



## Legislation Details (With Text)

**File #:** 19-0459

**Type:** Departmental Quasi Judicial      **Status:** Agenda Ready

**In control:** Board of County Commissioners

**On agenda:** 4/23/2019      **Final action:**

**Title:** HINCKLEY YACHTS REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2019-03-19 DPQJ-3 Supp Memo.pdf, 2. 2019-04-09 DPQJ-1 Supp Memo.pdf, 3. 2019-04-23 DPQJ-1 Supp Memo.pdf

Date	Ver.	Action By	Action	Result
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**PLACEMENT:** Departmental - Quasi-Judicial

**TITLE:**

**HINCKLEY YACHTS REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

**EXECUTIVE SUMMARY:**

Pursuant to Section 10.1.C.3.b., LDR, Hinckley Yachts is requesting a temporary certificate of occupancy for its boat storage building prior to completing all of the required site improvements.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Paul Schilling  
**Title:** Deputy Director

**REQUESTED BY:** Morris Crady, AICP, Lucido & Associates

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**BACKGROUND/RELATED STRATEGIC GOAL:**

On June 3, 2008, the Board of County Commissioners approved the Hinckley Yachts revised master and final site plan. The project received multiple legislative extensions authorized by the Governor's Executive Orders thereby extending the time frame to complete the project to June 30, 2021.

Completion of the project by March 26, 2019, with the exception of two parking areas is anticipated. The existing parking lot located at the southeast corner of SE Boatyard Drive and the existing parking lot at the southwest corner SE Boatyard Drive adjacent to the waterway must be redeveloped in accordance with the revised master and final site plan. The applicant is requesting temporary

certificate of occupancy beginning March 26, 2019, to allow employees that currently park in the existing parking lots to move to the new parking lot adjacent to the new boat storage building so the work to the existing parking lots, which includes tearing out the stabilized parking and installing drainage, landscaping, etc., can be completed.

### **ISSUES:**

Section 10.1.C.3.b, LDR, establishes a mechanism for the Board's consideration of temporary certificates of occupancy:

*Temporary certificate of occupancy.*

*1) In lieu of completing all required site improvements, such as, but not limited to, sidewalks, landscaping, and nonessential utilities, the developer may apply to the Board of County Commissioners for a temporary certificate of occupancy by providing an agreement for the completion of the required improvements. The agreement shall be accompanied by a cash, surety or collateral bond. The form and substance of the agreement shall be as approved by the County Attorney and the amount of the bond shall be 110 percent of the cost of completing the required improvements as certified by an engineer licensed in the State of Florida and approved by the County Engineer.*

*2) A temporary certificate of occupancy shall be provided only if all required improvements will be completed within 90 days of the date of the agreement.*

*3) The temporary occupancy may not be granted for completion of any structural, electrical, plumbing or mechanical components in buildings nor for the provision of potable water, wastewater treatment, fire prevention or extinguishment facilities or drainage facilities.*

### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board approve the applicant's request for a temporary certificate of occupancy contingent upon the following: the applicant provides an agreement, with accompanying cash, surety or collateral bond and an Engineer's cost estimate for 110 percent of the cost of completing the improvements approved by the Public Works Department.

#### **ALTERNATIVE RECOMMENDATIONS**

Deny the applicant's request for a temporary certificate of occupancy.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

Staff's time to prepare this agenda item.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

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

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