



MARTIN COUNTY, FLORIDA

DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

JEFFREY JERUE REZONING

| | |
|-----------------------------|---|
| Applicant: | Jeffrey J. Jerue |
| Property Owner: | Jeffrey J. Jerue |
| Agent for the Applicant: | McCarty & Associates Land Planning & Design LLC |
| County Project Coordinator: | Brian Elam, Senior Planner |
| Growth Management Director: | Paul Schilling |
| Project Number: | J063-001 |
| Record Number: | DEV2022030016 |
| Report Number: | 2022_0501_J063-001_STAFF_DRT_FINAL |
| Application Received: | 03/28/2022 |
| Transmitted: | 04/06/2022 |
| Date of Report: | 05/06/2022 |
| LPA Meeting: | 06/02/2022 |
| BCC Meeting: | 07/12/2022 |

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B. Project description and analysis

This is a request by Jeffrey Jerue (J063-001) for a proposed amendment to the county zoning atlas for an residential district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district classification from A-1A, Agricultural District to RE-1/2A Residential Estate District or the most appropriate zoning district. The approximate 4.02-acre parcel of land is located at 8600 SE Gomez Avenue approximately 1,000 feet south of SE Osprey Street in Hobe Sound, Martin County. Included with this application is a Request for a Certificate of Facilities Exemption (Section 5.32.B.3.f.(7), LDR).

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Estate Density 2UPA. This land use classification is primarily assigned in residential areas with a density up to two units per gross acre [Martin County, Fla., CGMP Section 4.13A.7.(2) (2002)].

The zoning district on the property is A-1A, Agricultural District, which is a Category "C" district in the current Article 3 zoning code. The district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

There is one (1) standard Category “A” zoning district that is available to implement the Estate Density 2UPA land use policies of the CGMP, which is the RE-1/2A, Residential Estate District. In addition to the standard zoning district, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following table lists permitted uses for the RE-1/2A (only permitted uses are listed for the non-residential uses). The permitted uses for the A-1A District are listed separately as the permitted uses do not directly correspond to the Category “A” table.

Table 1 Permitted Uses – Category “A” Agricultural and Residential Districts (Excerpted from LDR, Art. 3, Div. 2, Sec. 3.11, Table 3.11.1)

| | USE CATEGORY | RE-1/2A |
|-------------------------------|--|---------|
| Residential Uses | Modular homes | P |
| | Single-family detached dwellings | P |
| Public and Institutional Uses | Community centers | P |
| | Educational institutions | P |
| | Neighborhood assisted residences with six or fewer residents | P |
| | Neighborhood boat launches | P |
| | Places of worship | P |
| | Protective and emergency services | P |
| | Public libraries | P |
| | Public parks and recreation areas, active | P |
| | Public parks and recreation areas, passive | P |
| | Recycling drop-off centers | P |
| | Utilities | P |
| Commercial and Business Uses | Bed and breakfast inns | P |
| | Commercial day care | P |
| | Family day care | P |
| | Golf courses | P |

Permitted Uses: Category “C”, A-1A Agricultural District

Sec. 3.411. - A-1A Agricultural District.

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

1. Any use permitted in the R-2A Two-Family Residential District. (Any permitted use in Category “B” R-1, R-2 and R-2B Single-family Residential Districts)
2. Flower farms, nurseries, groves and greenhouses.
3. Packing houses and other accessory buildings necessary for the operation of flower farms and nurseries, excluding labor quarters, except those complying with R-3 zoning.
4. Any sales incidental to flowers or nursery business, wholesale or retail.
5. Private stables, as an accessory use to a residence.
6. Trailers. The minimum lot size for a trailer shall be 20 acres and there shall be no more than one trailer on any lot. The trailer shall not be located within 100 feet of any property line. The trailer shall be permitted to remain only so long as the principal use of the property is agricultural. The trailer shall only be used as a residence. The trailer shall be screened from view of abutting lots and public streets to a height of six feet, for example, by means of an opaque fence or landscape buffer.
7. Farmer's markets, as defined in Division 2 and pursuant to the requirements set forth in section 3.71.1 of the Land Development Regulations.

3.411.B. *Required lot area.* The required lot area shall not be less than two acres.

3.411.C. *Minimum yards required.*

1. *Front:* 25 feet.
2. *Rear and side:* 25 feet.
3. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
4. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
5. No setback or yard shall be required adjacent to water frontage.

The following tables compare development standards for the existing A-1A and proposed RE-1/2A districts.

Development Standards

Table 2 Development Standards (Excerpt from LDR, Table 3.12.1 (2021))

| Category | 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 | RE-1/2 A | 21,780 | 100 | 2.00 | — | — | 30 | 50 | — |
| C | A-1A | 87,120 | | 0.5 | | | 40 | 50 | |

Table 3 Structure Setbacks (Excerpt from LDR, Table 3.12.2 (2021))

| Category | 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 | RE-1/2A | 25 | 25 | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| C | A-1A | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |

Standards for Amendments to the Zoning Atlas

1. The Comprehensive Growth Management Plan (CGMP) states in Chapter 4, Section 4.4: “Goal 4.4.: To eliminate or reduce uses of land that are inconsistent with community character or desired future land uses.” And, in Objective 4.4A. “To eliminate inconsistencies between the FLUM and the zoning maps and regulations.”
2. The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provides the following “Standards for amendments to the Zoning Atlas.”

The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.

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,**

The requested RE-1/2A Zoning District implements the Estate Density 2UPA Future Land Use policies of the CGMP. The granting of a zoning change to the RE-1/2A Zoning District by the County will be consistent with the policies set forth in the CGMP.

- b. Whether the proposed amendment is consistent with all applicable provision of the Comprehensive Plan; and**

Zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code. Pursuant to Article 3 there is 1 “straight” Category A zoning district available to implement the Estate Density 2UPA future land use classification, which is RE-1/2A, Residential Estate District. Therefore, rezoning the subject property to the RE-1/2A Zoning District is consistent with the Comprehensive Plan. In addition to the “straight” zoning district, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR,

the RE-1/2A district is intended to implement the policies of the CGMP for lands designated Estate District up to two units per acre on the Future Land Use Map of the CGMP. Therefore, rezoning the subject property to the RE-1/2A Zoning District is consistent with the Land Development Regulations. The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

- c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the proposed zoning use; and**

The subject site approximately 4.02 acres and is located at 8600 SE Gomez Avenue in Hobe Sound. The property is not in a Community Redevelopment Area. The surrounding area has been established for over 20 years with single-family homes to the North, South and East residing in the Estate Density 2UPA future land use and consisting almost exclusively of residential PUD zoning with lots less than ½ acre in developments such as Bahia Sound, Governors Landing, The Orchards and Pilots Cove.

The Florida East Coast Railroad tracks and SE Dixie highway are to the west of the property. As rezoning does not authorize development the only result of this proposed amendment is aligning the zoning district with the future land use as intended by the Martin County Comprehensive Growth Management Plan.

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

The pattern of development which has focused on residential uses is well established. A review of historical aerials indicate that conditions have not substantially changed in the area for over 20 years.

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

The property is located within the Primary Urban Services District. As such, the full range of urban services at service levels established by the CGMP is available for the property. The request to rezone does not increase the intensity or uses of the Future Land Use Designation therefore, the rezoning to RE-1/2A, Residential Estate District does not increase the demands on Public Facilities.

- f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the County's resources; and**

The proposed amendment to the zoning atlas is consistent with the Estate Density 2UPA assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the RE-1/2A Zoning District were designed specifically for the land use which is well suited for the area and will conserve the value and development pattern that is well established.

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

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request; and, before the Board of County Commissioners, who will take final action on the request. The two hearings will provide the public an opportunity to participate in the review and decision-making process.

C. Staff recommendation

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

| Section | Division or Department | Reviewer | Phone | Assessment |
|----------------|-------------------------------|-----------------|--------------|-------------------|
| O | Comprehensive Plan | Brian Elam | 288-5501 | Comply |
| G | Development Review | Brian Elam | 288-5501 | Comply |
| S | County Attorney | Krista Storey | 288-5923 | Review Ongoing |
| T | Adequate Public Facilities | Brian Elam | 288-5501 | Exempt |

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. The Board is advised that this application is in order and qualifies for an action of approval.

D. Review Board action

This application is classified as an amendment to the official zoning atlas. Pursuant to Section 10.3.B., Land Development Regulations (LDR), Martin County, Fla. (2019), a review of this application at a public hearing is required by the Local Planning Agency (LPA), which shall provide a recommendation for the Board's consideration. And, pursuant to Section 10.5.F., LDR, Martin County, Fla. (2019), final action on this request for an amendment to the official zoning map is required by the Board of County Commissioners (BCC) at a public hearing.

E. Location and site information

Parcel number(s): 34-38-42-000-056-00021-0 (343842000056000210)
 Address: 8600 SE Gomez Avenue, Hobe Sound
 Existing Zoning: A-1A, Agricultural District
 Future Land Use: FLU-ED 2UPA, Future Land Use Estate Density 2 Units per Acre
 Nearest Major Road: East Side: SE Gomez Ave, West Side: SE Dixie Highway
 Gross Area of Site: 4.02 acres

Figure 1: Location Map



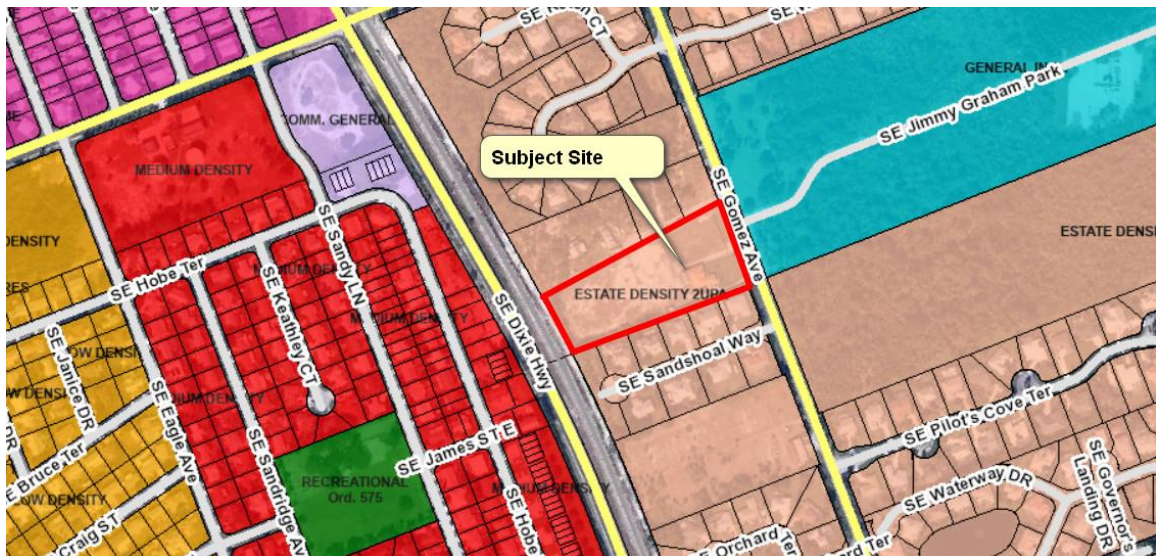
Figure 2: 2021 Aerial (Property Appraiser – Image Date:11/16/2021)



Adjacent existing or proposed development:

To the north: Single family residential and 1 vacant residential lot
 To the south: Single family residential
 To the east: Jimmy Graham boat ramp & park (Across SE Gomez Ave)
 To the west: PUD-R, Residential Planned Unit Development (Across FEC Railroad & SE Dixie Hwy)

Figure 3: Subject Property Future Land Use



Future land use designations of abutting properties:

To the north: Estate Density 2UPA

To the south: Estate Density 2UPA

To the east: General Institutional (Across SE Gomez Ave)

To the west: Medium Density (Across FEC Railroad & SE Dixie Hwy)

Figure 4 Subject Property Zoning Atlas



Zoning district designations of abutting properties:

To the north: A-1A, Agricultural District

To the south: RS-3, Low Density Residential District

To the east: PS, Public Servicing District (Across SE Gomez Ave)

To the west: Residential PUD-R, (Across FEC Railroad & SE Dixie Hwy)

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

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. The application proposes rezoning to the standard, and only, zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated Estate Density – up to two units per acre on the Future Land Use Map of the CGMP. [Martin County, Fla, LDR, Article 3, Division 2, Section 3.10 (2013)]

Policy 4.4A.1. Rezoning. Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations by the following means:

- (1) Parcels being considered for amendment to the Future land use designation shall be concurrently evaluated for rezoning to the most appropriate zoning district in the most recently adopted Land Development Regulations.
- (2) Property owners seeking master or final site plan approval shall be required to rezone to the most appropriate zoning district in the most recently adopted Land Development Regulations.

[Martin County, Fla, CGMP, Chapter 4, Section 4.4A.1 (2021)]

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

Findings of Compliance:

The Growth Management Department Development Review Division staff has reviewed the application and, pursuant to the analysis provided in Section B of this report, finds this application in compliance with the applicable regulations. The application proposes rezoning to the standard, and only, zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated Estate Density – up to two units per acre on the Future Land Use Map of the CGMP. [Martin County, Fla, LDR, Article 3, Division 2, Section 3.10 (2013)] There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application.

Additional Information:

Information #1:

Newspaper Advertisement

Notice(s) of a public hearings regarding development applications shall be published at least 14 days prior to the date of the public hearing (seven calendar days if the application is being expedited pursuant to section 10.5.E.3.) in the legal advertisement section of a newspaper of general circulation in Martin County, as defined in F.S. chapter 50 and consistent with the provision of F.S. chapters 125, 163 and 286. [Martin County, Fla, LDR, Article 10, Section 10.6.D. (2019)] The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application.

Information #2:

Notice of a Public Hearing

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.5.E.) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. In addition, notice shall be mailed to all homeowner associations, property owners associations, condominium associations and the owners of each condominium unit within the notice area. [Martin County, Fla, LDR, Article 10, Section 10.6.E.1. (2019)]

S. Determination of compliance with legal requirements – County Attorney’s Office

Review Ongoing

T. Determination of compliance with the adequate public facilities requirement – 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

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

Item #1:

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

Item #2:

Recording Costs: The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

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

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

| <i>Fee type:</i> | <i>Fee amount:</i> | <i>Fee payment:</i> | <i>Balance:</i> |
|--------------------------|--------------------|---------------------|-----------------|
| Application review fees: | \$1,000.00 | \$1,000.00 | \$0.00 |
| Advertising fees *: | TBD | | |
| Recording fees **:: | TBD | | |

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

X. General application information

Applicant: Jeffrey J. Jerue
PO Box 33080
Lakeland, FL 33801

Agent: McCarty & Associates Land Planning & Design LLC
Mike McCarty
309 SE Osceola Street, Suite 104
Stuart, FL 34996

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 |