



Legislation Details (With Text)

File #: 20-0619

Type: Consent

Status: Agenda Ready

In control: Board of County Commissioners

On agenda: 4/21/2020

Final action:

Title: REQUEST TO INITIATE TEXT AND FUTURE LAND USE MAP AMENDMENTS TO THE COMPREHENSIVE GROWTH MANAGEMENT PLAN FOR HODAPP PROPERTY

Sponsors:

Indexes:

Code sections:

Attachments: 1. STATEMENT20040.pdf, 2. Current FLUM and Zoning.pdf, 3. Resolution to Initiate_Hodapp.pdf

Date	Ver.	Action By	Action	Result
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PLACEMENT: Consent

TITLE:

REQUEST TO INITIATE TEXT AND FUTURE LAND USE MAP AMENDMENTS TO THE COMPREHENSIVE GROWTH MANAGEMENT PLAN FOR HODAPP PROPERTY

EXECUTIVE SUMMARY:

The Growth Management Department (GMD) requests the Board of County Commissioners (Board) initiate text and Future Land Use Map amendments to the Martin County Comprehensive Growth Management Plan (CGMP) for the Hodapp property located at 7715 SW 39th Street.

DEPARTMENT: Growth Management

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

Title: Planner

REQUESTED BY: Board of County Commissioners

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

The Mobile Home future land use designation is implemented by the zoning districts and site build houses are not permitted. Following the hurricanes of 2004 Martin County residents requested the ability to replace mobile homes with site-built houses. In December 2004 the Board initiated an amendment to the CGMP. The Florida Department of Community Affairs opposed the proposed amendment on the grounds it would impact affordable housing in Martin County. After negotiating with DCA for three years, an amendment was adopted permitting a site-built house where the

property owner has a homestead exemption. The homestead exemption provided the necessary documentation the persons seeking a building permit were seeking to replace their permanent residence with a more resilient structure.

In 2017, Mr. and Mrs. Hodapp purchased five vacant acres located on SW 39th Street believing a site-built house could be constructed. As described in the attached statement by the Hodapp's, they obtained an easement over the neighboring property owner to access their property. They obtained septic and well permits from the Health Department. Separately, they obtained an excavation and fill permit and a Preserve Area Management Plan. They later applied for a Building Permit BLD2019110036. That permit has not been issued. Before obtaining the building permit they purchased a log home from an out-of-state manufacturer, and it has been delivered to the site.

Mr. and Mrs. Hodapp, and Mr. Mancil, representing the adjacent land owner, met with Growth Management staff on January 27, 2020. At that time, the Hodapps provided the statement attached to this Board item. On February 6, 2020, the statement was also provided to the Board of County Commissioners in an email. Staff prepared a detailed analysis on this matter with several possible options. On February 18, 2020, Ms. Hodapp spoke during a BCC meeting. The Hodapp's situation was discussed and the Board directed staff to proceed with a proposed solution for the Hodapps.

ISSUES:

Staff has been in contact with Mr. and Mrs. Hodapp as they considered the possibility of locating a mobile home on the property to obtain a homestead exemption. However, that option will take longer than completing a small-scale amendment to the CGMP.

Attached to this Board item is a resolution initiating a Future Land Use Map Amendment on the property and a text amendment to the CGMP. An amendment to the following policy, in Chapter 6 Housing Element, at a minimum, will be necessary.

Policy 6.1D.8. No net loss of mobile home lands. Lands designated Mobile Home Density on the Future Land Use Map shall be changed to another designation only where (1) other suitable lands can be redesignated as Mobile Home Density or (2) where the proposal to change the designation is accompanied by a planned unit development application that will, at a minimum, ensure (1) no involuntary displacement of mobile home residents and (2) any site-built units that replace mobile home units qualify as affordable housing, as defined in Chapter 2, Overall Goals and Definitions, for at least 30 years after initial occupancy. The affordable units proposed in the PUD must contain a combination of units affordable to households with extremely low, very low, low, moderate, and workforce incomes as determined by the BCC.

Staff has reviewed Florida Statutes and determined a text amendment related to a small-scale future land use amendment can be done using the small-scale amendment process.

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the resolution to initiate the requested Comprehensive Plan Amendments.

ALTERNATIVE RECOMMENDATIONS

Move that the Board provide staff direction.
Move that the Board take no action.

FISCAL IMPACT:

RECOMMENDATION

Growth Management staff time.

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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