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

ORDINANCE NUMBER

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING
COMPREHENSIVE PLAN AMENDMENT 21-08, BECKER B14,
AMENDING THE TEXT OF CHAPTER 4, FUTURE LAND USE ELEMENT
OF THE MARTIN COUNTY COMPREHENSIVE GROWTH
MANAGEMENT PLAN; 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 January 20, 2022, the Local Planning Agency considered the proposed Comprehensive Plan Amendment at a duly advertised public hearing; and

WHEREAS, on February 22, 2022, 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 19, 2022, at a duly advertised public hearing this Board considered and tabled the amendment; and

WHEREAS, on June 21, 2022, 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.

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

**PART I. COMPREHENSIVE GROWTH MANAGEMENT PLAN AMENDMENT
CPA 21-08, BECKER B14 TEXT**

Comprehensive Growth Management Plan Amendment CPA 21-08, Becker B14 Text, 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.

DULY PASSED AND ADOPTED THIS 21ST DAY OF JUNE, 2022.

ATTEST:

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

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

BY: _____
DOUG SMITH, CHAIRMAN

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

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

MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN

Text ~~underlined~~ is added; text ~~struck through~~ is deleted.

Exhibit “A”

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. In order to be eligible for the Rural Lifestyle future land use designation, a minimum of 1,000 contiguous acres located within unincorporated Martin County and outside the Primary Urban Service District is required. 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. 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.
- (3) Within the Rural Lifestyle future land use designation, gross residential density, including employee dormitory housing, shall not exceed a maximum of one unit per 5 acres. Employee dormitory housing shall be allowed, otherwise only detached single-family dwellings are permitted. Duplex dwellings and multi-family dwellings are prohibited.
 - (a) 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) below.
 - (b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(4) 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.

No extension of utility services from the Primary, the Secondary Urban Service District or through the Secondary Urban Service District to a specific parcel with a Rural Lifestyle future land use designation and a Planned Unit Development zoning classification shall serve any other property outside of the urban service districts. 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.
 - (c) On-site sewage treatment and disposal systems (septic systems) shall comply with the requirements of Chapter 10, Sanitary Sewer Services Element.
 - (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.
- (5) 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.
- (6) 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) 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) Approval of a PUD agreement and master plan shall occur within five years of 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 PUD agreement and master 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) 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, 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.

Policy 4.7A.5. Development options outside urban service districts. Martin County shall provide reasonable and equitable options for development outside the urban service districts, including all uses permitted in the following future land use designations:

(1) Agricultural. agriculture; and

(2) Agricultural Ranchette.

(3) Rural Lifestyle.

(4) Small-scale service establishments necessary to support rural and agricultural uses (as described in the Rural Services Node future land use designation). A small-scale service establishment shall be defined as a small, compact, low intensity development within a rural area containing uses and activities which are supportive of, and have a functional relationship with the social, economic and institutional needs of the surrounding rural areas.

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 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 within the Rural Lifestyle land use designation (up to one unit per five acres) or 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. Any 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 development order shall be found in violation of the final development order and be subject to breach proceedings.