



## Legislation Details (With Text)

**File #:** 20-0735

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

**In control:** Board of County Commissioners

**On agenda:** 6/16/2020 **Final action:** 6/16/2020

**Title:** SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES ARTICLE 12, DIVISION 5, THE HOBE SOUND REDEVELOPMENT CODE AND AMENDS THE ZONING ATLAS

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report.pdf, 2. Ordinance.pdf, 3. Ex. A.Article12\_Division\_5.pdf, 4. Ex. B.legal descriptions.pdf, 5. Art.12.Div.1.General.Ord.1111&1123.pdf, 6. HS Zoning Atlas.pdf, 7. HS.Regulating Plan.pdf, 8. HS.Street Regulating.pdf, 9. Public Notice.pdf, 10. Public Comment.pdf

Date	Ver.	Action By	Action	Result
6/16/2020	1	Board of County Commissioners	approved	Pass

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

### TITLE:

**SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE THAT ESTABLISHES ARTICLE 12, DIVISION 5, THE HOBE SOUND REDEVELOPMENT CODE AND AMENDS THE ZONING ATLAS**

### EXECUTIVE SUMMARY:

This is the second public hearing on a proposed ordinance that (1) amends the Land Development Regulations (LDR) to establish Division 5, Article 12, Hobe Sound Community Redevelopment Code, (2) amends the Zoning Atlas to assign the Hobe Sound Redevelopment Zoning District and other zoning districts, and (3) repeals Section 3.263 of the LDR. The adoption of this ordinance will implement Chapter 18, Community Redevelopment Element of the Comprehensive Growth Management Plan, the Hobe Sound Community Redevelopment Plan and CPA 19-25, Hobe Sound Future Land Use Map (FLUM).

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Irene A. Szedlmayer, AICP  
**Title:** Principal 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 (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 proposed Division 5, Hobe Sound Community Redevelopment Code, of Article 12, LDR, was the subject of presentations to the Hobe Sound Neighborhood Advisory Committee on January 15, 2020 and March 11, 2020. It was presented to the Community Redevelopment Agency on April 27, 2020. Both the NAC and the Board of the Community Redevelopment Agency voted to support approval of the proposed Article 12, Division 5. At a public hearing on April 2, 2020, the Local Planning Agency (LPA) recommended approval of the proposed Article 12, Division 5 and the amendment of the Zoning Atlas. On May 5, 2020, the Board of County Commissioners held its first public hearing on proposed Article 12, Division 5, Hobe Sound Community Redevelopment Code and the amendment of the Zoning Atlas. This is the second required public hearing before the Board of County Commissioners.

A single ordinance creates Division 5, Hobe Sound Community Redevelopment Code and amends the Zoning Atlas for the Hobe Sound CRA. The proposed ordinance is included with the agenda materials, including the full text of the code and the legal descriptions of the land areas being assigned the Hobe Sound Redevelopment Zoning District and how all zoning districts are represented on the Zoning Atlas.

Article 12, Redevelopment Code, Division 1, General, currently in effect in Jensen Beach, Rio and Old Palm City CRAs, is provided as an attachment for reference. When the adoption of Article 12, Div. 5 and the amendment of the Zoning Atlas become effective, Article 12, Division 1 becomes effective in the Hobe Sound CRA.

## **ISSUES:**

None

## **LEGAL SUFFICIENCY REVIEW:**

This is a quasi-judicial matter because the ordinance includes a proposed amendment to the Zoning

Atlas to assign the Hobe Sound Redevelopment Zoning District and other zoning districts to the parcels within the Hobe Sound 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 ordinance creating Division 5, Hobe Sound Community Redevelopment Code, of Article 12, Land Development Regulations, amending the Zoning Atlas to assign the Hobe Sound Redevelopment Zoning District and to make other changes for consistency with the Future Land Use Map, and repealing Section 3.263, Hobe Sound 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: