



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

## STAFF REPORT

### *A. Application Information*

## **FAULKNER - 4585 NE OCEAN BLVD REZONING**

Applicant:	Engineering Design & Construction, Inc.
Property Owner:	4585 NE Ocean Blvd., LLC
Agent for the Applicant:	Engineering Design & Construction, Inc (Bradley Currie)
County Project Coordinator:	Brian Elam, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	F112-003
Application Type and Number:	DEV2022060005
Report Number:	2022_0712_F112-003_STAFF_FINAL
Application Received:	06/02/2022
Transmitted:	06/10/2022
Date of Report:	07/12/2022
LPA Meeting:	08/04/2022
BCC Meeting:	08/09/2022

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### *B. Project description and analysis*

This is a request by 4585 NE Ocean Blvd., LLC (F112-003) for a proposed amendment to the county zoning atlas for a residential district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district classification from HR-2A, Multiple-Family Dwelling District to RS-6, Medium Density Residential District or the most appropriate zoning district. The approximate 1.37-acre parcel of land is located at 4585 NE Ocean Boulevard, Hutchinson Island. Included with this application is a Request for a Certificate of Public 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 Medium Density. This land use designation is reserved for land in the core of the Primary Urban Service District and accessible to employment centers. The maximum density is eight units per gross acre. Some sites may be approved for 10 units per acre (a density bonus), after demonstrating compliance with certain criteria Martin County, Fla., CGMP Policy

## 4.13A.7(4).

The zoning district on the property is HR-2A, Multiple-Family Dwelling District 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.

### Permitted Uses: Category “A” Agricultural and Residential Districts

There are four (4) standard “Category A” zoning districts that are available to implement the Medium Density land use policies of the CGMP, which are RS-6, RS-8, RM-6 and RM-8 Medium Density Residential Districts. In addition to the standard zoning districts, 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 tables indicate the permitted uses and the development standards for the RS-6, RS-8, RM-6 and RM-8 category “A” Districts. The permitted uses for the HR-2A Multiple-Family Dwelling 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	RS-6	RS-8	RM-6	RM-8
<b>Residential Uses</b>	Modular homes	P	P	P	P
	Single-family detached dwellings	P	P	P	P
	Multifamily dwellings			P	P
	Townhouse dwellings			P	P
	Duplex dwellings			P	P
	Zero lot line single-family dwellings			P	P
<b>Public and Institutional Uses</b>	Community centers	P	P	P	P
	Educational institutions	P	P	P	P
	Neighborhood assisted residences with six or fewer residents	P	P	P	P
	Neighborhood boat launches	P	P	P	P
	Places of worship	P	P	P	P
	Protective and emergency services	P	P	P	P
	Public libraries	P	P	P	P
	Public parks and recreation areas, active	P	P	P	P
	Public parks and recreation areas, passive	P	P	P	P
	Recycling drop-off centers	P	P	P	P
	Utilities	P	P	P	P
	Residential care facilities			P	P
<b>Commercial and Business Uses</b>	Bed and breakfast inns	P	P	P	P
	Commercial day care	P	P	P	P
	Family day care	P	P	P	P
	Golf courses	P	P	P	P

**Permitted Uses: Category “C”, HR-2A Multiple-Family Dwelling District**

Reference: LDR, Art. 3, Div. 7, Sec. 3.405.

3.405.A. Uses permitted. In this district, buildings, structures, land or water shall be used only for the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any use permitted in the HR-1A Single-Family Dwelling District.
2. Multiple-family dwelling structures.
3. Accessory uses customarily incident to the respective dwelling structure uses.
4. Motels located on the west side of and immediately adjacent to the A-1A district and to the A-1A district extended southward, after the site plans therefor have been reviewed and approved by the planning and zoning board.
5. Yacht clubs and marinas, for the sole use of members and their guests, after the site and structure plans have been approved by the planning and zoning board.

3.405.B. Building height regulations. The maximum building height in this district shall be four stories or 40 feet,

3.405.C. Building site area regulations.

1. For single-family structures, the same as required in the HR-1 Single-Family Residential District.
2. For two-family structures to four-family structures inclusive, the minimum building site shall not be less than 15,000 square feet, with a minimum width of 100 feet measured at the front building line.
3. For each additional apartment unit, two thousand 2,600 square feet of property shall be added to the required building site. A maximum density of 15 apartment units shall be permitted per gross acre depending on available community services and capital improvements.
4. Percentage of land coverage:
  - a. One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.

3.405.D. Front, rear and side yards. The following minimum front, rear and side yards shall be required, measured from the front, rear and side walls of structures to the road or street right-of-way line, rear or side lines of the lot or parcel of land, respectively:

1. Front yard:
  - a. For structures of two stories or less there shall be a front yard of not less than 50 feet measured from the street line or right-of-way to the front of the structure.
  - b. For structures in excess of two stories in height, ten feet shall be added to the required front yard for each additional story.
2. Rear yard:
  - a. For structures of two stories or less, 25 feet shall be required, measured from the rear property line to the nearest side of the structure.
  - b. For structures in excess of two stories in height, the rear yard shall be increased ten feet for each additional story.
3. Side yard: For structures of two stories or less, 20 feet shall be required on each side of the structure. For structures in excess of two stories in height, the side yard shall be increased ten feet for each additional story.

3.405.E. Minimum ground floor area.

1. For single-family dwelling structures, the minimum main ground floor area of the dwelling structure, exclusive of breezeways, carports, patios or terraces, shall be 1,250 square feet.
2. For two-family dwelling structures, exclusive of breezeways, carports, patios or terraces, 2,000

square feet.

3. For structures in excess of two dwelling units, the floor area per dwelling unit shall not be less than 850 square feet. Efficiencies of not less than 580 square feet shall be permitted at a 1:4 ratio.

(Ord. No. 608, pt. 1, 3-19-2002)

## 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	RS-6	7,500	50	6.00			40	50	
A	RS-8	5,500	50	8.00			40	50	
A	RM-6	7,500(h)	50(h)	6.00			40	50	
A	RM-8	5,500(h)	50(h)	8.00(d)			40	50	
C	HR-1	10,000	100	(a)			35	30	

(a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.

(d) The maximum density for the RM-8 district is 10 units per acre for sites meeting the affordable housing criteria set forth in Policy 4.13A.7(4) 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.

**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	RS-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RS-8	25	25	25	25	10	20	20	30	5	5	10	20
A	RM-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-8	25	25	25	25	10	20	30	40	10	10	20	30
C	HR-2A	50	60	70	80	25	25	35	45	20	20	30	40

## Standards for Amendments to the Zoning Atlas

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.”

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 subject property was designated as Medium Density, up to 8 units per acre on the original FLUM adopted in 1982. The requested RS-6, Medium Density Residential District implements the Medium Density Future Land Use policies of the CGMP. The granting of a zoning change to RS-6, Medium Density Residential 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 are 4 “straight” Category A zoning districts available to implement the Medium Density future land use classification, which are the RS-6, RS-8, RM-6 and RM-8 Medium Density Residential Districts. Therefore, rezoning the subject property to the RS-6 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 RS-6 zoning district is intended to implement the policies of the CGMP for lands designated Medium Density on the Future Land Use Map of the CGMP. Therefore, rezoning the subject property to the RS-6 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 is located at 4585 NE Ocean Blvd, Hutchinson Island.

The property is not in a Community Redevelopment Area.

The requested zoning change to the RS-6 Medium Density Residential District is compatible with the distribution of uses in the area and implements the future land use on the property.

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

The pattern of development which has focused on agricultural and residential uses is well established. A review of historical aerials and a comparison of the original future land use map to the current parcel configurations and development of the area indicate that conditions have not substantially changed in the area since the adoption of the County's Future Land Use Map in 1982.

***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 RS-6 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 Medium Density assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the RS-6 zoning district 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:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Brian Elam	288-5501	Comply
G	Site Design 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 atlas is required by the Board of County Commissioners (BCC) at a public hearing.

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

Parcel number(s):	13-37-41-000-000-00070-4 (133741000000000704)
Address:	4585 NE Ocean Boulevard, Hutchinson Island
Existing Zoning:	HR-2A, Multiple-Family Dwelling District
Future Land Use:	Medium Density, up to 8 units per acre
Nearest Major Road:	NE Ocean Boulevard
Gross Area of Site:	1.37 Acres

***Figure 1: Location Map***





**Figure 2: 2021 Aerial (Property Appraiser – Image Date: 12/22/2021)**



Adjacent existing or proposed development:

To the north: Single-Family Residential

To the south: Single-Family Residential

To the east: Single-Family Residential and Atlantic Ocean

To the west: Conservation (Across NE Ocean Blvd.)

**Figure 3: Subject Property Future Land Use**



Future land use designations of abutting properties:

To the north: Medium Density

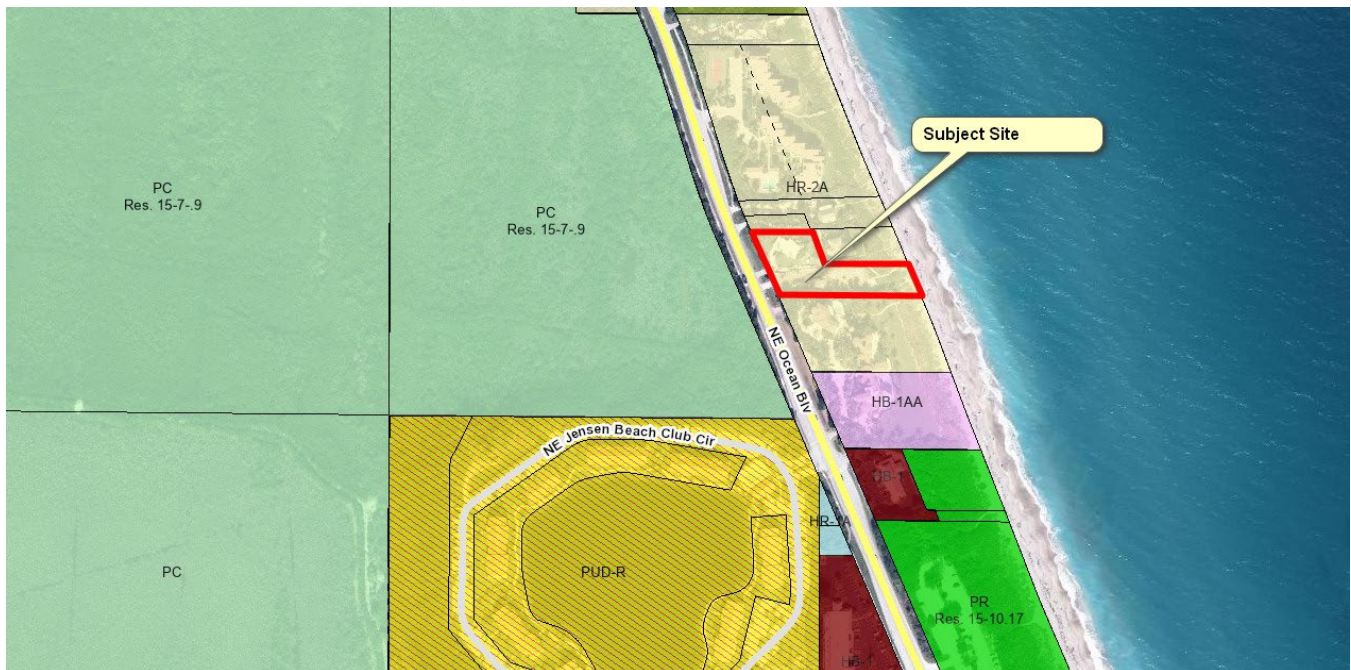
To the south: Medium Density

To the east: Medium Density and Atlantic Ocean

To the west: Conservation (across NE Ocean Blvd.)



**Figure 4 Subject Property Zoning Map**



Zoning district designations of abutting properties:

- To the north: HR-2A, Multiple-Family Dwelling District
- To the south: HR-2A, Multiple-Family Dwelling District
- To the east: HR-2A, Multiple-Family Dwelling District and Atlantic Ocean
- To the west: PC, Public Conservation District

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

**Comprehensive Growth Management Plan**

***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 a standard zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated Agricultural Ranchette on the Future Land Use Map of the CGMP Martin County, FLA, LDR §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**

**Site Design Review**

**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 RS-6, Medium Density Residential District, which is a standard zoning district defined in the Land Development Regulations for the purpose of implementing the CGMP for lands designated Medium Density on the Future Land Use Map of the CGMP Martin County, FLA, LDR §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: Engineering Design & Construction Inc.  
10250 SW Village Parkway, Suite 201  
Port Saint Lucie, FL  
bradcurrie@edc-inc.com

Agent: Engineering Design & Construction Inc.  
10250 SW Village Parkway, Suite 201  
Port Saint Lucie, FL  
bradcurrie@edc-inc.com

## **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. Attachments**