



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## **A. Application Information**

### **HUMANE SOCIETY OF THE TREASURE COAST, INC. REZONING**

Applicant:	Humane Society of the Treasure Coast, Inc
Property Owner:	Humane Society of the Treasure Coast, Inc
Agent for the Applicant:	Terence P. McCarthy, Esquire
County Project Coordinator:	Matt Stahley, Senior Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	H071-004
Application Type and Number:	DEV20181100012
Report Number:	2019_0109_H071-004_Staff_Report_BCC
Application Received:	12/11/2018
Transmitted:	12/11/2018
Date of Report:	12/20/2018
LPA Meeting:	01/03/2019
BCC Meeting:	02/12/2019

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

This is an application for a proposed amendment to the county Zoning Atlas for an agricultural district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district on an approximate 15.4 acre parcel of land from A-2, Agricultural District, to AR-5A, Agricultural Ranchette District. The parcel is located on the west side of Leighton Farm Avenue about 1/4 of a mile south of SW Martin Highway in Palm City. Included with this application is a Request for a Certificate of Facilities Exemption.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Agricultural Ranchette, which has a maximum density allowance of one unit per 5 acres.

The current zoning district on the property is A-2, Agricultural District a Category "C" district in the current Article 3 zoning code. The district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

There is one (1) standard “Category A” zoning district that is available to implement the Agricultural Ranchette land use policies of the CGMP, which is the AR-5A, Agricultural Ranchette District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another 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 following tables indicate the permitted uses and the development standards for the AR-5A category “A” Districts (only permitted uses are listed for the non-residential uses) The permitted uses for the A-2 District are listed separately as the permitted uses do not directly correspond to the Category “A” table.

**PERMITTED USES**  
**TABLE 3.11.1 (excerpted)**  
**PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS**

USE CATEGORY	A R 5 A
Modular homes	P
Single-family detached dwellings	P
Agricultural veterinary medical services	P
Aquaculture	P
Crop farms	P
Exotic wildlife sanctuaries	P
Farmer's markets	P
Fishing and hunting camps	P
Orchards and groves	P
Plant nurseries and landscape services	P
Ranches	P
Silviculture	P
Stables, commercial	P

Wildlife rehabilitation facilities	P
Administrative services, not-for-profit	P
Cemeteries, crematory operations and columbaria	P
Community centers	P
Neighborhood assisted residences with six or fewer residents	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
Places of worship	P
Protective and emergency services	P
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, where such use was lawfully established prior to the effective date of this ordinance	P
Utilities	P
Bed and breakfast inns	P
Commercial day care	P
Family day care	P
Golf courses	P
Kennels, commercial	P

Airstrips	P
Mining	P

**Sec. 3.412. - A-2 Agricultural District.**

3.412.A. *Uses permitted.* In this district, a building or structure or land shall be used for only the following purposes, subject to any additional limitations pursuant to section 3.402:

1. Any use permitted in the A-1 and A-1A Districts.
2. Airports and landing fields. Airplane landing fields and accessory facilities for private or public use, including flight strips, provided runways and flight patterns are so oriented as not to constitute a nuisance to any established or planned residential areas as delineated in the comprehensive plan of the County.
3. Cemeteries, crematories and mausoleums. Graves shall not be closer than 25 feet from the property line.
4. Stock raising, stables and dog kennels; provided stables, kennels and dog runways are not less than 50 feet to the property line.
5. Agricultural packinghouses, sawmills and planing mills, turpentine stills and other operations utilizing the natural resources of the region; provided, however, no such operation shall be established or conducted within 600 feet of the nearest highway right-of-way or within 50 feet of the property line.
6. Public works projects, public stormwater management projects, and public utility facilities and service facilities, and any ancillary uses associated with the foregoing, including excavations; rock, stone, or gravel crushing facilities; and ready mix concrete plants.
7. Fishing camps.
8. Hunting camps subject to the following requirements:
  - a. Any licensee with a Hunting Preserve License issued by the Florida Fish and Wildlife Conservation Commission which is valid as of November 17, 2009, located on land zoned A-2 within Martin County may establish one hunting camp.
  - b. The minimum lot size shall be 20 acres.
  - c. Kennels for hunting dogs kept at the hunting camp shall not be located within 200 feet of any property line unless completely enclosed and soundproofed and shall be designed and maintained for secure, humane confinement. Animal wastes from the kennels shall be managed in such a manner as to prevent odors from being carried beyond the property boundary.
  - d. Overnight accommodations shall be limited to no more than six guest rooms. The length of stay for any guest shall not exceed 14 consecutive nights.
  - e. Meals may be served only to customers of the hunting camp. Freestanding restaurants open to the general public are not permitted.
  - f. Overnight camping of a duration not to exceed five nights is permitted. No permanent structures shall be constructed for the purpose of overnight camping.
  - g. Shooting ranges as defined in section 3.3 are not permitted within a hunting camp.

- h. The sale and/or rental of hunting accessories to customers of a hunting camp are permitted. Retail sales of hunting accessories to the general public are not permitted.
  9. Public structures owned and operated by governmental agencies and used for public purposes.
  10. Trailers. The minimum lot size for a trailer shall be 20 acres and there shall be no more than one trailer on any lot. The trailer shall not be located within 100 feet of any property line. The trailer shall be permitted to remain only so long as the principal use of the property is agricultural. The trailer shall only be used as a residence. The trailer shall be screened from view of abutting lots and public streets to a height of six feet, for example, by means of an opaque fence or landscape buffer.
  11. Farmer's markets, as defined in division 2 and pursuant to the requirements set forth in section 3.71.1 of the Land Development Regulations.
  12. Solar energy facilities, provided however, such operations shall be conducted in accordance with section 3.100.1.
- 3.412.B. *Required lot area.* The required lot area shall not be less than five acres; provided, however, that in the old recorded subdivisions known as Palm City Farms (Plat Book 6, page 42, Palm Beach County), St. Lucie Inlet Farms (Plat Book 1, page 98, Palm Beach County), and St. Lucie Gardens (Plat Book 1, page 35, St. Lucie County), each full (as opposed to fractional) tract shown on said plats shall for purposes of lot area requirements be considered to be ten acres, and one-half of any such tract shall for purposes of lot area requirements be considered to be five acres; and provided further, however, that the existence of road rights-of-way and road easements (other than that of the Sunshine State Parkway, also known as Florida Turnpike) shall be disregarded for purposes of lot area requirements.
- 3.412.C. *Minimum yards required.*
1. *Front:* 25 feet.
  2. *Rear and side:* 25 feet.
  3. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
  4. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
  5. No setback or yard shall be required adjacent to water frontage.

**TABLE 3.12.1 (excerpted)**  
**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	AR-5A	5 ac.	300	0.20	—	—	30	50	—
C	A-2	20 ac.	—	.05	—	—	40	50	—

**TABLE 3.12.2. (excerpted)**  
**STRUCTURE SETBACKS**

C A T	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	AR-5A	40	40	40	40	40	40	40	40	40	40	40	40
C	A-2	25	25	25	25	25	25	25	25	25	25	25	25

### Standards for Amendments to the Zoning Atlas

1. 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.”
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 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.*

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

The subject property was designated as Agricultural Ranchette, up to 0.2 units per acre on the original Future Land Use Map (FLUM) adopted in 1982. The requested AR-5A Zoning District implements the Agricultural Ranchette Future Land Use policies of the CGMP. The granting of a zoning change to the AR-5A Zoning 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; and,***

Zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code. Pursuant to Article 3 there is 1 “straight” Category A zoning district available to implement the Agricultural Ranchette future land use classification, which is the AR-5A Zoning District. Therefore, rezoning the subject property to the AR-5A Zoning District is consistent with the Comprehensive Plan. In addition to the “straight” zoning district, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR, the AR-5A district is intended to implement the policies of the CGMP for lands designated Agricultural Ranchette on the Future Land Use Map of the CGMP. Therefore, rezoning the subject property to the AR-5A Zoning District is consistent with the Land Development Regulations. 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; and,***

The subject property is located in Palm City Farms on the west side of Leighton Farm Avenue about 1/4 of a mile south of SW Martin Highway in Palm City.

The property is not in a Community Redevelopment Area. Palm City Farms is an established agricultural and detached single family neighborhood. The average lot size is approximately 5 -10 acres.

The requested zoning change to the AR-5A Zoning District is compatible with the distribution of uses in the area and implements the future land use on the property.

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

The pattern of development which has focused on agricultural and residential uses is well established. A review of historical aerials and a comparison of the original future land use map to the current parcel configurations and development of the area indicate that conditions have not substantially changed in the area since the adoption of the County’s Future Land Use Map in 1982.

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

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 request to rezone does not increase the maximum Density allowed by the Agricultural Ranchette Future Land Use Designation therefore, the rezoning to AR-5A 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; and,***

The proposed amendment to the zoning atlas is consistent with the Agricultural Ranchette assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the AR-5A 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 J of this report. The current review status for each agency is as follows:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Matt Stahley	320-3047	Comply
G	Development Review	Matt Stahley	320-3047	Comply
H	School Board	Kimberly Everman	223-3105	Comply
I	County Attorney	Krista Storey	288-5443	Review ongoing
J	Adequate Public Facilities	Matt Stahley	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. The Board is advised that this application is in order and qualifies for an action of approval.

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

Pursuant to Sections 10.1.D., 10.4.A.1., and 10.5.A.1., LDR, Martin County, Fla. (2016), applications for a zoning map change shall be subject to a review and recommendation of the Local Planning Agency (LPA) with final action to be determined by the Board of County Commissioners (BCC). Both the LPA and BCC meetings shall be public hearings in accordance with Section 10.7., LDR, Martin County, Fla. (2016).

This matter was heard at the January 3, 2019 LPA meeting where the board voted unanimously to recommend approval of the rezoning request.

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

Parcel number(s) and address:	23-38-40-000-031-00010-1
Existing Zoning:	A-2, Agricultural District
Future land use:	Agricultural Ranchette up to 0.2 units per acre
Census tract:	Not Applicable



Commission district:

5

## Location Map

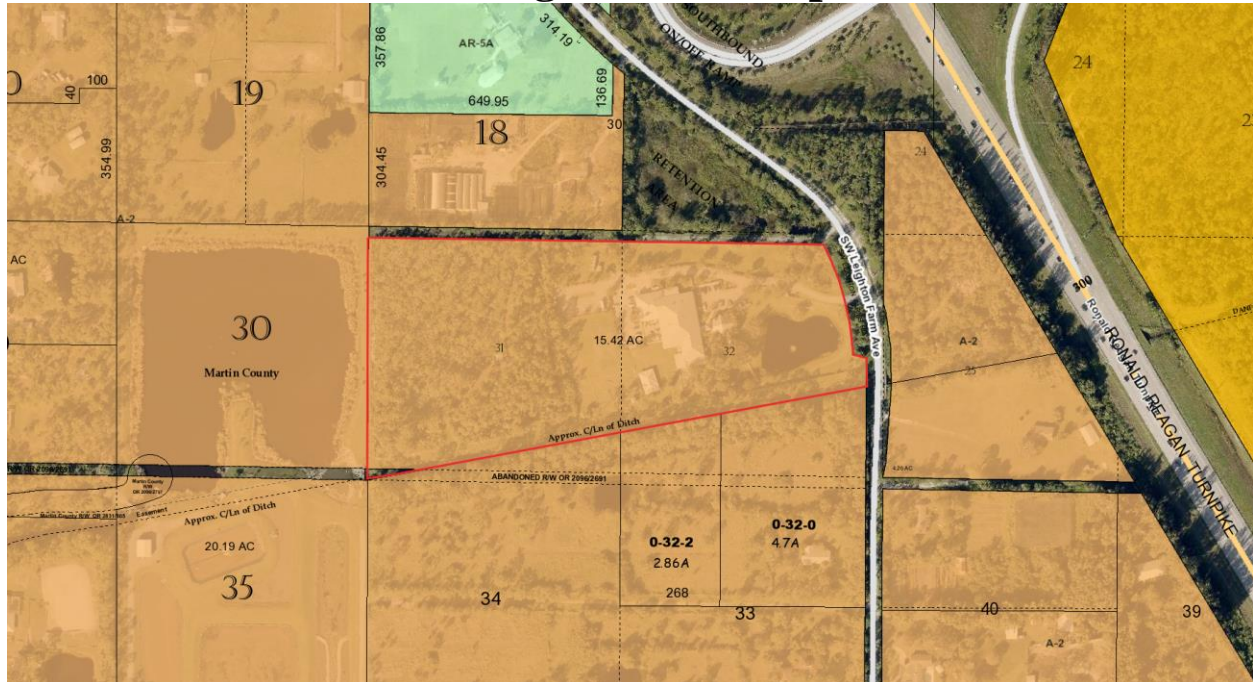


## 2018 Aerial





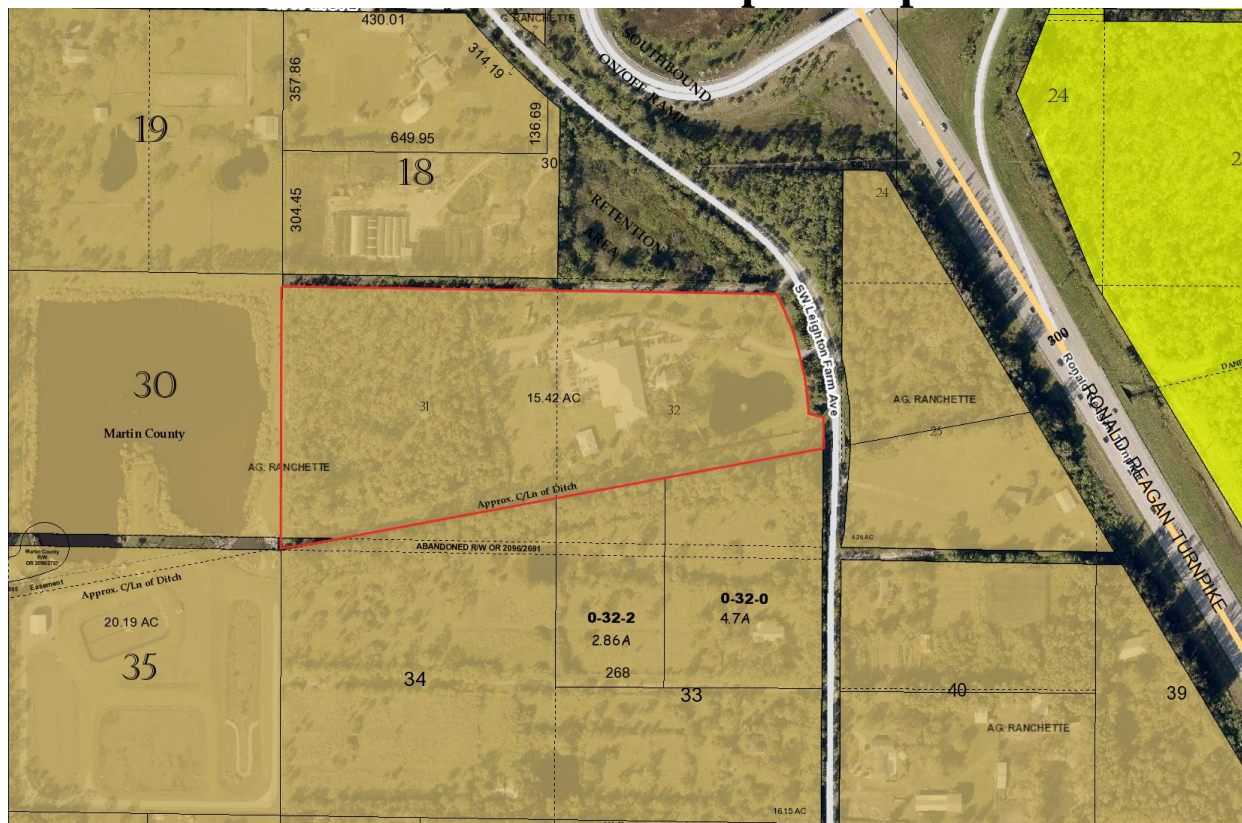
## Zoning Atlas Excerpt



### Adjacent property zoning districts:

North: A-2, South: A-2, East: SW Leighton Farm Ave Right of way, West: A-2

## Future Land Use Map Excerpt



Adjacent property Land Use designations:

North: Agricultural Ranchette, South: Agricultural Ranchette, East: SW Leighton Farm Ave Right of way, West: Agricultural Ranchette

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

**Findings of Compliance:**

**Zoning Conditions**

Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1 (2016)

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1. (2016)

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

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. MARTIN COUNTY, FLA., LDR SECTION 3.2.E. (2016)

**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 10.12) prior to the public hearing by the applicant to all owners of real property located within a distance of 1,000 feet of the boundaries of the affected property.

**Information #2:**

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 (seven calendar days if the application is being expedited pursuant to section 10.12) 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 SECTION 10.6.D. (2016)

**Information #3:**

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 Martin County Health Department and Martin County School Board***

The applicant has indicated that there are no proposed construction activities associated with this rezoning application, pursuant to Section 10.1.F., LDR. Martin County, Fla., (2016) Therefore, the Martin County Health Department was not required to review this application for consistency with the State of Florida Codes.

Martin County School Board

Martin County School Board staff has reviewed this application and has issued a finding of no objection to the proposed rezoning.

#### ***I. Determination of compliance with legal requirements - County Attorney's Office***

Review Ongoing

#### ***J. 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. Exempted development will be treated as committed development for which the County assures concurrency.

#### ***K. Post-approval requirements***

Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Item #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 Martin County Board of County Commissioners.

Item #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 Martin County Clerk of Court.

#### ***L. Local, State, and Federal Permits***

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

**M. 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.

**N. General application information**

Applicant: The Humane Society of the Treasure Coast, Inc.  
4100 SW Leighton Farm Avenue  
Palm City, FL 34990

Agent: Terence P. McCarthy, Esquire  
2400 SE Federal Highway-4<sup>th</sup> Floor  
Stuart, FL 34994

**O. 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