BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 19-7, GROVE XXIII GOLF COURSE LLC, AMENDING THE TEXT OF CHAPTER 4, FUTURE LAND USE ELEMENT AND CHAPTER 10, SANITARY SEWER SERVICES 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 August 15, 2019, the Local Planning Agency considered the proposed Comprehensive Plan Amendment at a duly advertised public hearing; and

WHEREAS, on August 27, 2019, 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 October 22, 2019 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 19-7, GROVE XXIII GOLF COURSE LLC

Comprehensive Growth Management Plan Amendment CPA 19-7, Grove XXIII Golf Course LLC, is hereby adopted as follows: Text amendments to Chapter 4, Future Land Use Element and Chapter 10, Sanitary Sewer Services 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 22nd DAY OF OCTOBER 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

_____

BY:_____

CAROLYN TIMMANN,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

EDWARD V. CIAMPI, Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:_____

SARAH W. WOODS,
COUNTY ATTORNEY

Exhibit A

The following is the text amendment, where the underlined language is text added to CGMP, Policy 4.1B.2 4 and Policy 10.2A.8:

Policy 4.1B.2. Analysis of availability of public facilties. All requests for amendments to the FLUMs shall include a general analysis of (1) the availability and adequacy of public facilities and (2) the level of services required for public facilities in the proposed land uses. This analysis shall address, at a minimum, the availability of category A and category C service facilities as defined in the Capital Improvements Element. No amendment shall be approved unless present or planned public facilities and services will be capable of meeting the adopted LOS standards of this Plan for the proposed land uses. The Capital Improvements Element or other relevant plan provisions and the FLUMs may be amended concurrently to satisfy this criterion. The intent of this provision is to ensure that the elements of the CGMP remain internally consistent.

Compliance with this provision is in addition to, not in lieu of, compliance with the provisions of Martin County's Concurrency Management System. When a map amendment is granted under this provision, it does not confer any vested rights and will not stop the County from denying subsequent requests for development orders based on the application of a concurrency review at the time such orders are sought.

Martin County may adopt sub-area development restrictions for a particular site where public facilities and services, such as arterial and collector roads, regional water supply, regional wastewater treatment/disposal, surface water management, solid waste collection/disposal, parks and recreational facilities, and schools, are constrained and incapable of meeting the needs of the site if developed to the fullest capacity allowed under Goal 4.13 of this Growth Management Plan. The master or final site plan for a site that is subject to such sub-area development restrictions shall specify the maximum amount and type of development allowed. Sub-area development restrictions apply to the following sites:

(1) The tract of real property described in the Warranty Deed recorded at OR Book 2157, Page 2403, of the Public Records of Martin County, which is limited to 365,904 square feet of nonresidential use, consistent with the assigned future land use designation, and on which residential uses shall not be allowed.

(2) The development of the tract of real property described in the Warranty Deed recorded in OR Book 2239, Page 2498, Public Records of Martin County, Florida, shall be restricted and managed as follows:

(a) Uses on the subject property shall be limited to nonresidential uses. Residential uses shall not be permitted.

(b) Uses on the property shall be consistent with the future land use designations for the property and the applicable land use policies of the Martin County Comprehensive Growth Management Plan (CGMP).

(c) The maximum intensities of uses on the subject property contained within a building or buildings shall not exceed 1,600,000 square feet.

(d) All future applications for development approval shall be processed as a Planned Unit Development (PUD).

(e) The maximum intensities of all uses contained within a building or buildings shall not exceed 500,000 square feet on the subject property (of which up to 25,000 square feet may be in marina uses) prior to December 1, 2015.

(3) This sub-area policy applies only to lands within the boundaries of Florida state parks within Martin County, Florida. Recreation facilities allowed in the state parks shall be limited to those supporting resource-based outdoor recreation activities specifically identified in the park's approved management plan which has been developed according to F.S. sections 253.034 and 259.032, and F.A.C. 18-2 including, but not limited to, hiking, biking and equestrian trails, swimming areas, interpretive visitor centers, resource-based camping accommodations for use by tents, pop-up campers and other recreational vehicles, and cabins. All uses within the state parks must conform to the park's management plan. Activities which are normally allowed in this land use category but are prohibited under this sub-area policy include fairgrounds, commercial marinas, ball fields, dredge spoil facilities and other user-based (active) recreation facilities.

(4) The tract of real property described in the Special Warranty Deeds recorded at OR Book 3020, Page 2321, and OR Book 3020, Page 2328 of the Public Records of Martin County that is limited to an 18-hole private golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 5,000 gallons per day for the clubhouse, maintenance area, guardhouse and golf course shelters; and up to four (4) golf cottages, which may be permitted as an accessory use to the golf course utilizing an on-site sewage treatment and disposal system with a maximum cumulative flow of 2,000 gallons per day subject to State Health Department regulations.

Chapter 10

Policy 10.2A.8. The following standards shall apply to all on-site sewage treatment and disposal system installations:

1. No onsite sewage treatment and disposal system shall exceed a total site buildout flow of 2,000 gpd, except as described below and in Policy 4.13A.8(5) and Policy 4.1B.2(4). Total site buildout shall be as determined by the Florida Department of Health.

2. All on-site sewage treatment and disposal systems shall be designed, located and installed in accordance with the "Standards for On-Site Sewage Treatment and Disposal Systems," State of Florida Department of Health, Chapter 64E-6, Florida Administrative Code or as required by the goals, objectives and policies of this element, whichever is the more restrictive.

3. On-site sewage treatment and disposal systems (including the drainfield) shall not be located within ten feet of designated upland preserve areas.

4. The property owner shall be responsible for assuring adequate drainage so adjacent parcels will not be adversely affected.

5. When a parcel of land is located on or surrounding a water body or wetland, the on-site sewage treatment and disposal system shall be placed on the side of the parcel farthest from and at least 75 feet from the water body or wetland. This requirement shall be designated on the final plat of any approved subdivision located on or surrounding a water body or wetland. In the case of a lot of record created prior to April 1, 1982, the requirement set forth in this subsection shall be waived in cases of severe hardships. The Growth Management Department director may approve such a waiver in writing upon a finding that requiring the 75-foot setback would prevent any reasonable use of the lot and upon an affirmative recommendation of the Florida Department of Health. A severe hardship does not exist if the building(s), driveways or other features on the property can be moved and still comply with all the current codes.

6. Each on-site sewage treatment and disposal system tank utilized must be equipped with an on-site sewage treatment and disposal system effluent filter. These filters must be maintained by the property owner and must remain in service for the life of the on-site sewage treatment and disposal system. A list of approved filters is available at the Florida Department of Health.

7. The installation of an on-site sewage treatment and disposal system shall not be permissible when the use is determined by the Florida Department of Health to constitute a high expected failure level.

8. On-site sewage treatment and disposal systems shall be set back a minimum of 15 feet from the design high-water line of a retention or detention area designed to contain standing or flowing water for less than 72 hours after a rainfall, or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention area.

9. For on-site sewage treatment and disposal systems outside the Primary Urban Service District the BCC may waive the 2,000 gpd limitation set forth in Policy 10.2A.8.1 above, to the extent necessary for nonresidential or agricultural uses permitted by the future land use designation and zoning district, but in no event shall the waiver allow total site buildout flows to exceed 5000 gpd.

    a. In order to obtain a waiver of Policy 10.2A.8.1. a person must submit an application in a form prescribed by the County Administrator. The application must contain a concise statement by the applicant detailing the circumstances that justify a waiver of the 2,000 gpd flow limitation The application must also contain written concurrence from the Florida Department of Health that the use to be served requires a system greater than 2,000 gpd total site buildout flow, but the system does not exceed 5,000 gpd total site buildout flow.

    b. The waiver shall not be granted unless the Board determines that:

1. The proposed system meets all criteria required by the Florida Department of Health.

2. The system has been located to protect wetlands, wellfields, water bodies, drainage facilities or other surface waters, to the maximum extent practicable. For on-site sewage treatment and disposal systems adjacent to wetlands, wellfields. water bodies, drainage facilities and other surface waters, a minimum setback of 200 feet has been provided.

c. In granting the waiver, the Board may prescribe any appropriate maintenance conditions.

d. In granting the waiver, the Board's decision shall be based upon the particular circumstances of the application and shall not constitute a precedent for other waiver applications.