

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER 1155

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 20-04, PULTE AT CHRIST FELLOWSHIP TEXT AMENDMENT, AMENDING THE TEXT OF CHAPTER 4, FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE GROWTH MANAGEMENT PLAN; MARTIN COUNTY CODE; 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 August 20, 2020, the Local Planning Agency considered the proposed Comprehensive Plan Amendment at a duly advertised public hearing; and

WHEREAS, on September 29, 2020, at a duly advertised public hearing, this Board considered the amendment and approved such amendment for transmittal to the Division of Community Planning and Development; and

WHEREAS, on April 13, 2021, at a duly advertised public hearing this Board considered and addressed the comments of the various reviewing 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; and

WHEREAS, the Board finds the proposed amendment consistent with the goals, objectives and policies of the Comprehensive Growth Management Plan.

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

PART I. ADOPTION OF COMPREHENSIVE GROWTH MANAGEMENT PLAN TEXT AMENDMENT CPA 20-04, PULTE AT CHRIST FELLOWSHIP TEXT AMENDMENT

Comprehensive Growth Management Plan Text Amendment CPA 20-04, Pulte at Christ Fellowship Text Amendment, is hereby adopted as follows: Text amendments to Chapter 4, Future Land Use Element, as set forth in Exhibit A, attached hereto and incorporated by reference.

PART II. CONFLICTING PROVISIONS.

To the extent that this ordinance conflicts with special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, and other parts of the Martin County Comprehensive Growth Management Plan, the more restrictive requirement shall govern.

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 the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

PART IV. APPLICABILITY OF ORDINANCE.

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

PART V. FILING WITH DEPARTMENT OF STATE.

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. CODIFICATION.

Provisions of this ordinance shall be incorporated into the Martin County Comprehensive Growth Management Plan, except that Parts II through VII 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.

DULY PASSED AND ADOPTED THIS 13th DAY OF APRIL 2021.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**


**CAROLYN TIMMANN,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

BY: 
STACEY HETHERINGTON, CHAIR

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

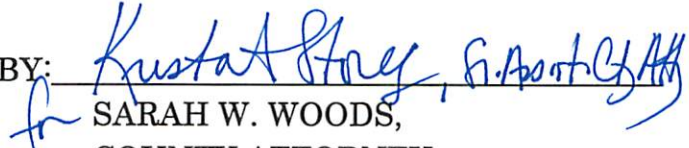
BY: 
**SARAH W. WOODS,
COUNTY ATTORNEY**

Exhibit A

The following is the text amendment to Policy 4.7A.14 and Policy 4.7B.6, where the underlined language is text added and the stricken language is text deleted:

Policy 4.7A.14. Allowable development outside the Primary Urban Service District. The following forms of development are recognized exceptions to the general prohibitions on development outside of the Primary Urban Service District set forth in Policies 4.7A.1. through 4.7A.13.:

- (1) The County landfill, parcel number 07-38-40-000-000-00020-7.
- (2) The AgTEC land use category as set forth in Policy 4.13A.9.
- (3) Facilities in Jonathan Dickinson State Park, as set forth in Policy 10.1A.7. and Policy 11.1C.10.
- (4) Seven J's Industrial Area, as recorded in Plat Book 15, Page 97 and/or any replat or redevelopment of the property contained within the plat recorded in Plat Book 15, Page 97.
- (5) Martingale Commons PUD f/k/a Palm City 95 PUD.
- (6) Sheriff's Shooting Range, parcel number 07-38-40-000-000-00030-5.
- (7) Parcel number 28-40-42-000-000-00020-5, parcel number 28-40-42-000-000-00040-1, parcel number 28-42-000-000-00011-0, and parcel number 21-40-42-004-000-00005-0 on S.E. Island Way.
- (8) The 107-acre parcel of County owned land located on the north side of SW Citrus Boulevard, approximately 2,000 feet east of the Indiantown airport, parcel number 03-40-39-000-000-00011-0 and parcel number 34-39-39-000-000-00021-0.
- (9) Development on the parcels described in that certain deed recorded in Official Records Book 2571, Page 1380, of the Public Records of Martin County, Florida, consisting of 321 acres, more or less, and located south of Kansas Avenue and east of SW Pratt Whitney Road.
- (10) South Fork High School.

Objective 4.7B. To concentrate rural and estate densities not exceeding one unit per gross acre in Secondary Urban Service Districts, where a reduced level of public facility needs are programmed to be available at the base level of service adopted in the Capital Improvements Element.

Policy 4.7B.1. Land uses allowed in the Secondary Urban Service District. In the Secondary Urban Services District, Martin County shall designate land uses that (1) will provide for the efficient and economical use and extension of urban services, and (2) are

consistent with the reduced intensity of urban services normally associated with densities of one unit per gross acre (Estate Density RE-1A) and one unit per two gross acres (Rural Density). Sewer and water may be provided in the Secondary Urban Service District to projects that have vested under previous approvals.

Policy 4.7B.2. Prohibition of free-standing Secondary Urban Service Districts. Since the purpose of the Secondary Urban Service District is to accommodate low-density rural and suburban residential development on the edge of urban development, there shall be no additional free-standing Secondary Urban Service Districts or expansions of them.

Policy 4.7B.3. Conditions for expansion of Secondary Urban Service Districts. Since the Secondary Urban Service District accommodates residential uses at the edge of urban development, expansion of its boundaries shall be permitted only when it can be demonstrated that:

- (1) A clear separation can be maintained between urban and rural uses;
- (2) Internal inconsistency is not created with other elements of the adopted CGMP;
- (3) Land use incompatibilities with adjacent or nearby land uses do not result;
- (4) No adverse impacts will result on environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with this Plan;
- (5) Reasonable residential capacity does not exist on suitable land in the existing Secondary Urban Service District for the 15-year planning period. For the purpose of this subsection "reasonable" means available for development from the standpoint of environmental concerns, efficient use and expansion of public facilities and services, or availability of development sites sufficient for projected housing needs;
- (6) Consistency can be maintained with Goal 4.9 relating to appropriate residential land use capacities;
- (7) The land affected is suitable for urban uses. Unsuitable uses include environmentally sensitive areas to the degree they are protected by this Plan, prime agricultural areas, prime groundwater recharge areas and critical habitat for endangered or threatened species. This criterion does not preclude development of surrounding lands provided that the unsuitable areas are fully protected; and
- (8) Consistency is maintained with the adopted Capital Improvements Element.

Policy 4.7B.4. Density of residential development in Secondary Urban Service Districts. Martin County shall require that residential development in Secondary Urban Service District have density no higher than specified under this objective. Lands shall be included in the Secondary Urban Service District based on (1) consistency with the County's growth management policies and Capital Improvements Element and (2) maintenance of LOS standards in a cost-efficient manner.

Policy 4.7B.5. Criteria for inclusion in Secondary Urban Service Districts. Areas that meet the density criteria and are contiguous to the Primary Urban Service District shall

be delineated as Secondary Urban Service Districts on the Urban Services District Map. A tract that would normally qualify for designation in the Secondary Urban Service District that is surrounded on at least three sides by Primary Urban Service District areas may be included in the Primary Urban Service District, through a Plan amendment.

Policy 4.7B.6. Criteria for change of designation. In areas designated as Secondary Urban Service Districts, where development is proposed that would contain ~~one-half-acre~~ lots smaller than one acre, or commercial and industrial uses, a change of designation to Primary Urban Service District (1) must be approved by the Board of County Commissioners as part of a future land use amendment and (2) must meet all the policies under Objective 4.7A relating to Primary Urban Service Districts.

A change of designation to Primary Urban Service District shall not be required for development of lots smaller than one acre, described in that certain deed recorded in Official Records Book 2571, Page 1380, of the Public Records of Martin County, Florida, and located south of Kansas Avenue and east of SW Pratt Whitney Road.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 19, 2021

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Layla Ponders, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1155, which was filed in this office on April 19, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb