



MARTIN COUNTY, FLORIDA Comprehensive Planning Division

PROPOSED AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS

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A. Application Information

Request Number: **Nine Gems Rezoning, concurrent with CPA 24-21**

Report Issuance Date: December 26, 2024

Property Owner(s): South Florida Water Management District *and* Martin County Board of County Commissioners

Applicant: Martin County Board of County Commissioners
and
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
Agent: Ray Palmer

Represented by: Public Works
Michael Yustin, Environmental Senior Project Manager
Martin County Board of County Commissioners
2401 S.E. Monterey Ave.
Stuart, FL 34996

Planner: Amy Offenbach, Planner
Growth Management Department

Growth Management Director: Paul Schilling

<u>Public Hearings:</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency:	1/16/2025	
Board of County Commission Adoption:	TBD	

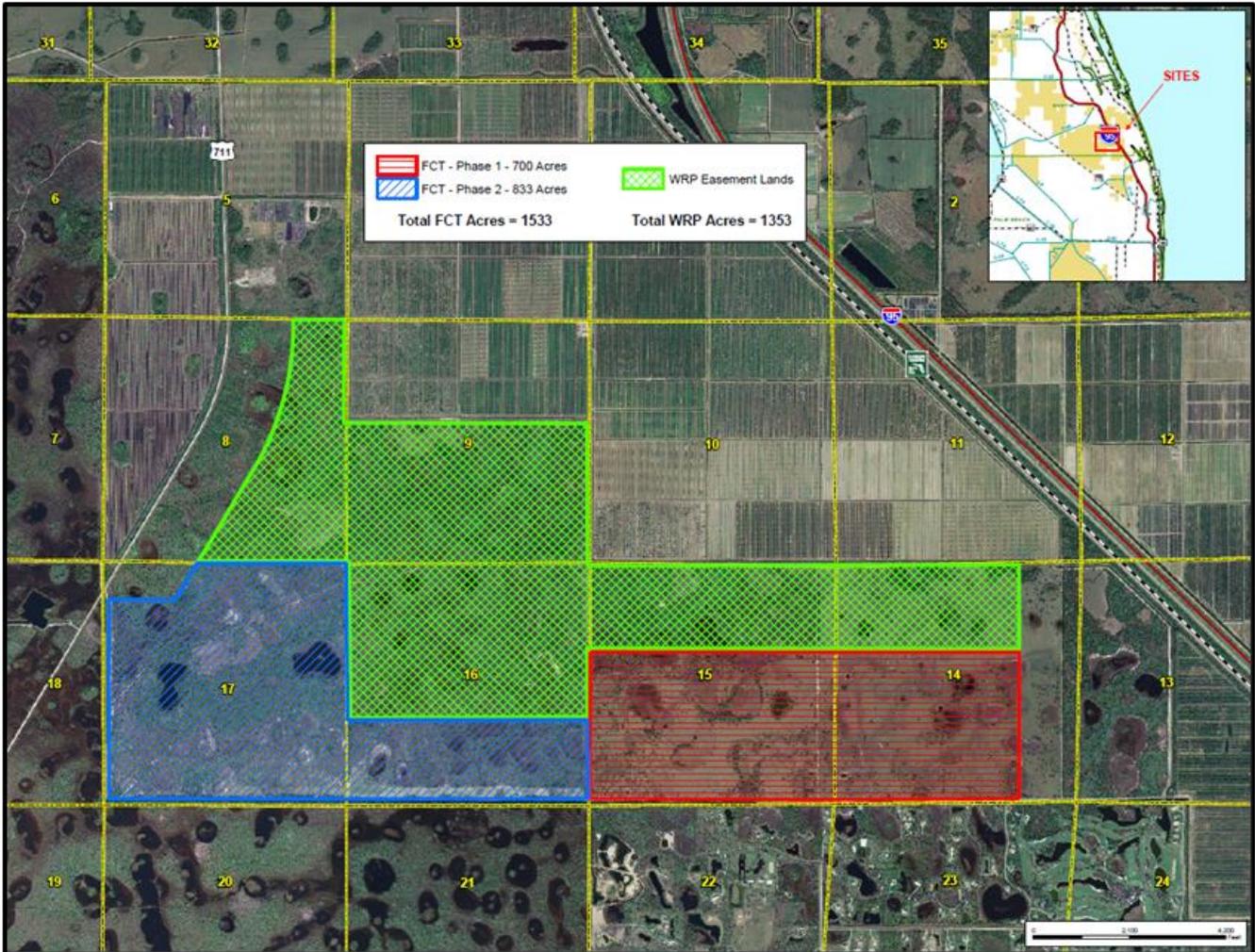
B. Project description and analysis

This request is to amend the County Zoning Atlas from the A-2 (Agricultural) zoning district to the PC (Public Conservation) zoning district on the 1,533-acre property, known as Nine Gems. The subject property was purchased with a grant from Florida Communities Trust (FCT) which is subject to a Deed of Restrictive Covenants requiring the land use be dedicated to open space, conservation or outdoor recreational uses with ancillary permeable parking, a picnic pavilion, and trails. This request is made concurrent with Comprehensive Plan Amendment (CPA) 24-21, which proposes to amend the future land use designation from Agricultural to Institutional – Public Conservation.

Staff recommendation:

Staff recommends approval of the zoning atlas change from A-2, Agricultural to PC, Public Conservation. The proposed zoning atlas change depends on the final decision for the future land use designation on the property. The proposed zoning district, Public Conservation, implements the Institutional – Public Conservation future land use designation.

Figure 1 – Location of FCT funded area highlighted in blue and red.



Permitted uses:

The existing zoning district, A-2, is a Category C zoning district which is inconsistent with the proposed future land use designation. Unlike the permitted uses in the A-2 zoning district, the permitted uses in the PC (Public Conservation) zoning district are consistent with the proposed Institutional – Public Conservation future land use designation.

Below is an excerpt from Article 3, Section 3.10.B, of the LDR, showing the zoning districts that are consistent with the proposed future land use.

Category	Zoning District	District Purpose
A	PC (Public Conservation District)	The PC district is intended to implement the CGMP policies for lands designated for Institutional-Public Conservation Areas on the Future Land Use Map of the CGMP.

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed PC zoning district. The "P" indicates that the uses permitted are 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 of the Land Development Regulations.

TABLE 3.11.2

PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS

USE CATEGORY	PC
<i>Residential Uses</i>	
Accessory dwelling units	
Apartment hotels	
Mobile homes	
Modular homes	
Multifamily dwellings	
Single-family detached dwellings	
Single-family detached dwellings, if established prior to the effective date of this ordinance	
Townhouse dwellings	
Duplex dwellings	
Zero lot line single-family dwellings	
<i>Agricultural Uses</i>	
Agricultural processing, indoor	
Agricultural processing, outdoor	
Agricultural veterinary medical services	
Aquaculture	
Crop farms	
Dairies	
Exotic wildlife sanctuaries	
Farmer's markets	
Feed lots	
Fishing and hunting camps	
Orchards and groves	
Plant nurseries and landscape services	
Ranches	
Silviculture	
Stables, commercial	
Storage of agricultural equipment, supplies and produce	
Wildlife rehabilitation facilities	
<i>Public and Institutional Uses</i>	
Administrative services, not-for-profit	
Cemeteries, crematory operations and columbaria	
Community centers	

Correctional facilities	
Cultural or civic uses	
Dredge spoil facilities	
Educational institutions	
Electrical generating plants	
Fairgrounds	
Halfway houses	
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	
Hospitals	
Neighborhood assisted residences with six (6) or fewer residents	
Neighborhood boat launches	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities	
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance	
Places of worship	
Post offices	
Protective and emergency services	
Public libraries	
Public parks and recreation areas, active	
Public parks and recreation areas, passive	P
Public vehicle storage and maintenance	
Recycling drop-off centers	
Residential care facilities	
Solid waste disposal areas	
Utilities	
<i>Commercial and Business Uses</i>	
Adult business	
Ancillary retail use	
Bed and breakfast inns	
Business and professional offices	
Campgrounds	
Commercial amusements, indoor	
Commercial amusements, outdoor	
Commercial day care	
Construction industry trades	
Construction sales and services	
Family day care	
Financial institutions	
Flea markets	
Funeral homes	
General retail sales and services	
Golf courses	
Golf driving ranges	
Hotels, motels, resorts and spas	
Kennels, commercial	

Limited retail sales and services	
Marinas, commercial	
Marine education and research	
Medical services	
Pain management clinics	
Parking lots and garages	
Recreational vehicle parks	
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance	
Residential storage facilities	
Restaurants, convenience, with drive-through facilities	
Restaurants, convenience, without drive-through facilities	
Restaurants, general	
Shooting ranges	
Shooting ranges, indoor	
Shooting ranges, outdoor	
Trades and skilled services	
Vehicular sales and service	
Vehicular service and maintenance	
Veterinary medical services	
Wholesale trades and services	
<i>Transportation, Communication and Utilities Uses</i>	
Airstrips	
Airports, general aviation	
Truck stop/travel center	
<i>Industrial Uses</i>	
Biofuel facility	
Composting, where such use was approved or lawfully established prior to March 1, 2003	
Extensive impact industries	
Limited impact industries	
Mining	
Salvage yards	
Yard trash processing	
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002	
<i>Life Science, Technology and Research (LSTAR) Uses</i>	
Biomedical research	
Bioscience research	
Computer and electronic components research and assembly	
Computer and electronic products research and assembly	
Computer programming/software research	
Computer system design	
Electromedical apparatus research and assembly	
Electronic equipment research and assembly	
Laser research and assembly	
Lens research	
Management, scientific and technical services	

Marine Research	
Medical and dental labs	
Medical equipment assembly	
Optical equipment assembly	
Optical instruments assembly	
Optoelectronics assembly	
Pharmaceutical products research	
Precision instrument assembly	
Professional, scientific and technical services	
Reproducing magnetic and optical media	
Research and development laboratories and facilities, including alternative energy	
Scientific and technical consulting services	
Simulation training	
Technology centers	
Telecommunications research	
Testing laboratories	
<i>Targeted Industries Business (TIB) Uses</i>	
Aviation and aerospace manufacturing	
Business-to-business sales and marketing	
Chemical manufacturing	
Convention centers	
Credit bureaus	
Credit intermediation and related activities	
Customer care centers	
Customer support	
Data processing services	
Electrical equipment and appliance component manufacturing	
Electronic flight simulator manufacturing	
Fiber optic cable manufacturing	
Film, video, audio and electronic media production and postproduction	
Food and beverage products manufacturing	
Funds, trusts and other financial vehicles	
Furniture and related products manufacturing	
Health and beauty products manufacturing	
Information services and data processing	
Insurance carriers	
Internet service providers, web search portals	
Irradiation apparatus manufacturing	
Lens manufacturing	
Machinery manufacturing	
Management services	
Marine and marine related manufacturing	
Metal manufacturing	
National, international and regional headquarters	
Nondepository credit institutions	
Offices of bank holding companies	

On-line information services	
Performing arts centers	
Plastics and rubber products manufacturing	
Printing and related support activities	
Railroad transportation	
Reproducing magnetic and optical media manufacturing	
Securities, commodity contracts	
Semiconductor manufacturing	
Simulation training	
Spectator sports	
Surgical and medical instrument manufacturing	
Technical support	
Telephonic and on-line business services	
Textile mills and apparel manufacturing	
Transportation air	
Transportation equipment manufacturing	
Transportation services	
Transaction processing	
Trucking and warehousing	
Wood and paper product manufacturing	

(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, 12-6-2016; Ord. No. 1045, pt. 1, 1-9-2018)

There is one permitted use in the PC zoning district, which is public parks and recreation areas, passive. The definition of the passive public parks and recreation areas is provided as follows from Section 3.3 of the Land Development Regulations: “Public parks and recreation areas operated by a public or private not-for-profit entity where the primary goal is the preservation of land in its natural state for public enjoyment. Accessory uses and structures, such as parking, restrooms, and public viewing areas may be provided to facilitate public use of the preserved land, but this use specifically excludes recreational facilities such as ball parks and tennis courts that require large, cleared areas, boat ramps for motorized vessels, or other uses which are incompatible with the preservation of native lands.”

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. The development standards in the following table are consistent with the minimum lot size and minimum open space requirements of the Institutional-Public Conservation future land use designation. 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	PC	—	—	—	—	45	30	40	—

(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; Ord. No. 1165, § 1, 8-10-2021)

**TABLE 3.12.2.
STRUCTURE SETBACKS**

CATEGORY	Zoning District	Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
A	PC	25	25	25	25	20	20	30	40	10	10	20	30

(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; Ord. No. 1165, pt. 1, 8-10-2021)

Standards for Amendments

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the LDRs pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016).
2. The Martin County 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 (Comprehensive Growth Management Plan) 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 LDRs. 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.”

3. The Martin County LDR, in Section 3.2.E.2., provides the following “Standards for amendments to the Zoning Atlas.” In the review of a proposed amendment to the Zoning Atlas, the Board of County Commissioners shall consider the following:

a. Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and

If approved, the Institutional-Public Conservation future land use designation on the Future Land Use Map will require changing the zoning district to one that implements the future land use designation. The PC, Public Conservation zoning district is intended to preserve land in its natural state for public enjoyment.

b. Whether the proposed amendment is consistent with all applicable provisions of the LDR; and

The PC, Public Conservation zoning district is intended to implement the Institutional-Public Conservation future land use designation of the CGMP. With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance cannot be assessed until a

specific plan has been selected for the property and an application is submitted for review. The applicant must demonstrate full compliance with all regulations prior to approval of a development order.

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

The subject parcels are situated in a rural area constituting Agricultural and Conservation uses. The Ranch Colony agricultural community is located directly south of the subject property. There are a few properties in the area outside of a subdivision that have single family homes. The proposed zoning district is compatible with the lack of development in the surrounding area.

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

The proposed Public Conservation zoning district is consistent with the acquisition and development of the John C. and Mariana Jones/Hungryland Wildlife and Environmental Area, of which the subject site is a component, and with public acquisition and management of land in the surrounding area.

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

The proposed zoning district will not require urban services and demands on other public facilities and services will be minimal.

- 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 land use pattern that has been established and recognized on the FLUM of the CGMP contains agricultural and conservation land uses within proximity to the subject parcels. The amendment to assign the Public Conservation District would be consistent with the Public Conservation future land use and the lack of development in the surrounding area.

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

This CPA 24-21 rezoning with a concurrent FLUM, has not been presented at a public hearing yet.

Figure 2 – Adopted Zoning District Atlas with subject site outlined in red.

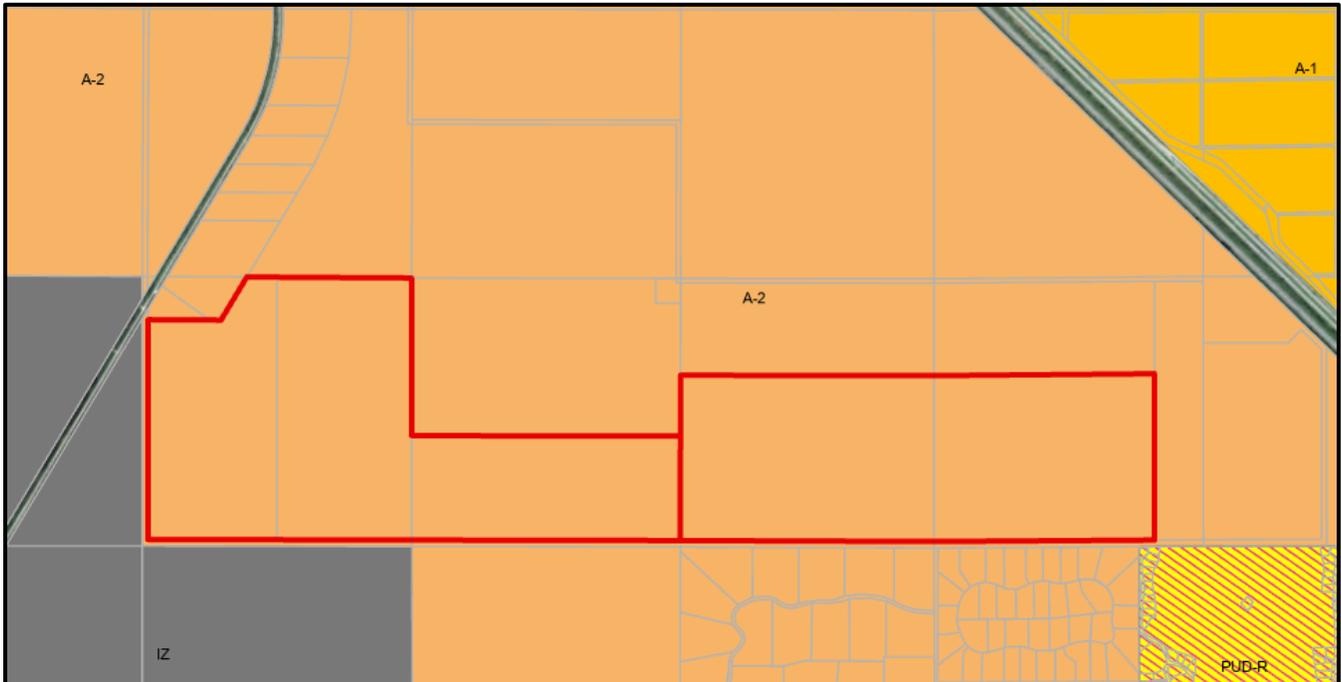
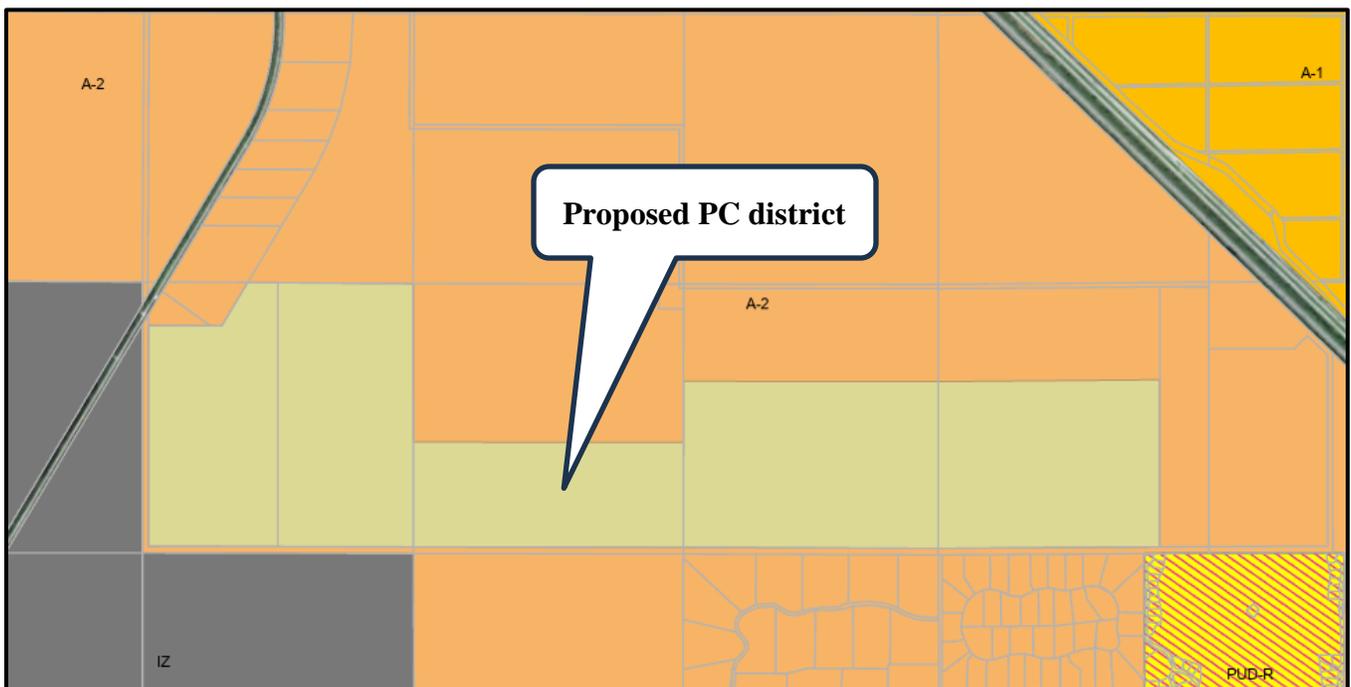


Figure 3 – Proposed Zoning Atlas with proposed zoning district of subject highlighted in light green.



C. Staff recommendations:

The specific findings and conclusion of each review agency related to this request 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	Amy Offenbach	288-5520	Comply
G	Development Review	Amy Offenbach	288-5520	Comply

S	County Attorney	Elysse Elder	463-3210	Review Ongoing
T	Adequate Public Facilities	Amy Offenbach	288-5520	Exempt

D. Review Board action

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

E. Location and site information

Location: South of SW Bridge Road between SW Pratt-Whitney Road and Interstate 95, directly north of the Ranch Colony neighborhood.

Existing Zoning:	A-2, Agricultural
Existing Subdistrict:	N/A
Commission District:	District 3
Community Redevelopment Area:	N/A
Municipal Service Taxing Unit:	District 3
Planning Area:	Mid County

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

Unresolved issues:

Item #1:

Compatibility with the Future Land Use Map. The Growth Management Department staff has reviewed the Future Land Use Map Amendment in a separate report. Should the proposed change to the Future Land Use Map be adopted, the proposed, Public Conservation (PC) zoning district would correctly implement the respective Institutional-Public Conservation Future Land Use designation.

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

Unresolved issues:

No site plan has been proposed. See Section F. above.

Additional Information:

Changes to the Zoning district do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any specific department issues will be addressed at such time as development of the subject site is proposed.

H. Determination of compliance with the urban design and community redevelopment requirements - Community Development Department

See Section G. above.

I. Determination of compliance with the property management requirements – Engineering Department

See Section G. above.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

See Section G. above.

K. Determination of compliance with transportation requirements - Engineering Department

See Section G. above.

L. Determination of compliance with county surveyor - Engineering Department

See Section G. above.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

See Section G. above.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments

See Section G. above.

O. Determination of compliance with utilities requirements - Utilities Department

See Section G. above.

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

See Section G. above.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

See Section G. above.

R. Determination of compliance with Martin County Health Department and Martin County School Board

See Section G. above.

S. Determination of compliance with legal requirements - County Attorney's Office

Review is ongoing.

T. 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.

U. Post-approval requirements

Not applicable.

V. Local, State, and Federal Permits

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

W. Fees

Not applicable.

X. General application information

Applicant: South Florida Water Management District *and* Martin County Board of County Commissioners

Y. 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/Waste Water Service Agreement

Z. Figures/Attachments

- Figure 1, Location Map
- Table 3.11.2, Permitted Uses- Category A
- Table 3.12.1, Development Standards
- Table 3.12.2, Structure Setbacks
- Figure 2, Adopted Zoning Atlas
- Figure 3, Proposed Zoning Atlas
- Deed recorded in OR Book 2170 Page 2646 on 8-10-06
- SFWMD letter of compliance