



## Legislation Details (With Text)

**File #:** 20-0292

**Type:** Public Hearing Quasi Judicial **Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 2/18/2020 **Final action:** 2/18/2020

**Title:** QUASI-JUDICIAL - SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES DIVISION 4, THE OLD PALM CITY COMMUNITY REDEVELOPMENT CODE, AND AMENDS THE ZONING ATLAS

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. OPC.LDR.and.Zoning.staffrpt.pdf, 2. Art.12\_Div.4.1.30.20.pdf, 3. Art.12.Div.1.adopted.pdf, 4. public notice.pdf, 5. OPC.Ordinance.pdf, 6. PH3 Supplemental Memo.pdf, 7. PH3 Amended Ordinance.pdf, 8. Ex. B. OPC Redevelopment Zoning District.pdf, 9. Ex. C. Public Service zoning district -1.pdf, 10. Ex. D. PUD-R zoning district.pdf, 11. Ex. E. Public Servicing zoning district.pdf, 12. Ex. F. PUD-C zoning district.pdf, 13. Ex. G. Public Recreation zoning district.pdf, 14. public comment.Thelma Street.pdf, 15. public comment.stem wall construction.pdf

Date	Ver.	Action By	Action	Result
2/18/2020	1	Board of County Commissioners	approved	Pass

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

### TITLE:

**QUASI-JUDICIAL - SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES DIVISION 4, THE OLD PALM CITY COMMUNITY REDEVELOPMENT CODE, AND AMENDS THE ZONING ATLAS**

### EXECUTIVE SUMMARY:

This is the second public hearing on the proposed ordinance that (1) amends the Land Development Regulations (LDR) to establish Division 4, Article 12, Old Palm City Community Redevelopment Code, (2) amends the Zoning Atlas to assign the Old Palm City Redevelopment Zoning District and other zoning districts, and (3) repeals Section 3.265 of the LDR. The adoption of this ordinance will implement the Community Redevelopment Element of the Comprehensive Growth Management Plan and the Old Palm City Redevelopment Plan and is proposed concurrently with CPA 19-24, Old Palm City CRA FLUM.

**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 infill 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 (TCRPC) 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 goals, policies and objectives, in particular Goals 18.1 (“To alleviate the negative impacts of inadequate public facilities and services and substandard structures for affected areas in the County.”) and 18.2 (“To facilitate the revitalization, restoration and strengthening of the CRA town centers and neighborhoods by establishing future land use designations that allow and encourage a compact, walkable, small-town urban form.”)

The staff report for CPA 19-24, Old Palm City FLUM, identifies many public meetings and public hearings at which the 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. At least eleven of the interviewees live in the Old Palm City CRA or own property or operate a business there.

The proposed Division 4, Old Palm City Community Redevelopment Code, of Article 12 of the Land Development Regulations was the specific subject of presentations to the Old Palm City Neighborhood Advisory Committee on August 19, 2019 and November 18, 2019. It was presented to the Community Redevelopment Agency on November 25, 2019. Both the Old Palm City NAC and the Board of the Community Redevelopment Agency voted to support approval of the proposed Article 12, Division 4. At a public hearing on December 5, 2019, the Local Planning Agency (LPA) similarly recommended approval of the proposed Article 12, Division 4, Old Palm City Community Redevelopment Code and the amendment of the Zoning Atlas. On December 17, 2019, the Board of County Commissioners held its first public hearing on proposed Article 12, Division 4, Old Palm City Community Redevelopment Code and the amendment of the Zoning Atlas.

Section 12.1.01.B, Article 12, Redevelopment Code, LDR, 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 to create Division 4, Old Palm City Community Redevelopment Code, and amend the Zoning Atlas for the Old Palm City CRA.

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

### **ISSUES:**

The legal description will be provided by Supplemental Memorandum.

### **LEGAL SUFFICIENCY REVIEW:**

This is a quasi-judicial matter because the ordinance includes a proposed amendment to the Zoning Atlas to assign the Old Palm City Redevelopment Zoning District and other zoning districts to the parcels within the Old Palm City 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 4, Old Palm City Community Redevelopment Code, of Article 12, Land Development Regulations, amending the Zoning Atlas to assign the Old Palm City Redevelopment Zoning District and to make other changes for consistency with the Future Land Use Map, and repealing Section 3.265, Old Palm City Community Redevelopment Area, Land Development Regulations.

#### **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: