



Legislation Details (With Text)

File #: 20-1046
Type: Public Hearing Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 9/29/2020 **Final action:** 9/29/2020
Title: PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 20-01, HODAPP PROPERTY
Sponsors:
Indexes:
Code sections:

Attachments: 1. Rezoning report_HodappCPA 20-01.pdf, 2. Resolution 20-4.8_Request to Initiate.pdf, 3. Public Notice and Other Materials 20-01.pdf, 4. Ad BCC Sept 29.pdf, 5. Resolution.pdf

Date	Ver.	Action By	Action	Result
9/29/2020	1	Board of County Commissioners	approved	Pass

PLACEMENT: Public Hearings - Quasi-Judicial

TITLE:

PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 20-01, HODAPP PROPERTY

EXECUTIVE SUMMARY:

This Board-initiated amendment is a rezoning request to change the zoning from RT to AR-5A, Agricultural Ranchette district, on a 5-acre parcel, located at 7715 S.W 39th Street, south of SW Martin Highway. The proposed rezoning is contingent upon the approval of CPA 20-01, a Board-initiated request to amend the future land use designation from Mobile Home to Agricultural Ranchette.

DEPARTMENT: Growth Management

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

REQUESTED BY: Martin County Board of County Commissioners.

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

Comprehensive Growth Management Plan Policy 4.4A.1. provides that "Parcels being considered for amendment to the future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations."

ISSUES:

A concurrent rezoning is required for each Future Land Use Map (FLUM) amendment where the amendment creates an inconsistency with the current zoning designation. Analysis of the proposed rezoning can be found in the staff report attached to this Board Item.

LEGAL SUFFICIENCY REVIEW:

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. 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 its attachments including the staff report for the record as Exhibit 1.
2. Move that the Board amend the Martin County Zoning Atlas to change the zoning district on the subject 5 acres of land from RT to AR-5A Zoning District.

ALTERNATIVE RECOMMENDATIONS

Move that the Board continue the item to a future date certain.

FISCAL IMPACT:

RECOMMENDATION

Staff time.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

Staff time.

DOCUMENT(S) REQUIRING ACTION:

☐ Budget Transfer / Amendment ☐ Chair Letter

☐ Contract / Agreement

☐ Grant / Application

☐ Notice

☐ Ordinance

☒ Resolution

☐ Other: