



MARTIN COUNTY, FLORIDA

Comprehensive Planning Division

Martin County's Community Redevelopment Areas and Comprehensive Growth Management Plan Goals, Policies and Objectives

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A. Introduction

During its consideration of proposed amendments to Article 3, Division 6, Section 3.262., Port Salerno Redevelopment Overlay District, on November 28, 2017, the Board of County Commissioners directed staff to prepare an agenda item addressing the role of the Martin County Comprehensive Growth Management Plan in the County's Community Redevelopment Areas for the the December 12, 2017 Board meeting.

Martin County has three primary tools available to it to encourage investment and infill development in the seven Community Redevelopment Areas: (1) the Land Development Regulations; (2) the Comprehensive Growth Management Plan; and (3) installation of water, wastewater and stormwater infrastructure.

While staff believes the "Glitch Bill" work is essential, several caveats are appropriate. First, no code is perfect and the proposed amendments contained in the "Glitch Bill" do not resolve all issues evident in the code. Staff anticipates additional amendments will be brought forward as each Community Redevelopment Area reviews and updates its Redevelopment Plan and as the community has time to more thoroughly vet some of the additional issues. The work on the "glitch bill" amendments to the LDRs will be completed by the end of next summer.

Investment in basic urban infrastructure, such as drinking water distribution lines, public wastewater collection lines, and stormwater collection and treatment is needed. The cost of planning and installing public utility lines is too great to be absorbed by smaller-scale, in-fill development projects and the opportunity costs are perceived to be too great for any one individual or a small group of individuals to devote the time and effort necessary to organize the community to petition for the County to install the lines and assess the property owners. Also, the amount of land required to provide necessary stormwater detention and treatment is excessive for small scale-infill development, and the expense of more sophisticated underground collection and treatment is considered too high to be

absorbed by a small project. Community stormwater collection, detention and treatment solutions are needed and could be designed to also provide needed community open-space.

Included with this agenda item are this staff report, a document entitled “CGMP Policies that Reference the Community Redevelopment Areas,” a document entitled “MC CGMP reference to Impact Fees in Goals, Objectives and Policies,” and public comment received.

The CGMP Objectives and Policies intended to encourage investment and redevelopment in the CRAs are primarily found in Chapter 4, Future Land Use, specifically Goal 4.2 and Goal 4.3. Goal 4.2 and Goal 4.3 are found on pages 4 and 5 in *CGMP Policies that reference the Community Redevelopment Areas* (a document initially prepared for the Community Redevelopment Agency in June 2017 which is included with this agenda item).

Some CGMP policies, while intended to achieve laudable county-wide goals and objectives, when implemented within the CRAs may make it more difficult to achieve the vision of the CRAs—economically and socially vibrant, compact, mixed-use town centers surrounded by sustainable, pleasant, compact, walkable, residential neighborhoods. Some Comprehensive Plan policies may be based on a more suburban, automobile-dependent development pattern where different uses are strictly separated. Some of the policies that may make realization of the full potential of the CRAs less likely are briefly explored in this memo.

This is an opportune time to consider these issues. The Community Redevelopment Agency is finalizing revisions to the Martin County Community Redevelopment Plan, which was adopted in 2001. That work will be followed by updates to each of the individual redevelopment plans for each community redevelopment area, guided by the principles established in the County plan. Perhaps more importantly, Martin County is moving forward with a septic-to-sewer program with emphasis on the older neighborhoods within the CRAs. Finally, staff is engaged with the Neighborhood Advisory Committees to complete the glitch bills. The work on the Redevelopment Plans, the careful review and calibration of some Comprehensive Plan policies, and the update of the codes will help the CRA attract the private investment that can help facilitate the septic-to-sewer conversion.

1. The design of the Mixed-Use Future Land Use Overlay.

The Mixed-Use Future Land Use Overlay provides benefits only to mixed-use development projects. For single-use projects, the policies and standards of the underlying future land use designation remain in place.

Mixed-Use development within a Mixed-Use Future Land Use Overlay is permitted to have 80% lot coverage and is required to provide only 20% open space, the same standard that applies to the General Commercial Future Land Use. Unlike the General Commercial FLU, in mixed-use projects in a CRA, impervious areas may be credited toward the required open space if designated as community gathering spaces such as plazas, esplanades, or covered gathering spaces. Finally, mixed-use projects,

in a mixed-use overlay, may satisfy the 20% open space requirement by providing the equivalent in cash or land in another part of the CRA.

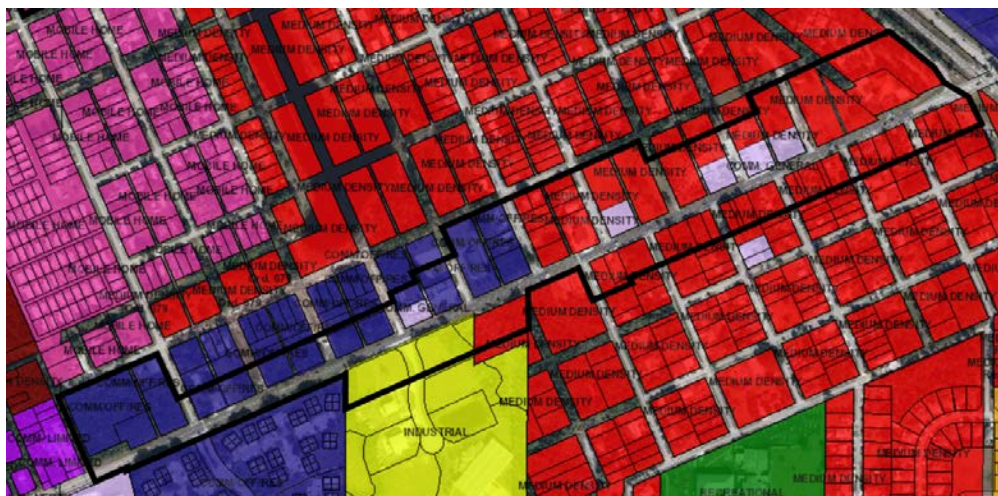
For single-use development in the Mixed-Use Overlays, CGMP policies regarding permitted uses and development standards such as minimum lot area, minimum open space, maximum building coverage and maximum building height remain in effect. While these neighborhoods were identified as “in need of redevelopment,” there are no incentives for single-use investment.

For example, within the 15-acre Salerno Road Mixed-Use Future Land Use Overlay, a small scale commercial use such as a barber shop, coffee shop, or insurance brokers office is limited to just 0.8 acres (lilac). The remaining 14+ acres has a residential or mobile home future land use and commercial uses are not allowed.

Figure 1. Salerno Road CRA Zoning and Mixed-Use Future Land Use Overlay



Figure 2. Cove Road CRA Zoning and Mixed-Use Future Land Use Overlay



In the Cove Road Zoning and Mixed-Use Overlay, within the Medium Density Future Land Use (red) a small 4-unit or 6-unit apartment house would be required to provide 50% open space, the same minimum amount of open space required in residential developments throughout Martin County. Requiring residential development located within a CRA Zoning and Mixed Use Future Land Use Overlay to provide the same percentage of open space as the outlying residential neighborhoods is an obstacle to creating compact, walkable town centers.

Additionally, residential development that is a component of a mixed-use project in the Mixed-Use Future Land Use Overlay is permitted up to 15 dwelling units per acre, but a single-use residential project located in the Medium Density Future Land Use is limited to 8 dwelling units per acre, unless affordable housing is provided, in which case, the maximum possible density increases to 10 dwelling units per acre.

Table 1. CGMP Development Standards by Future Land Use Designation

Future Land Use Designation	Minimum Lot Area	Minimum Open Space	Maximum Building Coverage	Maximum Building Height
Estate Density, Low Density, Medium Density, High Density	Varies, depending on zoning district	50%	N/A	40 ft./ 4 stories (per CGMP;
Commercial Office/Residential	10,000	40%	40%	30 ft.
Limited Commercial	10,000	30%	50%	30 ft.
Waterfront Commercial	10,000	30%	50%	water related- 30 ft.; water dependent- 40 ft.
General Commercial	10,000	20%	60%	40 feet/ 4 stories
Mixed-Use project in a Mixed-Use Overlay	none	20%	80%	35 feet/ 3 stories

Source: CGMP Policies 4.3, 4.13A.7, and 4.13A.8

It may be worth exploring whether the CRA Mixed-Use Future Land Use Overlays can be re-calibrated to function like the CRA Zoning Overlays in that they supersede the underlying future land use. A mix of uses would be permitted anywhere in the Overlay, subject to careful design and performance standards. If the Mixed-Use Future Land Use Overlays functioned like the CRA Zoning Overlays, a mix of uses could develop naturally, incrementally, over time.

2. Mixed-Use Development Projects versus a Mixed-use Neighborhood.

As described in the first section, the CGMP policies designed to encourage the development of walkable, compact, mixed-use neighborhoods are available only to mixed-use projects, not to all development within the Mixed-Use Future Land Use Overlays. Whereas, CGMP Objective 4.3A. is to “encourage, but not mandate, mixed uses in designated CRAs,” CGMP Policies 4.3A.3., 4.3A.4., 4.3A.9., 4.3A.10. are limited to mixed-use *projects*. The vision for the CRA Mixed-Use Overlays is a vibrant, walkable neighborhood. Vibrant, walkable neighborhoods do not require every project to be mixed-use. Staff recalls that the original draft of these policies was not limited in this fashion. By limiting the regulatory incentives to mixed-use projects, one practical effect is that smaller-scale developers with access to smaller amounts of capital are less able to participate.

3. Density Transition

The County’s density transition policies are designed to protect existing residential neighborhoods from residential development with excessive density and intensity on adjacent land. However, in the CRAs, the goal of compact, walkable, traditional neighborhood development in some cases requires increased density and intensity. It may be possible to accommodate this policy on large tracts of land, but within the CRAs, most of the remaining undeveloped parcels are small. It is nearly impossible to comply with the density transition policy and provide any increase in density or intensity on the land. Compliance with this policy drives fundamental planning determinations. Sometimes a plan designed to comply with density transition is less advantageous to the community overall.

Policy 2.1A.3 reads, in relevant part, as follows:

In areas of residential development, project design shall ensure that comparable density and dwelling unit types are planned for the area of the project abutting existing residential development. For purposes of this policy, abutting property is the same as "adjacent," "immediately adjacent" or "adjoining" property and shall refer to property with a shared property line or to properties separated only by right of ways or easements. Properties separated by an existing road with a minimum 30 foot right of way shall not be considered abutting.

- (1) Projects directly adjacent to lands used or designated for higher density may be given maximum density.
- (2) Projects immediately adjacent to lands used or designated for lower density use should be given less than maximum density and shall provide for reduced density next to the existing lower density residential area.
- (3) Within the urban service districts where lot sizes in the existing residential development are two acres or less and density is more than 1 unit per 2 acres, the following shall apply: For projects abutting a residential development of lesser density, a density transition zone of comparable density and compatible dwelling unit types, shall be established in the new project for a depth from the shared property line that is equivalent to the depth of the first tier of the adjoining development's lower density. (Ex. - the depth of the first block of single family lots.) . . .

Policy 2.1A.3, is virtually identical to Policy 4.1F.1, F.2. and F.3, which read as follows:

Policy 4.1F.1. Projects directly adjacent to lands used or designated for higher intensity use may be given maximum density.

Policy 4.1F.2. Projects immediately adjacent to lands used or designated for lower density use should be given less than maximum density.

- (1) In all such cases the project with higher density shall provide for reduced density next to the existing lower density residential area.
- (2) Within the urban service districts where lot sizes in the existing residential development are two acres or less and density is more than 1 unit per 2 acres, the following shall apply:

For the residential portion of said project abutting the existing development or area of lesser density, a density transition zone of comparable density and compatible dwelling unit types shall be established in the new project for a depth from the shared property line that is equivalent to the depth of the first tier of the adjoining development's lower density (i.e., the depth of the first block of single-family lots).

Policy 4.1F.3. The following criteria shall be met when applying Policy 4.1F.2.

- (1) For purposes of this policy, abutting property is the same as "adjacent" or "adjoining" or "immediately adjacent" property and shall refer to property with a shared property line regardless of easements on the abutting properties. Properties separated by an existing road with a minimum 30 foot right of way shall not be considered abutting.

- (2) Lands outside the urban service district, agricultural property and residential lots 2 acres or larger shall be protected by buffers and by 4.1F.2. but the tiering Policy in 4.1F.2. (2) shall not apply. . . .

This policy applies regardless of the underlying future land use designation and zoning. Because one goal of the CRAs is to increase density, while also creating a highly desirable streetscape, it may be advisable to consider the suitability of the density transition policy within the Community Redevelopment Areas and whether other ways to protect the quality of existing residential development may be more appropriate and effective. Existing Policies in Chapter 6, the Housing Element, suggest some other methods that can protect existing neighborhoods:

Policy 6.1B.3. Protection of existing neighborhoods. The County shall promote the use of innovative site planning, landscaping, and other buffering devices to protect existing neighborhoods. Housing needs shall be satisfied by encouraging preservation of the existing housing stock and by revitalizing declining neighborhoods through measures such as rehabilitation, public investments in infrastructure, and fair and equitable development regulations.

Policy 6.1B.5. Buffering existing neighborhoods. Where intensity transition areas cannot be physically accommodated, the County shall investigate performance zoning concepts that provide a physical buffer or a combination of use separation and landscape planting. Buffering between land uses may take the form of:

- (1) Physical barriers, such as berms, hedges or other landscape cover; walls or fences aesthetically designed for screening purposes; or indigenous densely vegetated open space.
- (2) A transitional use between the incompatible uses providing for low intensity office development or live-work units separating retail commercial centers and residential developments.
- (3) Buffers for mixed use within community redevelopment areas as set forth in the Future Land Use Element of the CGMP.

4. Upland Preservation Requirements

Pursuant to Policy 9.1G.5., all development must preserve least 25 percent of the existing upland native habitat on the site. Additionally, it is the best habitat that must be preserved. Implementation of this policy has created obstacles to the street and pedestrian interconnectivity desired in the CRAs. Policy 9.1G.9, allows mixed-use projects in the Mixed-Use Overlay, to pay cash in lieu of preserving on-site habitat.

For the Hobe Sound CRA, the recent purchase by the County of the Hamm parcel provides an ideal opportunity to implement the transfer of small upland habitat preservation requirements to a sustainable community-scale Preserve Area.

However, as described in the first section, the transfer option is not available to single use projects. Additionally, the off-site location of the substitute preserve area must be located within the CRA. For some CRAs, that may be an impossible parameter to meet. Finally, 25% of the upland native habitat on an in-fill parcel may be so small that it may constitute native upland habitat in name more than in function. This reality was acknowledged by the Board with the adoption of Resolutions 17-3.25 and Resolution 17-3.26 in March 2017, providing different ongoing management requirements for previously established upland preserve areas not meeting current locational and width requirements.

Exploration regarding why and how upland habitat preservation can be achieved within Zoning and Mixed Use Overlays within the CRAs, or within the CRAs generally, may lead to more efficient and effective policies.

5. Impact fees

Impact fees are a cornerstone of the County's commitment to ensure that development pays for itself and that existing residents and businesses are not burdened with additional costs created by new development. Impact fees are defined on the County website as "a charge on new development to pay for the construction or expansion of off-site capital improvements (roads, public buildings, etc.) that are necessitated by and benefit the new development." Impact fees are referenced in no fewer than fourteen Comprehensive Plan policies. (See, "Impact Fees in the Comprehensive Growth Management Plan" included in this agenda item. Nonetheless, impact fees can be a sizable expense (\$13,677 for a single-family dwelling ranging from 1,101 square feet to 2,300 square feet) and when applied to a redevelopment project that changes one use to another can stifle an otherwise desirable change of use in an existing building in the CRAs or can come as a surprise to the developer.

Martin County has received comments from the Florida Department of Transportation to the proposed Evaluation and Appraisal Report-based Comprehensive Plan Amendments. FDOT said this with regard to impact fees:

"The County should consider adding policies under Objective 4.2A, Objective 4.2C, and Objective 4.3A to provide a reduction in impact fees or local access fees to promote redevelopment within community redevelopment areas and brownfields, consistent with Section 163.3180(5)(f), F.S."

An Interlocal Agreement between the County and the City of Stuart provides discounted County impact fees for some County services and reductions on County

impact fees charged within the City of Stuart's Community Redevelopment Area. The County has also adopted policies that allow the payment of impact fees to be deferred for affordable housing units.

Because the impact fees for roads are the largest single impact fee, because a goal of the CRAs is to create compact, walkable communities, and because redevelopment of existing structures in the CRAs would benefit the County fiscally by creating higher taxable value in an already developed area, it may be appropriate to explore whether a reduction in impact fees might be appropriate for development within the CRAs.

6. Shoreline protection

Six of Martin County's seven CRAs are waterfront communities. Hobe Sound, Jensen Beach, Port Salerno, Rio and Old Palm City are located on the much cherished waterways of Martin County—the Indian River Lagoon or the St. Lucie River. Indiantown has 3 miles of frontage on the Okeechobee Waterway. Only Golden Gate is landlocked (even it has a small shoreline on West Lake.) While the waterfronts in Hobe Sound, Rio, and Old Palm City are largely residential, some access is provided via public parks. In Jensen Beach and Port Salerno access to the waterfront is a major attraction to visitors and investors, as well as to residents and business-owners. The waterfront is an essential component of the communities' history and character. Many people do not own boats and their access to the water may be limited to eating at a restaurant with a scenic water view or strolling along public walkways.

The seventy-five foot shoreline protection zone for any new development, established by CGMP Policy 2.2C.9., will make it more difficult to redevelopment some in-fill lots with hardened shorelines, in the CRAs. The exceptions to the 75-ft. shoreline protection zone are for lots of one-acre or less, existing as of April 1, 1982, the SPZ is reduced to 25 feet. Existing structures can be replaced, notwithstanding the SPZ. Non-residential lots of more than one acre are subject to a 50-ft. SPZ. There are exceptions for development such as boat ramps, docks and elevated walkways. There are no exceptions for waterfront restaurants in a CRA.

Two parcels of vacant land in the Port Salerno CRA, affected by the 75-foot SPZ, are illustrated here:



The location of the planned Rio Town Center, in the Rio CRA, which could not have been approved if a then available exception to the 75-foot SPZ was not available. That exception is no longer available.



7. Article 10 Development Review

There is no exception to full compliance with Article 10 Development Review for small commercial or mixed-use developments. Redevelopment can occur pursuant to a building permit, rather than an Article 10 Development Review, only if the new use will not increase the impact on public facilities or generate more than 5% additional vehicle trips or 15 peak hour trips. This exception to Art. 10 Development Review is not available if the building has been unoccupied for 2 years.

It might be worthwhile to explore how commercial or mixed-use projects, up to a certain specified size, located on platted lots of record, might proceed pursuant to a building permit while at the same sufficiently protecting the public interest in adequate stormwater and other necessary infrastructure. The requirement for Article 10 site plan review adds tens of thousands of dollars and months of review to the cost of a project and renders some small scale projects infeasible.

8. Urban Infrastructure

Significant Tax Increment Financing, along with other County funds and Community Development Block Grant funds, have provided for installation of basic infrastructure within the CRAs, including regional stormwater plans and projects, installation of wastewater infrastructure including lift stations, main transmission lines and collection lines. However, available TIF revenue falls far short of the investment needed to provide regional water, wastewater treatment and stormwater systems. Two CRAs—Hobe Sound and Indiantown—are not located within the Martin County Utility Service District.

The 2018 County CIP identifies millions of dollars planned to be invested in “neighborhood restoration” within CRA neighborhoods along with septic-to-sewer conversion. However, currently, septic-to-sewer conversion for only the Golden Gate and Old Palm City CRAs is proposed within the timeframe to appear on the County CIP.

Continued exploration of the plans, timetables, and financing for installation of regional water lines and wastewater lines is needed.