



## Legislation Details (With Text)

**File #:** 20-0112

**Type:** Public Hearing

**Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 12/17/2019

**Final action:** 12/17/2019

**Title:** SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES DIVISION 3, THE RIO COMMUNITY REDEVELOPMENT CODE, AND AMENDS THE ZONING ATLAS

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Rio.Div.3andZoningAtlas.StaffRpt.pdf, 2. ordinance.pdf, 3. Art 12 Div 3 Rio.10.28.19.pdf, 4. Art.12\_Div.1\_2019-09-27.pdf, 5. Minutes.pdf, 6. public comment.pdf, 7. Public Notice.pdf, 8. Supplemental Memo.pdf

Date	Ver.	Action By	Action	Result
12/17/2019	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings - Quasi-Judicial

### TITLE:

**SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES DIVISION 3, THE RIO COMMUNITY REDEVELOPMENT CODE, AND AMENDS THE ZONING ATLAS**

### EXECUTIVE SUMMARY:

This is the second public hearing on a proposed ordinance to amend the Land Development Regulations (LDR) that will (1) establish Division 3, Rio Community Redevelopment Code, of Article 12, (2) amend the Zoning Atlas to assign the Rio Redevelopment Zoning District, and (3) repeal Section 3.264, Rio Community Redevelopment Area, LDR. The adoption of the Rio Community Redevelopment Code will implement Chapter 18, Community Redevelopment Element of the Comprehensive Growth Management Plan, and CPA 19-23, the amendment of Future Land Use Map regarding the Rio CRA.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Board of County Commissioners

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### 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.”)

The staff report for CPA 19-23, Rio FLUM, identifies many public meetings and public hearings at which this overall work effort regarding Martin County’s CRAs has been reviewed and discussed and members of the public have had the opportunity to ask questions and to be heard. In addition to the public meetings and public hearings, the TCRPC has interviewed many dozen residents, and business and property owners in the CRAs, members of the NACs and CRA Board, members of the LPA, and individual County Commissioners. Eleven of the interviewees live in the Rio CRA or operate a business there.

The proposed Division 3, Rio Community Redevelopment Code, of Article 12 of the Land Development Regulations was the specific subject of presentations to the Rio Neighborhood Advisory Committee on May 23, 2019 and July 25, 2019. It was presented to the Community Redevelopment Agency on September 23, 2019. Both the Rio NAC and the Board of the Community Redevelopment Agency voted to support approval of the proposed Article 12, Division 3.

At a public hearing on October 3, 2019, the Local Planning Agency (LPA) recommended approval of the proposed Article 12, Division 3, Rio Community Redevelopment Code.

## **ISSUES:**

Florida State statute permits the amendment of the Zoning Atlas by ordinance or resolution (FS Section 125.66(4).) Typically, Martin County has amended the Zoning Atlas by adopting a resolution. However, 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.”

Accordingly, a single ordinance is proposed for the creation of Division 3, Rio Community Redevelopment Code and the amendment of the Zoning Atlas for the Rio CRA.

Article 12, Redevelopment Code, Division 1, General is provided as an attachment for reference only.

**LEGAL SUFFICIENCY REVIEW:**

This is a quasi-judicial matter because the ordinance includes a proposed amendment to the Zoning Atlas to assign the Rio Redevelopment Zoning District and other zoning districts to the parcels within the Rio Community Redevelopment Area. It involves the application of a policy to a specific site. 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 based on a correct application of the law and competent substantial evidence in the record.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

1. Move that the Board receive and file the agenda item summary and all attachments including the staff report for the record as Exhibit 1.
2. Move that the Board adopt the attached ordinance creating Division 3, Rio Community Redevelopment Code, of Article 12, Land Development Regulations, repealing Section 3.264, Rio Community Redevelopment Area, Land Development Regulations, and amending the Zoning Atlas to assign the Rio Redevelopment Zoning District.

**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
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

1. Staff time.

**DOCUMENT(S) REQUIRING ACTION:**

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