



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

MR. DENNIS CIAGLO REZONING

Applicant/Property Owner:	Mr. Dennis Ciaglo
Agent for the Applicant:	Creech Land Use & Zoning, P.A., Audra Creech
County Project Coordinator:	John Sinnott, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	C172-002
Record Number:	DEV2024060006
Report Number:	2024_0702_C172-002_Staff_Report_Final
Application Received:	06/19/2024
Transmitted:	06/25/2024
Date of Report:	07/02/2024
LPA Meeting:	07/18/2024
BOCC Meeting:	07/22/2024

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B. Project description and analysis

This is a request by Creech Land Use & Zoning, P.A., on behalf of Mr. Dennis Ciaglo for a proposed amendment to the county zoning atlas to change the zoning district classification for an approximately 2.04-acre undeveloped site from A-2 (Agricultural) to RE-2A (Rural Estate). The site is located on the south side of SW Citrus Boulevard, approximately 0.8 miles northeast of the intersection of SW Citrus Boulevard and SW Hemingway Terrace, in western Palm City. Included is a request for a Certificate of Public Facilities Exemption.

The site is currently zoned A-2, Agricultural District, with a Future Land Use (FLU) designation of Rural Density. The A-2, Agricultural District, is a Category “C” district that is not consistent with the Rural Density FLU assigned to the area; therefore, this request to rezone is considered mandatory.

The Rural Density FLU designation recognizes the need to concentrate urban development on lands closer to the urban core where intensive facilities and services can be provided cost-effectively. This policy also provides reasonable development options to landowners whose property is on the fringe of secondary urban development in sparsely developed rural or rural suburban areas.

The RE-2A, Rural Estate District, is the only standard Category “A” zoning district available to implement the Rural Density land use policies of the Comprehensive Growth Management Plan (CGMP). In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as an option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County. The applicant is proposing to rezone to the RE-2A, Rural Estate District.

The following tables contain the permitted uses and development standards for the RE-2A Category “A” district.

Table 1: Permitted Uses

Category “A” Residential District (Excerpted from LDR, Art. 3, Div. 2, Sec. 3.11, Table 3.11.1)

USE CATEGORY	RE-2A
<i>Residential Uses</i>	
Accessory dwelling units	
Apartment hotels	
Mobile homes	
Modular homes	P
Multifamily dwellings	
Single-family detached dwellings	P
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	P

Aquaculture	
Crop farms	P
Dairies	
Exotic wildlife sanctuaries	P
Farmer's markets	
Feed lots	
Fishing and hunting camps	
Orchards and groves	P
Plant nurseries and landscape services	P
Ranches	
Silviculture	P
Stables, commercial	P
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	P
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	P
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	P
Post offices	
Protective and emergency services	P
Public libraries	
Public parks and recreation areas, active	P
Public parks and recreation areas, passive	P
Public vehicle storage and maintenance	
Recycling drop-off centers	P
Residential care facilities	
Solid waste disposal areas	
Utilities	P
<i>Commercial and Business Uses</i>	
Adult business	
Ancillary retail use	
Bed and breakfast inns	P
Business and professional offices	
Campgrounds	
Commercial amusements, indoor	
Commercial amusements, outdoor	
Commercial day care	P
Construction industry trades	
Construction sales and services	
Family day care	P
Financial institutions	
Flea markets	
Funeral homes	
General retail sales and services	
Golf courses	P
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	P
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	

The following table identifies minimum development standards in the current and available zoning districts.

**Table 2: Development Standards
(Excerpt from LDR, Table 3.12.1)**

Category	Zoning District	Min. Lot Area	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	RE-2A	2 acres	175	0.50	--	--	30	50	--

**Table 3: Structure Setbacks
(Excerpt from LDR, Table 3.12.2)**

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	RE-2A	30	30	30	30	30	30	30	30	30	30	30	30

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.” Mandatory rezonings aim to apply a Category A zoning district that is consistent with the existing Future Land Use.

The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provide 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.

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;

The subject property is designated Rural Density on the Future Land Use Map (FLUM) of the CGMP. The zoning implementation policies and requirements contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify one (1) standard zoning district to implement the Rural Density future land use classification: the RE-2A district.

In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available. The PUD District offers more design flexibility to applicants for proposed projects in exchange for additional benefits provided to the public and more controls by the County, which is considered concurrently with a proposed site plan. The choice of the most appropriate district for the subject property is a policy decision by the Local Planning Agency (LPA) and the Board of County Commissioners (BOCC).

Policy 4.13A.5(1) of Chapter 4, Future Land Use Element, of the CGMP addresses the Rural Density land use designation:

Rural density (one unit per two acres) Rural lands shall be developed at a density of no more than one dwelling unit per two gross acres. This density recognizes the need to concentrate urban development on lands closer to the urban core where intensive facilities and services can be provided cost-effectively. This policy also provides reasonable development options to landowners whose property is on the fringe of secondary urban development in sparsely developed rural or rural suburban areas.

All Rural development shall have a maximum building height of 40 feet and maintain at least 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as at least 40 percent of the upland property consists

of open space. Golf courses should be encouraged to retain and preserve native vegetation over 30 percent of the total upland area of the course due to their characteristically high water and nutrient loads. Golf courses may be used in calculating open space as long as 30 percent of the residential area consists of open space. This section shall not apply to construction of a single-family home on a lot of record.

Zoning regulations shall provide standards for these areas designed to ensure that development is compatible with the need to preserve their rural character. These standards shall reflect the high value placed on open space, need to preserve wetland areas, function and value of recharge areas, and need to minimize changes in natural hydrology. Standards governing agricultural land conversion in Policy 4.13A.1.(2) shall also be used as criteria in evaluating future plan amendment requests in areas designated for Rural development.

One accessory dwelling unit shall be allowed on Rural density lots of at least two acres as follows:

- (a) An accessory dwelling unit shall not have more than one-half the square footage of the primary dwelling.*
- (b) It shall not count as a separate unit for the purpose of density calculations.*
- (c) Neither the accessory dwelling unit nor the land it occupies shall be sold separate from the primary dwelling unit.*
- (d) Accessory dwelling units shall not be approved until Martin County adopts amendments to the Land Development Regulations that implement this policy.*

This application requests a rezoning of the property to the RE-2A zoning district, the sole Category “A” zoning district created specifically to implement the CGMP policies for land designated Rural Density on the FLUM. The granting of a zoning change to the RE-2A, Rural Estate District, by the County will be consistent with the policies set forth in the CGMP.

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

The zoning implementation policies and requirements contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code identify one (1) standard zoning district to implement the Rural Density future land use classification: the RE-2A district. Therefore, rezoning the subject property to the RE-2A district is consistent with the Land Development Regulations.

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 to the County. The granting of a zoning change by the County does not exempt the applicant from any of the County’s Land Development Regulations. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

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;

As shown in the figures contained in Section E below, the subject site fronts SW Citrus Boulevard while the St. Lucie Canal abuts the southern site boundary. The abutting property to the west has the A-2 zoning designation. The properties to the north of SW Citrus Boulevard and to the south of the St. Lucie Canal also have the A-2 zoning designation. The abutting property to the east of the site has the RE-2A zoning designation. The west and east-abutting properties have the Rural Density FLU designation. The properties to the north of SW Citrus Boulevard and to the south of the St. Lucie Canal have the Agricultural FLU designation.

The FPL Fawn Solar Energy site is located to the north of the subject site across SW Citrus Boulevard. Water management projects are also located in the areas to the north of SW Citrus Boulevard. Rural residences on approximately 5-acre to 20-acre lots are present to the south of the subject site across the St. Lucie Canal.

The subject site lies within a contiguous area of Rural Density FLU designation lying south of SW Citrus Boulevard and north of the St. Lucie Canal which extends from the Indiantown municipal boundary to the vicinity of SW Tangerine Court. This area is characterized by single-family detached residential dwellings on approximately 2-acre to 2.5-acre lots, agricultural uses, and several large tracts of undeveloped land. The proposed RE-2A zoning district is compatible with the rural character of development in this area of the SW Citrus Boulevard corridor.

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

Development in the area is currently characterized by agricultural, residential, solar energy facility, and water management uses. Based on historical aerial imagery, the area was predominantly agricultural from at least as early as the mid-1960s through the mid-2010s. Rural residences have been present to the south of the subject site across the St. Lucie Canal since the mid-1980s. The FPL solar facility and water management projects to the north of SW Citrus Boulevard have been developed within the previous 10 years.

The properties directly abutting the subject site to the east and west are currently undeveloped. However, the Hemingway Estates single-family residential subdivision is present along SW Citrus Boulevard approximately 0.8 miles to the southwest of the subject site. This subdivision was platted in 2007.

Any development proposed on the property in conformance with the Rural Density future land use designation and RE-2A zoning district will be required to meet the County development standards. Therefore, the proposed RE-2A zoning is compatible with the existing historical uses and the current

contemporaneous development pattern and is appropriate for this property.

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

The property is located outside the Primary Urban Services District. As such, the full range of urban services at service levels established by the CGMP is not available for the property. The property fronts an open road, SW Citrus Boulevard. The current zoning, A-2, permits single family residences. The request to rezone does not increase the maximum density allowed by the Rural Density FLU designation; therefore, the rezoning to RE-2A does not increase the demands on Public Facilities.

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;

The proposed amendment to the zoning atlas is consistent with the Rural Density FLU designation assigned to the property. The permitted uses and Land Development regulations pertaining to the RE-2A zoning district are well suited for the area and will conserve the value and development pattern that is well established.

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

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request; and, before the Board of County Commissioners, who will take final action on the request. The two hearings will provide the public an opportunity to participate in the review and decision-making process.

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	John Sinnott	320-3047	Comply
G	Development Review	John Sinnott	320-3047	Comply
H	County Attorney	Elysse Elder	288-5925	Review Ongoing
I	Adequate Public Facilities	John Sinnott	320-3047	Exempt

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. Staff recommends approval of this rezoning petition.

D. Review Board action

This application is classified as an amendment to the official zoning map. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, Fla., 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, Fla., final action on this request for an amendment to the official zoning map is required by the Board of County Commissioners (BOCC) at a public hearing.

E. Location and site information

Parcel number: 31-39-40-000-000-00022-0

Existing Zoning: A-2

Future Land use: Rural Density

Gross area of site: 2.04 acres

**Figure I:
Location Map**



**Figure II:
Zoning Map**



Property to the East: RE-2A
Property to the North: SW Citrus Boulevard, A-2
Property to the West: A-2
Property to the South: St. Lucie Canal, A-2

**Figure III:
Future Land Use Map**



Property to the East: Rural Density
Property to the North: SW Citrus Boulevard, Agricultural
Property to the West: Rural Density
Property to the South: St. Lucie Canal, Agricultural

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

Findings of Compliance:

The application proposes rezoning to a standard zoning district defined in the Land Development Regulations for the purpose of implementing the Comprehensive Growth Management Plan (CGMP) for lands designated Rural Density on the Future Land Use Map of the CGMP Martin County, FLA, LDR §3.10.

Policy 4.4A.1. Rezoning. Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations by the following means:

- (1) Parcels being considered for amendment to the Future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations.
- (2) Property owners seeking master or final site plan approval shall be required to rezone to the most appropriate zoning district in the most recently adopted Land Development Regulations.

[Martin County, Fla, CGMP, Chapter 4, Goal 4.4, Policy 4.4A.1]

Staff has reviewed this application and finds that that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

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. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Additional Information:

Information #1:

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, condominium associations and the owners of each condominium unit within the notice area. MARTIN COUNTY, FLA., LDR, § 10.6.E.1.

Information #2:

Newspaper advertisement.

Notice(s) of public hearings regarding development applications shall be published by the County at least 14 days prior to the date of the public hearing in the legal advertisement section of a newspaper of general circulation in Martin County. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application MARTIN COUNTY, FLA., LDR §10.6.D.

Information #3:

Public Hearings

Based upon the staff findings of compliance, this application will be scheduled for the next LPA meeting and following that hearing will be scheduled for the next BCC meeting dependent upon the County's scheduling policy.

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

Review 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. 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

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the fees required. Approval of the development order is conditioned upon the applicant's submittal of all required fees to the Growth Management Department (GMD), within sixty (60) days of the final action granting approval.

Item	Description	Requirement
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 <u>Martin County Board of County Commissioners</u> and sent or delivered to the Growth Management Department at 2401 SE Monterey Rd., Stuart, FL 34996

Item	Description	Requirement
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 <u>Martin County Clerk of Court</u> and sent or delivered to the Growth Management Department at 2401 SE Monterey Rd., Stuart, FL 34996.

K. Local, State, and Federal Permits

There are no applicable Local, State and Federal Permits associated with amendments to the County Zoning Atlas.

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:	\$1,000.00	\$1,000.00	\$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/Owner: Dennis Ciaglo
 11920 SW Parson Brown Court
 Palm City, FL 34990

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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/Waste Water Service Agreement

O. Attachments

N/A