



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 20-0035

PH-2

Meeting Date: 10/22/2019

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE CORRECTING THE EFFECTIVE DATE OF ORDINANCE NUMBER 1111 CREATING ARTICLE 12, REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS

EXECUTIVE SUMMARY:

On September 24, 2019, the Board adopted Ordinance Number 1111 which created Divisions 1 and 2 of Article 12, Redevelopment Code. Part VIII. Effective Date provided that the ordinance would be effective upon filing with the Office of Secretary of State. Because the ordinance implements two Comprehensive Plan amendments relating to the Community Redevelopment Areas, its effective date is determined by Section 163.3184, Florida Statutes and not by the date it was filed with the Office of Secretary of State. The Board is asked to consider adoption of an ordinance to correct the effective date.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Krista A. Storey
Title: Senior Assistant County Attorney

REQUESTED BY: Krista A. Storey

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

On September 24, 2019, the Board adopted Ordinance Number 1111 which created Divisions 1 and 2 of Article 12, Redevelopment Code. As is typical for ordinances amending the Land Development Regulations and the General Ordinances, Part VIII. Effective Date of Ordinance Number 1111 provided that the ordinance would be effective upon filing with the Office of Secretary of State. The effective date for an ordinance which amends the Comprehensive Plan is different and determined by Section 163.3184, Florida Statutes. Because Ordinance Number 1111 implements Comprehensive Plan Amendment 18-10, Community Redevelopment Area Text and Comprehensive Plan Amendment 19-13, Jensen Beach Future Land Use Map, the effective date of Ordinance Number 1111 must also be determined based on Section 163.3184, Florida Statutes. Accordingly, it is necessary to correct the effective date of Ordinance Number 1111.

Attached is a draft ordinance which sets forth an effective date for Ordinance Number 1111 consistent

with the requirements of Section 163.3184, Florida Statutes. The remainder of Ordinance Number 1111 will be unaffected by the proposed ordinance.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Given this broad discretion, only decisions which are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the attached ordinance.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None

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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