

# FIND REZONING

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## **A. Application Information**

Report Issuance Date: August 4, 2022

Applicant: Florida Inland Navigation District MSA5 (FIND)

Represented by: Doug Fitzwater, RLA  
Lucido & Associates

Planner: Glenn Rosado, Planner  
Growth Management Director: Paul Schilling

Request Number: CPA 21-04

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	August 4, 2022	
Board of County Commission Adoption:	TBD	

## **B. Project description and analysis**

This application is a request for a zoning district change from A-1A, Agricultural to RE-1/2A, Residential Estate, on 51.2 acres. Furthermore, 3.16 acres will be changing to PS-2, Public Service District, and  $\pm$ 8.62 acres will be changing to PC, Public Conservation, on a  $\pm$ 62.98-acre parcel located on S.E. Gomez Avenue, adjacent to the Loblolly Bay Community. This request is made concurrent with a proposed Future Land Use Map amendment CPA 21-04 FIND. That application proposes to assign the Residential Estate Density (2 units per acre) future land use designation to 51.2 acres of the  $\pm$ 62.98-acre parcel.

### **Staff recommendation:**

Staff recommends approval of the proposed zoning district change from A-1A to RE-1/2A, PS-2, and PC. The decision on the appropriate zoning depends on the final decision for the future land use designation on the property. The proposed zoning district, RE-1/2A, implements the Residential Estate Density future land use designation. The proposed zoning district, PS-2, implements the Institutional-General future land use designation, and the proposed zoning district, PC, implements the Institutional-Public Conservation future land use designation. The following is an excerpt from Section 3.10.B., Land Development Regulations (LDR), Martin County, Fla.:

<b>Cat.</b>	<b>Zoning District</b>	<b>District Purpose</b>
A	RE-1/2A (Residential Estate District)	The RE-1/2A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP.

<b>Cat.</b>	<b>Zoning District</b>	<b>District Purpose</b>
A	PS-2 (Public Service District)	The PS-2 district is intended to implement the CGMP policies for lands designated Institutional-General on the Future Land Use Map of the CGMP.

<b>Cat.</b>	<b>Zoning District</b>	<b>District Purpose</b>
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.

### **Permitted Uses:**

The existing zoning district, A-1A, is a Category C zoning district which is inconsistent with the existing and proposed future land use designations. Unlike the permitted uses in the A-1A zoning district, the permitted uses in the RE-1/2A, PS-2 and PC zoning districts are consistent with the proposed future land use designations.

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed zoning districts, RE-1/2A, PS-2, and PC. 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 3.11.1**  
**PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS**

USE CATEGORY	A	A	A	R	R	R	R	R	R	M	M	M	P	P	P
	G	R	R	E	E	E	S	S	M	M	H	H	C	S	S
	2	5	1	2	1	½	3	B	8	1	P	S		1	2
	0	A	0	A	A	A	R		0						
	A	A					3								
<i>Residential Uses</i>															
Accessory dwelling units															
Apartment hotels															
Mobile homes	P									P	P				
Modular homes	P	P	P	P	P	P	P	P	P	P	P	P			
Multifamily dwellings								P	P						

Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P				
Single-family detached dwellings, if established prior to the effective date of this ordinance											P	P				
Townhouse dwellings								P	P							
Duplex dwellings							P	P								
Zero lot line single-family dwellings						P	P									
<i>Agricultural Uses</i>																
Agricultural processing, indoor	P															
Agricultural processing, outdoor	P															
Agricultural veterinary medical services	P	P	P	P												
Aquaculture	P	P	P													
Crop farms	P	P	P	P												
Dairies	P															
Exotic wildlife sanctuaries	P	P	P	P												
Farmer's markets	P	P	P													
Feed lots	P															
Fishing and hunting camps	P	P														
Orchards and groves	P	P	P	P												

Plant nurseries and landscape services	P	P	P	P											
Ranches	P	P	P												
Silviculture	P	P	P	P											
Stables, commercial	P	P	P	P											
Storage of agricultural equipment, supplies and produce	P														
Wildlife rehabilitation facilities	P	P	P												
<i>Public and Institutional Uses</i>															
Administrative services, not-for-profit	P	P	P									P	P		
Cemeteries, crematory operations and columbaria	P	P	P										P		
Community centers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional facilities														P	
Cultural or civic uses												P	P		
Dredge spoil facilities													P		
Educational institutions					P	P	P	P	P	P	P	P	P	P	P
Electrical generating plants															

Fairgrounds	P	P
Halfway houses		P
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	P	
Hospitals	P	P
Neighborhood assisted residences with six or fewer residents	P	P
Neighborhood boat launches	P	P
Nonsecure residential drug and alcohol rehabilitation and treatment facilities		P
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	P	P
Places of worship	P	P
Post offices		P
Protective and emergency services	P	P
Public libraries	P	P

Public parks and recreation areas, active	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public parks and recreation areas, passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public vehicle storage and maintenance														P	P		
Recycling drop-off centers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Residential care facilities								P	P					P	P		
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance	P	P	P														P
Solar energy facilities (solar farms)	P													P	P		
Solid waste disposal areas																	
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P				
<i>Commercial and Business Uses</i>																	
Adult business																	
Bed and breakfast inns	P	P	P	P	P	P	P	P	P	P	P	P	P				
Business and professional offices																	
Campgrounds																	

Commercial amusements, indoor																				
Commercial amusements, outdoor																		P	P	
Commercial day care	P	P	P	P	P	P	P	P	P	P	P	P								
Construction industry trades																				
Construction sales and services																				
Family day care	P	P	P	P	P	P	P	P	P	P	P	P								
Financial institutions																				
Flea markets																	P	P		
Funeral homes																				
General retail sales and services																	P	P		
Golf courses	P	P	P	P	P	P	P	P	P	P	P						P	P		
Golf driving ranges																				
Hotels and motels																		P		
Kennels, commercial	P	P	P																	
Limited retail sales and services																				
Marinas, commercial																	P	P		
Marine education and research																				
Medical services																				
Parking lots and garages																	P	P		

Recreational vehicle parks																
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance										P	P					
Residential storage facilities																
Restaurants, convenience, with drive through facilities																
Restaurants, convenience without drive through facilities																
Restaurants, general																
Shooting ranges, indoor																
Shooting ranges, outdoor	P											P	P			
Sporting clay course	P												P			
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	P	P	P	P															
Airports, general aviation																			
<i>Industrial Uses</i>																			
Composting, where such use was approved or lawfully established prior to March 1, 2003																			
Extensive impact industries																			
Limited impact industries																			
Mining	P	P	P																
Salvage yards																			
Yard trash processing	P																		
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002																P			
																P			
																	P	P	
																P	P		
																P	P		





(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1045, pt. 1, 1-9-2018; Ord. No. 1067, pt. 2, 5-22-2018; Ord. No. 1074, pt. 3, 7-24-2018)

## 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 Residential Estate Density future land use designation. Please see excerpts below:

## TABLE 3.12.1 DEVELOPMENT STANDARDS

A	RE-2A	2 ac.	175	0.50	—	—	30	50	—
A	RE-1A	1 ac.	150	1.00	—	—	30	50	—
A	RE-½A	21,780	100	2.00	—	—	30	50	—
A	PC	—	—	—	—	45	30	40	—
A	PS-1	10,000	80	—	—	45	40	40	—
A	PS-2	10,000	80	—	—	45	40	40	—

(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)

**TABLE 3.12.2.**  
**STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
C	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	PR	25	25	25	25	20	20	30	40	10	10	20	30
A	PC	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-1	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-2	25	25	25	25	20	20	30	40	10	10	20	30
A	RE-1A	25	25	25	25	15	15	15	15	15	15	15	15
A	RE-½A	25	25	25	25	15	15	15	15	15	15	15	15
A	RS-3	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-BR3	25(l)	25(l)	25(l)	25(l)	15(j)	15(j)	15(j)	15(j)	10(k)	10(k)	10(k)	10(k)

### Standards for Amendments to the Zoning Atlas

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016). This policy would appear to suggest rezoning the 11.78 acres (not receiving a future land use change) from A-1A to PC and PS-2, consistent with the Institutional General and Institutional Conservation future land use designations.

2. 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 (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 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.”

3. The Martin County Land Development Regulations (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,***

As described earlier in this report, the RE-1/2A zoning district implements the Residential Estate Density future land use. PS-2, implements the Institutional-General future land use designation, and PC, implements the Institutional-Public Conservation future land use designation.

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

The 62.98-acre lot size exceeds the minimum lot size for the RE-1/2A, PC and PS-2 zoning districts. Any proposed building permits on the site must comply with all applicable land development regulations.

- 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 property for the proposed zoning use; and,***

The RE-1/2A zoning district would permit single family residential development consistent with Loblolly Bay and Loblolly Pines. The PC and PS-2 zoning districts would be more consistent with the lands to the north.

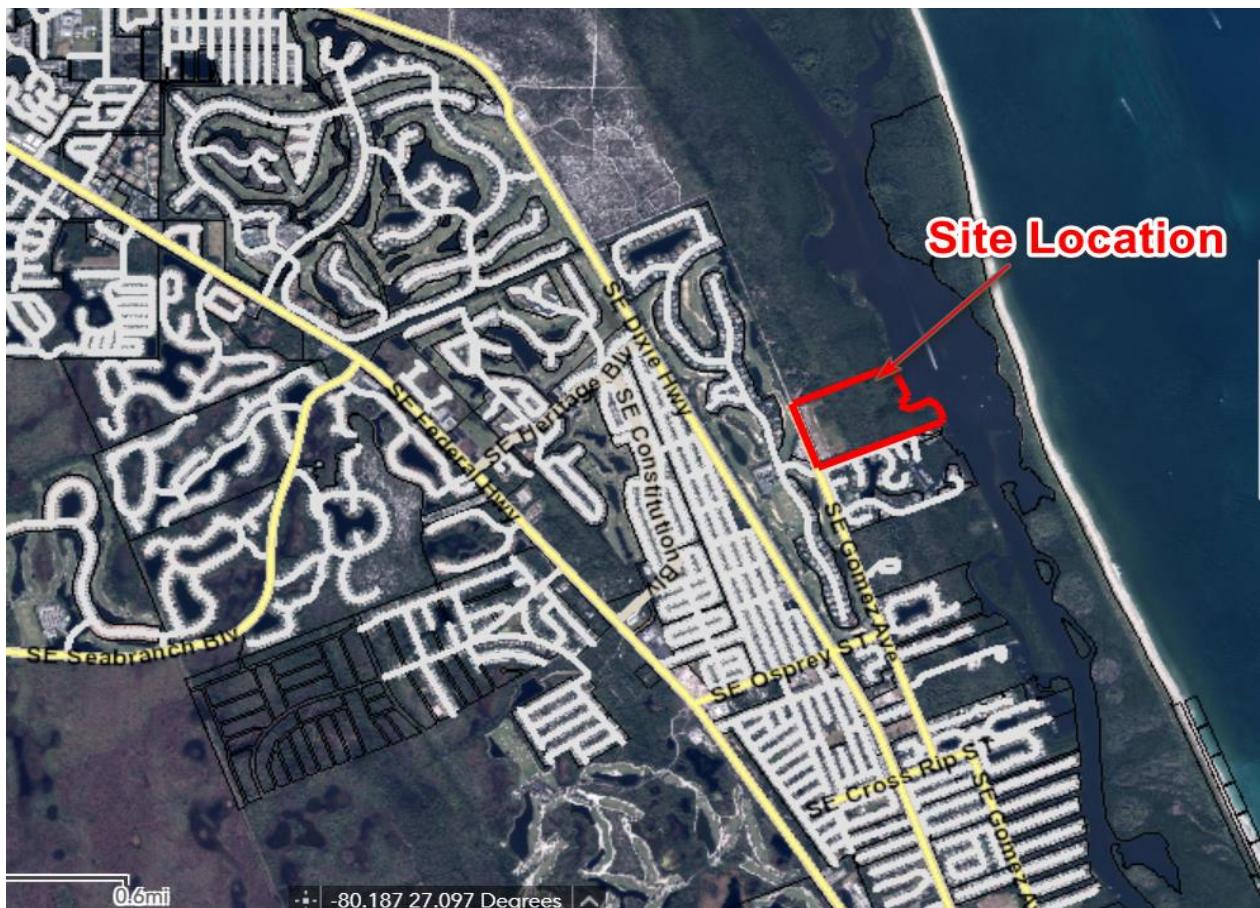
- d. ***Whether and to what extent there are documented changed conditions in the area; and,***

The A-1A, zoning district was assigned in 1967 and permitted agricultural activity on minimum two-acre lot sizes. The 1982 Comprehensive Plan identified this area for residential development at a

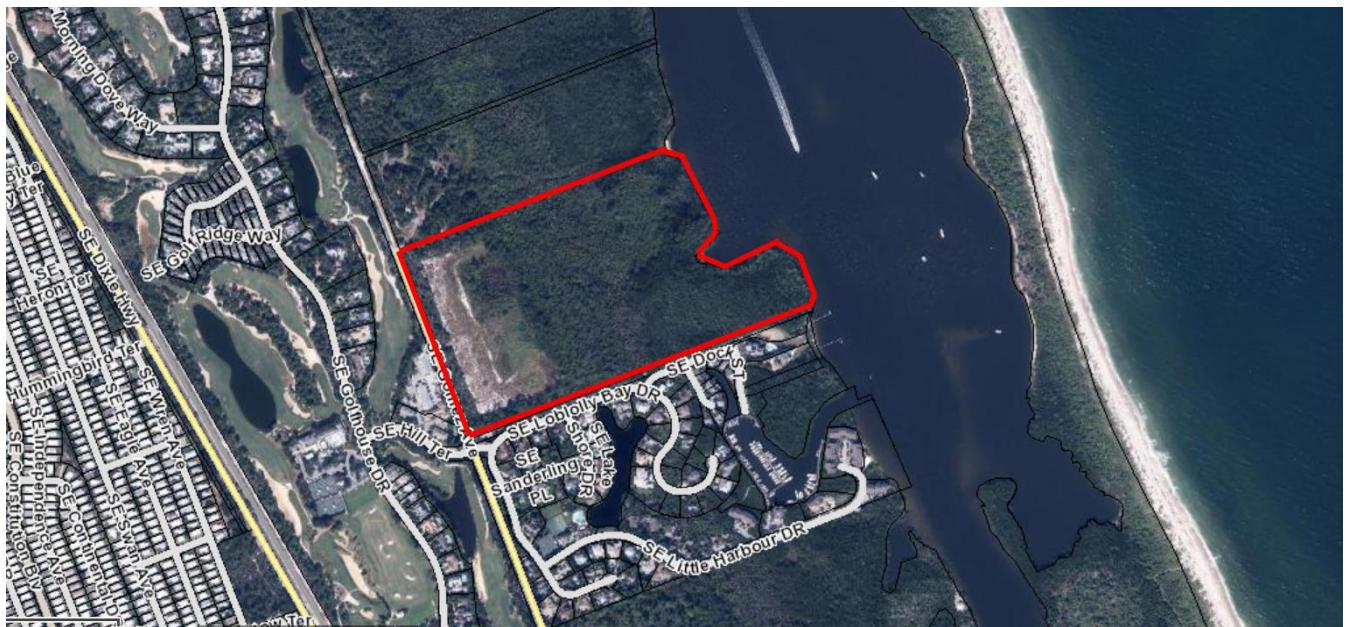
density of two units per acre. Consistent with that plan for residential development, the Loblolly Bay, Loblolly Pines subdivisions developed. The proposed change from A-1A to RE-1/2A, PC, and PS-2 is consistent with the proposed future land use designation and surrounding development.

The requested zoning district of RE-1/2A, PC, and PS-2 is consistent with the proposed Residential Estate Density, Institutional General, and Institutional Conservation future land use designations and the currently existing development associated with the areas adjacent to, and within proximity of, the subject site. This site is located within the primary urban service district and the infrastructure needed to support and provide services to the existing and proposed development in this local area are available. Development that has occurred historically and recently surrounding the site is in conformance with the Residential Estate Density land use designated for the area. Any development proposed on the property in conformance with the Residential Estate Density future land use designation and RE-1/2A zoning district will be required to meet the County development standards. Therefore, the proposed RE-1/2A zoning is compatible with the existing historical uses and the current contemporaneous development pattern and is appropriate for this property.

#### Location Map



Subject Site 2021 Aerial



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

The subject property is located within the Primary Urban Services District of the County. As such, the full range of urban services at service levels established by the CGMP is available or must be made available for any uses that are planned for the property. Water and wastewater services to the site are already provided to the existing site by South Martin Regional Utilities, the regional service provider for this area of the County.

*f. Whether and to what extent the proposed amendment 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 Future Land Use Map (FLUM) of the CGMP for development contains residential land uses within proximity to the subject parcel. The rezoning to RE-1/2A, Residential Estate District, would be consistent with the Residential Estate Density Future Land Use provisions and provide the opportunity for the residential use of the property. This development pattern is well established adjacent to, and within the vicinity of, the subject parcel and the extension of this pattern to the subject property through the assignment of the requested RE-1/2A zoning district is suitable, and consistent with the CGMP.

#### **Current Zoning Atlas**



**Proposed Zoning Atlas**



Zoning district designations of abutting properties:

To the north: Estates and Suburban Homes District  
To the south: PUD-R  
To the east: N/A  
To the west: PUD-R

### Future Land Use Map Excerpt



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

CPA 21-04 and this concurrent rezoning have not been presented at a public hearing yet.

#### **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 rezoning process does not include a site plan review; therefore departments related to site plan review were not included in this rezoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Glenn Rosado	288-5930	Pending

G	Development Review	Glenn Rosado	288-5930	Pending
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Glenn Rosado	288-5930	Exempt

The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) is asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2.E.1., Land Development Regulations (LDR), Martin County Code (MCC).

#### ***D. Review Board action***

A review and recommendation is required on this application from the Local Planning Agency (LPA). Final action on this application is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

#### ***E. Location and site information***

Location: 64.3 acres, located at S.E. Gomez Avenue.

Existing zoning:	A-1A
Future land use:	Residential Estate Density
Commission district:	District 4
Community redevelopment area:	N/A
Municipal service taxing unit:	District 4
Planning area:	

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

##### **Findings of Compliance:**

The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

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

##### **Findings of Compliance:**

The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

##### **Additional Information:**

Changes to the zoning atlas 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: Florida Inland Navigation District MSA5 (FIND)

#### ***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**

Figures within the report:

Figure 1, Location Map

Figure 2, Subject Site 2021 Aerial

Figure 3, Current Zoning Atlas, A-1A

Figure 4, Proposed Zoning Atlas, RE-1/2A, PC, PS-2