



Agenda Item Summary

File ID: 21-0629

PH-1

Meeting Date: 4/27/2021

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 3, LAND DEVELOPMENT REGULATIONS REGARDING CENTERLINE SETBACKS

EXECUTIVE SUMMARY:

This is a public hearing to consider adoption of an ordinance amending Article 3, Land Development Regulations, Martin County Code regarding centerline setbacks to provide for an exemption from centerline setbacks for both public and private rights-of-way platted prior to April 29, 1986.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Peter Walden, AICP

Title: Principal Planner

REQUESTED BY: Paul Schilling, Growth Management Director

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Many areas of Martin County have established residential communities with confined road networks that have little chance of being expanded in the future. Some of these roads are classified as minor or major collectors that require additional right-of-way setbacks even though historical development may have been established by zoning district codes that allowed homes to be located within the required centerline setbacks. Today, as infill properties are being developed in these established neighborhoods, prospective builders and homeowners are finding they cannot build to the existing setbacks afforded prior development, but rather must seek relief from centerline setbacks that are more stringent than the existing zoning codes and patterns of development.

Regulations are already in place to exempt residents from centerline setbacks adjacent to private right of ways platted prior to April 29, 1986. The proposed text amendment would add public right of ways to that exemption therefore eliminating the restrictions on older platted right of ways that will not need expansion. Residents will still need to adhere to all other zoning requirements in place or seek variance relief from those codes in case of hardships.

ISSUES:

Please see the attached staff report for an analysis of the proposed ordinance.

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 of denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's actions must be upheld if reasonable minds could differ as to the propriety reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the 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 approve the Ordinance as presented.

ALTERNATIVE RECOMMENDATIONS

Provide staff direction.

FISCAL IMPACT:

RECOMMENDATION

Staff time

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|---------------------------------------|---|
| ☐ Budget Transfer / Amendment | ☐ Chair Letter | ☐ Contract / Agreement |
| ☐ Grant / Application | ☐ Notice | ☒ Ordinance |
| ☐ Other: | ☐ Resolution | |

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