



MARTIN COUNTY, FLORIDA
Comprehensive Planning Division

**Amendments to Article 3, Division 6,
Section 3.264., Rio CRA**

Project	Update the Land Development Regulations applicable within the Community Redevelopment Areas to make the code easier to use by eliminating ambiguities, inconsistencies and redundancies and by clarifying applicability.
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Date of this Report	June 28, 2018

A. Introduction

The proposed amendments are those commonly referred to as “the Glitch Bill” for the Rio Community Redevelopment Area (CRA). The Glitch Bill is intended to eliminate ambiguities, inconsistencies and redundancies. The Glitch Bill minimizes substantive changes. The materials supporting the agenda item are:

- 1) this staff report, and
- 2) the proposed code showing proposed deletions with ~~strikeout~~ and new text with underlining (Exhibit A).

The Glitch Bill has been discussed with the Rio NAC on numerous occasions over the last few years. At its meeting of May 10, 2018, the NAC voted to approve the proposed changes and for staff to bring them forward to the Local Planning Agency. At its meeting on June 7, 2018, the LPA voted to approved the changes and bring them forward to the Board of County Commissioners.

The extent of the ~~strike-outs~~ (deleted text) and underscoring (new text) makes it appear as if the applicable standards have been completely re-written. They have not. Most of the changes involve re-organization to clarify:

- ✓ which rules apply within the zoning overlays and which apply in the CRA but outside the zoning overlays;
- ✓ which rules apply to single-use development and which apply to mixed-use development; and
- ✓ applicable Comprehensive Growth Management Plan (CGMP) policies.

A map of the Rio CRA and its 4 zoning overlays is included as the last page of this memo.

I. Proposed Amendments to the Rio CRA Zoning Code

1. General changes include:
 - a. The title clarifies that the code applies throughout the Rio CRA and not just within the Zoning Overlay Districts.
 - b. Maps of the CRA, the zoning overlays, and the mixed-use future land use overlays are added to the code.
2. A Table of Permitted Uses replaces the existing lists of “non-permitted uses.” The permitted uses are based on the future land use designations and the Zoning Overlay. While this is the biggest change to the Rio code, nonetheless, staff believes the text being recommended is consistent with the code as it was adopted in 2002 and how it has been interpreted and applied since that time.
3. Modest substantive changes are proposed to the Table of Permitted Uses.
 - a. “Artisan Workshops and Artist Studios” are added as a permitted commercial use.
 - b. “Accessory dwelling units,” available for rent by a separate household are distinguished from guest houses, and permitted on lots with owner-occupied, detached single-family residential lots.
 - c. Guest houses, intended for temporary occupancy by friend or family, are permitted to the same extent as any other accessory structure.
 - d. Home occupation and outbuildings are removed from the permitted use table because accessory uses and accessory structures are already permitted by other sections of code.
4. The development standards applicable within Rio’s four zoning overlays—Western SR 707, Eastern SR 707, Town Center, and Industrial—are incorporated into the LDR. These have been in effect since 2002, but are not included in the official version of the LDR available from Municode. The development standards are also consolidated into one table and some of the text is simplified.
5. Modest clarifications and modifications are made to the development standards applicable within the Zoning Overlays.
 - a. Standards established in the Comprehensive Growth Management Plan (CGMP) based on the future land use designation and whether the development is mixed-use or single-use are clarified. These include maximum residential density, maximum building height, maximum lot coverage, and minimum open space and incorporate CGMP policies.

- b. The “Usage by Floor” for mixed-use development is eliminated. Currently, the development standards for the Rio Zoning Overlays provide:

“Usage by floor:

1st Commercial/Retail/Office/Residential

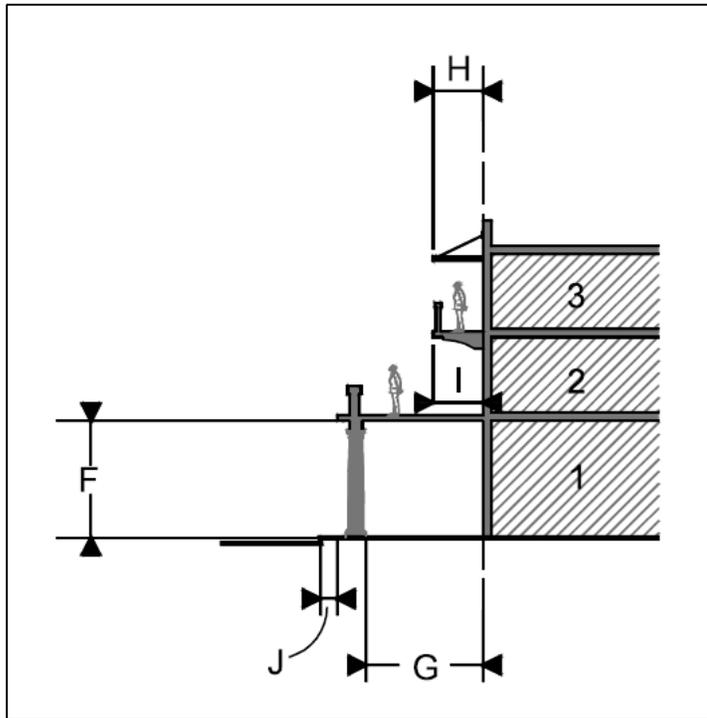
2nd Office/Residential

3^d Residential”

Staff believes this formula is overly prescriptive. An effective and desirable mix of uses can occur horizontally as well as vertically. Additionally, this mandate stifles incremental changes in use over time.

- c. The code establishes minimum front setbacks but also allows encroachment into those setbacks. The current text is silent regarding what types of building elements can encroach into the setback, but the illustrations show balconies and a porch. The Glitch Bill clarifies that porches, awnings, arcades, and balconies can encroach into the minimum setback (Western 707, Eastern 707 and Industrial Zoning Overlays) or the pedestrian zone (Town Center Zoning Overlay).
- d. The “required” front setback of 20 feet in the Western 707, Eastern 707 and Industrial Zoning Overlays is clarified to be the *minimum* front setback. No maximum front setback is established but parking must be located in the rear or to the side.
- e. The minimum and maximum building frontages are measured from the width of the lot, rather than lot width less side setbacks. The minimum side setback is only 5 feet in three of Rio’s Zoning Overlays and 0 feet in the Town Center. This simplifies the standard and will create slightly more street enclosure.
- f. For the Eastern SR 707 Zoning Overlay, the parking location is changed from “location may vary” to “side or rear” to match that required in Western SR 707.
- g. The minimum building frontage in the Rio Town Center Overlay is reduced from 100% to 70%. Building Frontage means the width of the building that abuts the minimum front setback line, as a percentage of the lot width. Based on review of the codes of other jurisdictions, staff believes additional flexibility is warranted and beneficial.
- h. Similarly, increased flexibility is provided for the front setback in the Town Center Zoning Overlay. Currently, both the minimum and the maximum front setbacks in the Town Center Zoning Overlay are 0 feet. All buildings must meet the front property line. Staff believes some flexibility is more appropriate, especially for residential development. The recommendation still permits buildings to be located on the front property line, but also permits a front setback of up to 10 feet.

Figure 2B. Examples of New Illustrations



- j. The existing code provides that when a structure encroaches into the front setback in the Western 707 or Industrial Overlays, at least 50% of building frontage must be involved. No similar standard is provided for the Eastern 707 Zoning Overlay. Staff believes this was an inadvertent omission and has provided the same standard for the Eastern 707 Zoning Overlay.
- k. The minimum lot width for the Eastern 707 Overlay is reduced from 100 ft. to 25 ft., the same as allowed in the Western 707 and Town Center Overlays. Townhouses are a permitted use in the Eastern 707 Overlay and a 100-ft. minimum lot width precludes that use.
- l. A minimum lot width of 50 feet is established for Rio's Industrial Zoning Overlay for industrial uses. Mixed-use development would not be subject to this minimum lot width. The proposed 50-foot minimum lot width creates no non-conforming lots and remains less than that required by Table 3.12.1 for the Limited Industrial Zoning District.
- m. The maximum lot width of 150 feet in the Western SR 707 Overlay is eliminated. No maximum lot width applies in Rio's other zoning overlays and there are other, more effective tools to regulate building mass and scale than lot width.

5. Modifications are made to landscaping requirements.

- a. Certain provisions in Article 4, Division 15, Landscaping, Buffering and Tree Protection, LDR, are expressly incorporated by reference into the Rio code. These provisions make the Rio landscape more complete.
- b. The provision that issuance of a building permit or business tax receipt requires compliance with the landscaping code is deleted. Instead, the code clarifies that new development or substantial renovations trigger applicability of the Rio landscaping code. Also, in the case of expansion or renovation of an existing structure, the Growth Management Director may authorize incremental compliance commensurate with the scale or scope of the redevelopment.
- c. The required landscaping for construction of a single-family or duplex residence is made consistent with the county-wide standard for single-family and duplex lots:
 - (1) 1 tree per 3,000 square feet;
 - (2) not more than 30% of all trees can be palms and 2 palms or 3 sabal palms equals one tree;
 - (3) 75% must be native species;
 - (4) trees can be 10 ft. in height with 2-inch caliper, unless 3 or fewer trees are required, in which case trees must be 12 ft. tall with 3-inch DBH and 6-foot crown spread;
 - (5) no landscaping plan is required;
 - (6) removal of invasive exotic species is required and planting of them is prohibited;
 - (7) tree species must be cold tolerant, drought tolerant and appropriate for the environmental setting; and
 - (8) credit for preserved trees, depending on size of preserved tree. is available.
- d. A requirement is added that dumpsters be screened from public view by a wall or hedge.
- e. In the current code, the issue of buffering residential uses from adjacent parking is addressed in both the parking code and the landscaping code. The proposed amendment consolidates these requirements in the landscaping section of the code, in Sec. 3.264.I.4.c.(2)
- g. The amendments clarify that “residential use” for purposes of buffering requirements includes existing residential use and land with a residential future land use. A requirement is added that a buffer or a transition in scale and character be provided between a mixed-use project and a residential property, giving due consideration to the size of the site area of the mixed-use development.

6. Fences and walls. Current code addresses this subject in 2 separate subsections

within the Landscaping section. The Glitch Bill removes walls and fences from the landscaping code and creates a new sub-section, J. Additionally, the requirement that a 3 ft. wall, fence or berm be installed between the front of the building and the road right-of-way and 6 feet in height for the remainder of the lot is deleted.

7. Section 3.262.G., Outbuildings, is deleted because accessory uses and structures are permitted by other sections of code. The standards are incorporated elsewhere in the Glitch Bill.

8. Sec. 3.264.H., Miscellaneous provisions, was edited to delete:

“(4) *Unfinished construction projects.*

(a) Unfinished construction projects that have an expired building permit shall have 90 days to re-instate the building permit for the project.

(b) Owners of unfinished construction projects that have failed to re-instate an expired building permit must remove any unfinished improvements immediately.”

Expiration, revocation and cancelation of a building permit is controlled by the Florida Building Code and implemented by the County Building Official. It is not the proper subject of a zoning ordinance. Remedies for unfinished construction are also beyond the purview of a zoning code. Other miscellaneous provisions were moved into the development standards applicable inside and outside the Overlays.

9. The standard governing the parking of boats and recreational vehicles in residential driveways was modified consistent with the direction of the NAC.

C. Next Steps

1. A second public hearing before the Board of County Commissioners in August.
2. Staff will commence work on the glitch bill for Golden Gate CRA.

RIO CRA
CRA boundary and zoning overlays

