

## Proposed Amendment to the Land Development Regulations

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**APPLICANT:** Robert S. Raynes, Jr  
Gunster Law Firm

**REPRESENTED BY:** Robert S. Raynes, Jr  
Gunster Law Firm

**DATE:** Report Issued on January 21, 2020

**PLANNER:** Maria Jose, M.S

<b><u>PUBLIC HEARING</u></b>	<b><u>Date</u></b>	<b><u>Action</u></b>
Local Planning Agency:	3/5/2020	LPA voted 5-0 recommending approval
BCC Adoption:	4/21/2020	

**APPLICANT REQUEST:** The proposed text amendment is to the Land Development Regulations (LDR), Table 3.12.1, of Article 3. The amendment proposes to increase the maximum height allowed in the Limited Industrial (LI) zoning district from 30 feet to 40 feet by amending Table 3.12.1 and adding a footnote. On February 24, 2020, the applicant submitted a supplemental to request an additional change to Table 3.12.1, regarding maximum hotel density. Please see the proposed text amendment, shown below as underlined text.

TABLE 3.12.1 DEVELOPMENT STANDARDS

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	LI-1	—	—	—	—	—	—	—	—
A	LI	15,000	100	—	<u>20</u>	50	<del>30</del> <u>40 (l)</u>	20	—
A	GI	30,000	125	—	—	50	40	20	—
A	HI	1 ac.	125	—	—	60	40	20	—

(l) In the LI zoning district, the maximum building height shall be 40 feet for permitted uses listed as Commercial and Business Uses, pursuant to Table 3.11.2. The maximum building height shall be 30 feet for permitted uses listed as Industrial Uses, pursuant to Table 3.11.2.

**STAFF RECOMMENDATION:**

Staff does not recommend approval of the text amendment, as proposed by the applicant. Should the Board wish to consider the applicant request, staff proposes an alternative text amendment that may be considered.

**EXECUTIVE SUMMARY:**

Initially, the applicant proposed the text amendment to increase the maximum height allowed within the LI zoning district from 30 feet to 40 feet without the additional foot note. However, as discussed in the following analysis, Policy 4.13A.10 Comprehensive Growth Management Plan, Martin County, Fla (2018) establishes different building heights and other development standards for Limited Impact Industries and Extensive Impact Industries in the Industrial future land use designation. The Comprehensive Growth Management Plan (CGMP) allows Limited Impact Industries only 30 feet in height. It does not discuss development standards for Commercial uses or other use categories that are also allowed in the Industrial future land use designation. The applicant later supplemented the application materials with a footnote.

**ANALYSIS OF THE PROPOSED AMENDMENT TO THE LI, LIMITED INDUSTRIAL ZONING DISTRICT:**

The proposed change to Table 3.12.1 replaces 30-feet with a 40-feet and appears to allow all development in the LI zoning district a 40-foot building height. The proposed footnote only restricts Industrial uses to 30 feet. All other permitted uses in the LI zoning district appear to be allowed 40 feet. Staff does not recommend approval of the text, as proposed.

Should the Board wish to consider the applicant request, staff recommends retaining the 30-foot maximum building height in Table 3.12.1. and creating a footnote that provides an exception for commercial uses from the Commercial and Business Use category of the permitted use table. This minimizes possible confusion about other permitted uses.

Staff does recommend approval of the applicant's request regarding maximum hotel density. Even though the LI district allows "Hotels, motels, resorts and spas" as a permitted use, the maximum hotel density is left blank for the LI column in Table 3.12.1. Other zoning districts that are similar to LI in intensity allow hotels to be built at 20 units per acre. For example, COR-2, LC, GC, CC, WRC, WGC are all zoning districts that are listed in Table 3.12.1 as having a maximum hotel density of 20 upa. Please see the attached Permitted Uses Schedule excerpt. Also please see the attached Zoning Districts and Height Standards, which is an excerpt of Table 3.12.1 that shows the maximum hotel density of various zoning districts. Currently the maximum hotel density for LI zoning district is left blank which may cause confusion. Therefore, staff recommends the applicant's request to revise Table 3.12.1 to show that LI district allows a maximum hotel density of 20 units per acre. During the LPA public hearing on March 5, 2020, the LPA recommended approval of staff's proposal but also recommended that Table 3.12.1 should be amended to show that the General Industrial (GI) zoning district allows a maximum hotel density of 20 units per acre as well. GI allows "Hotels, motels, resorts and spas" as a permitted use, just as LI does. Staff concurs with this suggestion.

Staff also recommends changing the Maximum Building Coverage in the LI zoning district from 50 percent to 40 percent. Allowing 50 percent building coverage in the LI zoning district is inconsistent with the CGMP. This change was not proposed by the applicant. Staff identified this inconsistency between the LDR and the CGMP as part of this review. The staff recommendation is shown below.

TABLE 3.12.1 DEVELOPMENT STANDARDS

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	LI-1	—	—	—	—	—	—	—	—
A	LI	15,000	100	—	<u>20</u>	<del>50</del> <u>40</u>	30 <u>(1)</u>	20	—
A	GI	30,000	125	—	<u>20</u>	50	40	20	—
A	HI	1 ac.	125	—	—	60	40	20	—

(1) The maximum building height shall be 40 feet for all Commercial and Business Uses permitted in the LI zoning district as set forth in Table 3.11.2.

Table 3.11.2 lists all permitted uses for Category “A” nonresidential zoning districts. The full text of Table 3.11.2 is attached to this report. Permitted uses in Table 3.11.2 are organized into the following use categories:

*Residential Uses*

*Agricultural Uses*

*Public and Institutional Uses*

*Commercial and Business Uses*

*Transportation, Communication and Utility Uses*

*Industrial Uses*

*Life Science, Technology and Research (LSTAR) Uses*

*Targeted Industries Business (TIB) Uses*

Only the Commercial and Business Uses allowed in the LI zoning district (and listed in Table 3.11.2) would be allowed a 40-foot building height. All other uses would be limited to 30 feet of building height.

## ANALYSIS

The balance of this staff report will consider the consistency of the proposed changes to Table 3.12.1 of the LDR with the CGMP. Please see the excerpt from Policy 4.13A.10. of the Comprehensive Growth Management Plan (CGMP) for the distinction between Limited Impact and Extensive Impact Industries.

*“Policy 4.13A.10. Industrial development. The FLUM allocates land resources for existing and anticipated future industrial development needs. The allocation process gives high priority to industry's need for lands accessible to rail facilities, major arterials or interchanges, labor markets and the services of the Primary Urban Service District (Figure 4-2). Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly*

and manufacturing. Extensive Impact Industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports.

Private development of airport property shall be subject to an Airport Zoning District or Planned Unit Development (Airport) Zoning District, when such a district is adopted to implement this policy.

The locational criteria require that all development in areas designated Industrial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system, as described in the Sanitary Sewer Services Element and the Potable Water Services Element. Areas of the County where freestanding urban services (i.e., regional utility system) can be provided by a group of industrial users may be considered as independent or freestanding urban service districts. They may be illustrated as such on Figure 4-2 in conjunction with formal amendments to the FLUM as provided in section 1.11, Amendment Procedures. All such freestanding urban service districts must comply with the adopted LOS standards in this Plan and the Capital Improvements Element.

The Seven Js Industrial Area (which covers the same area as the plat of Seven Js Subdivision, recorded in Plat Book 15, Page 97 of the Public Records of Martin County, Florida) is hereby established as a Freestanding Urban Service District. Any package wastewater treatment plants constructed in it shall be fully funded and maintained by the landowner.

The AgTEC future land use category is hereby established as a Freestanding Urban Service District.

Industrially designated areas are not generally adaptive to residential use, and they shall not be located in areas designated for residential development unless planned for a mixed-use development allowed under Goal 4.3 or in a large-scale PUD.

This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Such a use may be permitted through the Land Development Regulations.

Based on the extensive impacts that industrial development frequently generates, industrial development shall be encouraged to develop under provisions of a PUD zoning district to give the applicant maximum design flexibility and to avoid major unanticipated adverse impacts.

The Land Development Regulations shall be amended to include performance standards for regulating the nuisance impacts sometimes associated with intense commercial and industrial development. Sites acceptable for development by limited impact industries shall contain a minimum of 15,000 square feet, maximum building coverage of 40 percent and maximum building height of 30 feet. Sites better suited for development by extensive impact industries shall have a minimum lot size of 30,000 square feet, maximum building coverage of 50 percent and maximum building height of 40 feet. Minimum open space for either use shall be 20 percent. The FAR shall be governed by the parking standards of the Land Development Regulations. Salvage yards shall be considered an industrial use due to the potential intensity and nature of the use, acreage requirements, aesthetic impact and associated heavy truck traffic.

Residential use shall be permitted in the Industrial future land use designation as part of a mixed-use project, in a Mixed Use Overlay, as allowed under Goal 4.3 in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided for in Policy 4.3A.2.”

### **Analysis of Industrial future land use designation**

The Industrial future land use designation restricts height, building coverage and permits smaller lot sizes according to the type of industrial development proposed. The following is an excerpt from Policy 4.13A.10., CGMP:

“Sites acceptable for development by limited impact industries shall contain a minimum of 15,000 square feet, maximum building coverage of 40 percent and maximum building height of 30 feet. Sites better suited for development by extensive impact industries shall have a minimum lot size of 30,000 square feet, maximum building coverage of 50 percent and maximum building height of 40 feet.”

The different development standards for Limited Impact Industries and Extensive Impact industries may be so that sites with Limited Impact Industries can be located closer to commercial areas and sometimes residential areas. Sites with Extensive Impact Industries are required to be larger and should be located in exclusively industrial areas removed from residential uses, office uses, limited commercial uses and general commercial uses.

The LI zoning district permits Limited Impact Industries and a range of other less intense uses. The GI and HI zoning districts both permit Extensive Impact Industries.

The Plan policy is specific to Limited Impact Industries and makes no mention of less intense commercial uses (in the Industrial future land use) being restricted to 30 feet in building height. Permitting a 40-foot height for Limited Impact Industries in the LI zoning district would require an amendment to Policy 4.13A.10., CGMP. However, permitting commercial uses that are less intense than Limited Impact Industries would be the similar to permitting commercial uses in the GC zoning district. The maximum height allowed in the GC district is 40 feet, which is higher than currently allowed by the LI zoning district.

Please see the definitions of Extensive Impact and Limited Impact. Martin County, FLA., LDR Section 3.3., LDR (2008).

*“Industry, extensive impact.* An industrial use that, due to materials or processes utilized or products produced, has the potential for negative impacts on the environment or on surrounding uses in terms of noise, glare, vibration, smoke, vapors, odors, fire or explosive hazards or an industrial use where more than 20 percent of the use, measured as a percentage of the gross floor area of all buildings on the lot, is conducted outside of an enclosed building. This definition specifically excludes other separately defined uses referenced in these regulations, such as, but not limited to, mining, salvage yards, and solid waste disposal facilities.”

*“Industry, limited impact.* Any industrial use that is not an extensive impact industry.”

Please see the attached permitted uses schedule that shows all the uses permitted under the LI, highlighted in yellow.

The change to Table 3.12.1, Development Standards, recommended by staff, does not change the uses permitted in the LI zoning district. It also does not allow a 40-foot structure in all uses permitted in the LI zoning district.

### **Comparing height with other zoning districts**

Other zoning districts that allow less intense uses than LI allow 40-foot-tall structures. Please see the attached excerpt of Table 3.12.1, Section 3.12, Article 3 of the LDR, which shows all the zoning districts and their height standards. GC (General Commercial), WGC (Waterfront General Commercial), PR (Public Recreational), and PS-1 (Public Service) all have a maximum height limit of 40 feet.

### **Rezoning**

The applicant states that due to this lower height limit, developers and applicants tend to rezone their properties from LI to some other zoning district that allows a higher height limit. This results in properties to be designated with more intense zoning districts. For example, applicants may rezone their properties from LI to the more intense GI (General Industrial) zoning district, in order to have the increased height. The applicant states that this results in allowing additional uses of a more intense nature that are permitted under the GI and other zoning districts, but not the LI zoning district, to occur on the property, which may lead to unintended negative consequences. While an applicant may submit an application to change from LI to GI, simply to obtain a 40-foot building height, the staff analysis of a proposed rezoning would also consider minimum lot size, maximum building coverage and the compatibility of the permitted uses with the surrounding area.

### **Evolving Designs**

The applicant also states that the business model for many of the uses permitted within LI zoning district has changed. For example, Residential Storage Facilities which are uses permitted by the LI zoning district are now being designed as multi-story facilities, therefore needing an increased height (more than 30 ft). The applicant points out that as property values rose and LI land became less available, design approaches changed, resulting in more vertical construction, in order to utilize smaller lots. Restricting commercial uses to 30 feet in the LI district while allowing the same use to be 40 feet high in the GC zoning district does not fully utilize the Industrial land in the Primary Urban Service District. Hundreds of acres of commercial and industrial land have been incorporated into the Village of Indiantown.

## **CONCLUSION**

Staff recommends denial of the applicant's proposed amendment to Table 3.12.1 of Article 3 of the LDR (except for the amendment regarding the maximum hotel density). However, staff recommends considering the alternate proposal provided in the analysis of this staff report. This proposal allows the commercial uses allowed by the LI district to have the same height permitted in the GC zoning district while ensuring consistency with Martin County Comprehensive Growth Management Plan. Staff recommendation also corrects an inconsistency between the LDR and the Comprehensive Growth Management Plan.

## **FIGURES/ATTACHMENTS**

Permitted Uses Schedule, an excerpt from Table 3.11.2, Article 3, LDR

Zoning Districts and Height Standards, an excerpt of Table 3.12.1, Article 3, LDR