



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## A. Application Information

### FOUR FISH MARINA REZONING

Applicant:	AA Marina, LLLP
Property Owner:	AA Marina, LLLP
Agent for the Applicant:	Lucido and Associates, Morris A. Crady, AICP
County Project Coordinator:	Peter Walden, AICP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	A059-004
Application Type and Number:	DEV2019080014
Report Number:	2021_0920_A059-004_Staff_Report_Final
Application Received:	09/25/2019
Transmitted:	09/25/2019
Date of Report:	11/22/2019
Revised Report:	09/20/2021
LPA Meeting:	10/07/2021
BCC Meeting:	10/19/2021

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## B. Project description and analysis

This is an application for a proposed amendment to the county Zoning Atlas for a commercial district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district on an approximate 4 acre parcel of land from B-2, Business District and R-3A Liberal Multi-Family to WGC, Waterfront General Commercial District or the most appropriate district. The parcel is located on the east side of NE Indian River Drive just south of the intersection with NE Dixie Highway in Jensen Beach. Included with this application is a Request for a Certificate of Facilities Exemption.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Waterfront.

The current zoning districts on the property are B-2, Business District and R-3A, Liberal Multiple Family District, both Category "C" districts in the current Article 3 zoning code. The B-2, Business district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

The R-3A Liberal Family District is consistent with the Commercial Waterfront land use however, to ensure consistency with the development standards of the LDRs and to eliminate Category “C” zoning districts whenever possible the R-3A portion of the site will be rezoned to WGC, Waterfront General Commercial as well.

The site is the subject of a revised major final site plan application for additions to accommodate dry boat storage and marina renovations and the associated infrastructure.

There are (2) standard “Category A” zoning districts that are available to implement the Commercial Waterfront land use policies of the CGMP, which is the WGC, Waterfront General Commercial District and the WRC, Waterfront Resort Commercial District. 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 WGC and WRC, Commercial category “A” Districts (only permitted uses are listed.) The permitted uses for the B-2 District and R-3A District are listed separately as the permitted uses do not directly correspond to the Category “A” table.

## PERMITTED USES

### Sec. 3.11. - Permitted uses.

Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Tables 3.11.1, 3.11.2 and 3.11.3. A "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 this Article and the LDR.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002)

**TABLE 3.11.2  
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	WGC	WRC
<i>Residential Uses</i>		
Accessory dwelling units	P	P
Apartment hotels	P	P
Modular homes		P
Multifamily dwellings		P
Single-family detached dwellings		P
Townhouse dwellings		P

Duplex dwellings		P
Zero lot line single-family dwellings		P
<i>Agricultural Uses</i>		
Aquaculture	P	
Administrative services, not-for-profit	P	P
Community centers	P	P
Cultural or civic uses	P	P
Educational institutions	P	P
Neighborhood assisted residences with six (6) or fewer residents		P
Protective and emergency services	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Recycling drop-off centers	P	P
Utilities	P	
<i>Commercial and Business Uses</i>		
Bed and breakfast inns	P	
Business and professional offices	P	
Commercial amusements, indoor	P	
Commercial amusements, outdoor	P	
Commercial day care	P	
Funeral homes	P	

Hotels, motels, resorts and spas	P	P
Limited retail sales and services	P	P
Marinas, commercial	P	P
Marine education and research	P	P
Recreational vehicle parks	P	P
Restaurants, convenience, without drive-through facilities	P	P
Restaurants, general	P	P
Trades and skilled services	P	
Wholesale trades and services	P	
<i>Transportation, Communication and Utilities Uses</i>		
Extensive impact industries	P	
Limited impact industries	P	
<i>Life Science, Technology and Research (LSTAR) Uses</i>		
Marine Research	P	
<i>Targeted Industries Business (TIB) Uses</i>		
Marine and marine related manufacturing	P	

**Sec. 3.12. - 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.

**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	WGC	10,000	80	—	20.00	50	40	30	—
A	WRC	10,000	80	10.00	20.00	50	30	30	

(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**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
C A T	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	WGC	25	25	25	25	20	20	20	20	10	10	10	10
A	WRC	25	25	25	25	20	20	20	20	10	10	10	10

(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)

**Sec. 3.418. B-2 Business-Wholesale Business District.**

3.418.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 uses permitted in the B-1 Business District.

2. Retail, wholesale and distributing businesses, including warehouses and storage yards. Refuse and storage areas shall be screened from the street and abutting property.
3. Veterinary hospitals, bottling works, repair shops, storage and sale of fertilizer and feeds, laundries, dry cleaning establishments, woodworking shops.
4. Drive-in theatres.
5. Boat yards and ways on waterfront lots.

3.418.B. *Required lot area, width, front, side and rear yards and building height limits.* Lots or building sites in the B-2 District shall have an area of not less than 7,500 square feet, with a minimum of 60 feet measured along the front line. There shall be no limitation upon height or area covered, so long as the remaining provisions of this chapter are complied with. Where a B-2 District lies adjacent to a residential district or is separated only by a road, no building shall be built within 40 feet of a common property line, and a landscaped buffer strip shall be provided with a 50 percent opaque green hedge, uniformly colored masonry wall or board fence six feet high. Such screen shall be located on the sides and rear of the property.

3.418.C. *Minimum yards required.*

1. *Front:* 20 feet.
2. *Rear:* 20 feet.
3. *Side:* None.
4. 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.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.

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

### **Sec. 3.407. - R-3A Liberal Multiple-Family District.**

3.407.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 uses permitted in the R-3 Multiple-Family Residential District.
2. Restaurants and/or lunchrooms with an enclosed seating capacity of ten persons or more, excluding drive-ins, microbreweries or craft distilleries.
3. Beauty parlors and barbershops.
4. Dry cleaning and laundry pickup stations.
5. Fire stations.
6. Boat docks and dry and wet storage facilities under cover, and facilities for maintenance and repairs of boats or yachts, upon submission of plans for review and approval of the planning and zoning board.
7. Mobile home and travel trailer sales.

8. Gasoline or other motor fuel stations, provided all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property lines.
9. Professional and business offices.
10. Retail stores.

3.407.B. *Required lot area and width.* Lots or building sites shall have an area of not less than 7,500 square feet, with a minimum width of 60 feet measured at the building line:

1. *Single-family structures:* The minimum lot size shall be the same as above. A minimum of 600 square feet of living area shall be required, exclusive of carports, breezeways or utility rooms.
2. *Two-family structures:* The minimum lot size shall be 7,500 square feet, with a minimum width of 75 feet a minimum of 800 square feet of living area per two-family structure shall be required, exclusive of carports, breezeways or utility rooms.
3. *Apartment buildings:* There shall be a minimum building site of 15,000 square feet with a minimum width of 100 feet measured at the building line for the first four apartment units. For each additional apartment unit, 2,600 square feet shall be added to the required minimum building site and an additional five feet shall be added to the required minimum width at the building line. A maximum density of 15 apartment units may be permitted per acre depending on available community services and capital improvements. There shall be a minimum of 325 square feet of living area in each apartment unit.
4. *Triplex structures:* The minimum lot size shall be 11,250 square feet, with a minimum width of 88 feet; a minimum of 1,200 square feet of living area per three-family structure shall be required, exclusive of carports, breezeways or utility rooms.

3.407.C. *Minimum yards required.*

1. *Front:*  
1 story: 20 feet.  
2 stories: 25 feet.
2. *Sides and rear:*  
1 story: 6 feet.  
2 stories: 10 feet.
3. For structures in excess of two stories, five feet shall be added to the required yards per story.
4. 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.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
6. No setback or yard shall be required adjacent to water frontage.

3.407.D. *Building height regulations.*

1. The maximum building height in this district shall be four stories or 40 feet.

3.407.E. *Percentage of land coverage.*

1. One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-02; Ord. No. 1094, pt. 4, 1-29-2019)

## 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.*

- a. ***Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,***

The subject property was designated as Waterfront Commercial on the original Future Land Use Map (FLUM) adopted in 1982. The requested Waterfront General Commercial Zoning District implements the Waterfront Commercial Land Use policies of the CGMP. The granting of a zoning change to the Waterfront General Commercial 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 provisions of the LDR; 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 2 “straight” Category A zoning districts available to implement the Waterfront Commercial future land use classification, which are the WGC, Waterfront General Commercial Zoning District and the WRC, Waterfront Resort Commercial Zoning District. Therefore, rezoning the subject property to the WGC, Waterfront General Commercial Zoning District is consistent with the Comprehensive plan. In addition to the “straight” zoning districts, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR, the WGC, Waterfront General Commercial District is intended to implement the policies of the CGMP for lands designated Waterfront Commercial on the Future Land Use Map of the CGMP.



Therefore, rezoning the subject property to the Waterfront General Commercial 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 property for the proposed zoning use; and,***

The subject property is located on the Indian River Lagoon, and is an established commercial marina located within the Primary Urban Services corridor.

The property is not in a Community Redevelopment Area. Four Fish Marina is an established commercial marina located on the east side on Indian River Drive, an area with a variety of established uses with a focus on marine based commercial uses and varied residential development.

The requested zoning change to the Waterfront General Commercial Zoning 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 commercial and waterfront 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 WGC, Waterfront General Commercial 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 Waterfront Commercial designation assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the WGC, Waterfront General Commercial Zoning District are 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 J 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	Peter Walden	219-4923	Comply
G	Development Review	Peter Walden	219-4923	Comply
H	County Attorney	Krista Storey	288-5443	Review ongoing
I	Adequate Public Facilities	Peter Walden	219-4923	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**

Pursuant to Sections 10.3.B and 10.5.F.9 LDR, Martin County, Fla. (2019), applications for a zoning map change shall be subject to a review and recommendation of the Local Planning Agency (LPA) with final action to be determined by the Board of County Commissioners (BCC). Both the LPA and BCC meetings shall be public hearings in accordance with Section 10.10., LDR, Martin County, Fla. (2019).

**E. Location and site information**

Parcel number(s) and address:	26-37-41-000-000-00060-8
Existing Zoning:	B-1, Business District, R-3A Liberal Multi-family District
Future land use:	Waterfront Commercial
Commission district:	1

## Location Map

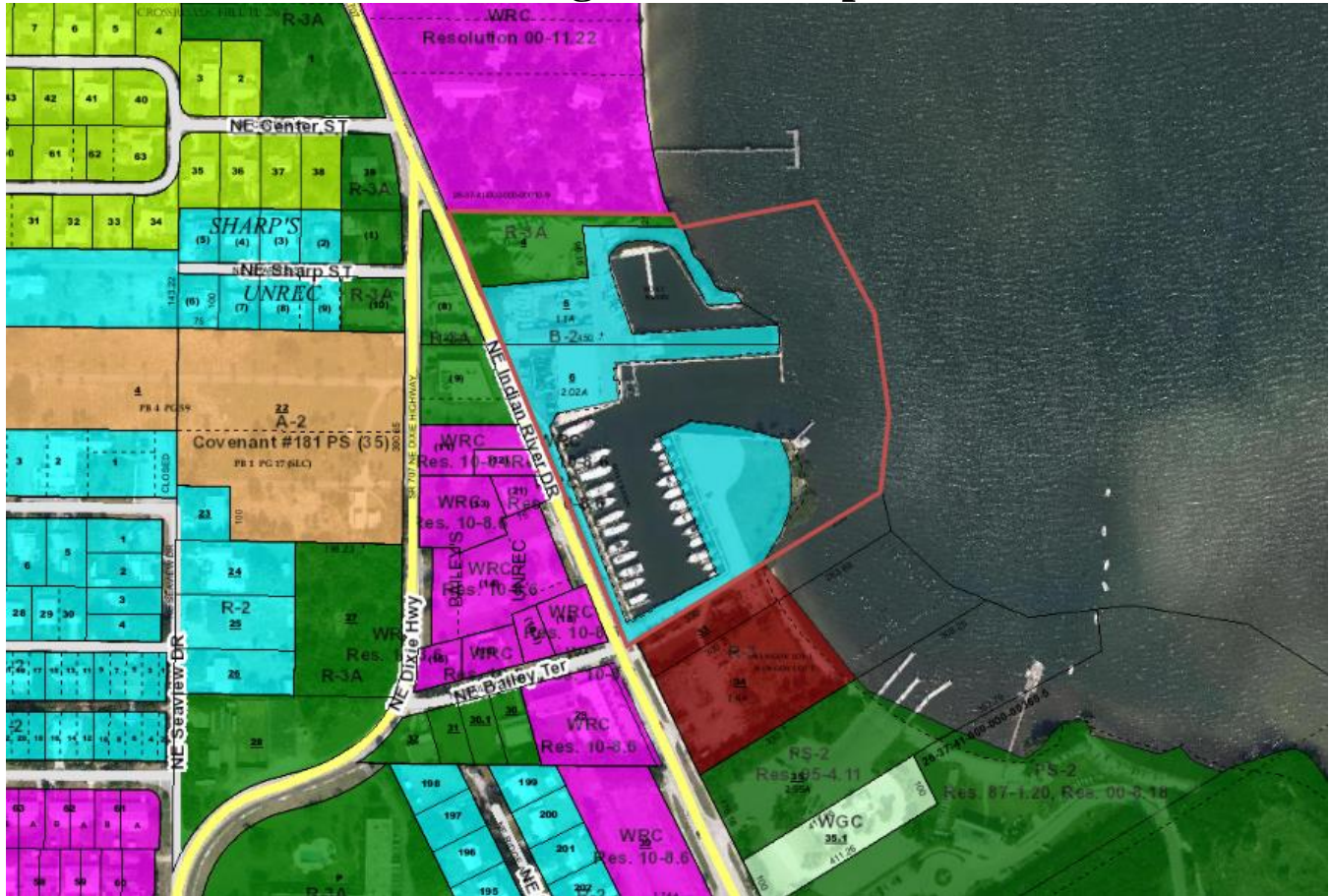


## 2018 Aerial

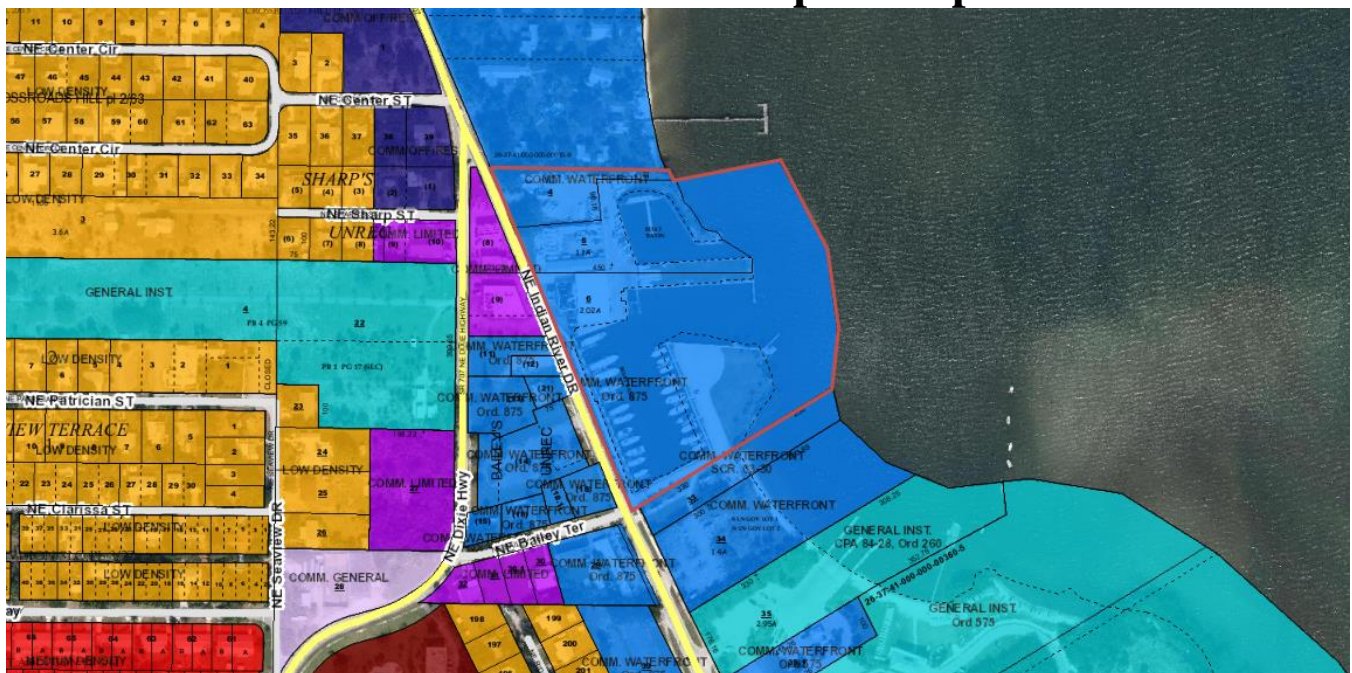




# Zoning Atlas Excerpt



## Future Land Use Map Excerpt



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

**Findings of Compliance:**

**Zoning Conditions**

Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1 (2016)

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1. (2016)

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

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. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application. MARTIN COUNTY, FLA., LDR SECTION 3.2.E. (2016)

**Additional Information:**

**Information #1:**

**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 10.12) 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.

**Information #2:**

Notice(s) of public hearings regarding development applications shall be published by the County 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. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application. MARTIN COUNTY, FLA., LDR SECTION 10.6.D. (2019)

**Information #3:**

Based upon the staff findings of compliance, this application will be scheduled for the LPA meeting on October 7, 2021 and following that hearing will be scheduled for the BCC meeting on October 19, 2021.

***H. Determination of compliance with legal requirements - County Attorney's Office***

Review Ongoing

***I. 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. Exempted development will be treated as committed development for which the County assures concurrency.

#### ***J. 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.

#### ***K. 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.

#### ***L. General application information***

Applicant: AA Marina, LLLP  
Alex Muxo  
7900 Glades Road, suite 402  
Boca Raton, FL 33434

Agent: Lucido and Associates  
Morris A. Crady, AICP  
701 SE Ocean Boulevard  
Stuart, Fl. 34994

## **M. 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