



## Legislation Details (With Text)

**File #:** 20-0849  
**Type:** Public Hearing Quasi Judicial **Status:** Passed  
**In control:** Board of County Commissioners  
**On agenda:** 7/28/2020 **Final action:** 7/28/2020  
**Title:** FIRST PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING DIVISION 6, PORT SALERNO COMMUNITY REDEVELOPMENT CODE, IN ARTICLE 12, ldr, AND AMENDING THE ZONING ATLAS

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report.pdf, 2. Ex. A. Art. 12. Division 6.pdf, 3. Ex. B. Art.12. Division 1.pdf, 4. Ex. C. Zoning Atlas.pdf, 5. Ex. D. Regulating Plan.pdf, 6. Ex. E. Street Regulating Plan.pdf, 7. public comment.pdf, 8. public notice.pdf

Date	Ver.	Action By	Action	Result
7/28/2020	1	Board of County Commissioners	approved	Pass

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

**TITLE:**

**FIRST PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING DIVISION 6, PORT SALERNO COMMUNITY REDEVELOPMENT CODE, IN ARTICLE 12, LDR, AND AMENDING THE ZONING ATLAS**

### EXECUTIVE SUMMARY:

This is the first public hearing before the Board of County Commissioners (Board) on a proposed ordinance to amend the Land Development Regulations (LDRs) to: (1) create Division 6, Port Salerno Community Redevelopment Code, of Article 12; (2) amend the Zoning Atlas to assign the Port Salerno Redevelopment Zoning District and other zoning districts for consistency with the Future Land Use Map; and (3) repeal Section 3.263, Port Salerno Community Redevelopment Area, LDR. The proposed amendment of the LDRs and Zoning Atlas is a companion to CPA 19-27, Port Salerno 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 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 19-27, Port Salerno FLUM, identifies 39 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 more than 100 residents, business and property owners in the CRAs, members of the NACs and the CRA Board, members of the LPA, and individual County Commissioners. The proposed Division 6, Port Salerno Community Redevelopment Code, of Article 12 was the specific subject of presentations to the Port Salerno Neighborhood Advisory Committee on February 13, 2020 and June 22, 2020. Article 12, Division 6 and the proposed amendments to Zoning Atlas were presented to the Community Redevelopment Agency on June 11, 2020.

Both the Port Salerno NAC and the Board of the Community Redevelopment Agency voted to support adoption of the proposed Article 12, Division 6 and approval of the amendment of the Zoning Atlas.

This application was presented to the Local Planning Agency (LPA) at a public hearing on July 2, 2020. The LPA recommended approval.

## **ISSUES:**

The changes proposed involve a change to the permitted uses in zoning districts. Pursuant to Section 125.66 (4)(b), Florida Statutes (F.S.), the Board must consider the proposed changes to the zoning code at two public hearings. The second public hearing must be held at least 10 days after the first public hearing; and after 5 PM unless a majority plus one of the Board agrees to hold the hearing before 5 PM.

Section 125.66 (4)(b), F.S. is set forth below:

“(b) In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the board of

county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing."

### **LEGAL SUFFICIENCY REVIEW:**

This is a quasi-judicial matter because the ordinance includes a proposed amendment to the Zoning Atlas to assign the Port Salerno Redevelopment Zoning District and other zoning districts to the parcels within the Port Salerno 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 consider the attached draft ordinance that (A) creates Division 6, Port Salerno Community Redevelopment Code, in Article 12 of the LDR; (B) amends the Zoning Atlas to assign the Port Salerno Redevelopment Zoning District and other zoning districts for consistency with the Future Land Use Map; and (C) repeals Section 3.262, Port Salerno Community Redevelopment Area, LDR.
3. Move that the Board schedule the second public hearing for September 15, 2020 prior to 5:00 PM in order to coincide with the hearing date for other related matters.

#### **ALTERNATIVE RECOMMENDATIONS**

Move that Board 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: