

PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE PLAN

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REQUEST NUMBER: CPA 21-08 Becker B14 Text

Report Issuance Date: April 5, 2022

APPLICANT: Becker B-14 Grove, LTD and Hobe Sound Equestrian LLC
Company Representatives: Thomas Hurley and Rick Melchiori

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<u>PUBLIC HEARINGS</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency:	January 20, 2022	Voted 4-0 to recommend approval
BCC Transmittal:	February 22, 2022	Voted 3-2 to transmit
BCC Adoption:	April 19, 2022	

APPLICANT REQUEST: Amend Chapter 4, Future Land Use Element, Chapter 10, Sanitary Sewer Element and Chapter 11, Potable Water Element of the Comprehensive Growth Management Plan (CGMP) to create a new future land use designation, Rural Lifestyle. The applicant's proposed text one of the attachments to the staff report.

STAFF RECOMMENDATION: Staff does not recommend the language as drafted by the applicant. If the Board is amenable to the creation of a new future land use designation, revised language is offered for the Board's consideration within this staff report.

EXECUTIVE SUMMARY:

The Rural Lifestyle future land use designation, as proposed, will provide an opportunity for the protection of open space and development of self-supporting, self-contained rural communities on land outside the Primary Urban Service District with a maximum gross density of one unit per five acres.

AGENCY REVIEW:

The Department of Economic Opportunity, Department of Agriculture and Consumer Services and the Treasure Coast Regional Planning Council provided correspondence relating to the proposed text amendment. Please see the attachments. No objections were made but technical assistance comments were offered.

1. PROPOSED TEXT AMENDMENT.

Stricken ~~text~~ is proposed for deletion. Underlined text is proposed for addition to Chapter 4, Future Land Use Element. No other elements are proposed for amendment. Following review and comment by State agencies and in response to public comment, staff has drafted additional changes shown with **yellow highlight**.

Staff analysis. A new policy 4.13A.18 is proposed for the Rural Lifestyle future land use designation.

Policy 4.13A.18. Rural Lifestyle. The Rural Lifestyle future land use designation is intended to guide development of self-supporting, self-contained and rural communities including affiliated recreational amenities with an emphasis on maintaining and enhancing natural and manmade open space and promoting sustainability and stewardship of the land and water. In order to be eligible for the Rural Lifestyle future land use designation, a minimum of 1,000 contiguous acres located within unincorporated Martin County and outside the Primary Urban Service District is required. Approval of an amendment to the Future Land Use Map changing the future land use designation on a specific parcel to Rural Lifestyle shall be required. Development of a specific parcel with the Rural Lifestyle future land use designation shall be implemented through a Planned Unit Development (PUD) zoning agreement and concurrent rezoning approved pursuant to the requirements of the Land Development Regulations and the standards established herein.

Staff analysis: Subsection (1) requires a minimum of 70 percent open space within any parcel designated as Rural Lifestyle on the Future Land Use Map. Subsection (3) distinguishes between habitat and open space on land with the Rural Lifestyle future land use designation from open space provided off-site and encumbered by a perpetual conservation or agricultural easement. Also, when development at a density of more than one unit per 20 acres is proposed, a minimum one acre of open space must be provided for every two acres of land receiving a Rural Lifestyle future land use designation.

(1) Within a specific parcel designated as Rural Lifestyle on the Future Land Use Map, development shall not exceed a maximum building height of four-stories or 40 feet and a minimum of 70 percent of the gross land area shall be established and maintained as open space. Wetlands, landlocked water bodies, upland habitat and land used for agricultural production may be used in calculating open space.

(2) Blended densities, as described in Chapter 4, Future Land Use Element, shall be permitted.

Staff analysis: In response to comments received at the Guardians workshop, staff recommends the changes highlighted in subsection (3). This clarifies the development type shall be single family dwelling units.

(3) Within the Rural Lifestyle future land use designation, gross residential density, including employee **dormitory** housing, shall not exceed a maximum of one unit per 5 acres. **Employee dormitory housing shall be allowed, otherwise only detached single-family dwellings are permitted. Duplex dwellings and multi-family dwellings are prohibited.**

(a) Development proposed at a density of one unit per 20 acres or less shall be required to comply with all minimum preserve area, habitat protection and open space requirements in the Comprehensive Plan. Development proposed at a density of

more than one unit per 20 acres shall be required to exceed the minimum habitat protection and open space requirements and provide proportionally more of the type of public benefits listed in subsection (9) below.

(b) Development proposed at a density of more than one unit per 20 acres, but not exceeding the allowed maximum of one unit per five acres, shall provide open space preservation outside of the specific parcel designated as Rural Lifestyle on the Future Land Use Map. A minimum of one acre of open space shall be provided off-site for every two acres assigned the Rural Lifestyle future land use designation. The open space provided off-site shall be located within unincorporated Martin County and maintained in perpetuity. The following forms of open space may be provided off-site:

- Native upland habitat,
- Wetland habitat,
- Lands in agricultural production,
- Areas of restored habitat
- Water farming.

Staff analysis: In response to questions at the Local Planning Agency public hearing, the following text was added to increase predictability. The Board of County Commissioners directed a change on February 22, 2022 requiring both a governmental organization and a conservation organization be easement holders.

(c) The off-site open space shall be encumbered by a perpetual conservation or agricultural easement conveyed to at least one governmental organization and a 501 (c)(3) conservation organization, to be specified within the PUD Zoning Agreement. The property shall not be designated as Rural Lifestyle on the Future Land Use Map and shall not be rezoned, but shall be governed by the PUD Zoning Agreement and identified therein by legal description. The perpetual easement shall restrict future use of the property in perpetuity to open space, prohibiting development of the property inconsistent with this policy and the terms and conditions established within the PUD Zoning Agreement.

Staff analysis: The following text is proposed for addition to subsection (3) (c) in response to comments from the Treasure Coast Regional Planning Council.

Amendments to the Future Land Use Map should consider the potential for on-site open space and off-site open space to create contiguous open spaces and corridors with other adjacent open spaces and preserves.

Staff analysis: The Department of Economic Opportunity provided technical assistance comments on the maximum intensity within the Rural Lifestyle future land use designation. In response to DEO comments and comments received at the Guardians workshop, staff recommends replacing the text of subsection (3)(d). The applicant requested the maximum of 54 cottages.

~~(d) Golf cottages utilized for guest accommodations as an accessory use to a golf course shall not be counted toward the maximum gross density. The maximum number of golf cottages shall not exceed one cottage per hole on a golf course.~~

Golf cottages are permitted as an accessory use to a golf course as long as the golf cottages remain owned, controlled and operated by the owner(s) of the golf course for the exclusive use of members and their guests. Golf cottages shall not be counted toward the maximum gross density. One golf cottage per hole of each regulation 18-hole golf course shall be allowed up to a maximum of 54 golf cottages.

~~(e) Dormitories provided for permanent or temporary employee housing shall comply with all requirements of the Florida Building Code. A maximum of 6 employee dormitory beds shall be permitted per 100 acres of a specific parcel with a Rural Lifestyle future land use designation. The maximum number of single-family residential dwelling units permitted in the Rural Lifestyle future land use shall be reduced by one unit for every six employee dormitory beds.~~

Staff analysis: Subsection (f) below was considered by the BCC on February 22. In response to comments received from the Department of Economic Opportunity and public comment at the Guardians workshop, staff recommends replacing subsection (f) with the following text. The following text provides more predictability and limits the number of accessory dwellings or employee quarters. Existing text in Policy 4.13A.4. was the basis for the following text.

~~(f) Employee quarters and accessory dwellings provided on the same lot as a residential unit shall be considered part of the primary dwelling.~~

(f) One accessory dwelling unit shall be allowed on the same lot as a single-family dwelling unit. The accessory dwelling unit shall meet the following requirements:

- An accessory dwelling unit shall not have more than one-half the square footage of the primary dwelling.
- It shall not count as a separate unit for the purpose of density calculations.
- Neither the accessory dwelling unit nor the land it occupies shall be sold separate from the primary dwelling unit.

(4) Notwithstanding the prioritization of public services and any prohibition to the extension of services outside the Primary Urban Service District, described in Chapters 4, 10 and 11, the Rural Lifestyle future land use designation may receive potable water and sanitary sewer service through facilities provided by a regional utility.

Staff Analysis: The following text was drafted to clearly limit the extension of utility services. and clarify that the extension of utility services may not extend to other properties. It also restates the requirement for a specific PUD to pay for the cost of extending service.

No extension of utility services from the Primary, the Secondary Urban Service District or through the Secondary Urban Service District to a specific parcel with a Rural Lifestyle future land use designation and a Planned Unit Development zoning classification shall serve any other property outside of the urban service districts. All costs associated with the extension, ongoing service and maintenance of utility services serving a specific parcel

with a Rural Lifestyle future land use designation and a Planned Unit Development zoning classification shall be paid by the Planned Unit Development. The following additional requirements shall also be applicable:

(a) A utility plant for a regional sewage system shall not be constructed within the Rural Lifestyle future land use designation.

(b) Package water and wastewater treatment plants, as defined in Chapter 2, shall not be permitted in the Rural Lifestyle future land use designation.

Staff analysis: The applicant requested the following change in response to citizen concerns that advanced wastewater treatment systems might be confused with package plants.

(c) ~~An advanced wastewater treatment system consisting of individual wastewater treatments units that treat domestic waste to secondary standards may be utilized, as permitted by the State of Florida.~~ On-site sewage treatment and disposal systems (septic systems) shall comply with the requirements of Chapter 10, Sanitary Sewer Services Element.

(d) A specific Municipal Services Taxing Unit (MSTU) may be established for all costs associated with the extension, ongoing service and maintenance of utility services within each Planned Unit Development within the Rural Lifestyle future land use designation.

(5) The applicant for a PUD shall plan and appropriately fund public facilities consistent with Policy 14.1B.2. which requires that future development shall pay for the full cost of the capital improvements needed to address the impacts of such development. The PUD Agreement shall include conditions that address public facilities, infrastructure and the timing of development to be adopted prior to or concurrent with final site plan approval.

(6) An economic analysis prepared by a qualified economic analyst shall evaluate the PUD's impact on the availability of public services and facilities, and the benefits provided by the PUD, to show a net positive fiscal impact to the County.

(a) Physical improvements made within the PUD shall have a taxable value that far exceeds the value of physical improvements typically found in the Agricultural future land use designation (1 unit per 20 acres). The gross density permitted within the Rural Lifestyle future land use shall not exceed one unit per five acres.

(7) PUD Zoning Agreement. All development within a specific parcel designated as the Rural Lifestyle on the Future Land Use Map must be developed in accordance with a Planned Unit Development (PUD) Zoning Agreement.

Staff analysis: Staff recommends adding the following text to ensure a PUD site plan, development agreement and zoning district change will be completed.

(8) Approval of a PUD agreement and master plan shall occur concurrently with the approval of a Future Land Use Map amendment. The PUD master plan must include the entire acreage receiving the Rural Lifestyle future land use designation.

(9) At a minimum, the PUD Zoning Agreement shall require the following public benefits:

- (a) The offset of biological and ecological impacts of new development through low impact development and environmentally beneficial practices including community farming, water and energy conservation techniques and innovative stormwater management systems that restore and enhance native habitat.
- (b) Enhanced water quality above the minimum requirements established in the Martin County Land Development Regulations through retention, detention and on-site irrigation prior to discharge into receiving waters and ultimately discharging into the St. Lucie River, the Loxahatchee River or the Indian River Lagoon.
- (c) Protection and management of natural lands in perpetuity over and above minimum wetland and upland preserve area and open space requirements. The PUD Zoning Agreement shall require the perpetual management and/or maintenance of off-site lands encumbered by an agricultural or conservation easement and establish a funding mechanism for the required management and/or maintenance.
- (d) Compatibility with adjacent agricultural uses and surrounding rural development through site design and location of open space.
- (e) Foster healthy lifestyles by creating an interconnected trail system providing access to managed natural areas, open space, parks and civic spaces.
- (f) Minimize greenhouse gas emissions and vehicle miles traveled by providing a mix of transportation alternatives including multi-modal paths, alternative powertrain vehicles and equipment, on-site charging stations, etc.

Staff analysis: The Department of Economic Opportunity provided a technical assistance comment on the maximum intensity within the Rural Lifestyle future land use designation. In response, staff recommends the highlighted text in subsection (g).

- (g) Provide for self-supporting project elements such as first-aid, private security, recreation amenities, community store and/or land use restrictions to reduce traffic impact and dependence on the lands within the urban service districts. **A community store shall be restricted to utilization by only the residents, guests and employees of the PUD and shall not exceed 6,000 square feet.**
- (h) Provide private or public recreation uses and events that support or complement sustainable rural or agricultural lifestyles and local charities or that provide direct environmental benefit, employment or economic opportunities.

Staff Analysis. Goal 4.7 describes Martin County's desire to regulate urban sprawl by directing higher densities to the urban service districts. Objective 4.7A., and supporting policies, describes how the highest densities and intensities are intended for the Primary Urban Service District. Objective 4.7B., describes how densities of one unit per acre and one unit per two acres are intended for the Secondary Urban Service District. The Agricultural future land use designation permits one unit per 20 acres and the Agricultural Ranchette future land use designation permits one unit per 5 acres. Neither of these densities are intended for the Primary or Secondary Urban Service Districts. The existing text of Policy 4.7A.5. is amended to recognize the existing future land use designations with densities lower than those densities found in the urban service districts. The change to Small scale service establishments provides a clarifying reference to an existing future land use designation, Rural Services Node, Policy 4.13A.8 (5).

Policy 4.7A.5. Development options outside urban service districts. Martin County shall provide reasonable and equitable options for development outside the urban service districts, including all uses permitted in the following future land use designations:

(1) Agricultural. agriculture; and

(2) Agricultural Ranchette.

(3) Rural Lifestyle.

(4) Small-scale service establishments necessary to support rural and agricultural uses (as described in the Rural Services Node future land use designation). A small-scale service establishment shall be defined as a small, compact, low intensity development within a rural area containing uses and activities which are supportive of, and have a functional relationship with the social, economic and institutional needs of the surrounding rural areas.

Staff analysis of Policy 4.1D.7. The following is an existing policy regarding active residential development tracking. The applicant proposed a change to subsection (4)(f) adding the Rural Lifestyle future land use designation to the other designations permitting residential units outside the urban service districts, Agricultural and Agricultural Ranchette. The proposed text is necessary for internal consistency.

Policy 4.1D.7. Active residential development tracking system. Martin County will implement and maintain an active residential tracking system for all residential development approvals. By limiting approvals within the first five-year period of the 15-year planning period to 125% of the housing demand for that five-year period, the County can maintain a fiscally feasible and cost-effective concurrency management system. The same 15-year planning period used for residential capacity planning shall be used. The 15-year planning period for residential capacity began with the 2010 Census and shall be updated to a new 15-year planning period every 5 years. Implementation of the Active residential development tracking system shall begin within 12 months of the date this text becomes effective.

(1) In the fourth year of the five year planning period, Martin County shall begin preparing the update to the residential capacity analysis described in Policies 4.1D.5 and 6. Demand calculations must be available for the following five year period before a given five year period expires.

(2) The County shall:

(a) Remove all projects that have breached or exceeded their timetables.

(b) Ensure for the current five-year period that the active development pool does not exceed 125% of the five-year residential demand.

(3) Ten percent of the available residential units shall be set aside for small residential developments. Small residential developments are defined as projects that contain 25 units or fewer. If the set aside units for each five-year planning period are not allocated by the third year of that planning period, the set aside units shall be available for allocation to large residential developments.

(4) Residential development approved under the active residential development process must meet locational suitability requirements including:

- (a) Locating within the primary or secondary urban service district.
- (b) Consistency with the CIE.
- (c) Protection of natural resources.
- (d) Adequate provision of facilities and services at adopted levels of service standards; and
- (e) Consistency with all goals, objectives and policies of this Plan and the requirements of chapter 1.
- (f) Proposed residential development that encroaches into active agricultural lands shall not be permitted unless the proposed project's density is permissible within the Rural Lifestyle land use designation (up to one unit per five acres) or under an agricultural use designation (minimum five acre lots in Agricultural Ranchette and twenty acre lots in the Agricultural future land use). Active agricultural land is defined as land currently receiving an Agricultural Classification from the Martin County Property Appraiser.
- (g) This criterion does not prevent the Board of County Commissioners from approving a residential development on land with an agricultural classification in place provided the exemption is removed after approval of a final development order. This policy only applies to the land area subject to the final development order. Any land area that is found by the Board of County Commissioners to maintain the agricultural classification for ad valorem tax purposes after approval of a final development order shall be found in violation of the final development order and be subject to breach proceedings.

2. EXAMPLES

During the Board of County Commissioners meeting scenarios like the following were discussed.

1. An application is made to change 1,000 acres from Agricultural (permitting a maximum of one unit per 20 acres) to the Rural Lifestyle future land use designation. The applicant seeks a maximum of 50 residential units (one unit per 20 acres).
 - A minimum of 70 percent open space is required within the 1,000 acres and no open space outside of the Rural Lifestyle future land use designation is required.
 - No agricultural or conservation easements are necessary.
 - Golf cottages are permitted as described in the text and are an accessory to a golf club and are not considered residential units.
 - Dormitory housing is permitted as described in the proposed Plan text. However, 12 dormitory beds will reduce the number of potential residential units to 48.
2. An application is made to change 1,000 acres from Agricultural (permitting a maximum of one unit per 20 acres) to the Rural Lifestyle future land use designation. The applicant seeks a maximum of 55 residential units (one unit per 18 acres).

- A minimum of 70 percent open space is required within the 1,000 acres and a minimum 500 acres of open space outside of the Rural Lifestyle future land use designation shall be required.
 - A perpetual agricultural or conservation easement shall be required on the minimum 500 acres of open space outside the Rural Lifestyle future land use designation.
 - Golf cottages are permitted as described in the text and are an accessory to a golf club and are not considered residential units.
 - Dormitory housing is permitted as described in the text. However, 12 dormitory beds will reduce the number of potential residential units to 53.
3. An application is made to change 1,000 acres from Agricultural (permitting a maximum of one unit per 20 acres) to the Rural Lifestyle future land use designation. The applicant seeks a maximum of 200 residential units (one unit per 5 acres).
- A minimum of 70 percent open space is required within the 1,000 acres and a minimum 500 acres of open space outside of the Rural Lifestyle future land use designation shall be required.
 - A perpetual agricultural or conservation easement shall be required on the minimum 500 acres of open space outside the Rural Lifestyle future land use designation.
 - Golf cottages are permitted as described in the text and are an accessory to a golf club and are not considered residential units.
 - Dormitory housing is permitted as described in the text. However, 12 dormitory beds will reduce the number of potential residential units to 198.

3. DATA AND ANALYSIS

- Excerpts from two studies conducted by the Board of County Commissioners in 2002 and in 2006.
- Economic and Fiscal Impact Analysis. Prepared by GAI Consultants, Inc. for Becker B-14 Grove, LTD. Staff and Metro Forecasting Models have reviewed the document and find no objections to the analysis.
- The applicant has also provided excerpts from Chapter 4.7 and Chapter 4.12 of a 2009 American Planning Association publication. Smart Codes: Model Land-Development Regulations, Marya Morris, General Editor, Planning Advisory Service Report No. 556.

In 2002, Martin County contracted with EDAW to conduct a Rural and Agricultural Lands Study. First goal: conduct a parcel-based review of all lands outside the Primary Urban Service District. Second Goal: provide a list and analysis of new methods of protecting agriculture and environmentally sensitive lands that have come about since the Comprehensive Plan was first adopted in 1982. Attached to this supplemental memorandum is Task 4 providing a list of conservation methods. Portions of method No. 3. cluster zoning/conservation subdivision and No.

4 agricultural conservation easements are a comparable to the proposed text amendment CPA 21-08.

In 2005, Martin County contracted with another respected planning firm, Glatting Jackson, to conduct a Development Patterns Study of Martin County. It included an enhanced public participation component that provided community workshops and Resource Advisory Panel meetings that were taped by MCTV and broadcast on Chanel 20. Attached to this supplemental memorandum is the Executive Summary of Findings and Recommendations. The study was concluded with a presentation to the Board of County Commissioners on February 20, 2007. At that meeting the Board deferred action on the recommendations of the study until after a pending Plan amendment application was completed.

The pending Plan amendments (discussed on February 20, 2007) were CPA 07-12 Atlantic Ridge Preserve (a Future Land Use Map Amendment) and CPA 07-13 Atlantic Ridge Preserve text. Neither amendment was never adopted.

The 2002 and 2005 studies conducted by Martin County provide documentation the conservation methods proposed in CPA 21-09 Becker B14 are comparable to methods of preserving agricultural land recommended by professional planning firms, used in other communities around the United States and considered by Martin County over the past 20 years.

The Economic and Fiscal Analysis prepared by GAI Consultants, Inc. is only an example of the type of analysis required by the proposed text amendment. If the proposed future land use designation Rural Lifestyle is adopted the full public hearing process (for a Future Land Use Map Amendment) must be followed to assign the Rural Lifestyle designation on each property where it is proposed. Following the assignment of the Rural Lifestyle future land use designation to a site, a full Public Hearing process (before the Local Planning Agency and the Board of County Commissioners) must occur for a Planned Unit Development on said site. Rural Lifestyle Plan text being considered requires a PUD application contain an Economic and Fiscal analysis like the one attached.

Based in Chicago IL, The American Planning Association (APA) is the largest membership organization of professional planners. It provides, research, numerous publications, training for planners and a certification program called the American Institute of Certified Planners (AICP). The applicant has provided excerpts from a 2009 APA publication providing Model Land Development Regulations that communities around the nation may reference and utilize. The attached excerpt of Chapter 4.7 identifies the benefits of clustering of residential development. However, the density of residential units permitted in the Rural Lifestyle future land use designation does not permit urban densities of residential development.

4. CONCLUSION

The proposed future land use designation has a maximum density comparable to other designations permitted outside the urban service districts while providing an opportunity to preserve open space in perpetuity. Unlike Agricultural and Agricultural Ranchette designations, it permits expensive recreational amenities that must be supported by a small number of residents/investors. This development pattern has the potential to more than pay for itself and yet be self-limiting by the number of people that can support the cost.

5. FIGURES/ATTACHMENTS

Attachments: Application materials

Rural Ag_Task 4 from 2002 EDAW study

Development Patterns Study – Executive Summary of Findings and Recommendations, 2007

Economic and Fiscal Analysis by GAI Consultants, Inc.

Excerpts from Model Land Development Regulations, American Planning Association Planning Advisory Service Report No. 556, 2009

Draft Ordinance for the proposed text amendment

Public Comment for both CPA 21-08 Becker B14 Text and CPA 21-09 Becker B14

DRAFT