Legislation Details (With Text)

File #:	20-0606		
Type:	Public Hearing	**Status:**	Passed
		In control:	Board of County Commissioners
On agenda:	4/21/2020	**Final action:**	4/21/2020
Title:	PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO ARTICLE 3, TABLE 3.12.1, LDR		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Ordinance.pdf, 2. Final Staff Report_LI HeightChange_LDR.pdf, 3. Attachment.PermittedUses.pdf, 4. Attachment.Zoningdistrict_Heightdocx.pdf, 5. ApplicationMaterials (Supplement not included).pdf, 6. 2019-1113 Applicant Supplemental to Application 1.pdf, 7. 2020-0224 Applicant Supplemental to Application 2.pdf, 8. Staff PPT Presenation Proposed Amendment to LDR, Article 3,.pdf, 9. Ad.pdf		

Date	Ver.	Action By	Action	Result
4/21/2020	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO ARTICLE 3, TABLE 3.12.1, LDR

EXECUTIVE SUMMARY:

The Gunster Law Firm has proposed an amendment to the Land Development Regulations to amend Table 3.12.1, Development Standards, of Article 3. The amendment is regarding the development standards of the LI zoning district and would allow Commercial and Business uses permitted by the LI zoning district to have an increased height.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Maria Jose, M.S.
Title: Planner

REQUESTED BY: Robert S. Raynes, Jr.

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

This is a public hearing to consider adoption of an ordinance amending Article 3, Land Development Regulation (LDR), Martin County regarding development standards of the LI zoning district.

The Gunster Law Firm has proposed a text amendment to the Martin County LDR, amending Table 3.12.1, and adding a footnote that would allow the Commercial and Business Uses permitted by the LI zoning district to be developed at an increased height of 40 feet instead of 30 feet.

This matter was considered by the LPA on March 5, 2020. The LPA voted unanimously to recommend approval of staff's recommendation.

ISSUES:

None.

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the ordinance as presented.

ALTERNATIVE RECOMMENDATIONS

Provide staff direction.

FISCAL IMPACT:

RECOMMENDATION

Application fees.

ALTERNATIVE RECOMMENDATIONS

 As above

DOCUMENT(S) REQUIRING ACTION:

☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☒ Ordinance ☐ Resolution
☐ Other: