



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

County Operations

REZONING

Applicant:	Martin County Board of County Commissioners
Agent for the Applicant:	Paul Schilling Director, Growth Management Department Martin County Board of County Commissioners
County Project Coordinator:	Carolyn Grunwald, Planner
Growth Management Director:	Paul Schilling
Project Number:	C173-001
Application Type and Number:	DEV2022120009
Report Number:	2023_0202_C173-001
Application Received:	8/16/2022
Transmitted:	TBD
Date of Report:	02/02/2023
LPA Meeting:	02/16/2023
BCC Meeting:	06/06/2023

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B. Project description and analysis

This is a request by The Board of County Commissioners for a zoning district change from LI (Limited Industrial District) to GI (General Industrial District), on a ±29.8-acre parcel on the west side S.W. Kanner Highway, south of S.W. 96th Street, and north of S.W. Bridge Road. The request was initiated by the Martin County Board of County Commissioners concurrently with a Board-initiated text amendment on the ±29.8-acre subject site on August 16, 2022. Included with this application is a Request for a Certificate of Public Facilities Exemption (Section 5.32.B.3.f.(7), LDR).

This is a non-mandatory rezoning request to a higher intensity use that is consistent with the future land use. The concurrent text amendment application is to exclude this 29.8-acre parcel created from the original 250-acre parcel encumbered by a PUD development agreement requirement. The proposed GI zoning district allows the use of Extensive Impact Industries and does not permit the use of residential dwellings. There are three “general” zoning districts that implement the Industrial future land use designation, and they are LI, Limited Industrial, GI, General Industrial and HI, Heavy Industrial. Staff recommends GI as it permits less intense uses than HI and slightly more intense uses than LI. Please see under permitted uses the excerpt of Table 3.11.2 regarding the uses allowable.

Cat.	Zoning District	District Purpose
A	LI (Limited Industrial District)	The LI district is intended to implement CGMP policies for lands designated Industrial on the Future Land Use Map of the CGMP. This district is designed to minimize the potential for negative impacts on surrounding properties.
A	GI (General Industrial District)	The GI district is intended to implement CGMP policies for lands designated Industrial on the Future Land Use Map of the CGMP.
A	HI (Heavy Industrial District)	The HI district is intended to implement CGMP policies for lands designated Industrial on the Future Land Use Map of the CGMP.

Permitted Uses:

The existing zoning district, LI, is a Category A zoning district. The permitted uses are listed below in the excerpt of Table 3.11.2 located in Article 3 of the LDR. This table shows the permitted use schedule for the current zoning district of LI, the proposed zoning district of GI and the most intense district of HI. The "P" indicates that the uses permitted within that zoning district provided the uses can be developed in accordance with, the requirements set forth in Divisions 3 and 4 and all other applicable requirements of Article 3 and the Land Development Regulations.

**TABLE 3.11.2
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	<i>LI</i>	<i>GI</i>	<i>HI</i>
<i>Residential Uses</i>			
Accessory dwelling units	P	P	P
<i>Agricultural Uses</i>			
Agricultural processing, indoor		P	P
Agricultural processing, outdoor			P
Agricultural veterinary medical services	P	P	
Aquaculture	P	P	P
Plant nurseries and landscape services	P	P	
<i>Public and Institutional Uses</i>			
Administrative services, not-for-profit	P	P	P
Cemeteries, crematory operations and columbaria	P	P	P
Correctional facilities		P	P
Educational institutions	P	P	P
Electrical generating plants			P
Places of worship	P	P	
Post offices	P		
Protective and emergency services	P	P	P
Public libraries	P		

Public parks and recreation areas, active	P	P	P
Public parks and recreation areas, passive	P	P	P
Recycling drop-off centers	P	P	P
Solid waste disposal areas			P
Utilities	P	P	P
<i>Commercial and Business Uses</i>			
Adult business	P	P	P
Business and professional offices	P	P	
Commercial amusements, indoor	P		
Commercial amusements, outdoor	P		
Commercial day care	P	P	
Construction industry trades	P	P	P
Construction sales and services	P	P	P
Financial institutions	P	P	
Flea markets	P	P	
General retail sales and services	P		
Golf driving ranges	P		
Hotels, motels, resorts and spas	P	P	
Kennels, commercial	P	P	P
Limited retail sales and services	P		
Medical services	P		
Pain management clinics	P		
Residential storage facilities	P	P	
Restaurants, convenience, with drive-through facilities	P		
Restaurants, general	P	P	
Shooting ranges, indoor	P	P	P
Trades and skilled services	P	P	P
Vehicular sales and service	P	P	
Vehicular service and maintenance	P	P	P
Veterinary medical services	P	P	P
Wholesale trades and services	P	P	P
<i>Transportation, Communication and Utilities Uses</i>			
Airports, general aviation		P	P
Truck stop/travel center			P
<i>Industrial Uses</i>			
Biofuel facility		P	P
Extensive impact industries		P	P
Limited impact industries	P	P	P
Mining			P
Salvage yards		P	P
Yard trash processing			P
Yard trash processing on lots where such use was	P	P	

lawfully established prior to March 29, 2002			
<i>Life Science, Technology and Research (LSTAR) Uses</i>			
Biomedical research	P	P	P
Bioscience research	P	P	P
Computer and electronic components research and assembly	P	P	P
Computer and electronic products research and assembly	P	P	P
Computer programming/software research	P	P	P
Computer system design	P	P	P
Electromedical apparatus research and assembly	P	P	P
Electronic equipment research and assembly	P	P	P
Laser research and assembly	P	P	P
Lens research	P	P	P
Management, scientific and technical services	P	P	P
Marine Research	P	P	P
Medical and dental labs	P	P	P
Medical equipment assembly	P	P	P
Optical equipment assembly	P	P	P
Optical instruments assembly	P	P	P
Optoelectronics assembly	P	P	P
Pharmaceutical products research	P	P	P
Precision instrument assembly	P	P	P
Professional, scientific and technical services	P	P	P
Reproducing magnetic and optical media	P	P	P
Research and development laboratories and facilities, including alternative energy	P	P	P
Scientific and technical consulting services	P	P	P
Simulation training	P	P	P
Technology centers	P	P	P
Telecommunications research	P	P	P
Testing laboratories	P	P	P
<i>Targeted Industries Business (TIB) Uses</i>			
Aviation and aerospace manufacturing	P	P	P
Business-to-business sales and marketing	P	P	P
Chemical manufacturing	P	P	P
Convention centers	P	P	P
Credit bureaus	P	P	P
Credit intermediation and related activities	P	P	P
Customer care centers	P	P	P
Customer support	P	P	P
Data processing services	P	P	P
Electrical equipment and appliance component	P	P	P

manufacturing			
Electronic flight simulator manufacturing	P	P	P
Fiber optic cable manufacturing	P	P	P
Film, video, audio and electronic media production and postproduction	P	P	P
Food and beverage products manufacturing	P	P	P
Funds, trusts and other financial vehicles	P	P	P
Furniture and related products manufacturing	P	P	P
Health and beauty products manufacturing	P	P	P
Information services and data processing	P	P	P
Insurance carriers	P	P	P
Internet service providers, web search portals	P	P	P
Irradiation apparatus manufacturing	P	P	P
Lens manufacturing	P	P	P
Machinery manufacturing	P	P	P
Management services	P	P	P
Marine and marine related manufacturing	P	P	P
Metal manufacturing	P	P	P
National, international and regional headquarters	P	P	P
Nondepository credit institutions	P	P	P
Offices of bank holding companies	P	P	P
On-line information services	P	P	P
Performing arts centers	P	P	P
Plastics and rubber products manufacturing	P	P	P
Printing and related support activities	P	P	P
Railroad transportation	P	P	P
Reproducing magnetic and optical media manufacturing	P	P	P
Securities, commodity contracts	P	P	P
Semiconductor manufacturing	P	P	P
Simulation training	P	P	P
Spectator sports	P	P	P
Surgical and medical instrument manufacturing	P	P	P
Technical support	P	P	P
Telephonic and on-line business services	P	P	P
Textile mills and apparel manufacturing	P	P	P
Transportation air	P	P	P
Transportation equipment manufacturing	P	P	P
Transportation services	P	P	P
Transaction processing	P	P	P
Trucking and warehousing	P	P	P
Wood and paper product manufacturing	P	P	P

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 891, pt. 1, 2-22-2011; Ord. No. 970, pt. 1, 4-7-2015; Ord. No. 1014, pt. 2,

Development Standards:

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division. Please see excerpts below:

**TABLE 3.12.1
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	LI	15,000	100	—	20	40	30(1)	20	—
A	GI	30,000	125	—	20	50	40	20	—
A	HI	1 ac.	125	—	—	60	40	20	—

NOTES:

- (l) The maximum building height shall be 40 feet for all commercial and business uses permitted in the LI zoning district as set forth in Table 3.11.2.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1131, pt. I(Exh. A), 5-5-2020)

**TABLE 3.12.2.
STRUCTURE SETBACKS**

C A T	Zoning District	Front/by (ft.)				Rear/by (ft.)				Side/by (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
A	LI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	GI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	HI	40	40	40	40	40	40	40	40	40	40	40	40

NOTES:

Additional setback specifications are contained in division 3 (standards for specific uses) and division 4 (miscellaneous development standards) of this article 3.

- (c) Where the real property boundary abuts an RE, RS, MH, RM, HR-1, HR-1A, R-1, R-1A, R-1B, R-1C, R-2, R-2B, R-2C, R-2T, RT, TP, E, E-1, WE-1 zoning district, a residential use in a PUD, or the real property boundary of a public school, these increased setbacks shall apply:

Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)				Corner
1	2	3	4	1	2	3	4	1	2	3	4	
25	25	25	25	20	20	30	40	15	20	20	30	25

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 727, pt. 1, 10-24-2006; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1014, pt. 2, 12-6-2016)

Standards for Amendments to the Zoning Atlas

The Comprehensive Growth Management Plan (CGMP) states in Chapter 4, Section 4.4: “Goal 4.4.: To eliminate or reduce uses of land that are inconsistent with community character or desired future land uses.” And, in Objective 4.4A. “To eliminate inconsistencies between the FLUM and the zoning maps and regulations.”

The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provides the following “Standards for amendments to the Zoning Atlas.”

The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.

In the review of a proposed amendment to the Zoning Atlas, the Board of County Commissioners shall consider the following:

a. Whether the proposed rezoning is consistent with all applicable Provisions of the CGMP; and

The staff report for CPA 19-5, KL Waterside Text Amendment, allows an Industrial Freestanding Urban Service District of 250 acres, of which this 29.8-acre parcel was created from. CPA 19-5 supports the text necessary for this site’s operation. The staff report for CPA 19-6, changed the FLUM to Industrial on this site. The Industrial Future Land Use and proposed General Industrial zoning district are compatible.

b. Whether the proposed rezoning is consistent with all applicable provisions of the Martin County Land Development Regulations (LDR); and

The requested GI zoning district implements the Industrial future land use pursuant to the requirements and standards of the LDR. GI allows Extensive Impact Industries as a permitted use. Thus allowing Martin County Public Works Department to utilize this central county site for operations.

c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the proposed zoning use; and

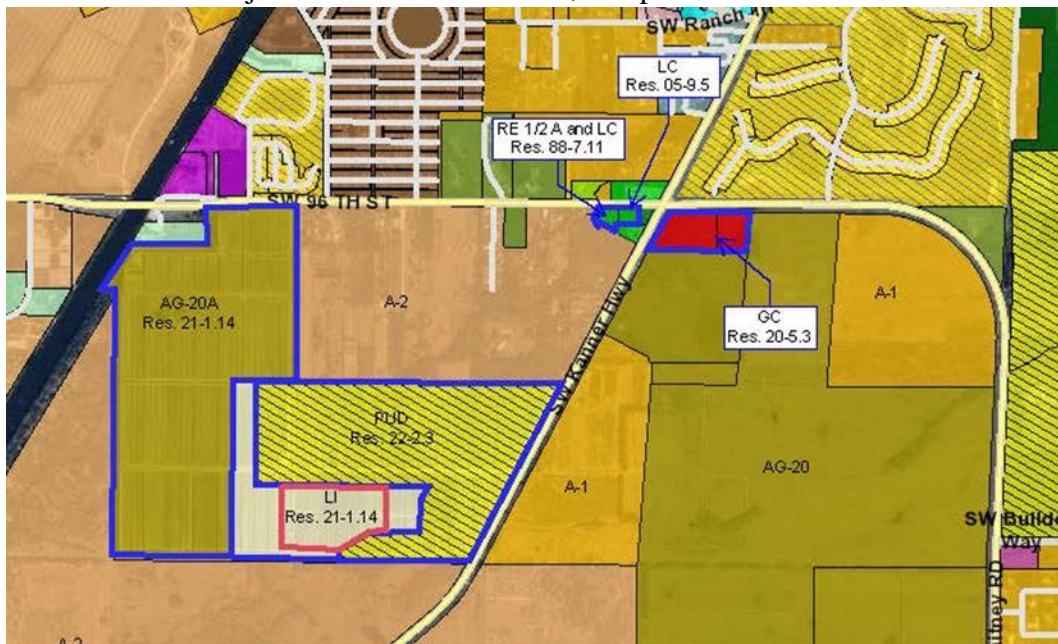
The GI zoning district is compatible to the surrounding parcels as they are zoned LI and Industrial PUD. Unlike the current LI zoning district, the proposed GI zoning district does permit the required outdoor storage. The subject site is immediately surrounded by parcels that are compatible to the proposed zoning district. Outside of the immediate area, the parcels to the south, east and west have Agricultural zoning and future land use assignments. North of the subject site, parcels are industrial with large scale limited industrial uses that buffers the proposed GI site from the mix of uses further to the north.

d. Whether and to what extent there are documented changed conditions in the area; and

There have been a few zoning changes in the area. See Figure 1, which shows the past zoning resolutions in the area nearby the subject parcel. The GI zoning district permits Extensive Impact Industries and would further reduce the impact of commercial vehicular traffic by being in a more centralized location in the county.

1. **Resolution 05-9.5:** Zoning amendment, where property was changed from R-3A to LC.
2. **Resolution 88-7.11:** Zoning amendment, where property was changed from A-2 to LC on one parcel and from A-2 to RE-1A on an adjacent parcel.
3. **Resolution 20-5.3:** Zoning amendment, where property was changed from R-3A and A-1 to GC.
4. **Resolution 21-1.14:** Zoning amendment, where property was changed from A-2, WGC and GI to AG-20A and LI.
5. **Resolution 22-2.3:** Zoning amendment, where property was changed from LI to PUD.

Figure 1 - where the subject site is outlined in red, and parcels outlined in blue had a rezoning.



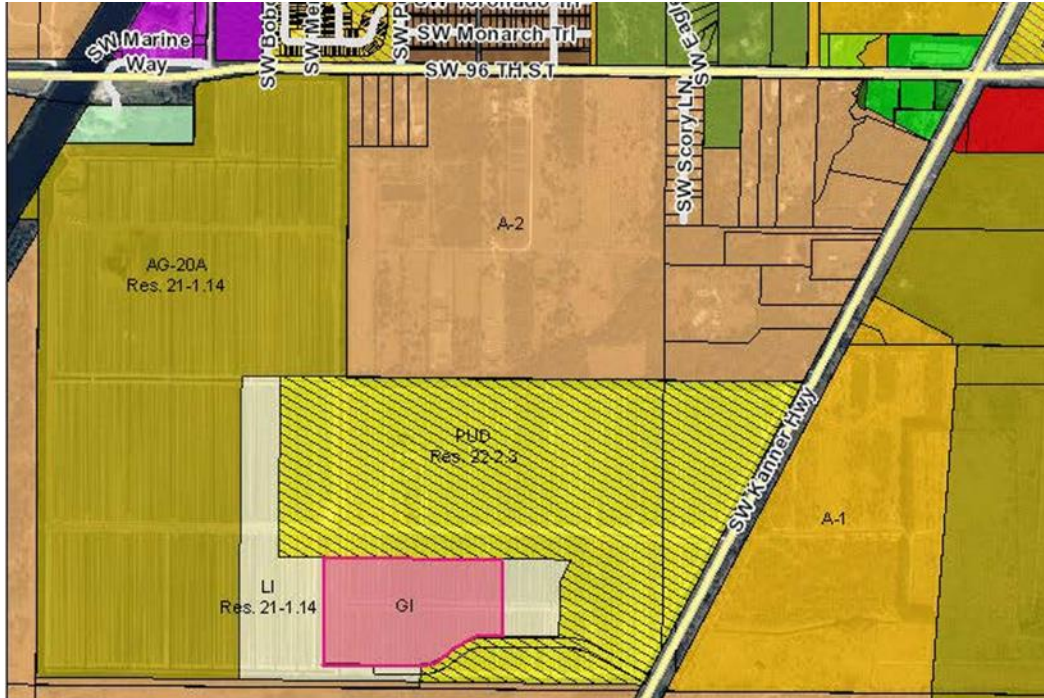
e. Whether and to what extent the proposed zoning would result in demands on public facilities; and

The proposed amendment will not result in demands on public facilities due to the adoption of Ordinance 1152, implementing the exception of a Freestanding Urban Service District for the site.

- f. *Whether and to what extent the proposed zoning would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and*

The subject site has Industrial and an Industrial PUD to the south, east, west and north. Surrounding the Industrial and PUD lands are Agricultural parcels. The proposed request will blend with the immediate surrounding land uses and will allow for the site to be utilized as a central county location for commercial vehicles and storage of improvement materials. The proposed amendment would result in zero residential units.

Figure 2 - Proposed Zoning District as GI with the subject site marked in light red.



- g. *Consideration of the facts presented at the public hearings.*

This rezoning was presented to the LPA with 4-0 to approve.

C. Staff recommendation:

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Carolyn Grunwald	288-5930	Comply
G	Development Review	Carolyn Grunwald	288-5930	Comply

H	County Attorney	Elyse Elder	288-5925	Review Ongoing
I	Adequate Public Facilities	Carolyn Grunwald	288-5930	Exempt

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation and has found this request to be in compliance with the substantive provisions of Article 3. The Board is advised that this application is in order and qualifies for an action of approval.

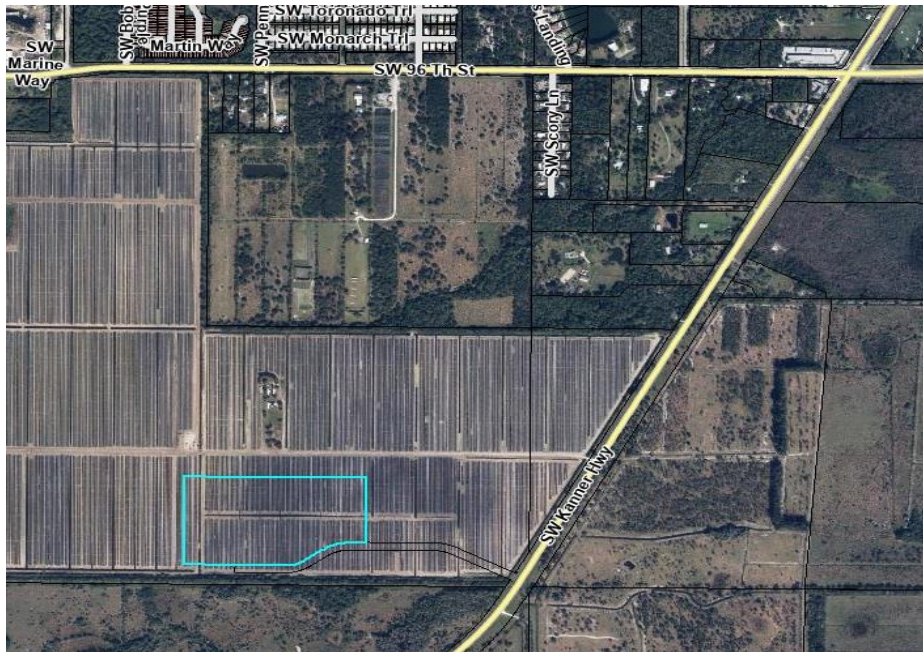
D. Review Board action

This application is classified as an amendment to the official zoning atlas. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, FL (2019), a review of this application at a public hearing is required by the Local Planning Agency (LPA), which shall provide a recommendation for the Board’s consideration. And, pursuant to Section 10.5.F., LDR, Martin County, FL (2019), final action on the request for an amendment to the official zoning atlas is required by the Board of County Commissioners (BCC) at a public hearing.

E. Location and site information

Parcel number: 13-39-40-000-0140-001-00
 Location: west of S.W. Kanner Highway, south of S.W. 96th Street, and north of S.W. Bridge Road
 Existing Zoning: LI, Limited Industrial
 Future Land Use: Industrial
 Nearest Major Road: S.W. Kanner Highway
 Gross Area of Site: 29.8 Acres

Figure 3: Location and Aerial Map of parcel outlined in blue.



Adjacent existing or proposed development:

To the north: Under construction for South Florida Gateway Industrial Park
To the south: Vacant Industrial and Agricultural
To the east: Under construction for South Florida Gateway Industrial Park
To the west: Vacant Industrial and Agricultural

Figure 4: Future Land Use Map Excerpt. Subject parcel outlined in blue.

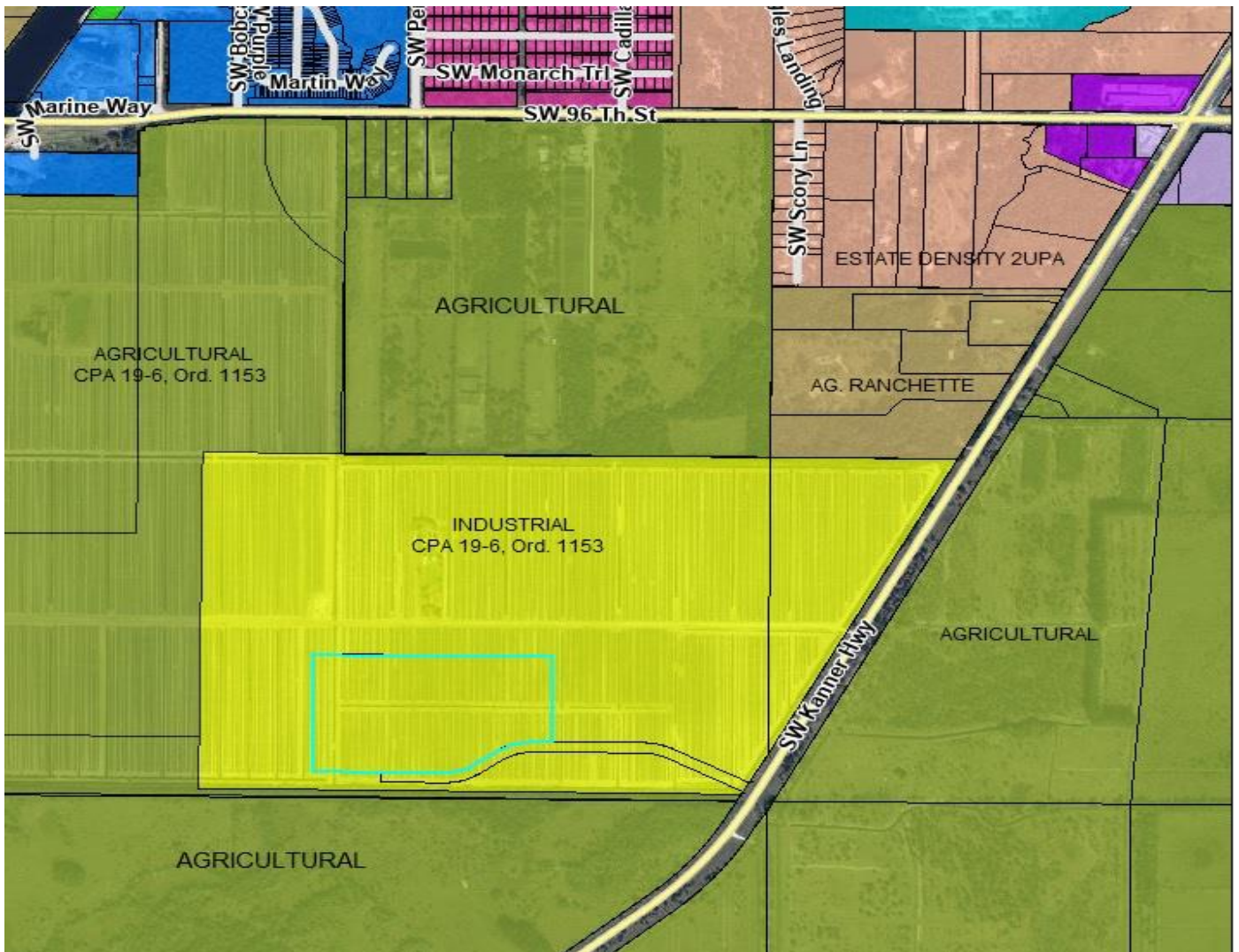
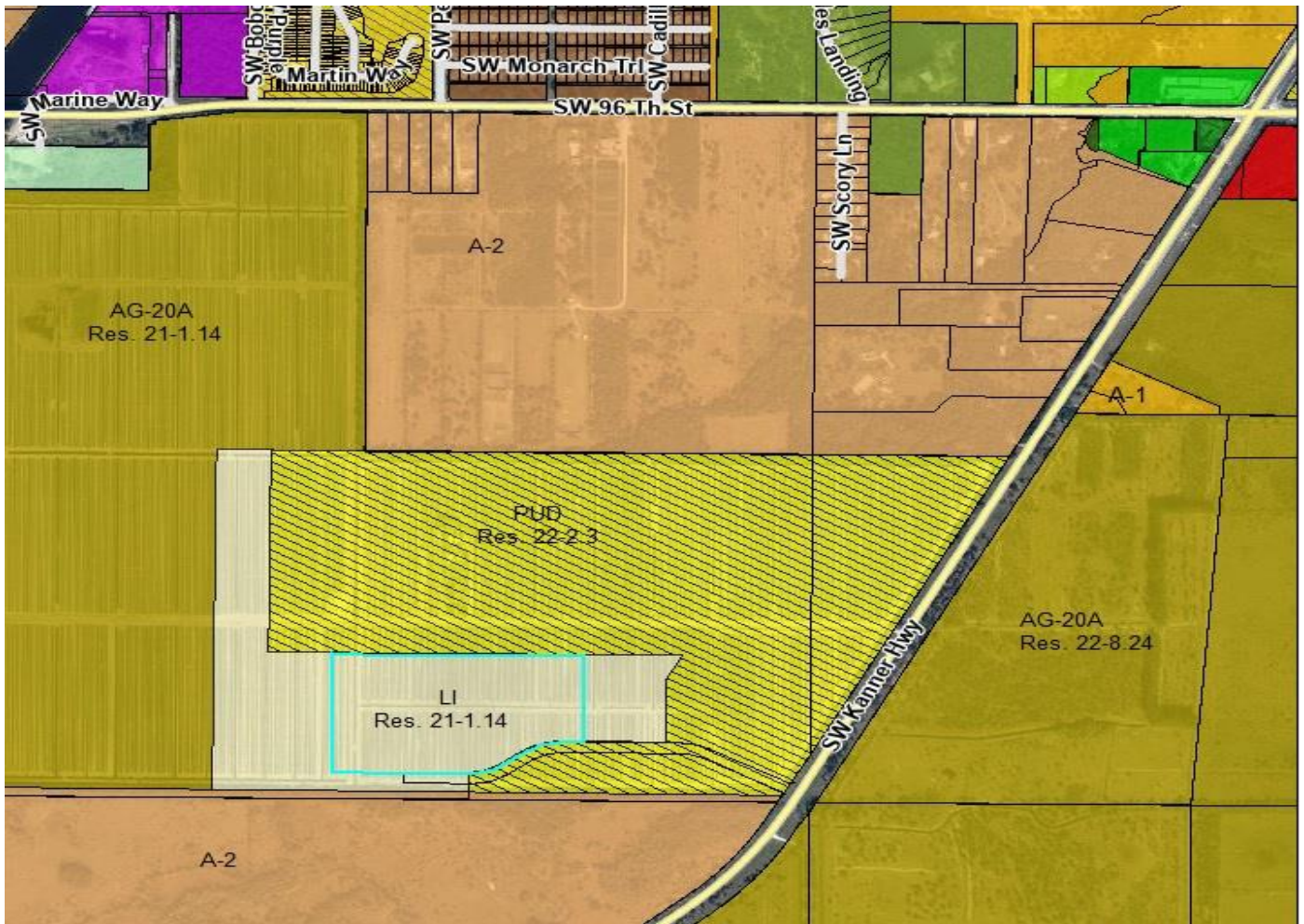


Figure 5: Zoning Atlas Excerpt. Subject parcel outlined in blue.



Zoning district designations of abutting properties:

- To the north: PUD, Planned Unit Development
- To the south: LI, Limited Industrial and PUD
- To the east: LI, Limited Industrial
- To the west: LI, Limited Industrial

F. Determination of compliance with Comprehensive Growth Management Plan requirements – Growth Management Department

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. The application proposes rezoning to a standard zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated Industrial on the Future Land Use Map of the CGMP Martin County, FL, LDR §3.10 (2013).

G. Determination of compliance with land use, site design standards, zoning and procedural requirements – Growth Management Department

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and pursuant to the analysis provided in Section B of this report, finds this application in compliance with the applicable regulations.

Additional Information:

Information #1: *Newspaper Advertisement*

Notice(s) of public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing (seven calendar days if the application is being expedited pursuant to section 10.5.E.3.) in the legal advertisement section of a newspaper of general circulation in Martin County, as defined in F.S. Chapter 50 and consistent with the provision of F.S. Chapters 125, 163 and 286. [Martin County, FL, LDR, Article 10, Section 10.6.D. (2019)] The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application.

Information #2: *Notice of a Public Hearing*

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.5.E.) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. In addition, notice shall be mailed to all homeowner associations, property owners associations, condominium associations and the owners of each condominium unit within the notice area. [Martin County, Fla, LDR, Article 10, Section 10.6.E.1. (2019)]

Information #3: *Notice to adjacent governments*

Notice of all development applications relating to property which is within one mile of another general purpose government shall be mailed by the applicant to the appropriate entity within the jurisdiction at least 14 days prior to the public hearing. [Martin County, Fla, LDR, Article 10, Section 10.6.F. (2019)]

H. Determination of compliance with legal requirements – County Attorney’s Office

Review is ongoing.

I. Determination of compliance with the adequate public facilities requirements – responsible departments

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. (2016). Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the preexisting use has been discontinued for two years or more;
- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site development.

J. Post-approval requirements

Approval of the development order is conditioned upon the applicant’s submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Item #1:

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

Item #2:

Recording Costs: The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

K. Local, State, and Federal Permits

No Local, State and Federal Permits are applicable to a rezoning action which does not permit any development activities.

L. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$0.00	\$0.00	\$0.00
Advertising fees *:	TBD		
Recording fees **::	TBD		

*Advertising fees will be determined once the ads have been placed and billed to the County.

**Recording fees will be identified on the post approval checklist.

M. General application information

Applicant: Martin County Board of County Commissioners
 Don Donaldson
 2401 S.E. Monterey Road
 Stuart, FL 34994
 772-288-5495
ddonalds@martin.fl.us

Agent: Martin County Board of County Commissioners
 Paul Schilling
 2401 S.E. Monterey Road
 Stuart, FL 34994
 772-288-5495
pschilli@martin.fl.us

N. Acronyms

ADA	Americans with Disability Act
AHJ	Authority Having Jurisdiction
ARDP	Active Residential Development Preference
BCC	Board of County Commissioners
CGMP	Comprehensive Growth Management Plan
CIE	Capital Improvements Element
CIP	Capital Improvements Plan
FACBC	Florida Accessibility Code for Building Construction
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
LDR	Land Development Regulations
LPA	Local Planning Agency
MCC	Martin County Code
MCHD	Martin County Health Department
NFPA	National Fire Protection Association

SFWMD South Florida Water Management District
W/WWSA Water/Wastewater Service Agreement

O. Attachments

Application Materials
Legal Ad
Sample Letter to Surrounding Property Owners
Surrounding Property Owners Certification
Sign Posting Affidavit
Staff Presentation
Draft Resolution to Approve Rezoning