

# Maggy's Hammock Park REZONING

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## ***A. Application Information***

Report Issuance Date: June 18 , 2021

Applicant: Martin County Board of County Commissioners

Represented by: Paul Schilling  
Growth Management Department

Planner: Maria Jose, M.S., Senior Planner  
Growth Management Director: Paul Schilling

Request Number: CPA 21-06

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	6/3/2021	LPA voted 4-0 for staff's recommendation.
BCC Adoption:	7/13/2021	

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

This application is a request for a zoning district change on a parcel from R-1B (Single-Family Residential District) to PC, Public Conservation District, on a 5.4-acre parcel on S.E. Kubin Avenue, north of Maggy's Hammock Park, Port Salerno. The request was initiated by the Martin County Board of County Commissioners concurrently with a Board-initiated Future Land Use Map (FLUM) change from Residential Estate Density (2 units per acre) to Public Conservation land use on the 5.4-acre subject site.

The Martin County Utility & Solid Waste Department conveyed their request to Growth Management Department staff that they would like to utilize a 134.87' x 134.87' portion of the subject site for a Vacuum Station that could provide utility services to the nearby developed area (Rocky Point area). Many of the developments in the Rocky Point area rely on septic systems and do not have access to water and sewer services. Staff concurs with the request and recommends designating that portion of land to be General Institutional land use with the PS-1 (Public Service District) zoning, while designating the rest of the parcel as Public Conservation land use with the PC zoning district. The PC zoning district does not permit the use of utilities, whereas the PS-1 zoning district does permit the use of Utilities that could allow for the establishment of a vacuum station.

### **Staff recommendation:**

Staff recommends approval of the zoning district change from R-1B to PC and for a portion of the subject site, a change from R-1B to PS-1. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The proposed zoning district, PC,

implements the Public Conservation future land use designation proposed for the subject site. Both PS-1 and PS-2 zoning districts implement the General Institutional future land use and they both allow Utilities as a permitted use; however staff recommends PS-1 because it allows less intense uses than PS-2.

Cat.	Zoning District	District Purpose
A	<b>PC</b> (Public Conservation District)	The PC district is intended to implement the policies of the CGMP for lands designated Public Conservation on the Future Land Use Map of the CGMP.
A	<b>PS-1</b> (Public Service District)	The PS-1 district is intended to implement the policies of the CGMP for lands designated Institutional-General on the Future Land Use Map of the CGMP. This district is designed to minimize the potential for negative impacts on surrounding properties.
A	PS-2 (Public Service District)	The PS-2 district is intended to implement the policies of the CGMP for lands designated Institutional-General on the Future Land Use Map of the CGMP.

### **Permitted Uses:**

The existing zoning district, R-1B, 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, R-1B.

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed zoning district, PC. The PS-1 zoning district is also included in this table in case the Board decides to dedicate a portion of the subject site for the vacuum station site for utilities services. 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 3.11.2  
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	<b>P C</b>	<b>P S 1</b>	P S 2
<i>Residential Uses</i>															
Accessory dwelling units		P	P				P	P	P	P	P				
Apartment hotels			P	P	P	P	P	P							
Mobile homes															
Modular homes		P	P				P								
Multifamily dwellings		P	P				P								
Single-family detached dwellings		P	P				P								
Single-family detached dwellings, if established prior to the effective date of this ordinance															

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
Townhouse dwellings		P	P				P								
Duplex dwellings		P	P				P								
Zero lot line single-family dwellings		P	P				P								
<i>Agricultural Uses</i>															
Agricultural processing, indoor										P	P				
Agricultural processing, outdoor											P				
Agricultural veterinary medical services									P	P					
Aquaculture								P	P	P	P				
Crop farms															
Dairies															
Exotic wildlife sanctuaries															
Farmer's markets															
Feed lots															
Fishing and hunting camps															
Orchards and groves															
Plant nurseries and landscape services				P	P	P			P	P					
Ranches															
Silviculture															
Stables, commercial															
Storage of agricultural equipment, supplies and produce															
Wildlife rehabilitation facilities															
<i>Public and Institutional Uses</i>															
Administrative services, not-for-profit	P	P	P	P	P	P	P	P	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
Correctional facilities										P	P				P
Cultural or civic uses	P	P	P	P	P	P	P	P						P	P
Dredge spoil facilities												P			P
Educational institutions	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Electrical generating plants											P				
Fairgrounds												P		P	P
Halfway houses															P
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance															
Hospitals						P								P	P
Neighborhood assisted residences with six (6) or fewer residents		P	P				P							P	P

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
Neighborhood boat launches															
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															
Places of worship	P	P	P	P	P	P			P	P				P	P
Post offices	P	P	P	P	P	P			P					P	P
Protective and emergency services	P	P	P	P	P	P	P	P	P	P	P			P	P
Public libraries	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
Public parks and recreation areas, passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public vehicle storage and maintenance	P													P	P
Recycling drop-off centers	P	P	P	P	P	P	P	P	P	P	P			P	P
Residential care facilities		P	P	P	P									P	P
Solid waste disposal areas											P				P
Utilities	P	P	P	P	P	P	P	P	P	P	P			P	P
<i>Commercial and Business Uses</i>															
Adult business									P	P	P				
Ancillary retail use	P	P	P												
Bed and breakfast inns	P	P	P	P	P		P	P							
Business and professional offices	P	P	P	P	P	P	P	P	P	P					
Campgrounds												P			
Commercial amusements, indoor				P	P	P	P	P	P						
Commercial amusements, outdoor						P	P	P	P						
Commercial day care				P	P	P	P	P	P	P				P	P
Construction industry trades				P	P	P			P	P	P				
Construction sales and services				P	P	P			P	P	P				
Family day care		P	P												
Financial institutions	P	P	P	P	P	P			P	P					
Flea markets						P			P	P					
Funeral homes				P	P	P								P	P
General retail sales and services					P	P			P						
Golf courses														P	P
Golf driving ranges						P			P					P	P
Hotels, motels, resorts and spas				P	P	P	P	P	P	P					
Kennels, commercial						P			P	P	P				P
Limited retail sales and services				P	P	P	P	P	P						
Marinas, commercial					P	P	P	P				P			

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
Marine education and research							P	P						P	P
Medical services	P	P	P	P	P	P			P						
Pain management clinics				P		P			P						
Parking lots and garages				P	P	P								P	P
Recreational vehicle parks				P	P	P	P	P				P			
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	P	P	P	P	P	P			P	P					
Restaurants, convenience, with drive-through facilities						P			P						
Restaurants, convenience, without drive-through facilities				P	P	P	P	P							
Restaurants, general				P	P	P	P	P	P	P					
Shooting ranges															
Shooting ranges, indoor				P	P	P			P	P	P			P	P
Shooting ranges, outdoor															P
Trades and skilled services						P	P	P	P	P	P				
Vehicular sales and service						P			P	P					
Vehicular service and maintenance						P			P	P	P				
Veterinary medical services				P	P	P			P	P	P				
Wholesale trades and services						P		P	P	P	P				
<i>Transportation, Communication and Utilities Uses</i>															
Airstrips															
Airports, general aviation										P	P				
Truck stop/travel center											P				
<i>Industrial Uses</i>															
Biofuel facility										P	P				
Composting, where such use was approved or lawfully established prior to March 1, 2003															
Extensive impact industries								P		P	P				
Limited impact industries								P	P	P	P				
Mining											P				
Salvage yards										P	P				P
Yard trash processing											P				P
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002									P	P					

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
<i>Life Science, Technology and Research (LSTAR) Uses</i>															
Biomedical research	P	P	P	P	P	P			P	P	P			P	P
Bioscience research	P	P	P	P	P	P			P	P	P			P	P
Computer and electronic components research and assembly	P	P	P	P	P	P			P	P	P			P	P
Computer and electronic products research and assembly	P	P	P	P	P	P			P	P	P			P	P
Computer programming/software research	P	P	P	P	P	P			P	P	P			P	P
Computer system design	P	P	P	P	P	P			P	P	P			P	P
Electromedical apparatus research and assembly	P	P	P	P	P	P			P	P	P			P	P
Electronic equipment research and assembly	P	P	P	P	P	P			P	P	P			P	P
Laser research and assembly	P	P	P	P	P	P			P	P	P			P	P
Lens research	P	P	P	P	P	P			P	P	P			P	P
Management, scientific and technical services	P	P	P	P	P	P			P	P	P			P	P
Marine Research	P	P	P	P	P	P		P	P	P	P			P	P
Medical and dental labs	P	P	P	P	P	P			P	P	P			P	P
Medical equipment assembly	P	P	P	P	P	P			P	P	P			P	P
Optical equipment assembly	P	P	P	P	P	P			P	P	P			P	P
Optical instruments assembly	P	P	P	P	P	P			P	P	P			P	P
Optoelectronics assembly	P	P	P	P	P	P			P	P	P			P	P
Pharmaceutical products research	P	P	P	P	P	P			P	P	P			P	P
Precision instrument assembly	P	P	P	P	P	P			P	P	P			P	P
Professional, scientific and technical services	P	P	P	P	P	P			P	P	P			P	P
Reproducing magnetic and optical media	P	P	P	P	P	P			P	P	P			P	P
Research and development laboratories and facilities, including alternative energy	P	P	P	P	P	P			P	P	P			P	P
Scientific and technical consulting services	P	P	P	P	P	P			P	P	P			P	P
Simulation training	P	P	P	P	P	P			P	P	P			P	P
Technology centers	P	P	P	P	P	P			P	P	P			P	P
Telecommunications research	P	P	P	P	P	P			P	P	P			P	P
Testing laboratories	P	P	P	P	P	P			P	P	P			P	P
<i>Targeted Industries Business (TIB) Uses</i>															
Aviation and aerospace manufacturing									P	P	P				
Business-to-business sales and marketing	P	P	P	P	P	P			P	P	P				
Chemical manufacturing									P	P	P				
Convention centers					P	P			P	P	P			P	P
Credit bureaus	P	P	P	P	P	P			P	P	P			P	P
Credit intermediation and related activities	P	P	P	P	P	P			P	P	P			P	P

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
Customer care centers	P	P	P	P	P	P			P	P	P			P	P
Customer support	P	P	P	P	P	P			P	P	P			P	P
Data processing services	P	P	P	P	P	P			P	P	P			P	P
Electrical equipment and appliance component manufacturing									P	P	P				
Electronic flight simulator manufacturing									P	P	P				
Fiber optic cable manufacturing									P	P	P				
Film, video, audio and electronic media production and postproduction	P	P	P	P	P	P			P	P	P			P	P
Food and beverage products manufacturing									P	P	P				
Funds, trusts and other financial vehicles	P	P	P	P	P	P			P	P	P			P	P
Furniture and related products manufacturing									P	P	P				
Health and beauty products manufacturing									P	P	P				
Information services and data processing	P	P	P	P	P	P			P	P	P			P	P
Insurance carriers	P	P	P	P	P	P			P	P	P			P	P
Internet service providers, web search portals	P	P	P	P	P	P			P	P	P			P	P
Irradiation apparatus manufacturing									P	P	P				
Lens manufacturing									P	P	P				
Machinery manufacturing									P	P	P				
Management services	P	P	P	P	P	P			P	P	P			P	P
Marine and marine related manufacturing								P	P	P	P				
Metal manufacturing									P	P	P				
National, international and regional headquarters	P	P	P	P	P	P			P	P	P			P	P
Nondepository credit institutions	P	P	P	P	P	P			P	P	P			P	P
Offices of bank holding companies	P	P	P	P	P	P			P	P	P			P	P
On-line information services	P	P	P	P	P	P			P	P	P			P	P
Performing arts centers				P	P	P			P	P	P			P	P
Plastics and rubber products manufacturing									P	P	P				
Printing and related support activities									P	P	P				
Railroad transportation									P	P	P				
Reproducing magnetic and optical media manufacturing									P	P	P				
Securities, commodity contracts	P	P	P	P	P	P			P	P	P			P	P
Semiconductor manufacturing									P	P	P				
Simulation training	P	P	P	P	P	P			P	P	P			P	P
Spectator sports					P	P			P	P	P			P	P
Surgical and medical instrument manufacturing									P	P	P				
Technical support	P	P	P	P	P	P			P	P	P			P	P

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
Telephonic and on-line business services	P	P	P	P	P	P			P	P	P			P	P
Textile mills and apparel manufacturing									P	P	P				
Transportation air									P	P	P				
Transportation equipment manufacturing									P	P	P				
Transportation services						P			P	P	P				
Transaction processing	P	P	P	P	P	P			P	P	P			P	P
Trucking and warehousing									P	P	P				
Wood and paper product manufacturing									P	P	P				

(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. 669, pt. 1, 6-28-2005; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 891, pt. 1, 2-22-2011; Ord. No. 970, pt. 1, 4-7-2015; Ord. No. 1014, pt. 2, 12-6-2016; Ord. No. 1045, pt. 1, 1-9-2018)

## **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	PR	—	—	—	—	45	40	40	—
A	PC	—	—	—	—	45	30	40	—
A	PS-1	10,000	80	—	—	45	40	40	—
A	PS-2	10,000	80	—	—	45	40	40	—
A	PAF	—	—	—	—	—	—	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)
B	E	43,560	—	(a)	—	—	30/3	50	—
B	E-1	30,000	150	(a)	—	25	30/3	50	—



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)
B	WE-1	30,000	100	(a)	—	25	25/2	50	—

**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.
- (l) The maximum building height shall be 40 feet for all commercial and business uses permitted in the LI zoning district as set forth in Table 3.11.2.

(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; Ord. No. 1131, pt. I(Exh. A), 5-5-2020)

**TABLE 3.12.2.  
STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
C A T	Zoning District												
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	PAF	—	—	—	—	—	—	—	—	—	—	—	—
B	HR-1	35(d)	35(d)	35(d)	35(d)	25(d)	25(d)	25(d)	25(d)	15(a)	15(a)	15(a)	15(a)
B	HR-1A	35	35	35	35	25	25	25	25	15(a)	15(a)	15(a)	15(a)
B	R-1	20(e)	20(e)	20(e)	20(e)	6(e)	8(e)	10(e)	10(e)	6	8	10	10
B	R-1A	20	20	20	20	6	8	10	10	6	8	10	10
B	R-1B	30(f)	30(f)	30(f)	30(f)	6(f)	6(f)	6(f)	6(f)	10(d)	10(d)	10(d)	10(d)
B	R1-C	30	30	—	—	20	20	—	—	10	10	—	—
B	R-2	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2B	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2C	20	20	20	20	6	8	10	10	6	8	10	10
B	R-2T	20	20	20	20	6	8	10	10	6	8	10	10
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	—	—

**NOTES:**

Additional setback specifications are contained in division 3 (standards for specific uses) and division 4 (miscellaneous development standards) of this article 3.

- (a) Side setback for nonconforming lots is 7.5 feet.
- (b) Side setback for nonconforming lots is 6.5 feet.
- (c) Where the real property boundary abuts an RE, RS, MH, RM, HR-1, HR-1A, R-1, R-1A, R-1B, R-1C, R-2, R-2B, R-2C, R-2T, RT, TP, E, E-1, WE-1 zoning district, a residential use in a PUD, or the real property boundary of a public school, these increased setbacks shall apply:

Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)				
1	2	3	4	1	2	3	4	1	2	3	4	Corner
25	25	25	25	20	20	30	40	15	20	20	30	25

- (d) In the HR-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 35-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.
- (e) In the R-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 20-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.

- (f) In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 30-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.
- (g) In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.
- (h) The minimum rear setback for single-family detached residences and duplex dwellings shall be 20 feet.
- (i) Setbacks shown for the TP zoning district are from property lines, i.e. the mobile home park boundary. The setbacks are not applicable between structures.
- (j) For enclosed storage structures, greenhouses, child's playhouse and gazebos, this dimension may be reduced to five feet.
- (k) The side/corner minimum setback shall be 20 feet.
- (l) For lots that have frontage on ingress/egress or access easements and not on platted road rights-of-way the front setbacks shall be measured from the easement line.

(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)

### **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 21-06, Maggy’s Hammock Park FLUM Amendment. The report analyzes the Public Conservation and General Institutional future land use designations. The PC zoning district implements the Public Conservation future land use and PS-1 implements the General Institutional future land use designation.

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

The requested PC zoning district implements the proposed Public Conservation future land use pursuant to the requirements and standards of the LDR. PC does not permit any development and is intended to conserve natural habitat. The PS-1 zoning district implements the proposed General Institutional future land use pursuant to the requirements and standards of the LDR. PS-1 permits utilities as a permitted use, allowing Martin County Utilities Department to utilize the portion for a vacuum station.

***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 PC and PS-1 zoning districts are compatible to the surrounding lots. The parcels south of the subject site is also PC, and the lands are part of the Maggy’s Hammock Park. PC does not permit any development and is intended to conserve/preserve natural habitat. The PC zoning district only allows passive recreational uses as a permitted use. Below is an excerpt from the LDR:

*Public parks and recreation areas, passive. Public parks and recreation areas operated by a public or private not-for-profit entity where the primary goal is the preservation of land in its natural state for public enjoyment. Accessory uses and structures, such as parking, restrooms, and public viewing areas may be provided to facilitate public use of the preserved land but this use specifically excludes recreational facilities such as ball parks and tennis court that require large cleared areas, boat ramps for motorized vessels, or other uses which are incompatible with the preservation of native lands.*

Unlike the current zoning district R-1B, the proposed PC zoning district does not permit development. The PS-1 zoning district, that is proposed for the small portion of the subject site, permits utilities as a permitted use, allowing the County to utilize the portion for a vacuum station. This vacuum station will be used to provide public utility provisions to the Rocky Point area, where many parcels currently rely on septic tanks. The subject site is surrounded by parcels that will be compatible to the proposed zoning districts.

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







LPA and the BCC meetings must be advertised public hearings.

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

Location: 5.4 acres, located on S.E. Kubin Avenue, north of Maggy's Hammock Park, Port Salerno.

Existing zoning:	R-1B
Future land use:	Residential Estate Density (2 units per acre)
Commission district:	District 4
Community redevelopment area:	N/A
Municipal service taxing unit:	District 4 Municipal Service Taxing Unit
Planning area:	Port Salerno

#### ***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 PC zoning district would correctly implement the respective Public Conservation Future Land Use designation. The proposed PS-1 zoning district will correctly implement the respective General Institutional 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  
W/WWSA .... Water/Waste Water Service Agreement

#### ***Z. Figures/Attachments***

Figures within the report:

Figure 1, Past Zoning Resolutions

Figure 2, Proposed Zoning Map

Permitted Uses -Category “B” Districts