



## Agenda Item Summary

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**File ID:** 20-0226

**PH-3**

**Meeting Date:** 12/17/2019

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**PLACEMENT:** Public Hearings

**TITLE:**

**PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING SECTION 12.1.01, PURPOSE & INTENT, ARTICLE 12, REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS**

**EXECUTIVE SUMMARY:**

The Board of County Commissioners is asked to consider adoption of a proposed amendment to Section 12.1.01, Purpose & Intent, Article 12, Redevelopment Code, Land Development Regulations.

**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 10, 2019, pursuant to Ordinance Number 1110, the Board of County Commissioners adopted Comprehensive Plan Amendment 18-10, Community Redevelopment Area (CRA) Text which created Chapter 18, Community Redevelopment, Comprehensive Growth Management Plan (CGMP). On September 24, 2019, the Board adopted Ordinance Number 1111 which created Divisions 1 and 2 of Article 12, Redevelopment Code, Land Development Regulations (LDR).

Section 12.1.01, Purpose & Intent of Division 1, currently discusses the applicability of the Redevelopment Code, other provisions of the Land Development Regulations, the General Ordinances, and the Comprehensive Plan to development within the Community Redevelopment Areas. Staff believes it is necessary to revise Sections 12.1.01.C. and 12.1.01.D in order to effectuate the intent of Chapter 18, Community Redevelopment, CGMP and Article 12, Redevelopment Code, LDR and to clarify how those regulations will be implemented.

As proposed in the attached draft ordinance, Section 12.1.01.C. would confirm that in the case of a conflict between Chapter 18, Community Redevelopment, CGMP, and the Land Development Regulations or the General Ordinances, Chapter 18 shall control. Section 12.1.01.D. would confirm that in the case of conflict between Article 12, LDR and other provisions of the LDR or

General Ordinances, Article 12 shall control.

The proposed ordinance is scheduled for consideration by the Local Planning Agency on December 5, 2019.

**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 the fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to a fairly debatable standard review need only be rationally related to a legitimate public purpose, such as health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that 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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