



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: March 13, 2025

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 | 4-0 recommend approval |
| Board of County Commission Adoption: | 4/22/2025 | |

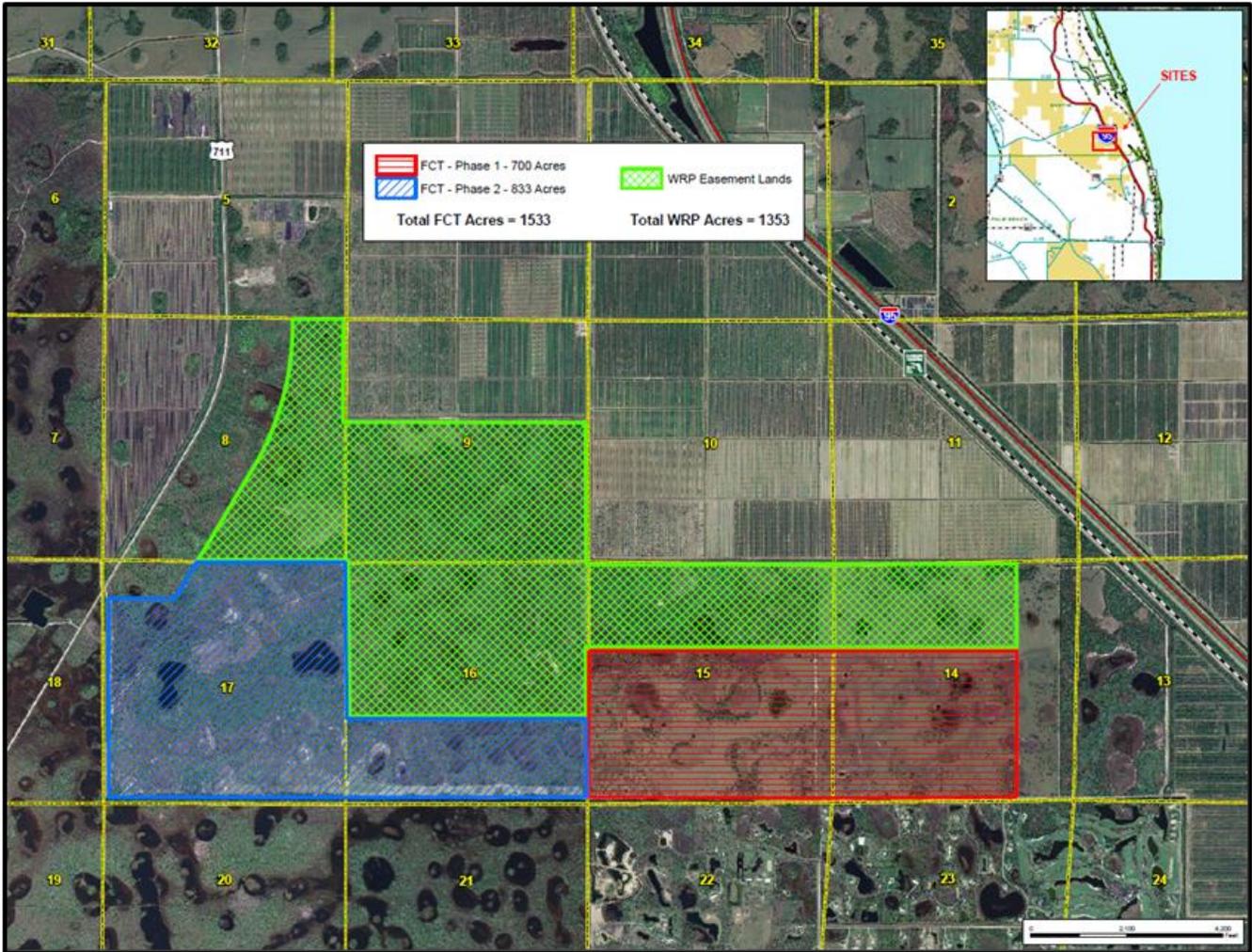
B. Project description and analysis

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. Please see the attached excerpt from the Land Development Regulations describing the A-2, Agricultural zoning district.

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 | |

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|---|---|
| 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 | |

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| 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 | |

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| 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 | |

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| 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 the subject classified as the A-2 zoning district.

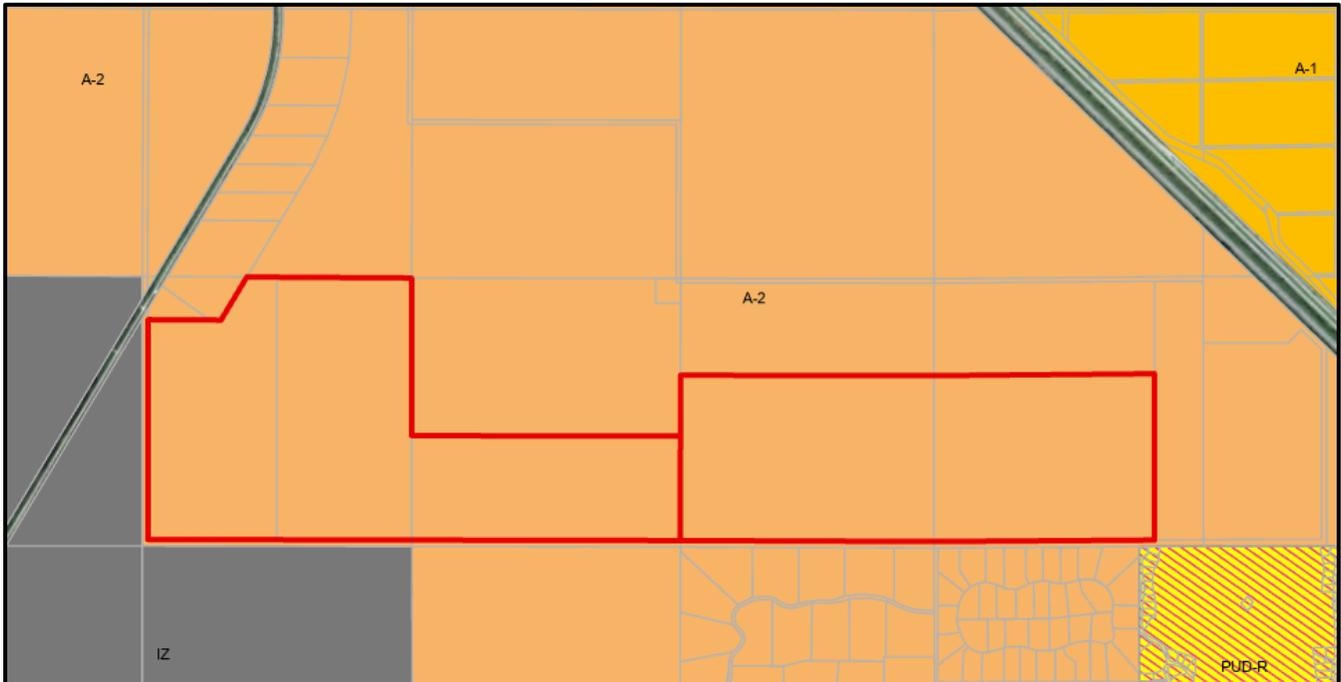
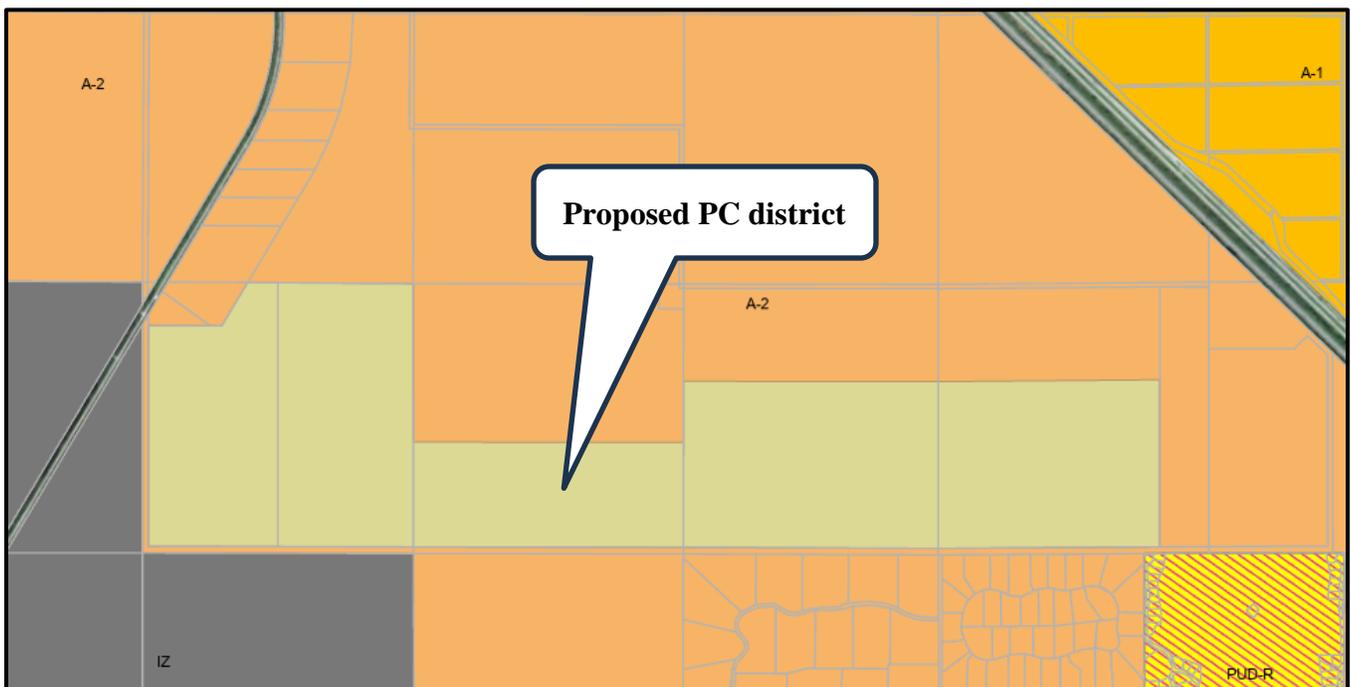


Figure 3 – Proposed Zoning Atlas with the subject classified with the PC zoning district.



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 of FCT funded area highlighted in blue and red
- Table 3.11.2, Permitted Uses- Category A
- Table 3.12.1, Development Standards
- Table 3.12.2, Structure Setbacks
- Figure 2, Adopted Zoning District Atlas with the subject classified as the A-2 zoning district
- Figure 3, Proposed Zoning Atlas with the subject classified with the PC zoning district
- Application Materials
- Resolution to Rezone
- Public Comment