Board of County Commissioners

August 11, 2026

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Growth Management Department

Request for Certification of an Agricultural Enclave

Requested by the property owner, Kanner/96th St. Investments, LLC

Background Information

- Senate Bill (SB) 686 passed during the 2026 regular session of the Florida Legislature – this bill provided new regulations for “agricultural enclaves”

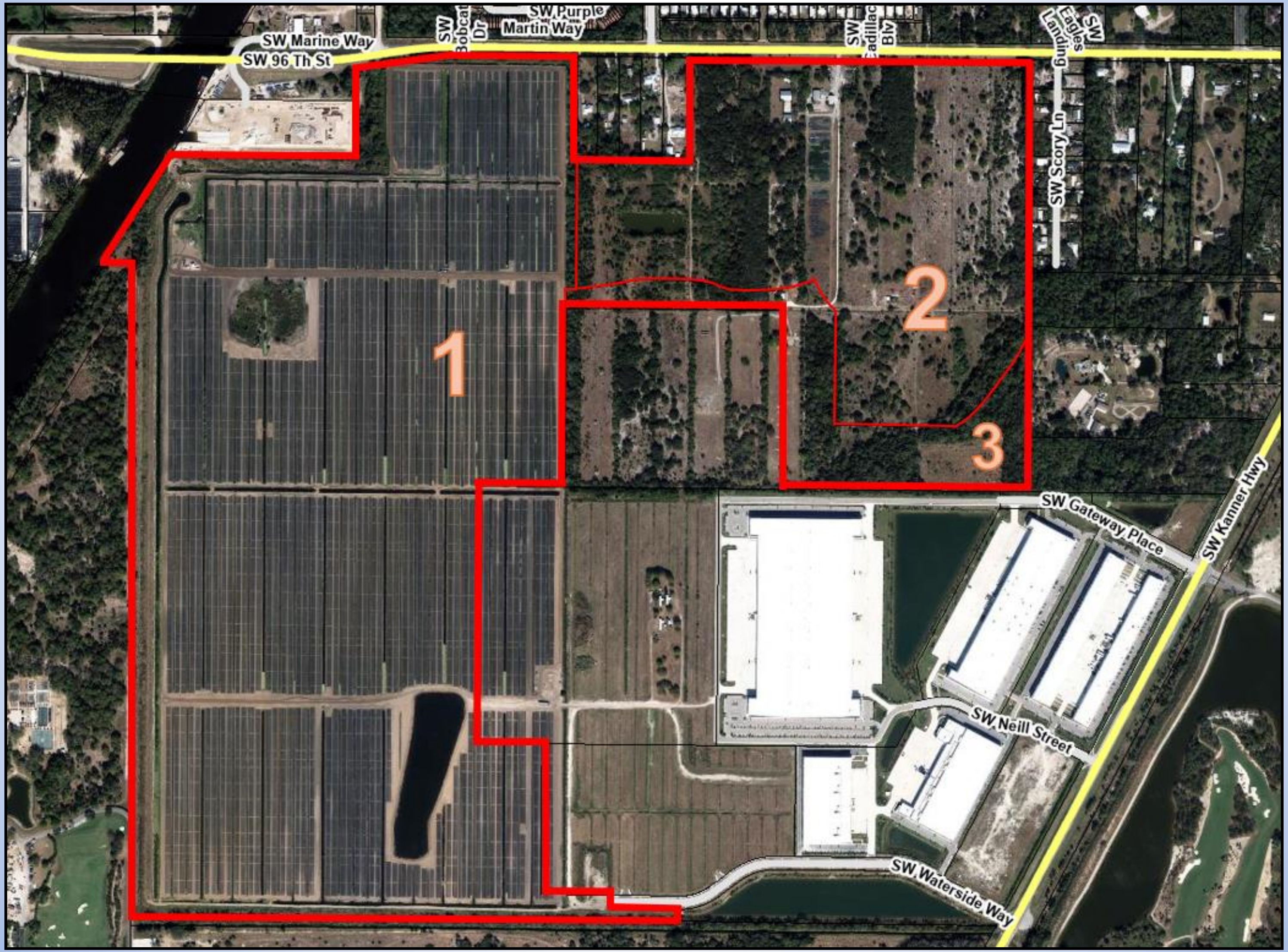
- SB 686 amended Sections 163.3162 and 163.3164, Florida Statutes, to provide a new process for property owners to apply for certification of property as an “agricultural enclave” and added/revised criteria for how agricultural enclaves are defined under statute.

- If property is certified as an agricultural enclave, the property owner/applicant may submit development plans for single-family residential use on the certified property, and the process for staff review, analysis, and final *administrative* approval of these development plans must take place within 180 days.

- Development plans submitted for property certified as an agricultural enclave must be treated as a conforming use, notwithstanding the Comprehensive Plan, future land use designation, or zoning. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if it is located within the urban service district.

- On July 1, 2026, Martin County received a request for certification of an agricultural enclave for three parcels owned by Kanner/96th St. Investments, LLC

Aerial Map of Subject Parcels



Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

(a) Are owned or controlled by a single person or entity;

Analysis: The three subject parcels have been owned or controlled by a single person or entity since January 1, 2025.

Criterion met.

Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

> *(b) Have been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before the date of any comprehensive plan amendment or development application;*

Analysis: Section 193.461, F.S. pertains to agricultural lands and the classification and assessment of these lands for tax purposes.

Section 193.461(1), F.S. states, "The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural."

Florida Statutes mandate that the Property Appraiser's Office (PAO) is the sole entity for classifying land as either agricultural or nonagricultural.

Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

> *(b) Have been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before the date of any comprehensive plan amendment or development application;*

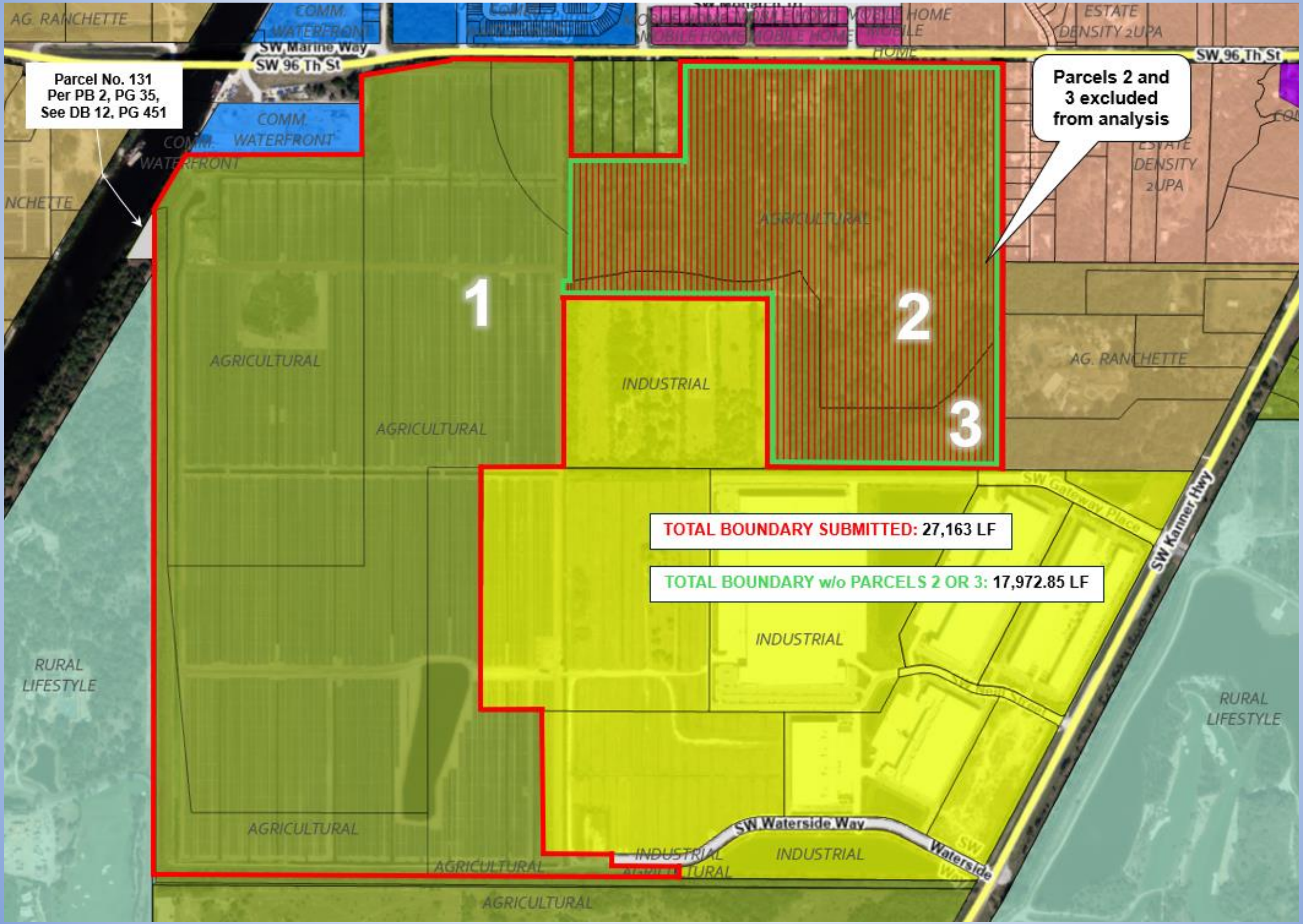
Analysis continued: Parcel 1 has been in continuous use for bona fide agricultural purposes for a period of 5 years prior to the date of this application.

Parcel 2 in its entirety has not been in continuous use for bona fide agricultural purposes for a period of 5 years prior to the date of this application. Only 35 acres out of 96.8 acres have been classified for agricultural use by the PAO during the 2024 and 2025 tax years.

Parcel 3 in its entirety has not been in continuous use for bona fide agricultural purposes for a period of 5 years prior to the date of this application. Zero acres out of 26.35 acres have been classified for agricultural use by the PAO during the 2024 and 2025 tax years.

Criterion not met.

Exhibit 1 – Criterion 163.3164(4)(b)



Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

(c) 1. Are surrounded on at least 75 percent of their perimeter by:

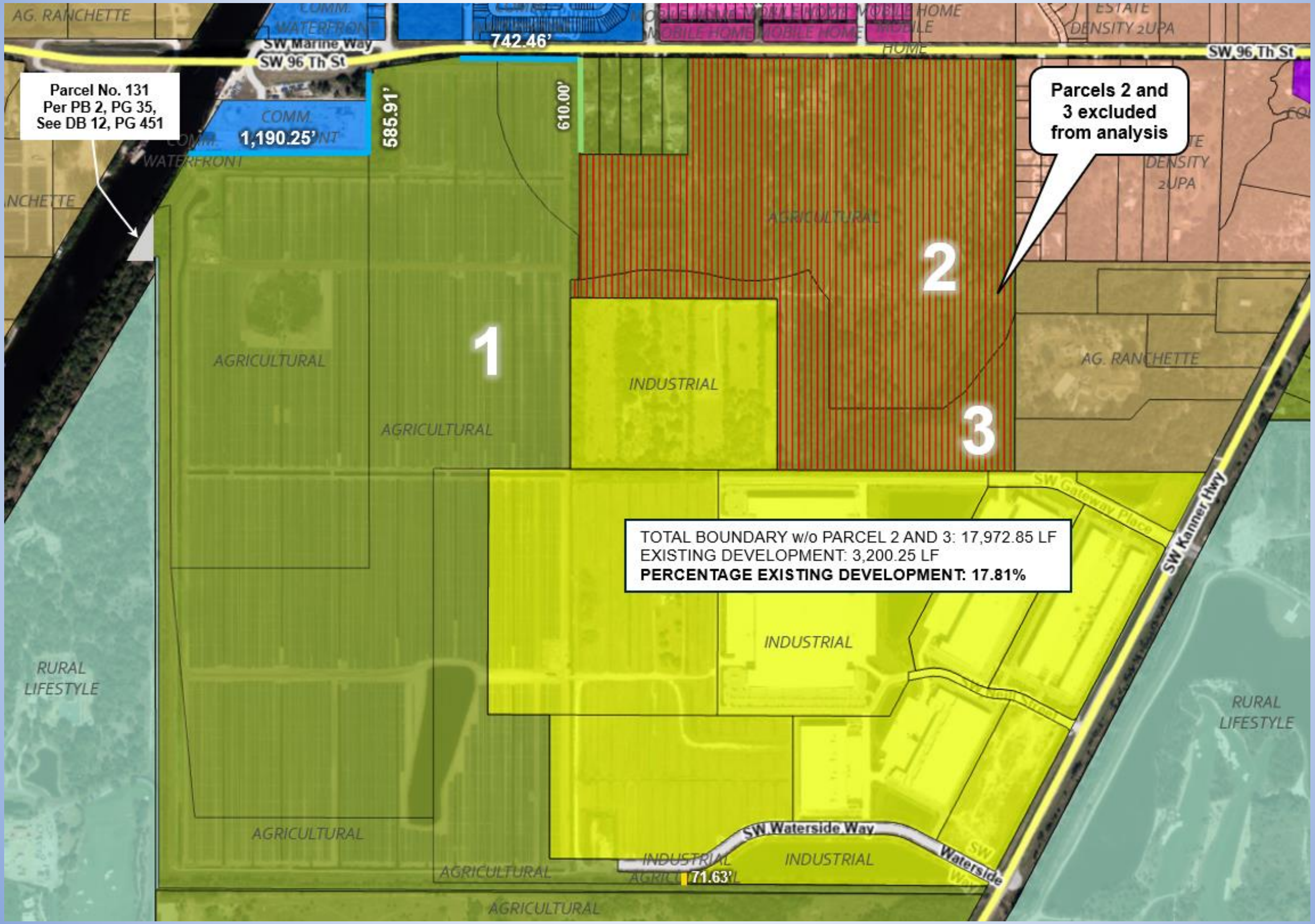
a. A parcel or parcels that have existing industrial, commercial, or residential development;

Analysis: Parcel 3 in its entirety has been excluded from this analysis because zero acres were classified for bona fide agricultural uses during the 2024 and 2025 tax years. Parcel 2 should also be completely excluded from this analysis because the statute does not say a "portion" of a parcel in bona fide agricultural use would satisfy the criterion.

With the exclusion of Parcels 2 and 3 from this analysis, the property is surrounded on 17.81% of its perimeter by a parcel or parcels that have existing industrial, commercial, or residential development.

Criterion not met.

Exhibit 2 – Criterion 163.3164(4)(c)1.a



Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

(c) 1. Are surrounded on at least 75 percent of their perimeter by:

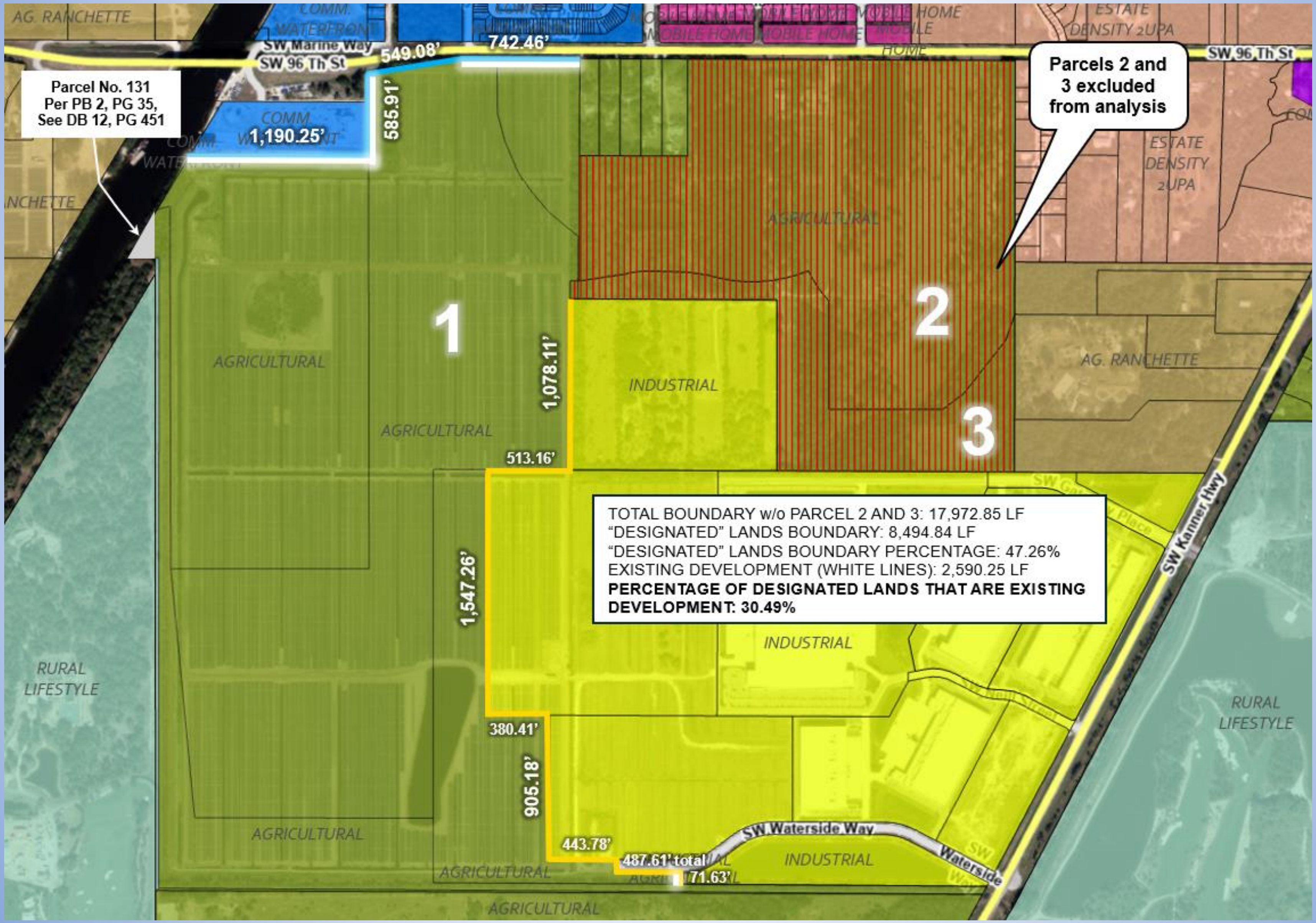
b. A parcel or parcels that the local government has designated, in the local government's zoning map and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 50 percent of such parcel or parcels is existing industrial, commercial, or residential development;

Analysis: As stated previously, both Parcels 2 and 3 have been excluded from this analysis because of the lack of classification for bona fide agricultural purposes over the entirety of the two parcels during the 2024 and 2025 tax years.

With the exclusion of Parcels 2 and 3 from this analysis, the property is surrounded on 47.26% of its perimeter by a parcel or parcels that are designated for industrial, commercial, or residential development. Of the property that is designated for such development, only 30.49% of these parcels are existing development.

Criterion not met.

Exhibit 3 – Criterion 163.3164(4)(c)1.b



Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

(c) 1. Are surrounded on at least 75 percent of their perimeter by:

c. A combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes;

Analysis: The subject parcels do not have any frontage with an interstate highway system. This criterion is not applicable.

Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

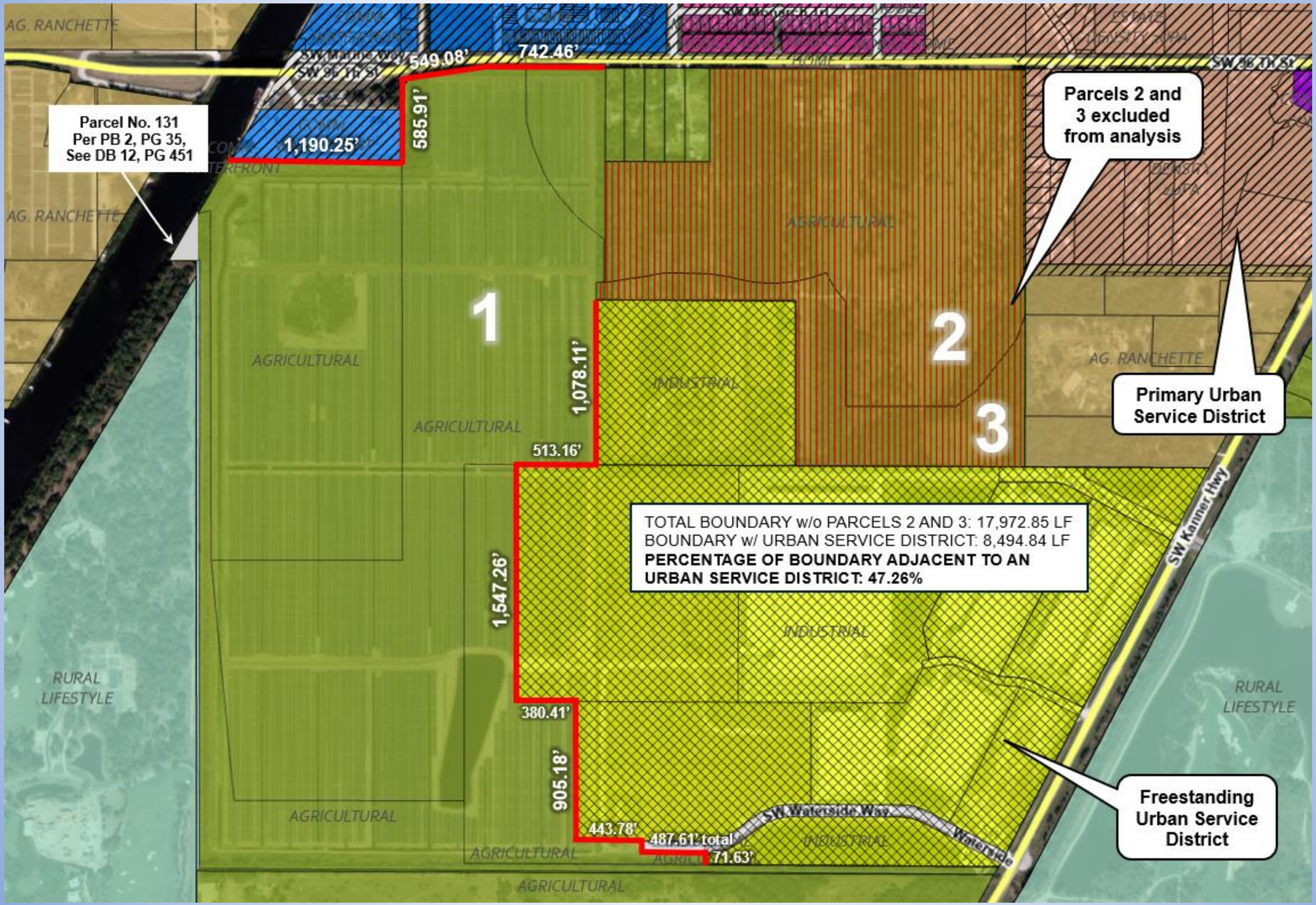
> *(c) 2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line; or*

Analysis: The subject parcels do not exceed a total of 700 acres. As stated previously, both Parcels 2 and 3 have been excluded from this analysis because of the lack of classification for bona fide agricultural purposes over the entirety of the two parcels during the 2024 and 2025 tax years.

With the exclusion of Parcels 2 and 3 from this analysis, the property is surrounded on 47.26% of its perimeter by a parcel or parcels that are designated for industrial, commercial, or residential development. The property is surrounded on 47.26% of its perimeter by a parcel or parcels within an urban service district.

Criterion not met.

Exhibit 4 – Criterion 163.3164(4)(c)2.



Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

> *(c) 3. Are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses;*

Analysis: This criterion is not applicable.

Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

> *(d) Have public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternate provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements;*

Analysis: The applicant stated in their request letter that "if a service is determined to be deficient during site plan review, the Waterside Property owner agrees to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of any public service which is deficient."

This criterion appears to be met by this statement alone.

Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

(e) Do not exceed 1,280 acres; however, if the parcel or parcels are surrounded on at least 75 percent of their perimeter by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, the area must be determined to be urban and the parcel or parcels may not exceed 4,480 acres, unless such parcel or parcels exceeding 1,280 acres are within the affected counties covered by the water protection plan specified in s. 373.4595(4)(c); and

Analysis: The subject parcel(s) do not exceed 1,280 acres. Criterion met.

Analysis of Section 163.3164(4), F.S.

(4) An "agricultural enclave" is defined as an unincorporated, undeveloped parcel that, as of January 1, 2025:

> *(f) Are located within a county with a population of 1.75 million or less. For the purposes of this subsection, population is determined to be in accordance with the most recent official estimate pursuant to s. 186.901.*

Analysis: Martin County's population is less than 1.75 million. Criterion met.

Conclusion and Recommendations

- The applicant has not demonstrated the application as submitted qualifies as an agricultural enclave.
- Due to Parcel 2 and 3's lack of classification for bona fide agricultural purposes, this application does not demonstrate compliance with Section 163.3164(4)(b), F.S.
- The application as submitted does not comply with the boundary perimeter criteria established in Sections 163.3164(4)(c)1.a., 163.3164(4)(c)1.b., and 163.3164(4)(c)2., F.S.
- Staff recommendations:
  1. Move that the Board receive and file the agenda item and all its attachments, including the Staff Report, as Exhibit 1.
  2. Move that the Board deny the request for certification of an agricultural enclave proposed by Kanner/96th St. Investments LLC.
  3. Move that the Board adopt the Resolution denying the certification of an agricultural enclave proposed by Kanner/96th St. Investments LLC and authorize the County Attorney's Office to revise the proposed Resolution as needed to reflect the Board's findings of fact and conclusions of law.