



## Legislation Details (With Text)

**File #:** 19-0756  
**Type:** Public Hearing      **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 8/13/2019      **Final action:** 8/13/2019  
**Title:** FIRST PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS TO CREATE ARTICLE 12, REDEVELOPMENT CODE, DIVISION 1, GENERAL AND DIVISION 2, JENSEN BEACH COMMUNITY REDEVELOPMENT CODE, AND TO REPEAL SECTION 3.261, JENSEN BEACH REDEVELOPMENT AREA

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff\_Report.BCC.8.13.19.pdf, 2. Draft\_Ordinance.729.pdf, 3. Article 12\_Division 1.indb.pdf, 4. Article 12\_Division 2.indb.pdf, 5. AD proof.pdf, 6. minutes.pdf, 7. Supplemental\_Memo 19-0756.pdf

Date	Ver.	Action By	Action	Result
8/13/2019	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings

**TITLE:**

**FIRST PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS TO CREATE ARTICLE 12, REDEVELOPMENT CODE, DIVISION 1, GENERAL AND DIVISION 2, JENSEN BEACH COMMUNITY REDEVELOPMENT CODE, AND TO REPEAL SECTION 3.261, JENSEN BEACH REDEVELOPMENT AREA**

**EXECUTIVE SUMMARY:**

This is the first public hearing on the proposed amendment of the Land Development Regulations (LDRs) to create Article 12, Redevelopment Code, Division 1, General and Division 2, Jensen Beach Community Redevelopment Code. The proposed amendment of the LDRs is a companion work product to amendment CPA 18-10 of the Comprehensive Growth Management Plan to create Chapter 18, Community Redevelopment Element, and the proposed amendment CPA 19-13 of the Future Land Use Map and Zoning Atlas regarding the Jensen Beach CRA. The Local Planning Agency recommended approval.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Irene A. Szedlmayer, AICP  
**Title:** Senior Planner

**REQUESTED BY:** Board of County Commissioners

**PRESET:**

**PROCEDURES:** None

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## **BACKGROUND/RELATED STRATEGIC GOAL:**

Between November 2017 and August 2018, the period when the Board considered and adopted “glitch bill” amendments to the zoning regulations for the CRAs, the Board recognized that more substantive changes were needed to facilitate infill development and redevelopment of socially and economically vibrant, environmentally-sustainable, compact, walkable neighborhoods in the Community Redevelopment Areas (CRAs).

In December 2017, the Board directed CPA 18-10, CRA Text Amendments, to strengthen Comprehensive Growth Management Plan goals, objectives and policies that encourage in-fill development and redevelopment in the CRAs, and in June 2018, the Board of County Commissioners approved a contract with the Treasure Coast Regional Planning Council to develop new Land Development Regulations for the CRAs.

The goal of the overall work program-amendment of the text of the Comprehensive Plan, amendment of the Land Development Regulations, amendment of the Future Land Use Map, and amendment of the Zoning Atlas--is to facilitate achievement of CGMP Goal 4.2 (“To alleviate the negative impacts of inadequate public facilities and services and substandard structures for affected areas in the County.”) and 4.3. (“To provide opportunities for mixed residential and nonresidential uses, including Traditional Neighborhood Development.”).

At a public hearing on June 20, 2019, the Local Planning Agency (LPA) recommended approval of the proposed Article 12, Redevelopment Code; Division 1, General; and Division 2., Jensen Beach Community Redevelopment Code.

At a public hearing on July 18, 2019, the LPA recommended approval of the amendment of the Future Land Use Map changing the Mobile Home Density, Commercial Office/Residential, Commercial Limited, and General Commercial future land use designations and the Mixed-Use Future Land Use Overlay in the Jensen Beach CRA to the CRA Center future land use designation. The LPA also recommended approval of the amendment of the County Zoning Atlas to change the eight Jensen Beach zoning overlays and the R-3A, B-1, GC, and R-3 zoning districts to the Jensen Beach Redevelopment Zoning District. Contained in Article 12, Division 2, is the Regulating Plan for Jensen Beach, which will assign the Core, General and Waterfront Subdistricts in the Jensen Beach CRA.

This first public hearing on the proposed Article 12, Redevelopment Code; Division 1, General; and Division 2, Jensen Beach Community Redevelopment Code, before the Board of County Commissioners follows numerous public meetings on the amendment of the Land Development Regulations, including at least the following:

- a. November 7, 2018 Jensen Beach NAC
- b. November 26, 2018 Community Redevelopment Agency
- c. February 25, 2019 Community Redevelopment Agency
- d. February 26, 2019 Board of County Commissioners
- e. March 20, 2019 Jensen Beach NAC
- f. June 5, 2019 Jensen Beach NAC
- g. June 17, 2019 Community Redevelopment Agency
- h. June 20, 2019 public hearing before the Local Planning Agency

- i. July 18, 2019 public hearing on the amendment of the Future land Use Map and the Zoning Atlas regarding the Jensen Beach CRA.

In addition to the public meetings and public hearings, the TCRPC conducted numerous interviews with business owners and property owners in the Jensen Beach CRA, members of the NAC, the LPA, and the Board of County Commissioners.

The second reading of the proposed ordinance is scheduled for September 10, 2019.

### **ISSUES:**

The changes proposed involve a change to the permitted uses in zoning districts. Pursuant to Section 125.66 (4)(b), Florida Statutes (F.S.), the Board must consider the proposed changes to the zoning code at two public hearings. The second public hearing must be held at least 10 days after the first public hearing; and after 5 PM unless a majority plus one of the Board agrees to hold the hearing before 5 PM.

Section 125.66 (4)(b), F.S. is set forth below:

“(b) In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the board of county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.”

### **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 consider the attached draft ordinance creating Article 12, Redevelopment Code; Division 1, General; and Division 2, Jensen Beach Community Redevelopment Code, LDR.; and hold the second public hearing on September 10, 2019 prior to 5:00 PM in order to coincide with the hearing date for other related matters.

**ALTERNATIVE RECOMMENDATIONS**

Move that Board of County Commissioners direct staff to make certain changes and bring the matter back to the Board at a future date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time.

Funding Source	County Funds	Non-County Funds
<b>Subtotal</b>		
<b>Project Total</b>		

**ALTERNATIVE RECOMMENDATIONS**

1. Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

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