



## Legislation Details (With Text)

**File #:** 18-0703

**Type:** Public Hearing

**Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 9/11/2018

**Final action:** 9/11/2018

**Title:** SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE CREATING ARTICLE 11, PLANNED MIXED-USE VILLAGE

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018-0828 PMUV Final Staff Report.pdf, 2. Article 11 PMUV Ord.pdf, 3. 2018\_0808\_LPA\_Minutes\_June 21.pdf, 4. gmd2018M542 SUPPLEMENTAL.pdf, 5. 2018\_0831\_Legal\_Ad.pdf, 6. PMUV-Article 11 FINAL\_LDR\_2018-09-06.pdf

Date	Ver.	Action By	Action	Result
9/11/2018	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings

### TITLE:

**SECOND PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE CREATING ARTICLE 11, PLANNED MIXED-USE VILLAGE**

### EXECUTIVE SUMMARY:

This is a request to create Article 11, Planned Mixed-Use Village within the land development regulations. The proposed article will establish development standards and a development review process for implementing the Planned Mixed-Use Village zoning designation proposed in CPA 18-4, Pineland Prairie Text Amendments to implement the Mixed-Use Village future land use designation.

**DEPARTMENT:** Growth Management

**PREPARED BY:** **Name:** Peter Walden  
**Title:** Principal Planner

**REQUESTED BY:** Shadow Lake Groves, Inc./Martin Gateway Estates, LLC/ Martin Gateway Center, LLC

**PRESET:**

**PROCEDURES:** None

### BACKGROUND/RELATED STRATEGIC GOAL:

This is a request by Shadow Lake Groves, Inc./Martin Gateway Estates, LLC/ Martin Gateway Center, LLC for an amendment to the Land Development Regulations (LDR), Martin County Code to

create a new Article 11, Planned Mixed-Use Village.

On August 21, 2018 the Board of County Commissioners (BCC) voted to approve CPA 18-3, a future land use map amendment and CPA 18-4, a comprehensive growth management plan (CGMP) text amendment concerning Pineland Prairie. The adopted amendment has been submitted to the State land planning agency.

As adopted, the CGMP text amendment created the Mixed-use Village (MUV) future land use designation. The MUV would apply solely to the 3,411 acres located west of Florida's Turnpike and north of state road 714 in Palm City, the Pineland Prairie project. The text amendment also provides that the MUV land use category shall be implemented in the Land Development Regulations through the creation of a Planned Mixed-Use Village (PMUV) zoning district.

The draft ordinance creates a new Article 11 for inclusion in the Land Development Regulations. Article 11 establishes the zoning district of PMUV, the applicable land use regulations and the development review process. Article 11 will only apply to the 3,411 acres assigned the MUV land use designation and the PMUV zoning district.

Article 11 includes a form-based code to direct the implementation of land development within the PMUV zoning district. The form-based code will provide a level of certainty to the development that traditional Euclidean code does not provide. In consideration for more certainty in the built environment, Article 11 proposes more flexibility in the review process and the development timetable than is typical for other development projects in Martin County.

Article 11 is compliant with all policies, goals and objectives of the CGMP. As required by the CGMP, if a conflict between Article 11 and the CGMP arises, the CGMP shall prevail.

Article 11 is organized into 7 divisions. Each division has been reviewed by members of County staff who will review and enforce the portion of the code. Development review staff has provided input for all of the development standards proposed in the article.

This matter was considered by the Local Planning Agency on June 14, 2018. The LPA voted unanimously to recommend approval of Article 11.

The following materials are provided as attachments to this Agenda Item:

1. Staff report
2. Article 11 ordinance
3. PMUV text (via supplemental memo)
4. June 21, 2018 LPA minutes
5. Legal ad (via supplemental memo)

Because Article 11 proposes changes to the permitted uses in zoning districts, pursuant to Section 125.66 (4)(b), F.S., the Board is required to hear the proposed changes at two public hearings. The first public hearing was held on August 21, 2018 at which time the BCC reviewed the draft proposed by the applicant. Staff and the applicant are working collaboratively to revise the draft presented to the BCC on August 21<sup>st</sup> to address comments raised by commissioners as well as staff reviewers. The revised Article 11 will be submitted by supplemental memo.

## **ISSUES:**

If the County Commission approves the ordinance creating Article 11, a separate agenda item is a

request for the Board to consider a request to rezone the Pineland Prairie site to the PMUV zoning district.

The effective date of this ordinance, and any the rezoning that follows as a separate public hearing is dependent upon the effective date of the comprehensive plan amendments which shall be the date that the state land planning agency issues a notice of intent to find the plan amendment in compliance or date the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**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 a 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 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 adopt Article 11, regarding the Planned Mixed-Use Village development standards and review procedures.

**ALTERNATIVE RECOMMENDATIONS**

Move that staff or applicant provide additional information and that the public hearing be continued to a date certain.

**FISCAL IMPACT:**

**RECOMMENDATION**

Staff time

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

Staff time

**DOCUMENT(S) REQUIRING ACTION:**

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