

Hodapp Property REZONING

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A. Application Information

Report Issuance Date:	July 14, 2020
Applicant:	Martin County Board of County Commissioners
Represented by:	Paul Schilling Growth Management Department
Planner:	Maria Jose, M.S., Planner
Growth Management Director:	Paul Schilling
Request Number:	CPA 20-01
<u>PUBLIC HEARINGS:</u>	Date Action
Local Planning Agency:	August 20, 2020 LPA voted 5-0 recommending AR-5A
BCC Adoption:	September 29, 2020

B. Project description and analysis

This application is a request for a zoning district change on a parcel from RT (Mobile Home Subdivision District) to AR-5A, Agricultural Ranchette District, on a 5-acre parcel at 7715 S.W. 39th Street, located south of S.W. Martin Highway. The request was initiated by the Martin County Board of County Commissioners concurrently with a board-initiated Future Land Use Map (FLUM) change from Mobile Home to Agricultural Ranchette on the 5-acre subject site.

Staff recommendation:

Staff recommends approval of the zoning district change from RT to AR-5A. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The proposed zoning district, AR-5A, implements the Agricultural Ranchette future land use designation proposed for the subject site. There is another zoning district that can also implement Agricultural Ranchette future land use. However, the minimum lot size required is larger than the subject site. E.g., the minimum lot area required by AR-10A is 10 acres but the subject site is only 5 acres. Please see below:

Cat.	Zoning District	District Purpose
A	AR-5A (Agricultural Ranchette District)	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.

Permitted Uses:

The existing zoning district, RT, is a Category B zoning district and the permitted uses are listed in Table 3.11.3 of the LDR. See Attachment 1, Permitted Uses - Category “B” Districts to view the permitted uses allowed by the current zoning, RT.

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed zoning district, AR-5A. The "P" indicates that the uses permitted 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 and the Land Development Regulations.

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

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B 3 R	R S 4	R S 5	R S 6	R S 8	R S 10	R M 3	R M 4	R M 5	R M 6	R M 8	R M 10	M H P	M H S
<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	P	P	P	P	P	P	P	P	P
Multifamily dwellings														P	P	P	P	P	P		
Single-family detached dwellings	P	P	P	P	P	P	P	P	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	P	P	P	P		
Duplex dwellings														P	P	P	P	P	P		
Zero lot line single-family dwellings													P	P	P	P	P	P	P		
<i>Agricultural Uses</i>																					
Agricultural processing, indoor	P																				
Agricultural processing, outdoor	P																				
Agricultural veterinary medical services	P	P	P	P																	

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0	R M 3	R M 4	R M 5	R M 6	R M 8	R M 1 0	M H P	M H S
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																		
Cemeteries, crematory operations and columbaria	P	P	P																		
Community centers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional facilities																					
Cultural or civic uses																					
Dredge spoil facilities																					
Educational institutions					P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical generating plants																					
Fairgrounds																					
Halfway houses																					
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	P																				
Hospitals																					

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 10	R M 3	R M 4	R M 5	R M 6	R M 8	R M 10	M H P	M H S
Neighborhood assisted residences with six or fewer residents	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Neighborhood boat launches					P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
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	P	P	P																		
Places of worship	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Post offices																					
Protective and emergency services	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Public libraries						P	P		P	P	P	P	P	P	P	P	P	P	P	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	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	P	P	P
Public vehicle storage and maintenance																					
Recycling drop-off centers	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Residential care facilities														P	P	P	P	P	P		
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance	P	P	P																		
Solar energy facilities (solar farms)	P																				
Solid waste disposal areas																					
Utilities	P	P	P	P	P	P	P		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	P	P	P	P	P		
Business and professional offices																					
Campgrounds																					

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0	R M 3	R M 4	R M 5	R M 6	R M 8	R M 1 0	M H P	M H S
Commercial amusements, indoor																					
Commercial amusements, outdoor																					
Commercial day care	P	P	P	P	P	P	P		P	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	P	P	P	P	P	P	P	P	P
Financial institutions																					
Flea markets																					
Funeral homes																					
General retail sales and services																					
Golf courses	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P
Golf driving ranges																					
Hotels and motels																					
Kennels, commercial	P	P	P																		
Limited retail sales and services																					
Marinas, commercial																					
Marine education and research																					
Medical services																					
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																				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																				

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0	R M 3	R M 4	R M 5	R M 6	R M 8	R M 1 0	M H P	M H S
Sporting clay course	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																					

(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. 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	AG-20A	20 ac.	300	0.05	—	—	30	50	—
A	AR-5A	5 ac.	300	0.20	—	—	30	50	—
A	AR-10A	10 ac.	300	0.10	—	—	30	50	—
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	—
B	HR-1	10,000	100	(a)	—	—	35	30	—
B	HR-1A	12,000	100	(a)	—	—	35	30	—
B	R-1	15,000	100	(a)	—	25	30/3	50	—
B	R-1A	10,000	85	(a)	—	25	30/3	30	(d)
B	R-1B	8,200	75	(a)	—	—	35	30	—
B	R1-C	15,000	100	(a)		25	25/2	50	—
B	R-2	7,500	60	(a)	—	35	30/3	30	—
B	R-2B	7,500	60	(a)	—	35	30/3	30	—
B	R-2C	5,000	50	(a)	—	—	35	30	—
B	R-2T	7,500	60	(a)	—	35	30/3	30	—
B	RT	5,500(f)	50	(a)	—	—	20/1	30	(b), (i)
B	TP	10 ac.	—	(k)	—	—	20/1	—	(c), (j)

NOTES:

- (a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.
- (b) In the RT district:
 - (1) Mobile home subdivisions shall be surrounded by a landscaped buffer strip at least 25 feet in depth on all sides. Buffers shall be unoccupied, except for underground utilities, canals, ditches, landscaping and entrance ornamentation.
 - (2) A minimum of five percent of the gross land area shall be required for recreation area.
 - (3) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- (c) In the TP district:

- (1) A minimum of five percent of the gross land area shall be required for recreation area.
- (2) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- (d) In the R-1A district, waterfront lots shall have a minimum of width of 60 feet along the street frontage and 100 feet in width along the waterway.
- (e) In the MH-P district, each mobile home shall have a site area of at least 5,500 square feet.
- (f) Each mobile home subdivision shall have a site area of at least ten acres.
- (g) The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in Section 4.4.M.1.e.(5) of the Comprehensive Growth Management Plan.
- (h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.
- (i) In the RT and MH-S districts, single-family detached dwellings (site-built dwellings) shall also comply with the provisions of Section 3.98.
- (j) In the TP zoning district, mobile homes, modular homes and single-family detached dwellings (site-built dwellings) shall be limited to a foot print approved by the owner of the property (e.g., president of a condominium association or cooperative). Verification of the location and foot print by the property owner shall be provided with the building permit application. Primary structures and attached accessory structures, regardless of construction type, shall maintain a ten foot separation from other primary structures and attached accessory structures. Also, single-family detached dwellings (site-built dwellings) shall comply with the provisions of Section 3.98.
- (k) In the TP zoning district the maximum residential density shall not exceed that density established on the parcel on April 1, 1982. New mobile home park development, requiring final site plan approval, in the TP zoning district shall not exceed eight units per acre.

(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)

**TABLE 3.12.2.
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	AG-20A	50	50	50	50	50	50	50	50	50	50	50	50
A	AR-5A	40	40	40	40	40	40	40	40	40	40	40	40
A	AR-10A	40	40	40	40	40	40	40	40	40	40	40	40
B	RT	20	—	—	—	6	—	—	—	6	—	—	—
B	TP	15(i)	—	—	—	5(i)	—	—	—	5(i)	—	—	—
B	E	35	35	35	35	6	8	8	8	6	8	8	8
B	E-1	40	40	40	—	20	25	30	—	20	25	30	—
B	WE-1	50(g)	50(g)	—	—	25(g)	25(g)	—	—	15	15	—	—

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).
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,***

Please see the staff report for CPA 20-01, Hodapp Property FLUM Amendment. The report discusses compatibility with the Martin County CGMP and recommends Agricultural Ranchette future land use designation. AR-5A, which is the staff recommendation, implements the Low Agricultural Ranchette future land use.

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

The requested AR-5A zoning district implements the proposed Agricultural Ranchette future land use pursuant to the requirements and standards of the LDR. Any site plan proposed on the 5 acres 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 AR-5A zoning district has the similar minimum lot size as the surrounding lots. AR-5A allows permitted uses such as single-family detached dwellings and modular homes like those larger area. Unlike the current zoning district RT, the proposed AR-5A does not permit mobile homes. The subject site is surrounded by parcels that will be compatible to the proposed zoning district.

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

The growth in the area has remained rural/agricultural and so the proposed request is reasonable and consistent with area land use characteristics. There have been very few zoning changes in the area. See Figure 1, which shows the past zoning resolutions in the area nearby the subject parcel.

1. **Resolution 06-8.27:** Zoning amendment, where property was changed from A-2, Agricultural District, to AR-5A, Agricultural Ranchette.

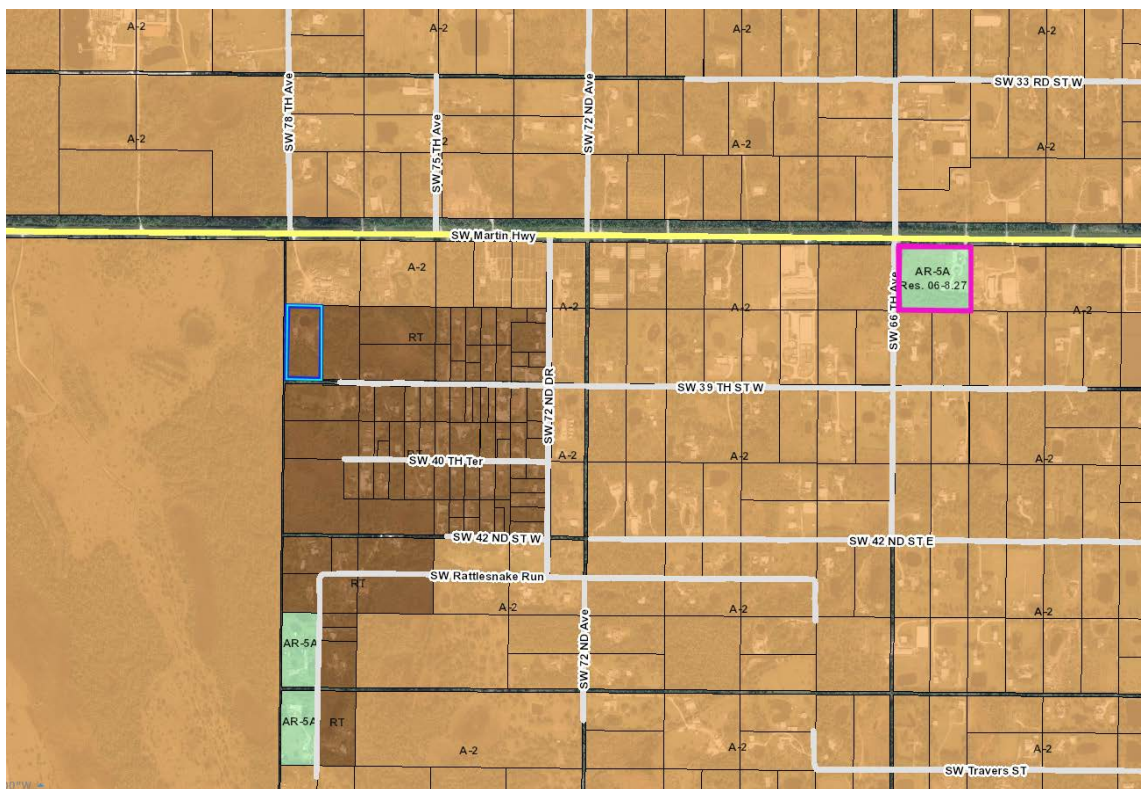


Figure 1, where the subject site is in blue and parcel marked pink had a rezoning.

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

The subject property is located outside the urban service district, and so it does not have access to water and sewer provisions. The proposed amendment will not result in demands on public facilities since the maximum residential density allowed by AR-5A is only 1 unit per 5 acres.

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,

G	Development Review	Maria Jose	288-5930	Pending
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Maria Jose	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: 5 acres, located at 7715 S.W. 39th Street, located south of S.W. Martin Highway

Existing zoning:	RT
Future land use:	Mobile Home
Commission district:	District 5
Community redevelopment area:	N/A
Municipal service taxing unit:	District 5 Municipal Service Taxing Unit
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 AR-5A zoning district would correctly implement the respective Agricultural Ranchette 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 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 above statement.

I. Determination of compliance with the property management requirements – Engineering Department

See above statement.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

See above statement.

K. Determination of compliance with transportation requirements - Engineering Department

See above statement.

L. Determination of compliance with county surveyor - Engineering Department

See above statement.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

See above statement.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments

See above statement.

O. Determination of compliance with utilities requirements - Utilities Department

See above statement.

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

See above statement.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

See above statement.

R. Determination of compliance with Martin County Health Department and Martin County School Board

See above statement

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: 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

Z. *Figures/Attachments*

Figures within the report:

Figure 1, Past Zoning Resolutions

Figure 2, Proposed Zoning Map

Permitted Uses -Category “B” Districts

TABLE 3.11.3
PERMITTED USES - CATEGORY "B" DISTRICTS

[illegible]

[illegible]

[illegible]

USE CATEGORY	H R 1	H R 1 A	R 1	R 1 A	R 1 B	R 1 C	R 2	R 2 B	R 2 C	R 2 T	R T P	T P	E	E 1	W E 1
Salvage yards															
Yard trash processing															
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002															

(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)