



## Legislation Details (With Text)

**File #:** 21-0892

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

**In control:** Board of County Commissioners

**On agenda:** 7/13/2021 **Final action:** 7/13/2021

**Title:** PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT FOR CPA 21-06, MAGGY'S HAMMOCK PARK

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Rezoning report\_MaggysHammock.pdf, 2. Attachment\_Category B PermittedUses.pdf, 3. Resolution to Initiate 21-4.2\_Signed.pdf, 4. Public Notice.pdf, 5. Resolution.pdf, 6. Exhibit A\_PC Zoning District Parcel.pdf, 7. Exhibit B\_PS-1 Zoning District Parcel.pdf

Date	Ver.	Action By	Action	Result
7/13/2021	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 21-06, MAGGY'S HAMMOCK PARK**

### EXECUTIVE SUMMARY:

The Board of County Commissioners is asked to consider changing the zoning district classification from R-1B, Single Family District, to PC, Public Conservation District, and PS-1, Public Service District, on a 5.4-acre parcel, located on SE Kubin Avenue, north of Maggy's Hammock Park, Port Salerno. The proposed rezoning is contingent upon the approval of CPA 21-06, a request to amend the future land use designation from Residential Estate Density (2-units per acre) to Public Conservation and General Institutional.

**DEPARTMENT:** Growth Management

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

**REQUESTED BY:** Martin County Board of County Commissioners

**PRESET:**

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

The Board of County Commissioners is asked to consider changing the zoning district classification

from R-1B, Single Family District, to PC, Public Conservation District, and PS-1, Public Service District, on a 5.4-acre parcel, located on SE Kubin Avenue, located north of Maggy's Hammock Park, Port Salerno. 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 classification on the subject 5.4 acres of land from R-1B to PC and PS-1.

#### **ALTERNATIVE RECOMMENDATIONS**

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

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

Staff time.

#### **ALTERNATIVE RECOMMENDATIONS**

Staff time.

### **DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement  |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Other:                      |                                       |  |