



MARTIN COUNTY, FLORIDA

Comprehensive Planning Division

Amendment to Article 12 Community Redevelopment Code

A. Application Information

Report Issuance Date: June 12, 2024

Property Owner: Martin County

Applicant: Martin County Board of County Commissioners
2401 S.E. Monterey Avenue
Stuart, FL 34996
Agent: Susan Kores

Represented by: Office of Community Development
Susan Kores
2401 S.E. Monterey Avenue
Stuart, FL 34996

Planner: Clyde Dulin, Comprehensive Plan Administer
Growth Management Department

Growth Management Director: Paul Schilling

Request Number: LDR 24-04

<u>PUBLIC HEARINGS:</u>	<u>Date</u>	<u>Action</u>
Local Planning Agency	June 20, 2024	Voted 4-0 to approve
Board of County Commissioners Adoption:	July 9, 2024	

B. Project description and analysis

This request for an amendment to Figure HS-2 the Hobe Sound Regulating Plan found in Section 12.5.02, Land Development Regulations, Martin County Code. Figure HS-2 graphically depicts the subdistricts found in Article 12 Redevelopment Code, Division 5, Hobe Sound. This amendment to Figure HS-2 proposes to assign the Core Subdistrict, or the most appropriate zoning subdistrict, to 5,465 square feet (0.13 acre) of abandoned Right-of-Way (ROW). It is proposed concurrent with a Future Land Use Map (FLUM) amendment initiated by the Board of County Commissions on April 30, 2024 for the same abandoned Right-of-Way. Please see Figure 1. below.

Staff recommendation:

Staff recommends approval of the proposed subdistrict changes on 5,465 square feet (0.13 acre) of abandoned Right-of-Way. The proposed subdistrict change depends on the final decision for the future land use designation on the property. The proposed subdistrict, Core, implements the CRA Center future land use designation.

Figure 1 – Figure HS-2 Regulating Plan with subject area circled in blue.

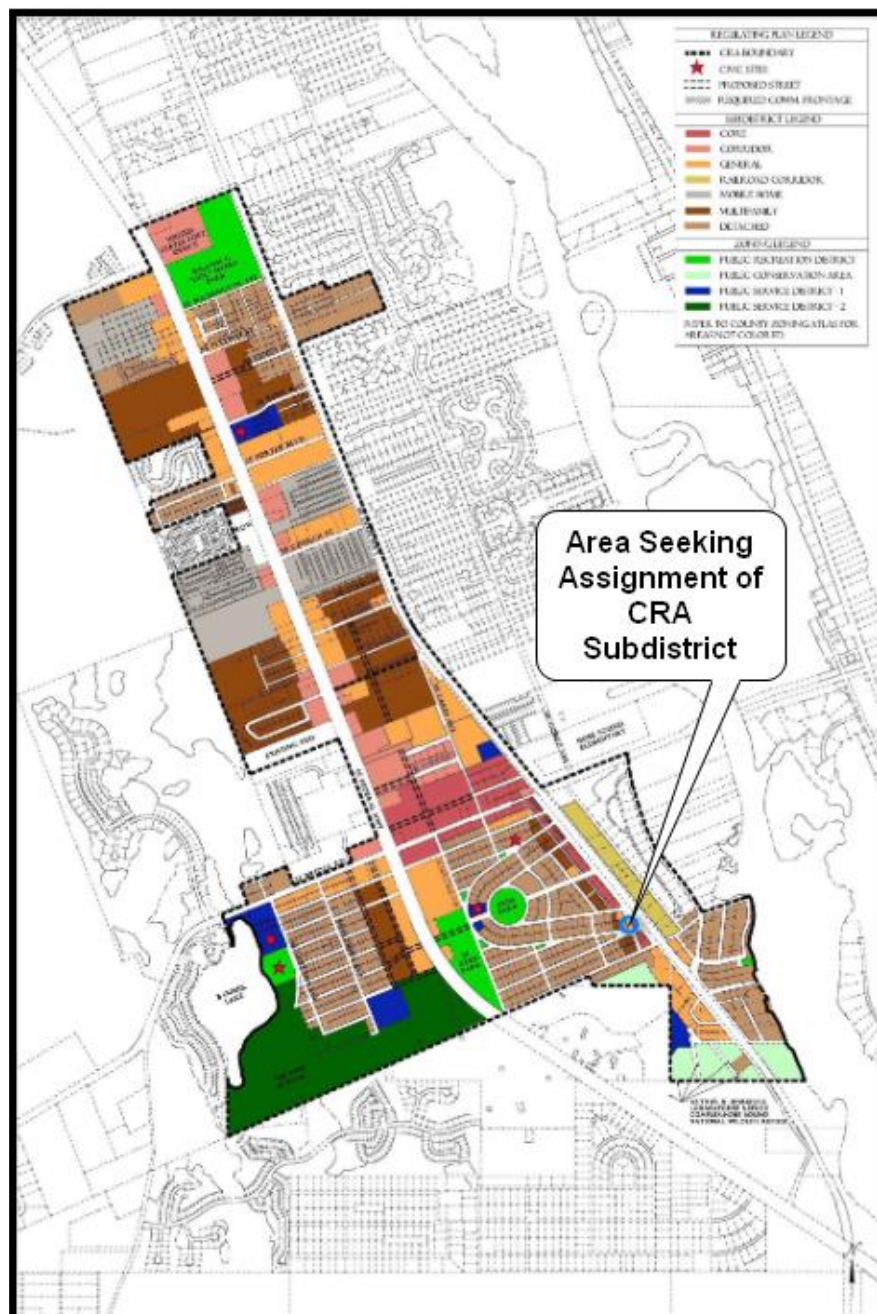


Figure 2 – Location of the Right-of-Way abandonment.

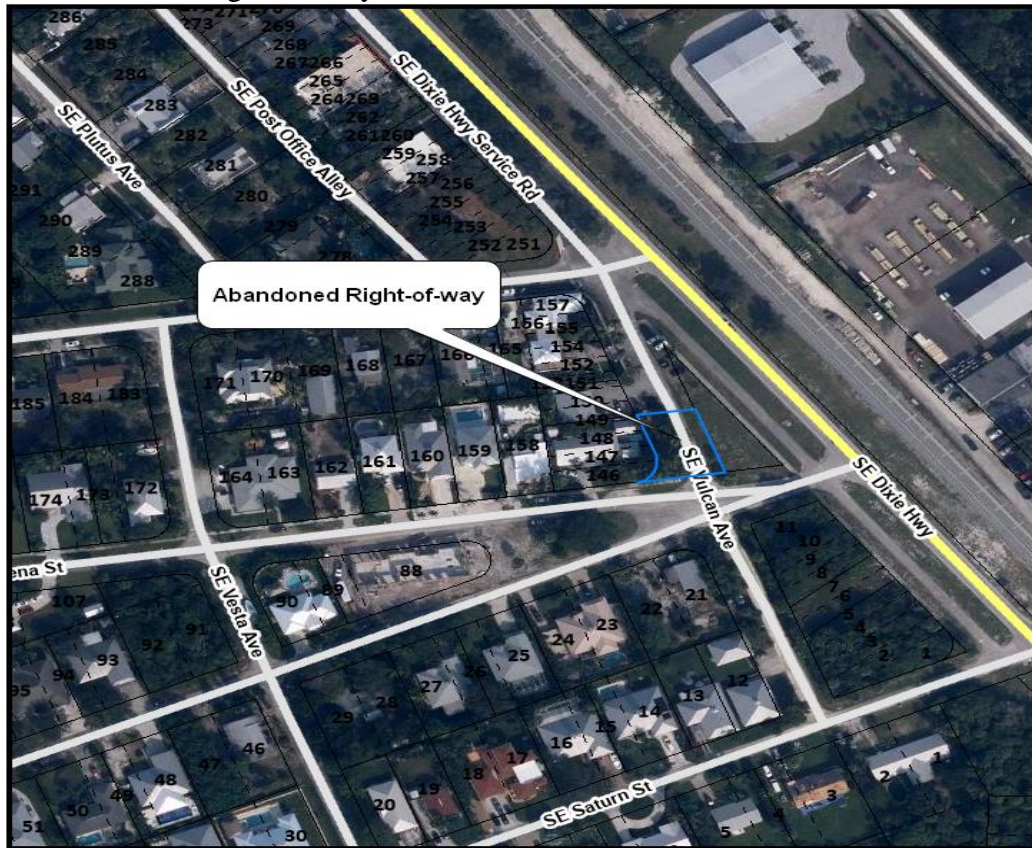


Figure 3 – Excerpt from the Future Land Use Map. The abandoned right-of way parcel is bound in blue.



Figure 4 is an excerpt from the CRA regulating plan showing the existing subdistricts and the abandoned ROW. SE Dixie Hwy and the Florida East Coast rail way were established over 100 years ago. The Railroad Corridor subdistrict is shown on the east side of the FEC tracks and the Core subdistrict is shown on parcels along the west side of SE Dixie Hwy. Transitioning west of the Core subdistrict are lower intensity subdistricts such as General and Multifamily.



Figure 5 is an excerpt from the CRA regulating plan showing the proposed Core subdistrict on the abandoned ROW.



Consistency with the Future Land Use designation.

Section 12.1.01.F. LDR describes the Core subdistrict as “intended to be a pedestrian-oriented center for surrounding neighborhoods and the entire CRA. These are centers of dining, shopping, housing, and entertainment, with shaded sidewalks, large windows, intimate pedestrian spaces, outdoor dining, and richly detailed building facades. A broad mix of uses is encouraged in the Core Subdistrict.” As the table below shows, the Core subdistrict implements the CRA Center future land use designation.

**Table 12-1.03
Consistency with Future Land Use**

Future Land Use				
	CRA Center	CRA Neighborhood	Commercial Waterfront	Industrial
Subdistrict	Core	-	-	-
	Corridor	-	-	-
	Railroad Corridor	-	-	-
	General	General	-	-
	Mobile Home	Mobile Home	-	-
	-	Multifamily	-	-
	-	Detached	-	-
	-	Detached Limited	-	-
	-	Detached Estate	-	-
	-	-	Waterfront	-
	-	-	-	Industrial

Permitted uses:

Below is an excerpt from Article 12 of the LDR, showing the permitted use schedule for the proposed Core Subdistrict. The “P” indicates the uses permitted within that zoning subdistrict, provided the uses can be developed in accordance with the requirements set forth in Article 12 and all other applicable requirements of the LDR. A historic train station would be considered an “Institutional use, limited impact.”

**Table HS-4
Use Groups Permitted in Hobe Sound Subdistricts**

	Core	General	Corridor	Railroad Corridor	Multi-family	Mobile Home	Detached
Residential Use Groups, see 12.1.03							
Accessory dwelling units	P	P	P	P	P	-	P
Mobile homes	-	-	-	-	-	P	-
Other dwelling types	P	P	P	P	P	-	P ²
Single-family dwellings	-	P	-	-	P	-	P ¹
Bed and breakfast inns	P	P	P	P	P	P	P
Agricultural Use Groups, see 12.1.03							
Urban farming	-	-	-	P	-	-	-
Commercial and Business Use Groups, see 12.1.03							
Business and professional offices	P	P	P	P	-	-	-
Construction services, limited	P	P	P	P	-	-	-
Construction services, extensive	-	-	P	P	-	-	-
Convenience store with fuel	-	-	P	-	-	-	-
Drive-through facility	-	-	P	-	-	-	-
Drive-through restaurant	-	-	P	-	-	-	-
Hotels, motels, resorts spas	P	P	P	P	-	-	-
Marinas	-	P	P	-	-	-	-
Medical offices	P	P	P	P	-	-	-
Microbreweries & Craft Distilleries	P	-	P	P	-	-	-
Parking lots and garages	P	-	-	P	-	-	-

Restaurants	P	P	P	P	-	-	-
Retail and services, limited impact	P	P	P	P	-	-	-
Retail and services, general impact	-	P	P	P	-	-	-
Retail and services, extensive impact	-	-	P	-	-	-	-
Recreational vehicle parks	-	-	P	-	-	-	-
Vehicular service and maintenance	-	-	P	-	-	-	-
Wholesale trades and services	-	-	P	P	-	-	-
Working waterfront	-	-	-	-	-	-	-
Public and Institutional Use Groups, see 12.1.03							
Institutional uses, limited impact	P	P	P	P	P	P	P
Institutional uses, general impact	-	P	P	-	P	-	-
Industrial Use Groups, see 12.1.03							
Limited impact industries	-	-	-	P	-	-	-
Extensive impact industrial industries	-	-	-	-	-	-	-

Footnotes, see above

¹No duplexes are permitted.

²No apartment hotels or multifamily dwellings are permitted.

(Ord. No. 1134, pt. I(Exh. A), 6-16-2020; Ord. No. 1159, pt. 1(Exh. A), 5-11-2021)

Development Standards:

The land development standards set forth in Table HS-5 apply to all lands in the Hobe Sound CRA Subdistricts. The development standards in the following table, Section 12.5.04, LDR, describe the minimum lot size and minimum open space requirements of the CRA Center future land use designation.

**Table HS-5
Development Standards in Hobe Sound Subdistricts**

	Core	General	Corridor	Railroad Corridor	Multi- family	Mobile Homes	Detached
Lot Size, see 12.1.04.1							
Lot area - minimum in sf	-	5,000	10,000	10,000	2,000	-	2,500
Lot width - minimum in feet	20	50	-	20	20	-	25
Lot width - maximum in feet	250	-	-	-	-	-	-
Height, see 12.1.04.2							
Building height, maximum in stories	3	2	2	2	2	1	2
Building height, maximum in feet	40	30	30	30	30	20	30
Ceiling height, maximum in feet	Established in 12.5.05 for certain building types						
Density, see 12.1.04.3							
Residential density, max in units/acre	10	10	10	10	8	8	5
Hotel/motel density, max in units/acre	20	20	20	20	-	-	-
Building Coverage, see 12.1.04.4							
Building coverage, maximum %	80	60	60	60	60	-	50
Open Space, see 12.1.04.5							
Open space, minimum in %	20	20	20	20	30	30	30
Building and Parking Placement							
Build-to Zone min/max in feet	Established in 12.5.05 for certain building types						
Side and Rear setbacks	Established in 12.5.05 for certain building types						
Frontage Buildout, minimum %	Established in 12.5.05 for certain building types						

Parking Setbacks minimum in feet	Established in 12.5.05 for certain building types						
Building Types, see 12.3.05							
Shopfront Building	P	P ¹	P	-	-	-	-
Mixed-use Building	P	P	P	P	-	-	-
Office Building	P	P ¹	P	P	-	-	-
Apartment Building	P	P	P	P	P	-	-
Courtyard Building	P	P	P	P	P	-	-
Townhouse	P	P	P	P	P	-	P
Live/Work Building	P	P	P	P	-	-	-
Side Yard House	-	P	P	-	P	-	P
Cottage	P	P	P	-	P	P	P
Cottage Court	P	P	P	-	P	P	-
Duplex	-	P	-	-	P	-	-
All Yard House	-	P	-	-	P	P	P
Outbuilding	P	P	P	P	P	P	P
Boat Barn	-	P	P	P	-	-	-
Industrial Building	-	-	-	P	-	-	-

Standards for Amendments

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the LDRs pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016).
2. The Martin County 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 LDRs. 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 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

If the Future Land Use Map of the Comprehensive Growth Management Plan is amended, a subdistrict must be assigned that implements the future land use designation. The Core Subdistrict is consistent with and implements the CRA Center future land use designation.

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

The Core Subdistrict was created to implement the CRA Center future land use designation of the CGMP as were the Article 12 regulations were created to implement the land use policies of the CGMP. With respect to the other Land Development Regulation requirements related to roads, drainage, environmental protection, utilities, emergency services, landscaping, etc., full compliance cannot be assessed until a specific plan has been selected for the property and an application is submitted for review. The applicant must demonstrate full compliance with all regulations prior to approval of a development order.

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

As shown on Figure 3, above lands to the north and south are assigned the CRA Center future land use. Figure 4 also shows the Core subdistrict is assigned to the same lands with the CRA Center future land use designation. Each of the parcels with these designations are situated close to SE Dixie Hwy and the Florida East Coast Railway. The Core Subdistrict will allow a residential, retail, professional, commercial, and mixed-use development subject to the concurrent land use amendment to CRA Center.

The property to the north is designated Core and contains professional offices and a restaurant with associated accessory uses. Undeveloped lands to the south of the subject property are also designated Core. To the east of the subject parcel lies a parcel owned by Martin County, also a Core Subdistrict. Lands immediately to the west have a CRA Neighborhood future land use and the General Subdistrict with single-family homes and professional/medical offices. Table HS-5, above, shows the Core and the General

subdistricts have the same maximum density, 10 units per acre. A number of permitted uses are also shared by the adjacent subdistricts.

d. Whether and to what extent there are documented changed conditions in the area; and
Redevelopment regulations were adopted 20 years ago to encourage redevelopment of the Hobe Sound community. Development and redevelopment of the Olympia Plat and the land east of the FEC tracts have changed the area. In 2020 the CRA Center and CRA Neighborhood future land use designations replaced commercial and residential future land use designations and the overlay designations on the Future Land Use Map to provide more clarity and cohesive design. Redevelopment of the Bridge Road corridor and the proposed return of the Hobe Sound Train Station to the Dixie Hwy. corridor are examples of public and private investment in redevelopment.

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

The subject property is located within the Primary Urban Services District of the County. As such, the full range of urban services at service levels established by the CGMP is available or must be made available for any uses that are planned for the property. Water and wastewater services to the site will be provided by South Martin Regional Utility. The impacts of the 5,465 square feet (0.13 acre) change will be de minimis.

f. Whether and to what extent the proposed zoning 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 land use pattern that has been established and recognized on the FLUM of the CGMP for development contains and permits commercial and residential land uses within proximity to the subject parcel. The amendment to the CRA Regulating Code to assign the Core subdistrict to the abandoned Right-of-Way would be consistent with the CRA Center future land use.

g. Consideration of the facts presented at the public hearings.

This amendment will be presented at a public hearing before the LPA on June 20, 2024 and the BCC on July 9, 2024.

C. Staff recommendations:

The specific findings and conclusion of each review agency related to this request identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Clyde Dulin	221-2327	Comply
G	Development Review	Clyde Dulin	221-2327	Comply
S	County Attorney	Elysse Elder	288-5328	Review Ongoing
T	Adequate Public Facilities	Clyde Dulin	221-2327	Exempt

D. Review Board action

This application is classified as an amendment to the CRA Regulating Plan. Pursuant to Section 12.1.01.B., LDR, Martin County, Fla. (2021), assignment of land to a Community Redevelopment Zoning District or Subdistrict shall be by an ordinance amending the LDR. When such ordinance assigns land to a Redevelopment Zoning District or Subdistrict, public notice shall be the same as for development applications and for amendments to the Martin County zoning atlas as set for in Article 10. A review and recommendation are required on this application from the Local Planning Agency (LPA). The LPA will hold a public hearing on June 20, 2024. 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: Adjacent to the east side of 9455 SE Athena Street, the abandoned Right-of-Way.

Existing Zoning:	Hobe Sound Redevelopment Zoning District
Existing Subdistrict:	None
Commission District:	District 3
Community Redevelopment Area:	Hobe Sound Redevelopment Area
Municipal Service Taxing Unit:	District 3
Planning Area:	South 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 Core zoning subdistrict would correctly implement the respective CRA Center 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 CRA Regulating Plan 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 Section G. above.

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

See Section G. above.

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

See Section G. above.

K. Determination of compliance with transportation requirements - Engineering Department

See Section G. above.

L. Determination of compliance with county surveyor - Engineering Department

See Section G. above.

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

See Section G. above.

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

See Section G. above.

O. Determination of compliance with utilities requirements - Utilities Department

See Section G. above.

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

See Section G. above.

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

See Section G. above.

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

See Section G. above.

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 are 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

Figure 1, Figure HS-2 Regulating Plan
Figure 2, Location of the Right-of-Way abandonment
Figure 3, Excerpt from the Future Land Use Map
Figure 4, Excerpt from the CRA Regulating Plan
Figure 5, Excerpt from the CRA Regulating Plan showing the proposed Core subdistrict.
Table 12-1.03, Consistency with Future Land Use
Table HS-4, Use Groups Permitted in Hobe Sound Subdistricts
Table HS-5, Development Standards in Hobe Sound Subdistricts

Notice published in the newspaper
Certification of letters mailed to surrounding property owners
Request to Intervene
Ordinance