



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

WATERSIDE COMMUNITY DEVELOPMENT DISTRICT

Applicant:	Waterside CDD Board of Supervisors
Property Owner:	South Florida Gateway Industrial, LLC
Agent for the Applicant:	Hopping Green and Sams, P.A. Jere Earlywine
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	S265-020
Application Type and Number:	GMD2025030142
Report Number:	2025_0523_S265-020_DRT_STAFF_FINAL
Application Received:	03/11/2025
Transmitted:	03/11/2025
Date of Report:	05/23/2025

B. Project description and analysis

This is a request by Waterside Community Development District (CDD) pursuant to Chapter 190.046, Florida Statutes. The Waterside CDD was established on February 1, 2022, through the adoption of Ordinance 1175. The CDD encompasses the South Florida Gateway Planned Unit Development (PUD). The project is located on the west side of SW Kanner Highway approximately 1 mile south of the intersection with SW 96th Street and SW Kanner Highway.

In 1980, the Florida legislature adopted the “Uniform Community Development District Act” to create a uniform method for the creation, operation, and dissolution of independent districts to manage and finance basic community development services. Chapter 190, F.S. grants Community Development Districts, CDDs, general powers and certain special powers, subject to the regulatory jurisdiction and permitting authority of applicable governmental bodies, agencies and special districts.

Pursuant to Section 190.004, F.S., the establishment of an independent community development district is not a development order. All government planning, environmental and land development laws, regulations and ordinances apply to all development of the land within a CDD. CDDs do not have the power of a local government to adopt a comprehensive plan, building code or land development code. A CDD cannot take any action that is inconsistent with applicable comprehensive plans, ordinances or regulations of the applicable local government.

A CDD may be amended pursuant to Chapter 190.046, Florida State Statutes. A copy of Chapter 190.046 F.S. has been included with this report.

C. Staff analysis and recommendation

Additional information

Annual reports

The CDD will be required to provide financial reports pursuant to Section 190.008. Annual budgets are required to be submitted to the County for informational purposes prior to adoption by the Board of Supervisors. The County may provide written comments to the Board of Supervisors for its assistance and information in adopting its annual budget and long-term financial plans.

Disclosure of public financing

The CDD is required to take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance improvements to real property undertaken by the district.

General and Special Powers

The petitioner has requested that all powers provided for in Section 190.011 be granted along with the special powers in Section 190.012(1), 2(a), 2(b), and 2(d). Pursuant to Section 190.005 (2)(d), the BCC may not adopt any ordinance that would expand, modify, or delete any of the provisions of Section 190.011. The BCC has the discretion whether to consent to the requested special powers set forth in Section 190.012(1), 2(a), 2(b), and 2(d) below:

- (a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.
- (b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.
- (d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property.

The special powers requested by the petitioner are specific to the financing and construction of needed infrastructure. The authority given the petitioner through the requested special powers is not inconsistent with what is expected of a private developer for the construction of the infrastructure, amenities and facilities related to large scale development.

Any powers granted to the CDD do not extend beyond the area described in the petition. Any deed restrictions, requirements, or prohibitions would only be applicable to the property described in the petition and must be consistent with any development orders or regulatory agency permit.

The land use, zoning and land development regulations that apply to the area served by the district will be applied during site plan approval. Concurrency with County level of Service (LOS) standards will be required throughout the development process.

Compliance Recommendation

The amendment of the Waterside CDD would not usurp County regulatory authority regarding land use, zoning and land development regulations. The geographic area and compact development of South Florida Gateway will allow the petitioner to administer the CDD without affecting development outside of the South Florida Gateway project. Hundreds of CDDs have been established in Florida. The establishment of a CDD does not in any way guarantee the success of the development.

Development review staff have reviewed the petition for the amendment of the Waterside Community Development District and find the petition to be consistent with Chapter 190.046 F.S and Martin County code.

D. General application information

Applicant: Waterside Board of Supervisors

Agent: Kutak Rock LLP
Jere Earlywine, Esq.
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152

E. 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
LOS..... Level of Service
LPA Local Planning Agency
MCC..... Martin County Code
MUV..... Mixed-Use Village
MCHD..... Martin County Health Department
NFPA National Fire Protection Association
PMUV.....Planned Mixed-Use Village
SFWMD.....South Florida Water Management District
W/WWSA Water/Waste Water Service Agreement

F. Attachments

1. Chapter 190.046, Florida Statutes