Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

The amendment package from Martin County includes two Future Land Use Map (FLUM) amendments and two text amendments to the comprehensive plan. This report includes a summary of the proposed amendment and TCRPC comments.

Summary of Proposed Amendment

SMR Real Estate

The proposed amendment is to change the FLUM designation from Industrial to Commercial Limited on a 4.02-acre parcel located at the intersection of SW Corporate Parkway and SW Armellini Avenue. The property is located within the Martin Downs Business Park, which is part of the Martin Downs Planned Unit Development and Development of Regional Impact (DRI). The Martin Downs Business Park consists of a mix of uses including office buildings, residential warehouse, a gas station, restaurant, bank, and a car wash; and is adjacent to the residential areas of Coquina Cove, Quail Meadow, and Sunset Trace. The FLUM designations on adjacent properties are Industrial to the north, south, and east; and Medium Density and Industrial to the west.
The subject property is currently developed with an existing office building. The land use change has been requested in order to allow for the conversion of the existing office building to an 88-bed assisted living facility, which is not allowed in the current designation. Documentation received as part of the DRI review of the amendment indicates that the proposed assisted living facility is expected to have a lower number of vehicle trips per day than the existing office use. The Martin County staff report indicates that the subject site is appropriate for placement of a residential care facility and the proposed Commercial Limited land use is consistent with the development trend in the area and adjacent existing uses.

Kanner 5601

The proposed amendment is to swap the Low Density and Commercial General FLUM designations on two nearby parcels. The two parcels consist of a 0.83-acre parcel and a 1.05-acre parcel situated within a 31-acre parent property located on the east side of SW Kanner Highway near SE Green Lane. The two subject parcels are undeveloped. The FLUM designations on adjacent properties are Commercial General, Low Density, and Mobile Home to the north; Estate Density (2 units per acre), Commercial General, and Low Density to the south; Commercial General, Low Density, and Estate Density (2 units per acre) to the east; and Commercial General and Low Density to the west.

The land use swap would re-configure the parent property so that all of the Low Density Residential would be consolidated adjacent to Green Lane, while the remainder of the property would be contiguous Commercial General that surrounds the residential parcels located along Green Lane. The Martin County staff report did not identify any compatibility or consistency issues. The Martin County staff report also indicates that the proposed amendment would correct what would otherwise appear to be inappropriately assigned land use designations.

Transportation Maps

The proposed amendment is a text change to the Transportation Element of the comprehensive plan to revise two maps in the 2035 Future Transportation map series. The first change is to revise Figure 5-5C, the 2035 Roadway Lanes and Level of Service map, to increase the number of roadway lanes from two to four on State Road 711 from east of State Road 76 to the Martin/Palm Beach County line for consistency with a Florida Department of Transportation project to widen the road. This change was requested by the Florida Department of Economic Opportunity.

The second change is to revise Figure 5-5A, the 2035 Roadway Functional Classification and Evacuation map, to update the functional classification of Martin Highway and Indian Street to reflect the completion of the Veteran’s Memorial Bridge over the South Fork of the St. Lucie River. This change is necessary to properly identify SW Martin Highway and SE Indian Street as a major arterial from the Florida Turnpike to US Highway 1 and a minor arterial from US Highway 1 to SE Dixie Highway.
Settlement of Plan Amendment Challenge

The proposed amendment includes text changes to Chapters 1, Preamble; Chapter 2, Definitions; Chapter 4, Future Land Use Element; and Chapter 9, Conservation and Open Space Element of the comprehensive plan. These changes are proposed in order to implement two stipulated settlement agreements related to amendments previously adopted by Martin County in 2013. The stipulated settlement agreements are in response to seven challenges to the 2013 comprehensive plan amendments. Adoption of the currently proposed amendment is expected to resolve issues in the challenges.

Exhibit 12 contains a draft ordinance that includes proposed text changes intended to settle the plan amendment challenge. Text excerpts of Chapters 1, 2, 4, and 9 are attached to the draft ordinance. The text excerpts are from Ordinances 938, 945, and 946, which are the original ordinances adopted in 2013 that contain the language being challenged. Only the changes necessary to implement the stipulated settlement agreements are shown in strikethrough and underline format. Many of the proposed changes clarify the intent and applicability of the policy language and identify the regulatory authority of the county and other agencies.

Council reviewed the previously adopted comprehensive plan amendments at the May 17 and September 20, 2013 Council meetings and concluded that the amendments were consistent with the SRPP. Council’s reports noted that the text amendments would restrict the opportunities for development outside the urban service districts; strengthen protection of natural resources and regional water bodies; and would strengthen and enhance efforts to protect natural resources of regional significance.

Extrajurisdictional Impacts

TCRPC requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on May 6, 2014. No extrajurisdictional impacts have been identified.

Regional Impacts

No adverse effects on significant regional resources and facilities have been identified.

Conclusion

The proposed amendment is consistent with the SRPP.

Recommendation

Council should approve this report and authorize its transmittal to Martin County and the Florida Department of Economic Opportunity.

Attachments
List of Exhibits

Exhibit

1. General Location Map
2. SMR Real Estate Aerial Map
3. SMR Real Estate Future Land Use Map
4. SMR Real Estate Proposed Future Land Use Map
5. Kanner 5601 Aerial Map
6. Kanner 5601 Future Land Use Map
7. Kanner 5601 Proposed Future Land Use Map
8. Current Roadway Functional Class and Evacuation Map Figure 5-5A
9. Proposed Roadway Functional Class and Evacuation Map Figure 5-5A
10. Current Roadway Lanes and Level of Service Map Figure 5-5C
11. Proposed Roadway Lanes and Level of Service Map Figure 5-5C
12. Settlement of Plan Amendment Challenge - Strikethrough and Underline
Exhibit 1
General Location Map
Exhibit 8
Current Roadway Functional Class and Evacuation Map
Exhibit 9
Proposed Roadway Functional Class and Evacuation Map
Exhibit 10
Current Roadway Lanes and Level of Service Map
Exhibit 11
Proposed Roadway Lanes and Level of Service Map
BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING
COMPREHENSIVE PLAN AMENDMENT 14-7, SETTLEMENT OF PLAN
AMENDMENT CHALLENGE, AMENDING PORTIONS OF CHAPTER 1,
PREAMBLE; CHAPTER 2, DEFINITIONS; CHAPTER 4, FUTURE LAND USE;
AND CHAPTER 9, CONSERVATION AND OPEN SPACE ELEMENTS OF THE
COMPREHENSIVE GROWTH MANAGEMENT PLAN, MARTIN COUNTY CODE
AMENDED BY ORDINANCES 938, 945 AND 946; PROVIDING FOR
CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY;
PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE,
CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 1.11, Comprehensive Growth Management Plan, and Section 163.3184,
Florida Statutes, permit amendments to the Comprehensive Growth Management Plan and provide for
amendment procedures; and

WHEREAS, on April 17, 2014 the Local Planning Agency considered the proposed
Comprehensive Plan amendment at a duly advertised public hearing; and

WHEREAS, on April 22, 2014 at a duly advertised public hearing, this Board considered the
amendment and approved such amendment for transmittal to the Florida Department of Economic
Opportunity; and

WHEREAS, on July 8, 2014 at a duly advertised public hearing this Board considered and
addressed the review comments from State and Regional Agencies; and

WHEREAS, this Board has provided for full public participation in the comprehensive planning
and amendment process and has considered and responded to public comments.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:

PART 1: COMPREHENSIVE GROWTH MANAGEMENT PLAN AMENDMENT #14-7,
SETTLEMENT OF PLAN AMENDMENT CHALLENGE.

Plan amendment #14-7, Settlement of Plan Amendment Challenge is hereby adopted as
follows:

Text amendments to Chapter 1 Preamble of the Comprehensive Growth Management Plan, Martin
County Code, as set forth in Exhibit “A” attached hereto and incorporated by reference.
Text amendments to Chapter 2, Definitions of the Comprehensive Growth Management Plan, Martin County Code, as set forth in Exhibit “B” attached hereto and incorporated by reference.

Text amendments to Chapter 4, Future Land Use Element of the Comprehensive Growth Management Plan, Martin County Code, as set forth in Exhibit “C” attached hereto and incorporated by reference.

Text amendments to Chapter 9, Conservation and Open Space Element of the Comprehensive Growth Management Plan, Martin County Code, as set forth in Exhibit “D” attached hereto and incorporated by reference.

PART II:  CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions or parts thereof, and other parts of the Martin County Comprehensive Growth Management Plan in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART III:  SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV:  APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

PART V:  FILING WITH THE DEPARTMENT OF STATE.

The clerk shall be and is hereby directed to forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

PART VI:  CODIFICATION.

Provisions of this ordinance shall be incorporated into the Martin County Comprehensive Growth Management Plan, except that parts 2 through 7 shall not be codified. The word “ordinance” may be changed to “article,” “section,” or other word, and the sections of this ordinance may be renumbered or re-lettered.

PART VII:  EFFECTIVE DATE.
The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or 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. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND Duly ADOPTED THIS 8TH DAY OF JULY, 2014.

ATTEST: MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, SARAH HEARD, CHAIR
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

APPROVED AS TO FORM
AND CORRECTNESS

MICHAEL D. DURHAM,
COUNTY ATTORNEY
Chapter 1 - PREAMBLE

Exhibit “A”

CPA 14-7, Settlement of Plan Amendment Challenge. Ordinance 938 is the base document for proposed changes shown below. Only portions of the text of Ordinance 938 are shown. Only the changes necessary to implement the stipulated settlement agreements are shown striking and underlining.

Section 1.9.

Where a material change is made in the amendment or any change is made which would increase the negative impact of the amendment on residents or on the environment, new notification and advertising shall be required prior to any public hearing on a vote on the amendment to reflect such change. A material change includes any change to the allowable uses, densities or intensities, development standards, extent of development allowances or infrastructure or preservation requirements, deadlines for payment of fees, completion of work or similar substantive matters, or other substantive aspect of development that may increase the negative impact of the amendment, including those related to financial obligations.

1.9.A. Citizens Planning Bill of Rights. This section establishes additional requirements for Future Land Use Map Amendments (FLUM) in Martin County. All Comprehensive Plan Amendments related to FLUM changes shall comply with the following requirements:

Citizen Participation - Developers Applicants must notify, by mail and newspaper, impacted property owners, property owners associations and home owners and neighborhood associations within 1000 feet of the development site boundaries as required for development applications by the Land Development Regulations. For projects outside the Urban Service Districts, the distance required for notification shall be 2,500 feet. The Growth Management Department shall verify that proper notification and advertising occurred as required by the LDRs.

Section 1.11.D.

(2) The public hearing(s) to adopt amendments to the CGMP shall follow the notice requirements of Chapter 163., F.S. and subsection 1.11.B. This process may require continuance of public hearings and multiple hearing dates which shall be posted on the County website on the second business day after the hearing where a continuance is announced. As required by Sec. 1.9, where a material change is made in the amendment or any change is made which would increase the negative impact of the amendment, the amendment shall be re-advertised in accordance with Florida Statutes and this Plan prior to any public hearings on the amendment. The final action shall be posted on the County website on the second business day following adoption.

(6) Super-Majority Requirement. Any approval by the County Commission of a proposed amendment to the CGMP which involves one or more of the Comprehensive Plan critical issues listed below shall require four votes for transmittal and for adoption. All other amendments shall require three votes for transmittal and for adoption. The issues to which the super-majority of four votes applies are as follows:

(a) Any amendment which increases the maximum building height limit of four (4) stories or the maximum building height limit of 40 feet and any amendment which allows any land use to be exempt from the four story or from the 40 ft. height limit.

(b) Any amendment to the CGMP that allows more than 15 units per acre in any land use, or any text amendment that increases the maximum units per acre for any residential land use designation or allows commercial or industrial uses within a residential land use designation without a future land use map amendment (FLUM).

(c) Any amendment which:
Chapter 1 - PREAMBLE

1) Expands the urban service district, or Changes the boundary of any urban service district, or

Section 1.12.D.

Notwithstanding anything in this provision to the contrary, if Martin County or any other entity with legal standing under F.S. Chapter 163 shows that a new peril to the health, safety or general welfare of the residents or property in Martin County has arisen subsequent to the approval of any development order, the development order may be revoked.

The following text was stricken in Ordinance 938. The proposed amendment restores this text.

(1) Development orders issued to comply with a final order of a court or administrative agency, resulting from litigation in which the County was a party, shall be considered to be consistent with this Plan.
COMPREHENSIVE GROWTH MANAGEMENT PLAN

Chapter 2 – OVERALL GOALS AND DEFINITIONS

Exhibit “B”

CPA 14-7, Settlement of Plan Amendment Challenge. Ordinance 938 is the base document for proposed changes shown below. Only portions of the text amended by Ordinance 938 are shown. Only the changes necessary to implement the stipulated settlement agreements are shown strikethrough and underlined.

Policy 2.2A.4. Development plans shall provide water-table restoration of the natural hydroperiod to the maximum extent technically feasible and shall provide for buffers, exotic vegetation removal, long term maintenance guarantees, and any other actions necessary to assure the continuing values and functions of the wetland area.

Policy 2.2A.5. Where evidence indicates that drainage, clearing or other development or manmade impacts has taken place since April 1, 1982, in violation of applicable wetland development restrictions in effect at the time the violation occurred, restoration shall be required before any development permits or orders are issued, or within 90 days after receiving a notice of violation. A minimum two-year letter of credit or other acceptable financial alternative must be submitted to assure the successful restoration of the violation. This policy shall apply regardless of whether or not the wetlands in question have ever been delineated through either a binding or nonbinding boundary determination. However, where there has been a binding determination by a state agency or the SFWMD, that determination will control as required by law.

Policy 2.2A.6. The Growth Management Department, in coordination with Code Enforcement shall establish and maintain a procedure to effectively ensure compliance with Preserve Area Management Plans (PAMPS).

Measure: The Growth Management Department shall issue an annual report showing development approvals where wetlands have been, or are proposed to be, altered or destroyed, under the limited exceptions allowed in this Plan. Those exceptions apply only where complete preservation would deny reasonable use of the property. The report shall show the areal extent and location of wetlands to be created to ensure no net loss of the spatial extent of wetlands. Annual monitoring reports to assure viable restoration and compliance with PAMPS shall be included. The report shall include a list of wetlands violations and required restoration.

Policy 2.2B.1. Except as set forth in Policy 9.1G.11, Martin County shall assure that a minimum of 25% of existing upland native habitat will be preserved in all development where such habitat exists. Additional requirements for native upland habitat that is endangered or threatened, and for unique oak/cabbage palm hammocks are outlined in Chapter 9.

Objective 2.2C. Martin County shall ensure that all development orders, resolutions, and other official statements of County policy positions directed to other local, regional, state and federal agencies, as well as all other official actions of the County, support, and further, and fight for a safe, healthy and ecologically balanced St. Lucie River Estuary and Indian River Lagoon, which are natural resources that are vital to the economy and quality of life of Martin County and the Treasure Coast. This objective will not be applicable where official actions do not impact the St. Lucie River Estuary and Indian River Lagoon, or where development activities comply with the comprehensive plan and land development regulations.
Chapter 2 – OVERALL GOALS AND DEFINITIONS

Policy 2.2C.6 Development approvals shall ensure that, to the maximum extent practical, reasonably achievable, water quality and the rate, timing, and volume of runoff will recreate natural conditions for the benefit of wetlands, the estuary and other receiving waters.

Policy 2.2D.3. Through its land use authority, under Chapter 163, the county shall ensure to the maximum extent reasonably achievable, that the impacts of development approvals do not diminish the water supply during the dry season for the Loxahatchee River and its associated wetlands.

Policy 2.2E.1. Seasonal water tables shall be preserved, and protected, and/or enhanced. Water withdrawals from the aquifer shall not be allowed to change normal seasonal variation of wetland water levels. The County will use its land use authority under Chapter 163 to implement this policy.

Storage and recharge potential of properties shall be maintained and, where possible, increased or enhanced through the use of retention/detention areas, existing wetland, open space and other means. The County shall use its land use authority under FS 163 to ensure that land use decisions shall not result in the reduction of the normal seasonal wetland water levels. Implementation of this policy shall include the CGMP and the Land Development Regulations and shall not transgress the SFVWMD’s authority under state law to regulate consumptive use permitting.

Policy 2.4A.5. Property with an agricultural tax classification may be granted a land use change which allows urban development provided any existing agricultural classification is removed at the first opportunity after approval of a final development order. This policy only applies to the land area subject to the final development order. If a land area maintains an agricultural tax classification for the years following approval of a final development order, it shall be subject to a County initiated process to rescind the final development order issuance of an agricultural classification by the Martin County Property Appraiser’s Office after a previous approval by Martin County of a FLUM amendment that allows urban development shall result in a County initiated plan amendment to rescind the prior FLUM amendment. This is in no way intended to prevent any landowner from taking advantage of state law in regard to the agricultural tax classification. These policies apply only to the County’s requirements for plan amendments. This policy shall not apply to any property that required a FLUM or text amendment allowing urban uses that was adopted prior to the effective date of Ordinance Nos. 938, 945, 946 and [Insert Ordinance No. for Remedial Amendments].

Policy 2.4C.3. The County shall limit commercial and industrial land use amendments to that needed for projected population growth for the next 15 years. This shall be related to the increase in developed commercial and industrial acreage in relation to population increases over the preceding ten years. Implementation of the policy shall be done through amendments to the Land Development Regulations. Amendments to the Land Development Regulations shall be undertaken within two years after the ordinance adopting the text becomes effective. The determination of need shall include consideration of the increase in developed commercial and industrial acreage in relation to population increases over the preceding ten years, the existing inventory of vacant commercial and industrial land, and the goals, objectives, and policies of the CGMP, including the Economic Element. The County shall update this analysis at least every two years.
years. The limitation contained herein shall only apply to land use amendments, and not to rezonings, site plans, or any other land use approvals, including development agreements.

Section 2.3.

16. Quality of Life. Where the comprehensive plan contains requirements to maintain, protect, or enhance quality of life, it is referring to goals, objectives and policies within the plan that make Martin County people friendly, environmentally friendly, business friendly, and fiscally prudent.

17. Prospective application. All comprehensive plan amendments shall be applied prospectively unless the amendment specifically provides for retroactive application.

18. Status of agricultural activities. Amendments to the CGMP adopted in August or December 2013 and [Insert date of adoption of Remedial Amendments] do not change the manner or scope of the county’s regulation of agricultural uses.

Section 2.4.

The following text was stricken in Ordinance 938. The proposed amendment restores this text.

2. Active developments: Projects with current development orders issued pursuant to F.S. chapter 380 (Developments of Regional Impacts), projects vested under section 1.12 of this Plan, and projects granted a local development order where the development process has commenced and is continuing in good faith.

3. Active residential development: A residential development that has final site plan approval and is meeting all requirements of the development order, including the timetable.

48-19. Best available data means: Data that derives from a source that is generally recognized as authoritative, methodologically sound, and currently valid in the profession or professions relevant to the planning issue. Best available data shall also be that data and analysis, among conflicting sources, that is most consistent with the adopted goals, objectives, and policies of the Plan. Where accurate and timely information exists based on data from Martin County, it shall be considered the best available data.

39-40. Consistent: Plan amendments and developments approved or undertaken by Martin County shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, criteria, land uses, and densities or intensities in the Comprehensive Plan, and if it meets all other orders enumerated by Martin County. Plan policies addressing the same issue in different ways shall not be considered inconsistent if both policies can be applied to the stricter provisions governing.

49-44. Development: For the purposes of the CGMP, the term “development” shall have the broadest definition of the term authorized by Florida law including mean the carrying out of any building activity or mining operation, the making of any material change in the redevelopment or modification of any existing use or appearance of any structure or land which creates additional impacts, and the dividing of land into three or more lots, tracts or parcels (including planned unit developments).

49-10. Material Change: Any change to the allowable uses, densities or intensities, development standards, extent of development allowances or infrastructure or preservation requirements, deadlines for payment of fees, completion of work or similar substantive matters, or other substantive aspect of development that may increase the negative impact of the amendment, including those related to financial obligations.
Chapter 2 – OVERALL GOALS AND DEFINITIONS

409.110 Natural conditions: Those wetlands and native upland habitats in place before any man-made impacts on a property prior to any man-made alteration to the property, as indicated by generally accepted data sources including, but not limited to, the Soil Survey of Martin County Area (Martin Soil and Water Conservation District, U.S.D.A. Soil Conservation Service, 1981; Florida Division of Forestry, 1981) and aerial photographs.
Chapter 4 - FUTURE LAND USE ELEMENT

Exhibit “C”

CPA 14-7, Settlement of Plan Amendment Challenge. Ordinance 938 is the base document for proposed changes shown below. Only portions of the text of Ordinance 938 are shown. Only the changes necessary to implement the stipulated settlement agreements are shown struck and underlined.

4.2.A. Land use issues.

(10) Active residential development tracking system. In addition to insuring adequate residential capacity, it is critically important to maintain a strategy for tracking the timing and location of active residential developments. Unlimited development approvals lead to an unlimited commitment to provide public facilities and to higher taxes and higher rates for public services. In order to have a feasible concurrency management system, it is necessary to know when and where approved and vested developments are going to happen. In order to have a cost effective concurrency management system and Capital Improvement Plan, it is necessary to limit approvals to the number of units actually needed for expected population growth. Committing to and building facilities for projects that don’t happen is expensive and inefficient.

In order to limit active residential developments to units needed for population growth and to provide the necessary services in a cost effective manner, Martin County will implement and maintain a residential development tracking system.

The system will keep current information on all residential development approvals and will limit the location and timing of active residential developments in order to provide timely, cost-effective public facilities concurrent with development and consistent with a feasible Capital Improvement Plan.

The regulatory system to synchronize development with public facilities will include all active residential projects whose timetables for development include residential construction within the first five year period of the 15 year planning period. 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 tracking system shall begin within 12 months of the date this text becomes effective.

Active residential development projects are those projects with final plan or final plat approval, where building permits can be pulled without further site plan review. Lots of record prior to 1982 and residential developments which are 90% complete will be deleted from the active development list. The amount of active residential development approved in the five year period of the 15 year planning period shall be limited to 125% of the demand for housing units projected for that period.

In the fourth year of the five year planning period, Martin County shall begin preparing the update to the residential capacity analysis described in Policy 4.1D.7. Need calculations must be available for the following five year period before a given five year period expires.

While the current pattern of the Future Land Use Map will remain as is it, the active residential development test will be used in conjunction with location and land suitability requirements in the review and approval of future project requests. These requirements shall include, at a minimum, location within the Primary or Secondary Urban Service District; protection of natural resources; adequate provision of facilities and services at the adopted level of service, and meeting all land suitability standards specified in the Future Land Use Element.

In the event a proposed site plan, within the primary or secondary urban service districts, does not pass the active residential development test, all review of the project will cease until the applicant reduces the number of units in the proposed site plan to comply with the active...
residential development test. When the 125% threshold has been reached and one or more proposed site plans cannot receive a reservation of capacity and be added to the active residential development tracking system the applicants shall have three options:

1. Request, in writing all application materials and application fees be returned, or
2. Continue review and receive tentative approval without a reservation of capacity.
3. Reschedule units to a later period.

If site plans in the active residential development system are breached, fail to maintain development timetables or if new population projections result in additional capacity demands then site plans or portions of site plans with tentative approval will be added to the active list. Site plans with the earliest tentative approval date shall be added first. If the number of residential units in a tentative site plan exceeds the available capacity for the five year period, only the number of units necessary to arrive at the 125% threshold may be added to the active list.

At no time will the active residential development pool for the five year period be allowed to exceed 125% of the five year housing need. All new residential developments, including projects which already have the approved land use designations, will be tested against the 125% five year capacity measure. If the 125% capacity measure has been reached, no new projects shall be permitted within the five year time period.

Platted or vested residential lots outside the Primary and Secondary Urban Service Districts shall not be included in the active residential list.

The housing recession and changes in state law that automatically extended development timetables have created a challenge for the timely planning of public facilities. Implementation of the Active residential development tracking system shall begin within 12 months of the date this text becomes effective.

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 residential 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 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 at the next available opportunity (typically January 1). Any property 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 receiving a residential development order shall be found in violation of the final development order and be subject to breach proceedings.

Martin County, Florida, Comprehensive Plan

Page 3
EXHIBIT “D”

Chapter 9 CONSERVATION AND OPEN SPACE ELEMENT

CPA 14-7, Settlement of Plan Amendment Challenge. Ordinance 945 is the base document for proposed changes shown below. Only portions of the text of Ordinance 945 are shown. Only the changes necessary to implement the stipulated settlement agreements are shown struck and underlined.

Policy 9.1G.2.

(6) Violations. Where evidence indicates that drainage, clearing or other development or manmade impacts have taken place since April 1, 1982, in violation of applicable wetland development restrictions in effect at the time the violation occurred, restoration shall be required before any development permits or orders are issued, or within 90 days after receiving a notice of violation. A minimum two-year letter of credit or other acceptable financial alternative must be submitted to assure the successful restoration of the violation. This policy shall apply regardless of whether or not the wetlands in question have ever been delineated through either a binding or nonbinding boundary determination. However, where there has been a binding determination by a state agency or the SFWMD, that determination will control as required by law.

(7) Waivers and exceptions. All wetland alterations allowed under these exceptions shall be mitigated sufficiently to ensure no net loss of functions or of the spatial extent of wetlands in Martin County. No exceptions or waivers will be granted to these standards except under the conditions described below:

(b) Development plans shall provide water table restoration, buffers, exotic removal, long term maintenance guarantees, and any other actions necessary to assure the continuing values and functions of the wetland area of the natural hydroperiod to the maximum extent technically feasible, and shall provide for buffers, exotic vegetation removal, long term maintenance guarantees, and any other actions necessary to assure the continuing values and functions of the wetland area.

(i) The Growth Management Department shall issue an annual report showing development approvals where wetlands have been, or are proposed to be, altered or destroyed, under the limited exceptions allowed in this Plan. Those exceptions apply only where complete preservation would deny reasonable use of the property. The report shall show the areal extent and location of wetlands to be created to ensure no net loss of the spatial extent of wetlands. Annual monitoring reports to assure viable restoration and compliance with PAMPS shall be included. The report shall include a list of wetlands violations and required restoration.