoning staff report. The current review status for each agency is as follows:

<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
Comprehensive Plan	Irene Szedlmayer	288-5931	Comply
County Attorney	Krista Storey	288-5443	Review Ongoing
Adequate Public Facilities	Irene Szedlmayer	288-5931	Exempt

The choice of the most appropriate zoning district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) are asked to consider based on the “standards for amendments to the zoning atlas” provided in Section

3.2 E.2., Land Development Regulations (LDR), Martin County Code (MCC).

## **5. Review Board Action**

A review and recommendation from the LPA is required on this application. Final action is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

## **6. Location and Site Information**

Location:	Located between the FEC railroad and the north shore of the St. Lucie River, east of Federal Highway and west of Sewell's Point.
Parcel numbers:	numerous
Existing zoning:	20 different zoning districts and 4 zoning overlays. See pages 4 through 6 of this report.
Future Land Use:	The amendment of the Zoning Atlas is proposed concurrently with the amendment of the Future Land Use Map. The Estate Density Residential, Low Density Residential, Medium Density Residential, Mobile Home Density, Commercial Office/Residential, Limited Commercial, and General Commercial future land use designations are proposed to be changed to the CRA Center or CRA Neighborhood future land use designation. Additionally, the elimination of the Rio Industrial, Western, Town Center, and Eastern Mixed-Use Future Land Use Overlays is proposed.
Commission District:	1
Community Redevelopment Area:	Rio CRA
Municipal Service Taxing Unit:	District 1 MSTU
Planning Area:	North County

## **7. Determination of compliance with the Comprehensive Growth Management Plan**

### **Findings of Compliance:**

The staff of the Growth Management Department Comprehensive Planning Division has reviewed the application and finds it in compliance with applicable Goals, Policies and Objectives. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application.

## **8. Determination of compliance with land use, site design standards, zoning, and procedural requirements**

### **Findings of Compliance:**

The staff of the Growth Management Department Comprehensive Planning Division has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning, or procedural requirements issues associated with this application.

Changes to the zoning atlas do not authorize any development activity. Criteria associated with

this area of review are applied in conjunction with site plan review processes. Any specific department issues will be addressed at such time as development of the subject site is proposed.

#### **9. Attachments**

Division 3, Rio Community Redevelopment Code, Article 12, Redevelopment Code

Division 1, General, Article 12, Redevelopment Code

#### **D. RECOMMENDATION**

Staff recommends that the Board adopt the attached Ordinance that (1) establishes Division 3, Rio Community Redevelopment Code, of Article 12, Martin County LDR, (2) repeals Section 3.264, Article 3, Rio Community Redevelopment Area, Martin County LDR, and (3) amends the Zoning Atlas.

#### **E. Attachments**

Article 12, Redevelopment Code, Division 3, Rio Community Redevelopment Code

Article 12, Redevelopment Code, Division 1, General

Public Notification of the Public Hearing