

**PROPOSED TEXT AMENDMENT TO THE
MARTIN COUNTY
COMPREHENSIVE PLAN**

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REQUEST NUMBER: CPA 22-06 Calusa Creek Ranch Text

Report Issuance Date: November 8, 2023

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| <u>PUBLIC HEARINGS:</u> | <u>Date</u> | <u>Action</u> |
|--------------------------------|--------------------|----------------------|
| Local Planning Agency: | November 16, 2023 | |
| BCC Transmittal: | December 5, 2023 | |
| BCC Adoption: | TBD | |

APPLICANT REQUEST:

This is a Comprehensive Growth Management Plan (CGMP) text amendment to Policy 4.13A.18, Rural Lifestyle. The applicant has proposed a concurrent Future Land Use Map (FLUM) amendment, CPA 23-12, The Ranch PUD FLUM, to change the land use designation from Agricultural to Rural Lifestyle. The FLUM amendment will be reviewed in a separate report as a separate agenda item.

EXECUTIVE SUMMARY:

The Rural Lifestyle future land use designation, a text amendment, was adopted by Ordinance 1185 on September 13, 2022 and is effective. It permits applicants with a minimum 1,000 acres adjacent to an urban service district to seek an amendment to the Future Land Use Map and a concurrent amendment to the Zoning Atlas for a Planned Unit Development (PUD). However, those applications require a choice:

- Seek a density of one unit per 20 acres or less on the 1,000 acres, comply with the requirements of the Rural Lifestyle future land use and all other requirements of the Plan; or
- Seek a density between one unit per 20 acres and a maximum of one unit per five acres. And encumber additional land under an easement that removes the density. One acre must be protected by an easement for every two acres assigned the Rural Lifestyle future land use designation. All other requirements of the Rural Lifestyle future land use and Plan remain applicable.

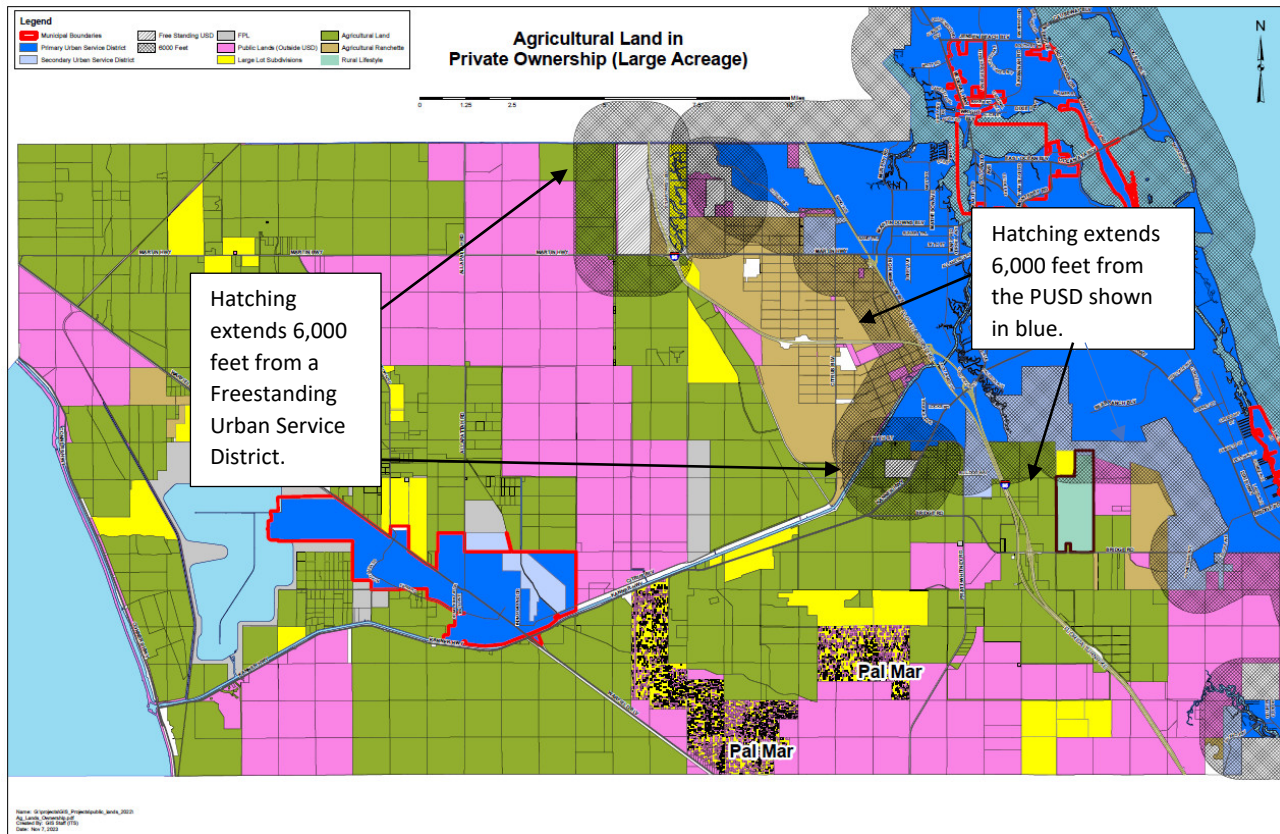
The proposed text amendment would not change the options described above and would potentially allow assignment of the Rural lifestyle future land use designation on properties with a minimum 3,000 acres that are within 6,000 feet of the Primary Urban Service District or a Freestanding Urban Service District. However, such applicants seeking the Rural Lifestyle future land use would be limited to a density of one unit per 20 acres or less. Additional lands would not be encumbered with an easement and all other requirements of the Rural Lifestyle future land use would apply. Staff recommends approval based upon the following analysis.

STAFF ANALYSIS

The changes to Policy 4.13A.18 are shown with ~~strike~~ and underline. The applicant has proposed new section references to the text within Policy 4.13A.18. The section references in the proposed text will be referenced in this analysis. Paragraph (A) describes the minimum size and the location of lands eligible for the Rural Lifestyle future land use designation. The proposal amends the existing text to require minimum size of 1,000 acres or 3,000 acres. Requiring minimum size sites limits the number of eligible applicants.

- The minimum 1,000 acres must be adjacent to the Primary Urban Service District, the Secondary Urban Service District, or a Freestanding Urban Service District. This represents existing adopted policy.
- The proposed minimum of 3,000 contiguous acres must be within 6,000 feet of the Primary Urban Service District or a Freestanding Urban Service District. This does not represent an option for property within 6,000 feet of the Secondary Urban Service District. Please Figure 1. showing Agricultural Land in Private Ownership (Large Acreage) as revised. A 6,000-foot buffer is shown as a hatching around the Primary Urban Service District and the three Freestanding Urban Service Districts. Some portion of a 3,000 contiguous acre property must be adjacent to the hatching shown.

Figure 1, Agricultural Land in Private Ownership (Large Acreage).



Chapter 4, FUTURE LAND USE ELEMENT

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.

(A) In order to be eligible for the Rural Lifestyle future land use designation the following size and locational criteria is required;

(1) ~~a minimum of 1,000 contiguous acres~~ Be located within unincorporated Martin County and outside the Primary Urban Service District and satisfy one of the following: are required. To minimize the extension of utility service,

(a) be comprised of a minimum of 1,000 contiguous acres and a portion of the ~~minimum~~ 1,000 contiguous acres must be adjacent to the Primary Urban Service District, the Secondary Urban Service District or a Freestanding Urban Service District; or

(b) be comprised of a minimum of 3,000 contiguous acres and, a portion of the 3,000 contiguous acres must be within 6,000 feet of the Primary Urban Service District or a Freestanding Urban Service District.

- (2) For purposes of this policy, adjacent property is the same as “abutting” 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 right-of-way shall be considered adjacent and contiguous.

Staff analysis. The text in (3) below continues to prohibit the Rural Lifestyle future land use designation adjacent to the Village of Indiantown.

- (3) Properties adjacent to or located within 6,000 feet of the urban service districts within or adjacent to the Village of Indiantown municipal limits are not eligible for the Rural Lifestyle land use designation.

Staff analysis. Paragraph (A) (4) addresses most public facilities and services by restricting the density to one unit per 20 acres unless, the property is adjacent to an urban service district.

- (4) To minimize the potential impact on public facilities and services, no property eligible for the Rural Lifestyle future land use designation may have a density of more than one unit per twenty (20) acres unless the property satisfies the size and locational criteria under Section 1(a) above and satisfies all other standards established herein.

(B) 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.

(C) 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.

- (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. As a part of discussions with staff, the applicant agreed to the following text change in paragraph (C)(3) to prevent dormitory housing from having a higher density than the single-family residential units in the PUD. However, upon further analysis, two sentences may be more appropriate.

- (3) Within the Rural Lifestyle future land use designation, gross residential density, including employee dormitory housing, shall not exceed a the maximum of one unit per 5 acres density of the PUD.

Alternative text proposed by staff.

Within the Rural Lifestyle future land use designation gross residential density shall not exceed a maximum of one unit per 5 acres. Dormitory housing shall not exceed the maximum approved in the PUD.

- ~~(4)~~ Employee dormitory housing shall be allowed, otherwise only detached single-family dwellings are permitted. Duplex dwellings and multi-family dwellings are prohibited.
- ~~(a 5)~~ 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 16)~~ below.
- ~~(b 6)~~ 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.
- ~~(e 7)~~ 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.

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.

- (~~8~~) 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. Each golf cottage shall be limited to 6 bedrooms.
- (~~9~~) 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 dwelling units permitted in the Rural Lifestyle future land use shall be reduced by one unit for every six employee dormitory beds.
- (~~10~~) 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.
 - Construction of an accessory unit shall require recordation of a unity of title prohibiting the conveyance of the accessory dwelling unit separate from the primary dwelling unit.
- (~~11~~) 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 change was not proposed by the applicant. Staff recommends the following text change to permit service from one utility main.

The extension of utility services from or through the Primary Urban Service District, the Secondary Urban Service District or Freestanding Urban Service District to a specific parcel with a Rural Lifestyle future land use designation and a Planned Unit Development zoning classification shall not serve any other property outside the ~~Planned Unit Development agreement~~ Rural Lifestyle future land use designation.

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 following text change was not proposed by the applicant. Staff recommends the following text change to minimize the impacts on ground water. Applicants seeking the Rural Lifestyle future land use may not seek centralized sewer service in every case. That leaves the option of using onsite sewage treatment and disposal systems, commonly known as septic systems.

Changes to Florida Statutes in 2023 will prohibit new septic systems on lots of one-acre or less in portions of the State with Basin Management Action Plans (BMAP). There are two BMAPs that cover most of Martin County. Though lot sizes in the Rural Lifestyle future land use designation may exceed one acre, staff recommends requiring enhanced nutrient-reducing onsite sewage treatment and disposal systems to minimize the impact on ground water.

The proposed text will be applicable to all properties with the Rural Lifestyle future land use, regardless of size or distance from sewer lines. Please see the attached excerpts of Chapter 2023-169 Laws of Florida with preliminary staff analysis.

- (c) ~~On-site sewage treatment and disposal systems (septic systems) shall comply with the requirements of Chapter 10, Sanitary Sewer Services Element. Where the extension of wastewater utility service is not cost feasible for the regional utility or the applicant does not choose to connect to sanitary sewer lines, enhanced nutrient-reducing onsite sewage treatment and disposal systems (as defined in Section 373.802 F.S.) may be used.~~
 - (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.
- (§ 12) 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.
- (§ 13) 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.

- (7-14) 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.
- (8 15) Approval of a PUD agreement and master plan shall occur concurrently with a Future Land Use Map amendment becoming effective. The PUD master plan must include the entire acreage receiving the Rural Lifestyle future land use designation. If approval of a final site plan does not occur within five years, the Board of County Commissioners may initiate an amendment to the Future Land Use Map to cause the property to revert to its prior future land use designation or the most appropriate designation and rezone the property to a consistent zoning district.
- (9 16) 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.
 - (g) Provide for self-supporting project elements such as first-aid, private security, recreation amenities, residential multi-slip docking facilities, 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.

CONCLUSION

Staff recommends approval because the proposed text amendment:

- Permits the same maximum density as the Agricultural future land use designation (one unit per 20 acres) when 6,000 feet from the Primary Urban Service District or a Freestanding Urban Service District.
- Does not permit a density of one unit per five acres unless the property is adjacent to the Primary Urban Service District, the Secondary Urban Service District or a Freestanding Urban Service District.
- Requires a minimum 3,000 contiguous acres providing 70 percent open space on a larger area.
- Clarifies the density for dormitory housing. This change will be applicable to minimum 1,000-acre or 3,000-acre properties seeking the Rural Lifestyle future land use designation.
- Includes language requiring enhanced nutrient-reducing onsite sewage treatment and disposal systems (as defined in Section 373.802 F.S.) instead of standard septic systems. This change will be applicable to minimum 1,000-acre or 3,000-acre properties seeking the Rural Lifestyle future land use designation.
- The proposed changes meet or exceed the new requirements of Chapter 2023-169 Laws of Florida.

FIGURES/ATTACHMENTS

Figure 1. Agricultural Land in Private Ownership (Large Acreage) as revised to show a 6,000-foot buffer.

Preliminary analysis of Chapter 2023-169 Laws of Florida

Utilities Memo

Application Materials