

Martinez Cove Road REZONING

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A. Application Information

Report Issuance Date:	August 10, 2020	
Applicant:	Steven M. Martinez and Nicholas Martinez, Jr	
Represented by:	Fox McCluskey Bush Robinson PLLC Tyson Waters, Esq. 3461 Willoughby Boulevard Stuart, FL 34994	
Planner:	Maria Jose, M.S., Planner	
Growth Management Director:	Paul Schilling	
Request Number:	CPA 20-02	
<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	9/17/2020	LPA voted 3-1 for RE-1/2A zoning
Board of County Commission Adoption:	10/27/2020	

B. Project description and analysis

This application is a request for a zoning district change on a 2.38-acre parcel from A-1 (Small farms District) to RE-1/2 A, Residential Estate District, located at 1500 S.E. Cove Road, west of S.E. Grace Lane.

The application was submitted concurrently with a Future Land Use Map (FLUM) change from Rural Density Residential (1 unit per 2 acres) to Residential Estate Density (2 upa).

Staff recommendation:

Staff recommends approval of the zoning district change from A-1 to RE-1/2 A. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The proposed zoning district, RE-1/2 A, implements the Residential Estate Density (up to 2 units per acre) future land use designation proposed for the subject site.

Cat.	Zoning District	District Purpose
A	RE-1/2A (Residential Estate District District)	The RE-1/2 A district is intended to implement the policies of the CGMP for lands designated Estate Density - up to two units per acre on the Future Land Use Map of the CGMP.

Permitted Uses:

The existing zoning district, A-1, is a Category C zoning district. The A-1 zoning district is not consistent with the Rural Density future land use designation, currently assigned. Martin County, Fla., Land Development Regulations Section 3.402. (2018). Please see the excerpt below which shows the permitted uses allowed by the A-1:

Sec. 3.411.1. A-1 Small Farms District.

3.411.1.A. Uses permitted.

1. In this district, a building or structure or land shall be used for only the following purposes:
2. Any use permitted in the R-2A Two-Family Residential District.
3. Barns, dairies, greenhouses, guesthouse, servants' quarters and other accessory buildings.
4. Truck farming, fruit growing, poultry raising, nurseries and field crops.
5. Roadside stands for the sale of fruit, vegetables and other products produced on the premises thereof.
6. Drive-in theatres, private stables.
7. Commercial radio and/or television transmitting stations, towers, poles, masts, antennas, power plants and the other incidental and usual structures pertaining to such stations. All structures and attachments thereto and appurtenances thereof shall comply with all of the applicable requirements of the Federal Communications Commission and the Civil Aeronautics Board and/or authority. Towers, poles, masts and antennas shall be designed and stamped by a registered engineer or architect to assure the structure, masts, etc., will withstand hurricane force winds.
8. 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.
9. 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.

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

3.411.1.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. A minimum setback or yard of 20 feet shall be required adjacent to water frontage.

(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)

Below is an excerpt from Article 3 of the LDR, showing the permitted use schedule for the proposed zoning district, RE-1/2A. The "P" indicates that the use is permitted within that zoning district provided that the use 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. The proposed RE-1/2A district allows single-family detached dwellings and some institutional uses whereas A-1 zoning permits many additional uses along with residential uses such as duplexes, agricultural uses, trailers and drive-in theatres.

TABLE 3.11.1
PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E 1/2 A	R S 3	R S B 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
<i>Residential Uses</i>													
Accessory dwelling units													
Apartment hotels													
Mobile homes	P												
Modular homes	P	P	P	P	P	P	P	P	P	P	P	P	P
Multifamily dwellings													
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance													
Townhouse dwellings													
Duplex dwellings													
Zero lot line single-family dwellings													P
<i>Agricultural Uses</i>													
Agricultural processing, indoor	P												
Agricultural processing, outdoor	P												
Agricultural veterinary medical services	P	P	P	P									

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Aquaculture	P	P	P										
Crop farms	P	P	P	P									
Dairies	P												
Exotic wildlife sanctuaries	P	P	P	P									
Farmer's markets	P	P	P										
Feed lots	P												
Fishing and hunting camps	P	P											
Orchards and groves	P	P	P	P									
Plant nurseries and landscape services	P	P	P	P									
Ranches	P	P	P										
Silviculture	P	P	P	P									
Stables, commercial	P	P	P	P									
Storage of agricultural equipment, supplies and produce	P												
Wildlife rehabilitation facilities	P	P	P										
<i>Public and Institutional Uses</i>													
Administrative services, not-for- profit	P	P	P										
Cemeteries, crematory operations and columbaria	P	P	P										
Community centers	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional facilities													
Cultural or civic uses													
Dredge spoil facilities													
Educational institutions					P	P	P		P	P	P	P	P
Electrical generating plants													
Fairgrounds													
Halfway houses													
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance	P												
Hospitals													

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Neighborhood assisted residences with six or fewer residents	P	P	P	P	P	P	P	P	P	P	P	P	P
Neighborhood boat launches					P	P	P		P	P	P	P	P
Nonsecure residential drug and alcohol rehabilitation and treatment facilities													
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	P	P	P										
Places of worship	P	P	P	P	P	P	P		P	P	P	P	P
Post offices													
Protective and emergency services	P	P	P	P	P	P	P		P	P	P	P	P
Public libraries						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
Public parks and recreation areas, passive	P	P	P	P	P	P	P		P	P	P	P	P
Public vehicle storage and maintenance													
Recycling drop-off centers	P	P	P	P	P	P	P		P	P	P	P	P
Residential care facilities													
Residential care facilities, where such use was lawfully established prior to the effective date of this ordinance	P	P	P										
Solar energy facilities (solar farms)	P												
Solid waste disposal areas													
Utilities	P	P	P	P	P	P	P		P	P	P	P	P
<i>Commercial and Business Uses</i>													
Adult business													
Bed and breakfast inns	P	P	P	P	P	P	P		P	P	P	P	P
Business and professional offices													
Campgrounds													

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Commercial amusements, indoor													
Commercial amusements, outdoor													
Commercial day care	P	P	P	P	P	P	P		P	P	P	P	P
Construction industry trades													
Construction sales and services													
Family day care	P	P	P	P	P	P	P	P	P	P	P	P	P
Financial institutions													
Flea markets													
Funeral homes													
General retail sales and services													
Golf courses	P	P	P	P	P	P	P		P	P	P	P	P
Golf driving ranges													
Hotels and motels													
Kennels, commercial	P	P	P										
Limited retail sales and services													
Marinas, commercial													
Marine education and research													
Medical services													
Parking lots and garages													
Recreational vehicle parks													
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance													
Residential storage facilities													
Restaurants, convenience, with drive through facilities													
Restaurants, convenience without drive through facilities													
Restaurants, general													
Shooting ranges, indoor													
Shooting ranges, outdoor	P												

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0
Sporting clay course	P												
Trades and skilled services													
Vehicular sales and service													
Vehicular service and maintenance													
Veterinary medical services													
Wholesale trades and services													
<i>Transportation, Communication and Utilities Uses</i>													
Airstrips	P	P	P	P									
Airports, general aviation													
<i>Industrial Uses</i>													
Composting, where such use was approved or lawfully established prior to March 1, 2003													
Extensive impact industries													
Limited impact industries													
Mining	P	P	P										
Salvage yards													
Yard trash processing	P												
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002													

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1045, pt. 1, 1-9-2018; Ord. No. 1067, pt. 2, 5-22-2018; Ord. No. 1074, pt. 3, 7-24-2018)

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, which show the development requirements of the proposed RE-½A zoning district. The minimum lot area required by RE-½A is 21,780 sq ft or 0.5 acre. Whereas the minimum lot area required by A-1 zoning district is 2 acres. For RE-½A, the minimum lot width required is 100 ft and maximum height required is 30 ft.

**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	RE-2A	2 ac.	175	0.50	—	—	30	50	—
A	RE-1A	1 ac.	150	1.00	—	—	30	50	—
A	RE-½A	21,780	100	2.00	—	—	30	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)

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.

(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)

**TABLE 3.12.2.
STRUCTURE SETBACKS**

C A T	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	AG-20A	50	50	50	50	50	50	50	50	50	50	50	50
A	AR-5A	40	40	40	40	40	40	40	40	40	40	40	40
A	AR-10A	40	40	40	40	40	40	40	40	40	40	40	40
A	RE-2A	30	30	30	30	30	30	30	30	30	30	30	30
A	RE-1A	25	25	25	25	15	15	15	15	15	15	15	15
A	RE-½A	25	25	25	25	15	15	15	15	15	15	15	15
A	RS-3	25	25	25	25	10	10	10	10	10	10	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	—

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 20-02, Martinez at Cove Road FLUM Amendment. The report discusses compatibility with the Martin County CGMP and recommends Residential Estate Density (2 upa) future land use designation. RE-1/2A, zoning district, implements the Residential Estate Density (2 upa) future land use.

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

The requested RE-1/2A zoning district implements the proposed Residential Estate Density (2 upa) future land use pursuant to the requirements and standards of the LDR. Any site plan proposed on the 2.38 acres must comply with all applicable land development regulations.

- 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,***

Many of the surrounding parcels are also zoned as RE-1/2A. RE-1/2A allows permitted uses such as single-family detached dwellings like those in the surrounding parcels. The RE-1/2A, RE-2A and PUD zoning districts, surrounding the site, contain or will permit single family residential units on a variety of lot sizes. Development permitted by the proposed zoning will be compatible with much of the development in the surrounding zoning districts. Please see Figure 1 below.

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

The growth in the nearby area includes parcels changing to RE-1/2A, which is also the proposed zoning district for the subject site. There have been a few zoning changes in the area. See Figure 1, which shows the past zoning resolutions in the area nearby the subject parcel.

1. **Resolution 09-12.25:** Zoning amendment, where property was changed from A-1, Small Farms District, to RE-1/2A, Residential Estate District.
2. **Resolution 09-12.27:** Zoning amendment, where property was changed from A-1A, Agricultural District, to RE-1/2A, Residential Estate District.
3. **Resolution 03-3.26:** Zoning amendment, where property was changed from RE-1/2A, Residential Estate District, to PUD (Planned Unit Development)

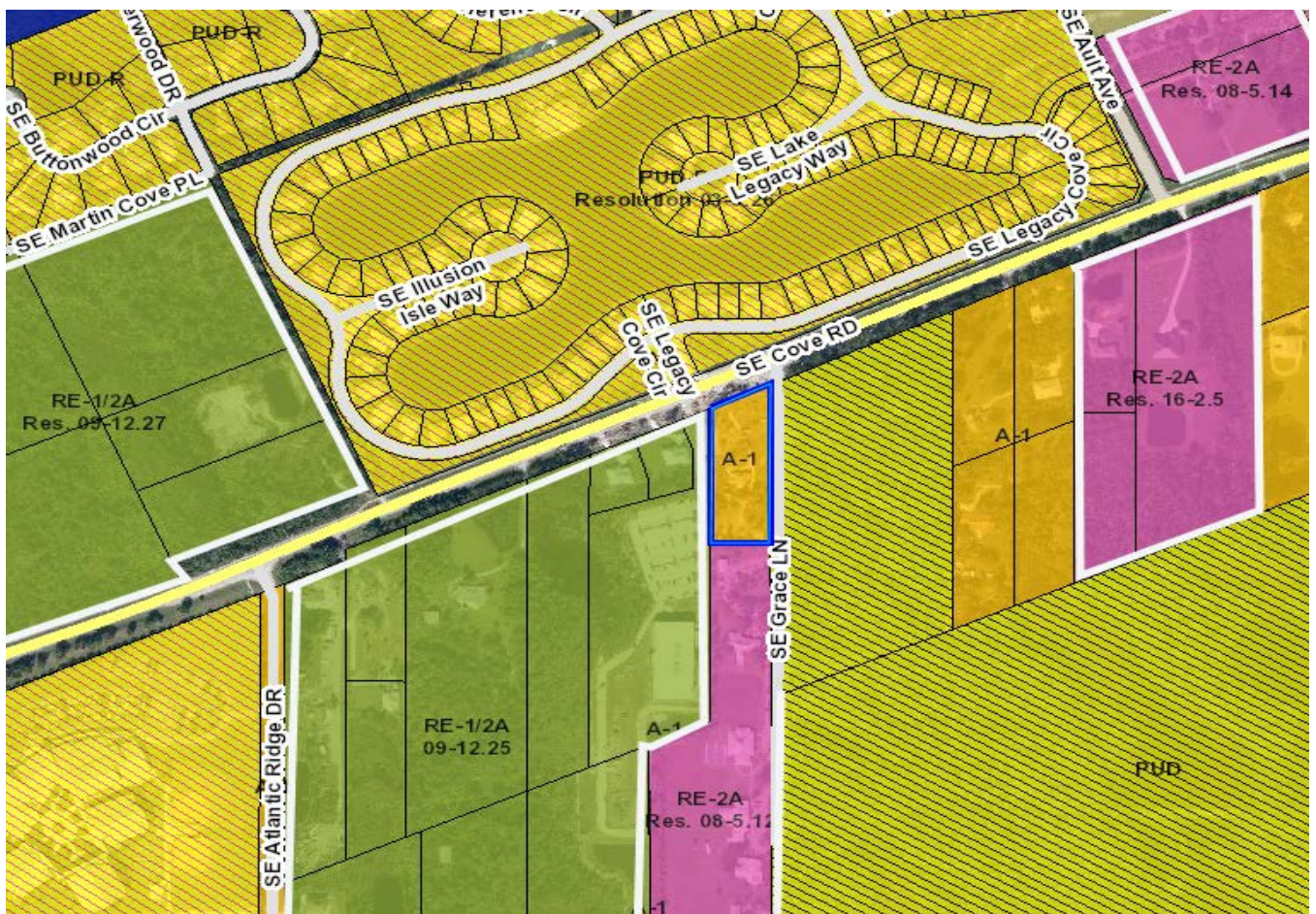


Figure 1, where the subject site is in blue and parcel marked in white had a rezoning.

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

The subject property is located inside of the PUSD, and it already has access to water and sewer

provisions. The proposed amendment will not result in excessive demands on public facilities since the maximum residential density allowed by RE-1/2A is only 2 units per acre.

- 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,*

As discussed in Section 1.4 of the Future Land Use Map staff report, numerous future land use changes have occurred in the Cove Rd./Salerno Road corridor along with the planned widening of SE Cove Rd. These changes make the proposed amendment logical, timely, orderly and consistent with the immediately adjacent lands and with the development occurring in the larger area.

Please refer to Figure 2 below, which shows the proposed zoning atlas.

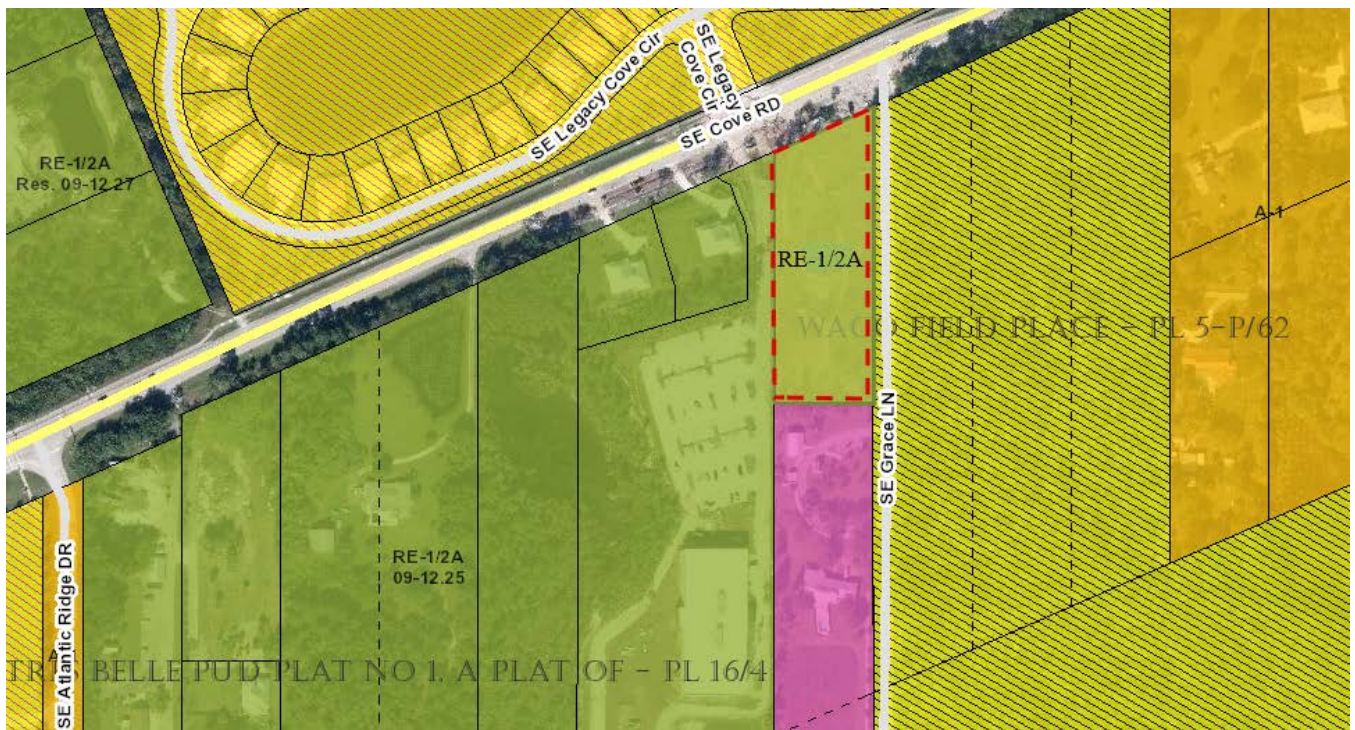


Figure 2, Proposed Zoning District, RE-1/2A, with the subject site marked in red.

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

CPA 20-02 and this concurrent rezoning have not been presented at a public hearing yet.

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 rezoning process does not include a site plan review; therefore departments related to site plan review were not included in this rezoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Maria Jose	288-5930	Pending
G	Development Review	Maria Jose	288-5930	Pending

S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Maria Jose	288-5930	Exempt

The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) is asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2.E.1., Land Development Regulations (LDR), Martin County Code (MCC).

D. Review Board action

A review and recommendation is required on this application from the Local Planning Agency (LPA). 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: 2.38 acres, located at 1500 S.E. Cove Road, west of S.E. Grace Lane.

Existing zoning:	A-1
Future land use:	Rural Density Residential
Commission district:	District 4
Community redevelopment area:	N/A
Municipal service taxing unit:	District 4 Municipal Service Taxing Unit
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 RE-1/2A zoning district would correctly implement the respective Residential Estate Density (2 upa) 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 and Property Owner: Steven M. Martinez and Nicholas Martinez, Jr.

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