

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY**

**ORDINANCE NUMBER**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, DIVISION 6, REDEVELOPMENT OVERLAY DISTRICTS, REGARDING SECTION 3.264., RIO REDEVELOPMENT OVERLAY DISTRICT, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners has adopted the Martin County Comprehensive Growth Management Plan within which are included goals, objectives, and policies related to zoning and land development; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives and policies through the adoption of consistent land development regulations; and

WHEREAS, the Board of County Commissioners adopted Ordinance 624 establishing the Rio Redevelopment Overlay District and property development standards on November 5, 2002; and

WHEREAS, the Rio Neighborhood Advisory Committee reviewed this draft ordinance on May 10, 2018 and recommended its approval;

WHEREAS, these proposed amendments to Article 3 of the Land Development Regulations, Martin County Code, have received public hearings before the Local Planning Agency and the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds the proposed amendments consistent with the goals, objectives and policies of the Comprehensive Growth Management Plan,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:**

**PART 1: AMENDMENT OF ARTICLE 3, DIVISION 6, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS**

*Division 6 is hereby amended as follows (new text is underlined and deleted text is struck through):*

## **Sec. 3.264. Rio Community Redevelopment Area Overlay District.**

3.264.A. General.

3.264.B. Rio Zoning Overlay Districts.

1. Permitted uses.

2. Development standards.

3.264.C. Rio CRA outside of the Zoning Overlay Districts.

1. Permitted uses.

2. Development standards.

3.264.D. Reserved.

3.264.E. reserved.

3.264.F. reserved.

3.264.G. Parking.

3.264.H. Stormwater.

3.264.I. Landscaping.

3.264.J. Walls and Fences.

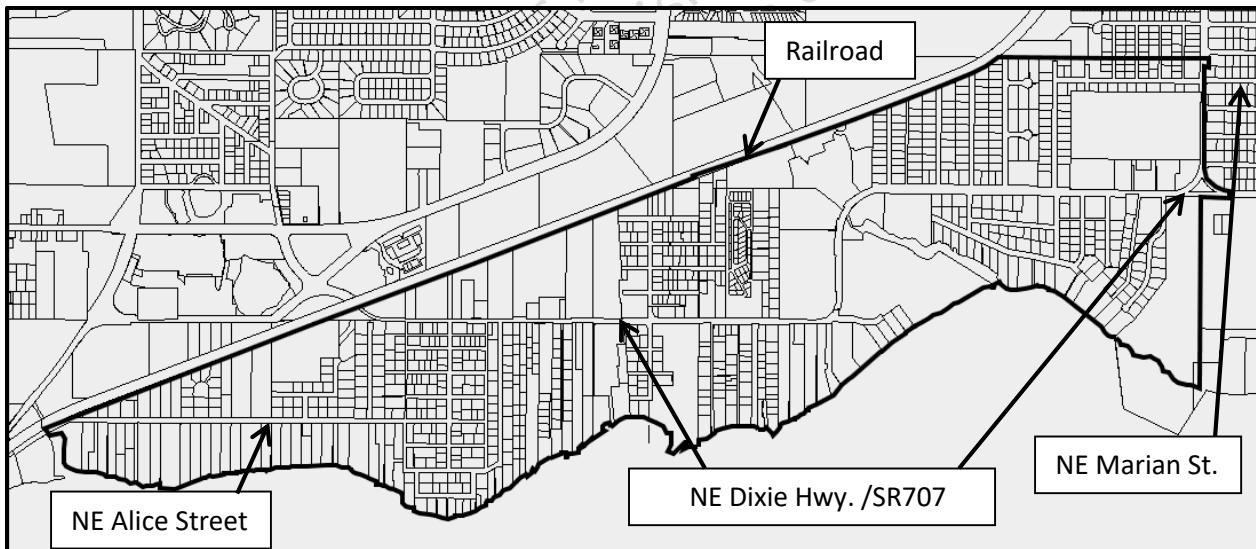
3.264.K. Sign Regulations.

### **Sec. 3.264.A. General Property development standards and nonpermitted uses.**

The property development standards and nonpermitted uses for four areas identified as: Industrial District; Western SR 707 District; Eastern SR 707 District; and Town Center District, are provided as shown in figures 1 through 4; and Tables 1 through 4. The four areas are shown on Map 1, and as further described in the Rio CRA Boundary Descriptions. In order to preserve the existing mixed use nature of the Rio Community Redevelopment Area, the Overlay District establishes permitted uses by listing only those uses not allowed within the specified areas. Allowed uses shall be those identified in Tables 3.11.1 through 3.11.3; except as set forth in Tables 1 through 4, of this section. [Figures 1 through 4 are attached, as is a map showing the CRA and overlay districts.]

1. Section 3.260., Land Development Regulations (LDR) applies within all Martin County Community Redevelopment Areas (CRA).
2. Within the Rio CRA, there are four Zoning Overlay Districts and four Mixed-Use Future Land Use Overlays:
  - (a) Western SR 707,
  - (b) Eastern SR 707,
  - (c) Town Center, and
  - (d) Industrial.
3. The boundaries of the Western SR 707, Town Center, and Eastern SR 707 Zoning Overlay Districts are larger than the boundaries of the Western 707, Town Center, and Eastern 707 Mixed-Use Future Land Use Overlays.
4. Except as otherwise provided herein, the rules and standards of section 3.264. shall apply throughout the Rio CRA.

Figure 3.264.1. Rio Community Redevelopment Area



Figures 3.264.1 through 3.264.5 are provided for the convenience of users of the LDR. They are not legally-binding. To determine the status of a particular parcel, the official maps of Martin County should be consulted. They can be accessed on the Martin County website at <https://www.martin.fl.us/search?text=CRA%20maps>. Note: The scale is not the same for all maps herein.

Figure 3.264.2. Western SR 707 Zoning Overlay District (black outline) and Mixed-Use Future Land Use Overlay (gray shaded area)

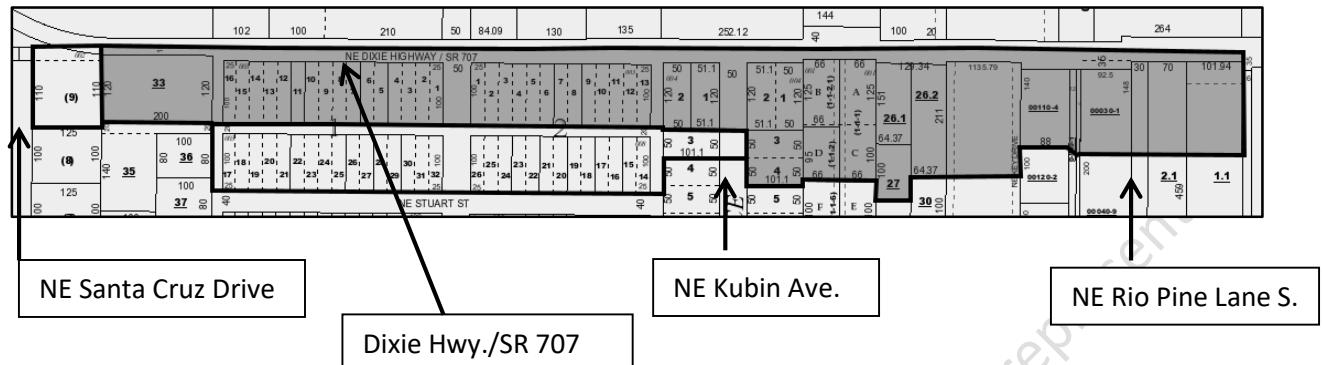


Figure 3.264.3. Eastern SR 707 Zoning Overlay District (black outline) and Mixed-Use Future Land Use Overlay (gray shaded area)

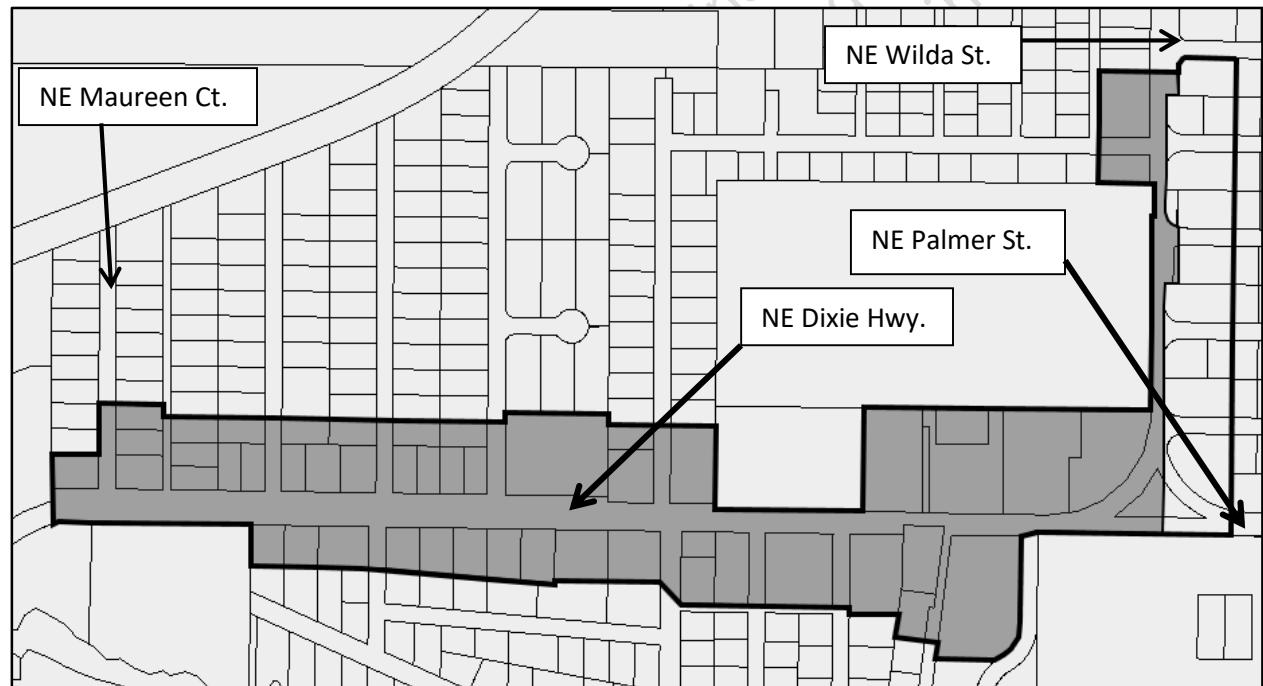


Figure 3.264.4. Rio Town Center Zoning Overlay District (black outline) and Mixed-Use Future Land Use Overlay (gray shaded area)

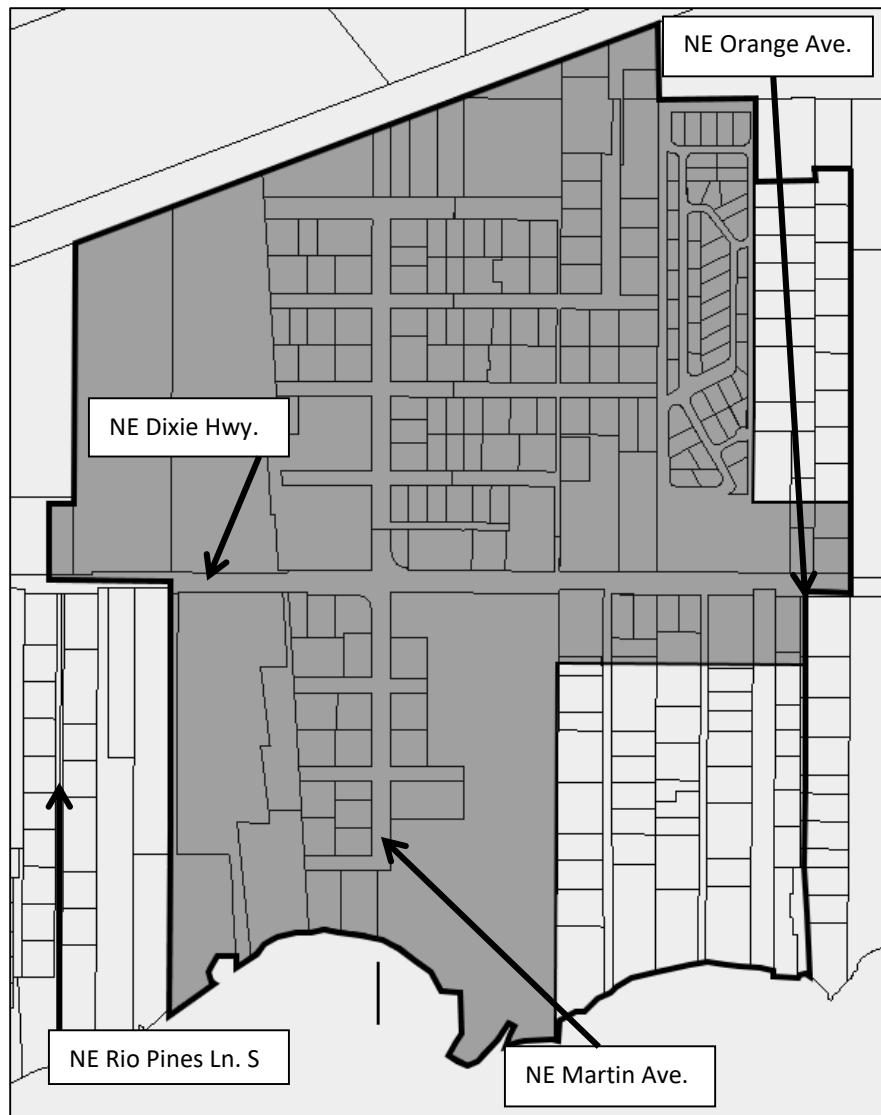
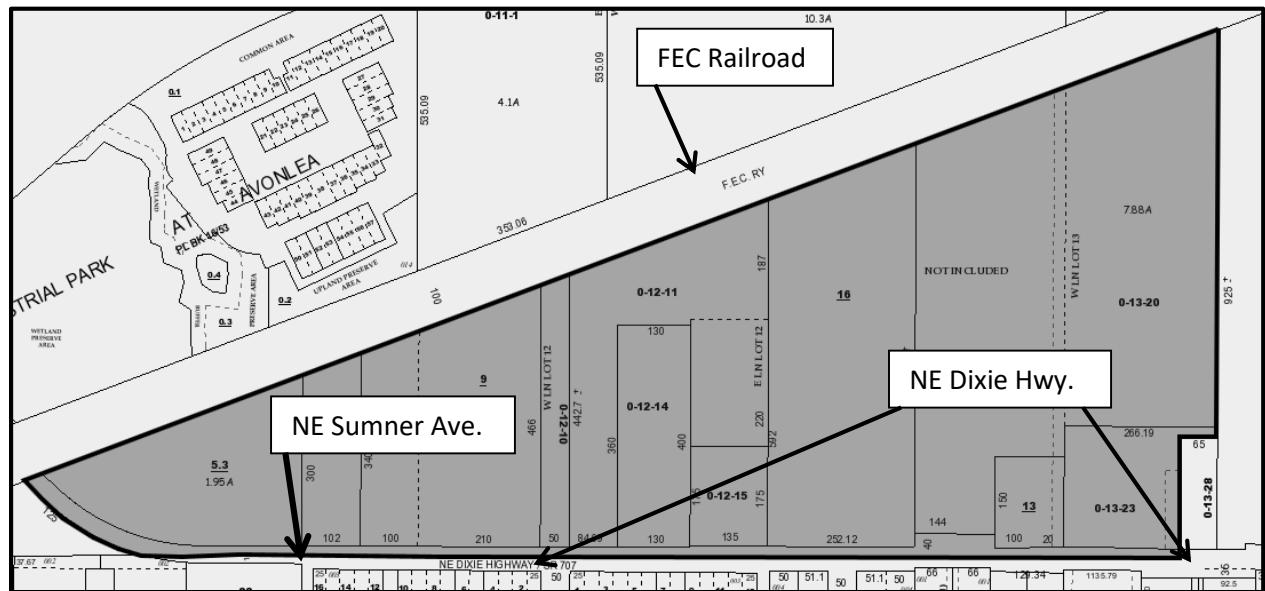


Figure 3.264.5. Industrial Zoning Overlay District and Mixed-Use Future Land Use Overlay (same boundaries)



### **Sec. 3.264.B. Rio Zoning Overlay Districts.**

#### **1. Permitted uses.**

- The permitted uses in the Zoning Overlay Districts are provided in Table 3.264.1, according to future land use designation.
- The Growth Management Director may approve uses other than those listed in Table 3.264.1 upon a finding that the use is functionally similar to the permitted uses and that the use is not likely to generate harmful impacts or create incompatibilities with other uses in the area. Prior to the decision, the Growth Management Director may request a recommendation from the Neighborhood Advisory Committee. The Growth Management Director shall keep a record of all such determinations.
- Mixed-Use Development.
  - Mixed-use development is permitted within the Rio Mixed-Use Future Land Use Overlays on land with any future land use designation.
  - All mixed-use development shall provide at least one dwelling unit.
  - The nonresidential component of mixed-use development in a Mixed-Use Future Land Use Overlay shall include a commercial, business or

compatible light industrial use. Public and Institutional uses may also be included in a mixed-use development. See, also, Table 3.264.1, footnote 8.

(4) Drive-through businesses are not permitted in a mixed-use development.

d. Accessory uses and accessory structures are permitted pursuant to section 3.201, LDR, except as otherwise provided in section 3.264.

(1) Accessory Dwelling Units shall be allowed as follows:

(a) A guest house or guest quarters shall be permitted on any property on which a single-family residence is located.

(b) One accessory dwelling unit available for rent shall be permitted on a property on which there is an owner-occupied, detached single-family residence.

Table 3.264.1. Permitted Uses in the Rio Zoning Overlay Districts

***Not all uses are permitted in all Zoning Overlay Districts. Refer to the footnotes.***

	Future Land Use Designation						
	Mobile Home	Low Density	COR	Comm. Limited	Comm. General	Comm. Waterfront <sup>(8)</sup>	Industrial
<b>Residential Uses</b>							
Caretaker Quarters			P			P	P
Apartment hotels			P	P	P	P	
Modular homes	P	P	P			P	
Multifamily dwellings		P	P			P	
Single-family detached dwellings	P <sup>(1)</sup>	P	P			P	
Townhouse dwellings		P	P			P	
Duplex dwellings		P <sup>(6)</sup>	P <sup>(6)</sup>				
Zero lot line dwellings		P <sup>(6)</sup>	P <sup>(6)</sup>				
<b>Agricultural Uses</b>							
Agricultural veterinary medical services							P
Aquaculture							P
Plant Nurseries & Landscape Services					P <sup>(3)</sup>		P

	Future Land Use Designation						
	Mobile Home	Low Density	COR	Comm. Limited	Comm. General	Comm. Waterfront <sup>(8)</sup>	Industrial
<b><i>Public and Institutional Uses</i></b>							
Administrative services, not-for-profit			P	P	P	P	P
Cemeteries, Crematories, columbaria							P
Community centers	P	P	P	P	P	P	
Cultural or civic uses			P	P	P	P	
Educational institutions	P	P	P	P	P	P	
Protective and Emergency Services		P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(5)</sup>		P
Neighborhood Assisted Residences with 6 or fewer residents	P	P <sup>(4)</sup>	P <sup>(4)</sup>	P			
Places of worship	P	P	P	P	P		
Post offices			P	P	P		
Public libraries	P	P	P	P	P		
Public parks and recreation areas, active	P	P	P	P	P	P	
Public parks and recreation areas, passive	P	P	P	P	P	P	
Recycling Drop Off Centers		P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(5)</sup>		P
Residential Care Facilities		P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(2)</sup>		
Utilities	P	P	P	P	P	P	
<b><i>Commercial and Business Uses</i></b>							
Ancillary retail use			P				
Artisan Workshops and Artist Studios				P	P	P	P
Bed and breakfast inns	P		P	P		P	
Business and professional offices			P	P	P	P	
Commercial amusements, indoor				P	P	P	
Commercial Amusements, outdoor					P <sup>(3)</sup>		P
Commercial day care	P	P		P	P	P	
Construction Industry Trades				P <sup>(6)</sup>	P <sup>(5)</sup>		P
Construction Sales and Services				P <sup>(4)</sup>	P <sup>(5)</sup>		P
Family day care	P	P	P				

	Future Land Use Designation						
	Mobile Home	Low Density	COR	Comm. Limited	Comm. General	Comm. Waterfront <sup>(8)</sup>	Industrial
Financial institutions			P	P	P		
Flea Markets					P <sup>(3)</sup>		P
Funeral Homes				P <sup>(6)</sup>	P <sup>(5)</sup>		
Golf driving range				P <sup>(4)</sup>	P <sup>(5)</sup>		P
Hotels, motels, resorts and spas				P	P	P	
Kennels, Commercial					P <sup>(3)</sup>		P
Marinas, commercial					P	P	
Marine education and research						P	
Medical services			P	P	P		
Parking lots and garages				P	P		
Recreational Vehicular Parks					P <sup>(3)</sup>		
Residential Storage Facilities		P <sup>(6)</sup>	P <sup>(6)</sup>	P <sup>(5)</sup>			P
Restaurants, convenience, without drive-through facilities			P	P	P		
Restaurants, general			P	P	P		
Retail Sales and Services, general				P <sup>(5)</sup>			P
Retail Sales and Services, limited			P	P	P		P
Shooting Ranges, indoor				P <sup>(3)</sup>			P
Trades and Skilled Services				P <sup>(5)</sup>			P
Vehicular Sales and Services				P <sup>(5)</sup>			P
Vehicular Service and Maintenance				P <sup>(5)</sup>			P
Veterinary medical services			P	P			P
Wholesale Trades and Services				P <sup>(2)</sup>			P
<b><i>Industrial Uses</i></b>							
Limited Impact Industry							P
Extensive Impact Industry							P
<b><i>Life Science, Technology and Research (LSTAR) Uses</i></b>			P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>
<b><i>Targeted Industries Business (TIB) Uses</i></b>			P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>	P <sup>(7)</sup>

Notes to Table 3.264.1

P (with no footnote) means the use is permitted in all Rio Zoning Overlay Districts on land with this future land use.

- (1) Detached, single-family residences are a permitted use if constructed prior to March 19, 2002. Otherwise, the construction of a detached single-family dwelling is permitted if consistent with Sec. 3.98, LDR, or if part of a mixed-use development.
- (2) This use is permitted in the Eastern SR 707 Zoning Overlay District only.
- (3) This use is permitted in Industrial Zoning Overlay District only.
- (4) This use is permitted in Western SR 707 Zoning Overlay District only.
- (5) This use is permitted in the Eastern SR 707 and Industrial Zoning Overlay Districts only.
- (6) This use is permitted in the Eastern SR 707 and Western SR 707 Zoning Overlay Districts only.
- (7) LSTAR Uses and TIB Uses are permitted, as provided on Table 3.11.2., consistent with future land use.
- (8) Except as provided for mixed-use development, development on land with the Commercial Waterfront Future Land Use designation shall be water-related or water-dependent. Water-related development includes marine resort-type uses including transient accommodations, restaurants and retail shops. Mixed-use development on land with the Commercial Waterfront Future Land Use shall contain residential uses. Other uses in a mixed-use development must be water-related or water-dependent.

**TABLE 1 WESTERN SR 707 DISTRICT - NONPERMITTED USES<sup>4</sup>**

Residential Uses

Mobile homes

Agricultural Uses

No agricultural uses are permitted

Public and Institutional Uses

Correctional facilities

Dredge spoil facilities

Electrical generating plants

Fairgrounds

Hospitals

~~Public vehicle storage and maintenance  
Solid waste disposal areas~~

*Commercial and Business Uses*

~~Adult business  
Campgrounds  
Commercial amusements, outdoor  
Flea markets  
Golf courses  
Kennels, commercial  
New recreational vehicle parks  
However, recreational vehicle parks lawfully established prior to the effective date of this section are permitted to the extent of the existing number and configuration of lots and units lawfully established prior to the effective date of this section.  
Restaurants, convenience, with drive through facilities  
Shooting ranges, indoor  
Shooting ranges, outdoor~~

*Transportation, Communication and Utilities*

~~Airstrips  
Airports, general aviation~~

*Industrial Uses*

~~Extensive impact industries  
Mulch/compost manufacturing  
Salvage yards~~

*Specific Conditions:*

- (1) A use not otherwise consistent with the future land use designation and zoning district regulation shall be permitted only to the extent authorized by Section 4-4, Goal C.1, of the Martin County Comprehensive Growth Management Plan.
- (2) ~~Outdoor storage. Uses requiring outdoor storage shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property. However, sidewalk cafes or sidewalk display of merchandise may be allowed provided they do not interfere with pedestrian or vehicular movements.~~
- (3) ~~Kiosks may be allowed on public property, subject to the approval of the Neighborhood Advisory Committee. Placement of a kiosk on private property will be at the discretion of the property owner or lease holder. Kiosks will be subject to the general design criteria established for the CRA. Operation of a kiosk will be subject to an annual fee. Fees will be~~

~~determined by the Board of County Commissioners and will be deposited into the Rio CRA Redevelopment Trust Fund account.~~

(4) ~~Home occupations of up to two employees, not including members of the immediate family, may be employed in a home business provided no other provisions of the General Ordinances or Land Development Regulations are violated.~~

(5) ~~Accessory uses, including, but not limited to, the following, shall be permitted:~~

- ~~• Detached garages and carports.~~
- ~~• Garage apartments.~~
- ~~• Guest houses and studios.~~
- ~~• Workshops and tool houses.~~
- ~~• Greenhouse and slat houses.~~
- ~~• Pools and equipment houses.~~
- ~~• Pump house.~~

**TABLE 2**  
**EASTERN SR 707 DISTRICT - NONPERMITTED USES<sup>1</sup>**

~~NOTE: These district regulations (Table 2 and Figure 2, as well as Section 3.264.B through I) also apply to the following: Lots 1 and 2, South Jensen Heights 1st Addition; Tracts D, E, F, and H, South Jensen Heights 1st Addition; and Tracts A, B, and C, South Jensen Heights. [8]~~

*Residential Uses*

~~Mobile homes~~

*Agricultural Uses*

~~No agricultural uses are permitted~~

*Public and Institutional Uses*

~~Correctional facilities~~

~~Dredge spoil facilities~~

~~Electrical generating plants~~

~~Fairgrounds~~

~~Hospitals~~

~~Public vehicle storage and maintenance~~

~~Solid waste disposal areas~~

*Commercial and Business Uses*

~~Adult business  
Campgrounds  
Commercial amusements, outdoor  
Flea markets  
Golf courses  
Kennels, commercial~~

~~New recreational vehicle parks. However, recreational vehicle parks lawfully established prior to the effective date of this section are permitted to the extent of the existing number and configuration of lots and units lawfully established prior to the effective date of this section.~~

~~Restaurants, convenience, with drive through facilities~~

~~Shooting ranges, indoor~~

~~Shooting ranges, outdoor~~

#### *Transportation, Communication and Utilities*

~~Airstrips~~

~~Airports, general aviation~~

#### *Industrial Uses*

~~Extensive impact industries~~

~~Mulch/compost manufacturing~~

~~Salvage yards~~

#### *Specific Conditions:*

- (1) ~~A use not otherwise consistent with the future land use designation and zoning district regulation shall be permitted only to the extent authorized by Section 4-4, Goal C.1., of the Martin County Comprehensive Growth Management Plan.~~
- (2) ~~Outdoor storage. Uses requiring outdoor storage shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property. However, sidewalk cafes or sidewalk display of merchandise may be allowed provided they do not interfere with pedestrian or vehicular movements.~~
- (3) ~~Kiosks may be allowed on public property, subject to the approval of the Neighborhood Advisory Committee. Placement of a kiosk on private property will be at the discretion of the property owner or lease holder. Kiosks will be subject to the general design criteria established for the CRA. Operation of a kiosk will be subject to an annual fee. Fees will be determined by the Board of County Commissioners and will be deposited into the Rio CRA Redevelopment Trust Fund account.~~
- (4) ~~Home occupations of up to two employees, not including members of the immediate family, may be employed in a home business provided no other~~

provisions of the General Ordinances or Land Development Regulations are violated.

(5) Accessory uses, including, but not limited to, the following, shall be permitted:

- Detached garages and carports.
- Garage apartments.
- Guest houses and studios.
- Workshops and tool houses.
- Greenhouse and slat houses.
- Pools and equipment houses.
- Pump house.

**TABLE 3  
TOWN CENTER DISTRICT - NONPERMITTED USES<sup>1</sup>**

*Residential Uses*

Mobile homes

Duplex dwellings

Zero lot line single-family dwellings

*Agricultural Uses*

No agricultural uses are permitted

*Public and Institutional Uses*

Cemeteries, crematory operations and columbaria

Correctional facilities

Dredge spoil facilities

Electrical generating plants

Fairgrounds

New halfway houses. However, existing halfway houses, on lots where such use was lawfully established prior to the effective date of this section are permitted.

Hospitals

Neighborhood assisted residences with six or fewer residents

Nonsecure residential drug and alcohol rehabilitation and treatment facilities

Protective and emergency services

Public vehicle storage and maintenance

Recycling drop-off centers

Residential care facilities

Solid waste disposal areas

### *Commercial and Business Uses*

~~Adult business~~  
~~Campgrounds~~  
~~Commercial amusements, outdoor~~  
~~Construction industry trades~~  
~~Construction sales and services~~  
~~Flea markets~~  
~~Funeral homes~~  
~~General retail sales and services~~  
~~Golf courses~~  
~~Kennels, commercial~~  
~~New recreational vehicle parks. However, recreational vehicle parks lawfully established prior to the effective date of this section are permitted to the extent of the existing number and configuration of lots and units lawfully established prior to the effective date of this section.~~  
~~Residential storage facilities~~  
~~Restaurants, convenience, with drive through facilities~~  
~~Shooting ranges, indoor~~  
~~Shooting ranges, outdoor~~  
~~Trades and skilled services~~  
~~Vehicular sales and service~~  
~~Vehicular service and maintenance~~  
~~Wholesale trades and services~~

### *Transportation, Communication and Utilities*

~~Airstrips~~  
~~Airports, general aviation~~

### *Industrial Uses*

~~No industrial uses are permitted~~

### *Specific Conditions:*

- (1) ~~A use not otherwise consistent with the future land use designation and zoning district regulation shall be permitted only to the extent authorized by Section 4.4, Goal C.1., of the Martin County Comprehensive Growth Management Plan.~~
- (2) ~~Outdoor storage. Uses requiring outdoor storage shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property. However, sidewalk cafes or sidewalk display of merchandise may be allowed provided they do not interfere with pedestrian or vehicular movements.~~
- (3) ~~Parking may occur in a structure or parking lots that conform to all development standards and shall be located to the rear of buildings.~~

(4) All utilities shall be underground from the street to the building. Utilities interior to a site may be above ground.

(5) Kiosks may be allowed on public property, subject to the approval of the Neighborhood Advisory Committee. Placement of a kiosk on private property will be at the discretion of the property owner or lease holder. Kiosks will be subject to the general design criteria established for the CRA. Operation of a kiosk will be subject to an annual fee. Fees will be determined by the Board of County Commissioners and will be deposited into the Rio CRA Redevelopment Trust Fund account.

(6) Home occupations of up to two employees, not including members of the immediate family, may be employed in a home business provided no other provisions of the General Ordinances or Land Development Regulations are violated.

(7) Accessory uses, including, but not limited to, the following, shall be permitted:

- Detached garages and carports.
- Garage apartments.
- Guest houses and studios.
- Workshops and tool houses.
- Greenhouse and slat houses.
- Pools and equipment houses.
- Pump house.

**TABLE 4**  
**INDUSTRIAL DISTRICT - NONPERMITTED USES<sup>4</sup>**

*Residential Uses*

Mobile homes  
Modular homes  
Single family detached dwellings  
Duplex dwellings  
Zero lot line family dwellings

*Agricultural Uses*

Agricultural processing, indoor  
Agricultural processing, outdoor  
Crop farms  
Dairies  
Exotic wildlife sanctuaries  
Feed lots  
Fishing and hunting camps

Orchards and groves  
Ranches  
Silviculture  
Stables, commercial

*Public and Institutional Uses*

Correctional facilities  
Dredge spoil facilities  
Electrical generating plants  
Fairgrounds  
~~New halfway houses. However, existing halfway houses, on lots where such use was lawfully established prior to the effective date of this section are permitted.~~  
Hospitals  
Neighborhood boat launches  
Nonsecure residential drug and alcohol rehabilitation and treatment facilities  
~~New residential care facilities. However, existing residential care facilities, where such use was lawfully established prior to the effective date of this section are permitted.~~  
Solid waste disposal areas

*Commercial and Business Uses*

Adult business  
Campgrounds  
Restaurants, convenience, with drive through facilities  
Shooting ranges, outdoor

*Transportation, Communication and Utilities*

Airstrips  
Airports, general aviation

*Industrial Uses*

Mining  
Mulch/compost manufacturing  
Salvage yards

*Specific Conditions:*

- (1) A use not otherwise consistent with the future land use designation and zoning district regulation shall be permitted only to the extent authorized by Section 4-4, Goal C.1., of the Martin County Comprehensive Growth Management Plan.
- (2) Accessory uses, including, but not limited to, the following, shall be permitted:
  - Fountains and barbecues.

- Pavilions and arbors.
- Workshops and tool houses.
- Greenhouse and slat houses.
- Pump house.
- Kiosk.

## 2. Development Standards applicable in the Zoning Overlay Districts.

- In the Rio Zoning Overlay Districts, all new development, any substantial improvement of a building, and any substantial renovation of a building exterior, as those terms are defined in section 4.871.B., LDR, shall comply with the development standards in Table 3.264.2, except as provided in paragraph b.
- Whenever substantial improvement of a building or substantial renovation of building exterior triggers the obligation to comply with this sub-section, the Growth Management Director may authorize incremental compliance with its requirements proportional to the nature and scope of the existing and proposed improvements, if full compliance would be unreasonable. An application for alternative compliance shall not be required but the Growth Management Director may require that the proposal be presented to the Neighborhood Advisory Committee for review and comment.
- Mixed-Use Development within a Mixed-Use Future Land Use Overlay.
  - Mixed-use development shall have residential density ranging from 2 units per acre to 15 units per acre.
  - When the lot is one-half acre or less, dwelling units of 800 square feet or less shall count as one-half a dwelling unit. This requirement shall not require a small mixed-use project to have more than one dwelling unit because that dwelling unit is 800 square feet or less.
  - When the lot is larger than one-half acre, dwelling units of 800 square feet or less shall count as one-half a dwelling unit if at least 50 percent of the units qualify as affordable housing, as affordable housing is defined in the Comprehensive Growth Management Plan (CGMP).
  - Mixed-use development shall provide no less than 20 percent open space. In mixed-use development, open space shall include landscaped pedestrian environments and community gathering areas. Mixed-use development shall be permitted 100 percent building coverage if the equivalent of 20 percent open space is contributed in the form of land or

money and Policy 4.3., CGMP, Alternative Compliance for mixed-use projects in a Mixed-Use Overlay, is met.

- (5) No landscape buffer, other physical or visual screen or barrier, or density transition shall be required between different land uses within a mixed-use development.
- (6) When proposed mixed-use development abuts a residential use or residential future land use outside the Overlay, buffering or a transition in scale and character shall be provided between the mixed-use project and the adjacent residential property, giving due consideration to the size of the site area of the mixed-use development.
- d. Single-family residential development within a Mixed-Use Future Land Use Overlay shall comply with the standards in Table 3.264.2.. Except that, the minimum open space for a single-family residence constructed on a lot of record existing as of April 1, 1982, shall be determined by the underlying zoning district rather than the future land use designation.
- e. Accessory uses and structures in a Zoning Overlay District shall be governed by Section 3.201, LDR, except as provided in section 3.264.

  - (1) Garages, sheds and similar structures shall not be located between the principal structure and the road right-of-way which the house fronts.
  - (2) Accessory Dwelling Units and Guest Houses.

    - (a) A guest house or accessory dwelling unit shall not count as a separate unit for purposes of calculating density.
    - (b) Guest houses and accessory dwelling units may be the second floor of a garage, a freestanding cottage, or physically attached to the principal dwelling.
    - (c) A guest house or accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling, or 900 square feet, whichever is smaller.
    - (d) Accessory dwelling units may have separate utility meters or share utilities with the principal dwelling, as required or permitted by the utility provider.
    - (e) A guest house, an accessory dwelling unit, or the land either one occupies shall not be sold or conveyed separately from the principal dwelling unit.
  - (3) Walls, fences and signs. See section 3.264.J. for standards governing walls and fences and section 3.264.K. for standards governing signs.
- f. Miscellaneous Provisions.

- (1) Exterior lighting. Exterior lighting shall be so shielded to prevent any light trespass onto adjoining property.
- (2) Painting of structures and repairs.
  - (a) All exterior surfaces of buildings within the Rio CRA shall be painted, except when constructed with materials not normally painted, including, but not limited to, vinyl siding or brick.
  - (b) Any repairs to the exterior of any building must be painted to match the balance of the structure.
- (3) Board-ups. If a structure is boarded-up for any reason, the boarding material must be, at a minimum, exterior grade plywood. If exterior grade plywood is used, it must be painted to match the balance of the structure, except for temporary boarding in the event of a natural disaster.

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Table 3.264.2. Development Standards in the Rio Zoning Overlay Districts

	<u>Zoning Overlay Districts</u>			
	<u>Western 707</u>	<u>Eastern 707</u>	<u>Town Center</u>	<u>Industrial</u>
<u>Minimum lot width</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>50 ft.<sup>(9)</sup></u>
<u>Maximum lot coverage</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>
<u>Maximum Building Size, gross floor area</u>	<u>10,000 sq. ft.</u>	<u>15,000 sq. ft.</u>	<u>NA</u>	<u>NA</u>
<u>Maximum gross floor area per nonresidential use</u>	<u>NA</u>	<u>NA</u>	<u>15,000 sq. ft.</u>	<u>NA</u>
<u>Minimum building frontage<sup>(2)</sup></u>	<u>50%</u>	<u>50%</u>	<u>70%</u>	<u>50%</u>
<u>Maximum building frontage<sup>(2)</sup></u>	<u>80%</u>	<u>80%</u>	<u>100%</u>	<u>80%</u>
<u>Minimum front setback</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>-0-</u>	<u>20 ft.<sup>(3)</sup></u>
<u>Maximum front setback</u>	<u>NA</u>	<u>NA</u>	<u>10 ft.</u>	<u>NA</u>
<u>Allowed encroachment into front setback, 1<sup>st</sup> and 2<sup>nd</sup> floors<sup>(4)</sup></u>	<u>50%</u>	<u>50%</u>	<u>NA</u>	<u>50%</u>
<u>Allowed encroachment into pedestrian zone, 1<sup>st</sup> and 2<sup>nd</sup> floors<sup>(5)</sup></u>	<u>NA</u>	<u>NA</u>	<u>50%</u>	<u>NA</u>
<u>Minimum side setback</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>-0-</u>	<u>5 ft.</u>
<u>Minimum rear setback</u>	<u>10 ft.<sup>(6)</sup></u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>
<u>Maximum building height</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>
<u>Minimum building height</u>	<u>20 ft.</u>	<u>12 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>
<u>Maximum Density</u>	<u>(7)</u>	<u>(7)</u>	<u>(7)</u>	<u>(7)</u>
<u>Parking</u>	<u>rear or side yard</u>	<u>rear or side yard</u>	<u>rear yard only</u>	<u>location may vary</u>

Notes to Table 3.264.2:

<sup>(1)</sup> Maximum building coverage, maximum lot coverage, minimum open space and maximum building height are based on development type and future land use designation, as follows:

		Future Land Use Designation						
		<u>MH</u>	<u>LD</u>	<u>COR</u>	<u>CL</u>	<u>CG</u>	<u>CW</u>	<u>I</u>
<u>Single -use</u>	<u>Max. Bldg. Coverage</u>	<u>NA</u>	<u>NA</u>	<u>40%</u>	<u>50%</u>	<u>60%</u>	<u>50%</u>	<u>50%</u>
	<u>Max. Lot Coverage</u>	<u>50%</u>	<u>50%</u>	<u>60%</u>	<u>70%</u>	<u>80%</u>	<u>70%</u>	<u>80%</u>
	<u>Min. Open Space</u>	<u>50%</u>	<u>50%</u>	<u>40%</u>	<u>30%</u>	<u>20%</u>	<u>30%</u>	<u>20%</u>
	<u>Max. Bldg. Height</u>	<u>20 ft.</u>	<u>35 ft. or 40 ft. <sup>(a)</sup></u>	<u>30 ft.</u>	<u>30 ft.</u>	<u>35 ft. or 40 ft. <sup>(b)</sup></u>	<u>30 ft.</u>	<u>40 ft.</u>
<u>Mixed -use</u>	<u>Max. Bldg. Coverage</u>	<u>80%</u>						
	<u>Max. Lot Coverage</u>	<u>80%<sup>(c)</sup></u>						
	<u>Min. Open Space</u>	<u>20%</u>						
	<u>Max. Bldg. Height</u>	<u>35 ft.</u>						

MH = Mobile Home; LD = Low Density; COR = Commercial Office/Residential; CL = Commercial Limited; CG = Commercial General; CW = Commercial Waterfront; I = Industrial.

- (a) Low Density FLU is present in two Rio Zoning Overlay Districts. The maximum building height in the Town Center Zoning Overlay is 40 ft. The maximum building height in the Western SR 707 Zoning Overlay is 35 ft.
- (b) General Commercial FLU is present in two Rio Zoning Overlay Districts. The maximum building height in the Industrial Zoning Overlay is 40 ft. The maximum building height in the Eastern SR 707 Zoning Overlay is 35 ft.
- (c) Maximum lot coverage can be increased to 100% provided the standards contained in CGMP Policy 4.3A.10., Alternative compliance for mixed-use projects in a mixed-use overlay, are met.

(2) For purposes of Section 3.264, building frontage means the width of the building that abuts the minimum front setback line, as a percentage of the lot width.

(3) The minimum front setback in the Industrial Overlay District depends on the location of the property boundary. If the property boundary extends to the middle of the adjacent right-of-way, the minimum front setback is 20 feet from the edge

of the roadway pavement. If the property boundary is also the boundary of the right-of-way, the minimum front setback is 20 feet from the property line.

- (4) In the Western SR 707, Eastern SR 707 and Industrial Zoning Overlay Districts, the minimum 20 ft. front setback may be reduced to 10 ft. for building elements such as porches, awnings, canopies, arcades and balconies and enclosed habitable space above such elements. Such encroachment into the minimum front setback must equal 50% of the width of the building frontage.
- (5) In the Town Center Zoning Overlay District building elements such as porches, awnings, canopies, arcades and balconies may encroach 50% into the adjacent pedestrian zone. See, Section 4.847., Traditional Neighborhood Streets, for information about the pedestrian zone. Any private encroachment into the public right-of-way requires the approval of the County Engineer, a right-of-way use permit, and construction and indemnification agreements.

First-story awnings shall extend at least 5 feet from the building and the lowest point shall be 10 feet clear of the pavement. Arcades must have a minimum clear height of 12 feet, a clear depth of 10 feet, and be open to the public at all times. Balconies must have a minimum depth of 3 feet and a minimum clear height of 10 feet above the ground.

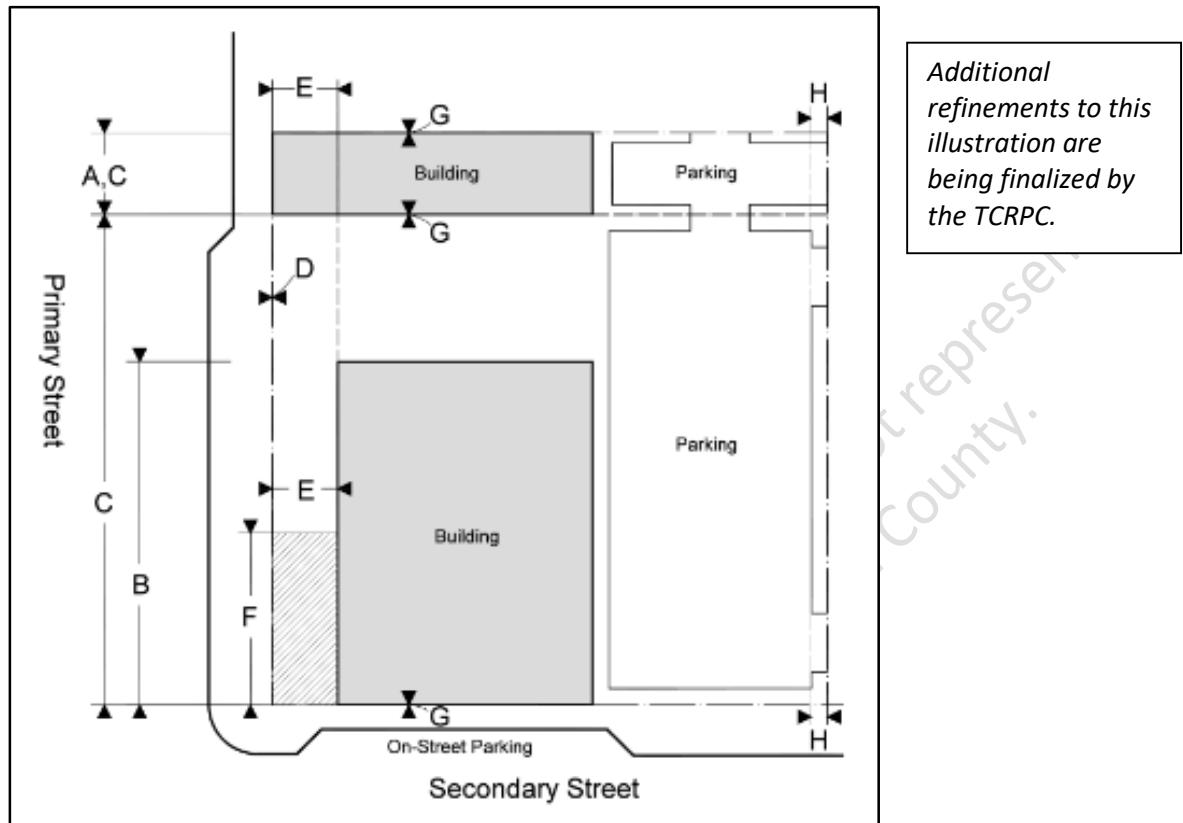
- (6) In addition to this minimum rear setback, right-of-way must be dedicated for an alley if it is not already present.
- (7) The maximum density for residential development is determined by the future land use designation and whether the project is a single-use or mixed-use development, as set forth below.

	Future Land Use Designation						
	Mobile Home	Low Density	COR	Comm. Limited	Comm. General	Comm. Water-front	Industrial
Single-use <sup>(a)</sup>	8 dua	5 dua	10 dua	0 dua	0 dua	0 dua	0 dua
Mixed-Use	15 dua						

- (a) Notwithstanding these density standards, one single-family dwelling may be constructed on a lot of record created prior to Nov. 7, 1972 or consistent with the subdivision regulations enacted on Nov. 7, 1972.

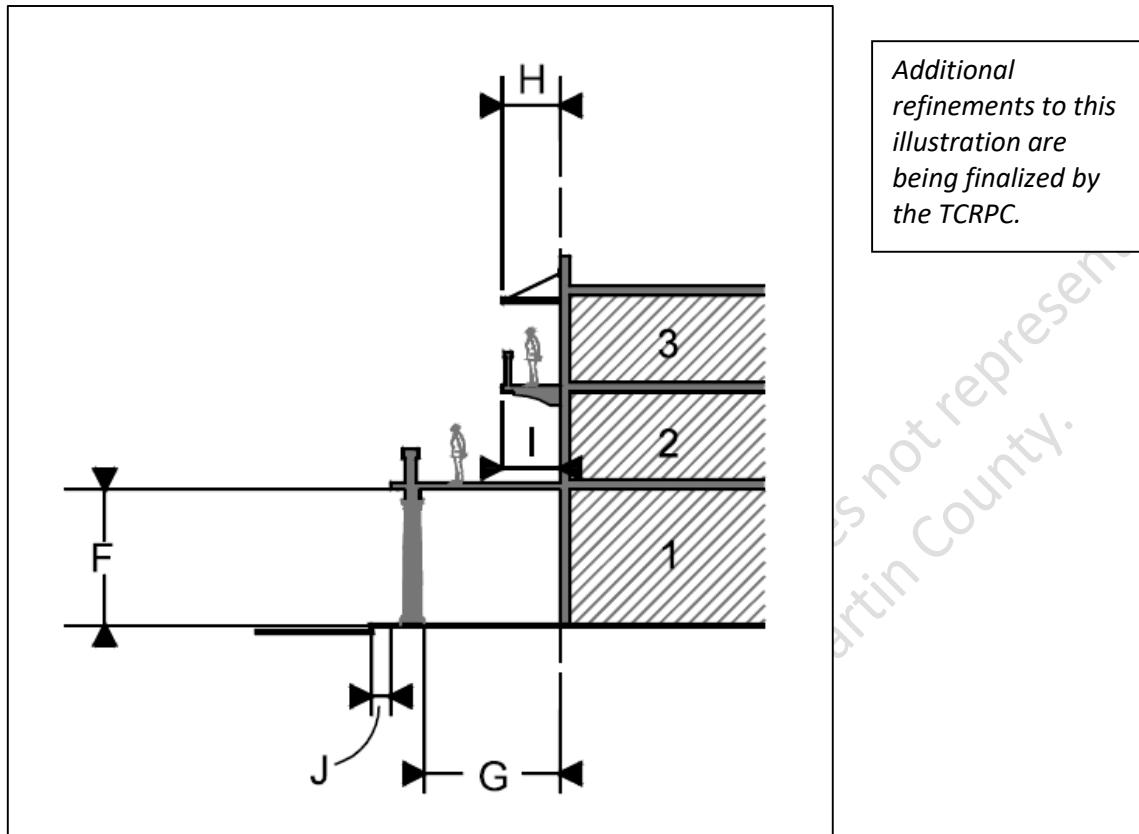
- (9) There is no minimum lot width in or for a mixed-use development.

Figure 3.264.6A. Town Center Zoning Overlay District



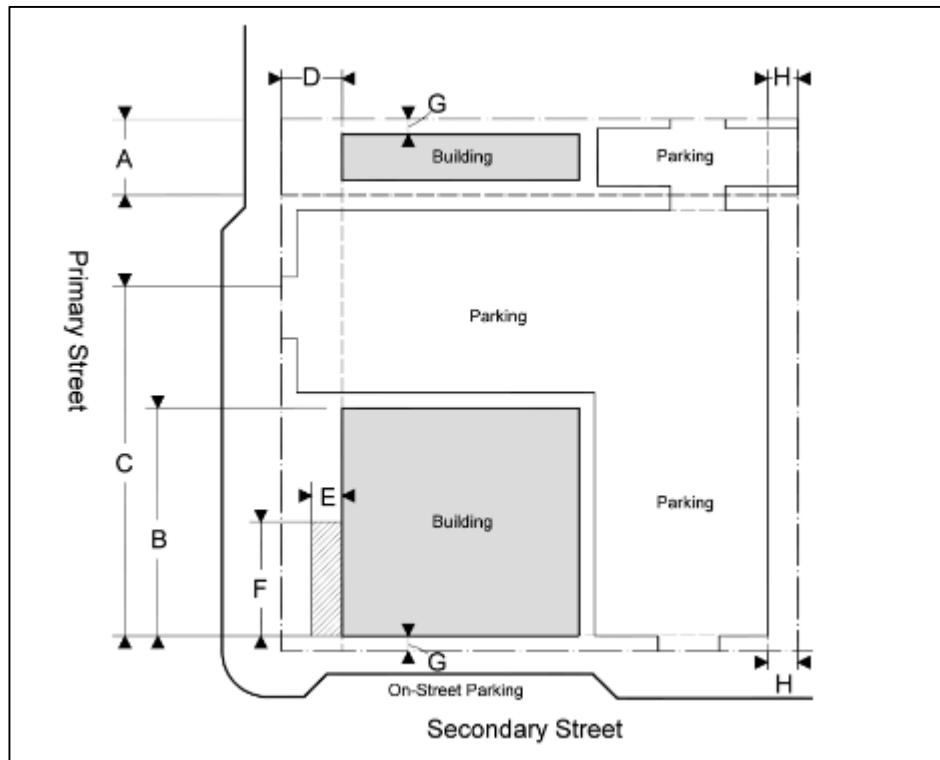
<u>A</u>	<u>Minimum Lot Width</u>	<u>25 ft.</u>
<u>B</u>	<u>Minimum Building Frontage</u>	<u>70%</u>
<u>C</u>	<u>Maximum Building Frontage</u>	<u>100%</u>
<u>D</u>	<u>Minimum Front Setback</u>	<u>0 ft.</u>
<u>E</u>	<u>Maximum Front Setback</u>	<u>10 ft.</u>
<u>F</u>	<u>Pedestrian Zone Encroachment</u>	<u>50%</u>
<u>G</u>	<u>Minimum Side Setback</u>	<u>0 ft.</u>
<u>H</u>	<u>Minimum Rear Setback</u>	<u>5 ft.</u>
	Parking	rear only

Figure 3.264.6B. Town Center Zoning Overlay District



<u>E</u>	<u>Minimum clear height from ground to ceiling of arcade</u>	<u>12 ft.</u>
<u>G</u>	<u>Min. clear depth for arcade</u>	<u>10 ft.</u>
<u>H</u>	<u>Min. projection of awnings</u>	<u>5 ft.</u>
<u>I</u>	<u>Min. depth of balconies</u>	<u>3 ft.</u>

Figure 3.264.6C. Western SR 707 and Eastern SR 707 Zoning Overlay Districts



A	<u>Minimum Lot Width</u>	<u>25 ft.</u>
B	<u>Minimum Building Frontage</u>	<u>50%</u>
C	<u>Maximum Building Frontage</u>	<u>80%</u>
D	<u>Minimum Front Setback</u>	<u>20 ft.</u>
E	<u>Front Setback Encroachment</u>	<u>up to 50%</u>
F	<u>Setback encroachment, min. % of building width</u>	<u>50%</u>
G	<u>Minimum Side Setback</u>	<u>5 ft.</u>
H	<u>Minimum Rear Setback</u>	<u>10 ft.</u>

Figure 3.264.6D.  
Eastern 707 Zoning Overlay

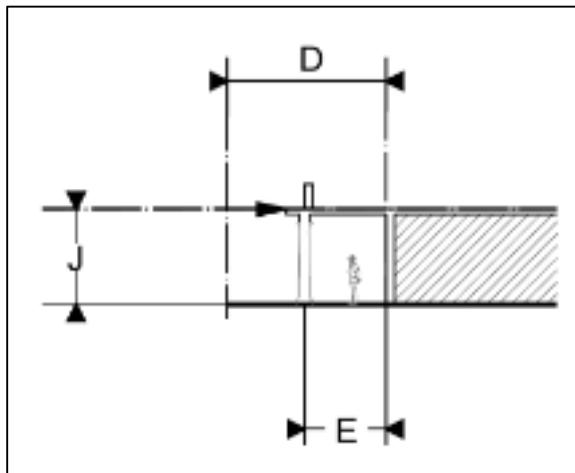
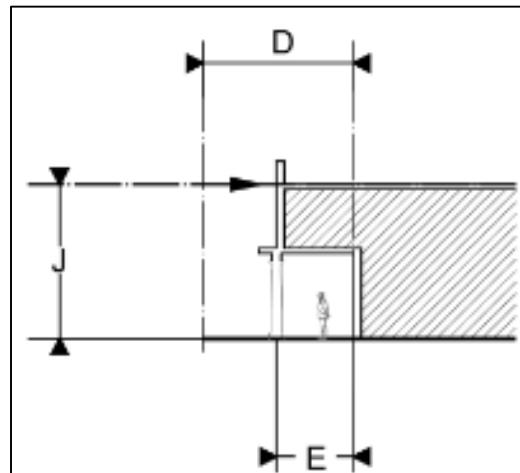


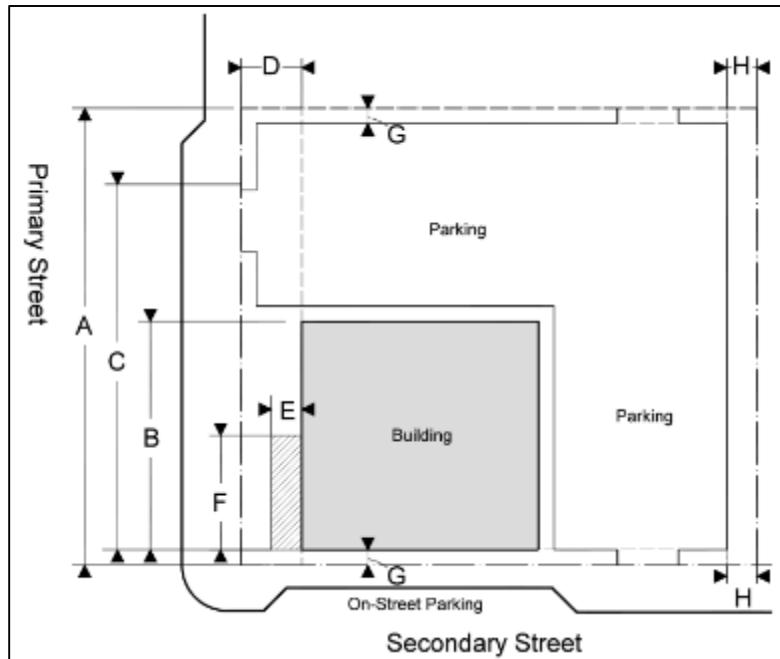
Figure 3.264.6E.  
Western 707 Zoning Overlay



<u>D</u>	<u>Minimum Front Setback</u>	<u>20 ft.</u>
<u>E</u>	<u>Allowed Front Setback Encroachment</u>	<u>10 ft. (50%)</u>
<u>J</u>	<u>Minimum Building height</u>	<u>12 ft. – Eastern 707</u> <u>20 ft. – Western 707</u>

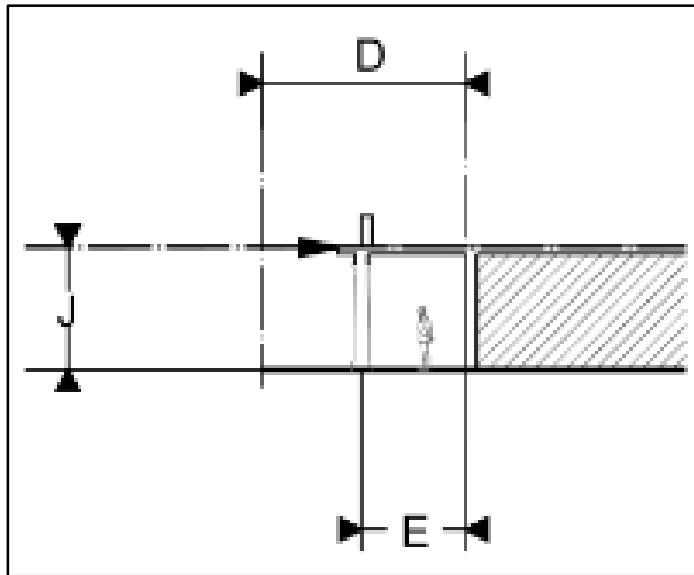
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Figure 3.264.6F. Industrial Zoning Overlay District



A	<u>Minimum Lot Width (not applicable to mixed-use)</u>	<u>50 ft.</u>
B	<u>Minimum Building Frontage</u>	<u>50%</u>
C	<u>Maximum Building Frontage</u>	<u>80%</u>
D	<u>Minimum Front Setback</u>	<u>20 ft.</u>
E	<u>Allowed Front Setback Encroachment</u>	<u>up to 50%</u>
F	<u>Setback encroachment, min. % of building width</u>	<u>50%</u>
G	<u>Minimum Side Setback</u>	<u>5 ft.</u>
H	<u>Minimum Rear Setback</u>	<u>10 ft.</u>

Figure 3.264.6F. Industrial Zoning Overlay District



<u>D</u>	<u>Minimum Front Setback</u>	<u>20 ft.</u>
<u>E</u>	<u>Allowed Front Setback Encroachment</u>	<u>10 ft. (50%)</u>
<u>J</u>	<u>Minimum Building height</u>	<u>15 ft.</u>

*[Remainder of page is blank.]*

**3.264.B. Roadway and street design roads, streets, lanes and alleys.**

All roadways within the Rio Community Redevelopment Area shall comply with the standards of article 4, division 19, section 4.847 Traditional Neighborhood Street Design, Land Development Regulations, Martin County Code.

**Sec. 3.264.C. Rio CRA outside the Zoning Overlay Districts.**

1. Permitted Uses outside of a Zoning Overlay District.

- a. Permitted uses shall be consistent with the zoning district and future land use designation. Permitted Uses for Category A and Category B zoning districts are set forth in section 3.11, LDR. Permitted Uses for Category C zoning districts are set forth in Article 3, Division 7., LDR. If the land is in a Category C zoning district, consistency with the Future Land Use Map must be confirmed, pursuant to section 3.402, LDR.
- b. Mixed-use development shall be permitted, outside of a Mixed-Use Overlay, on land with the Commercial Office/Residential, Limited Commercial, or General Commercial Future Land Use designations. Mixed-use development outside of a Mixed-Use Overlay shall include a Commercial or Business Use that is consistent with the future land use designation and the zoning district, and a residential use. Public and Institutional Uses may also be included. All mixed-use development shall provide at least one dwelling unit.
- c. Accessory uses and structures outside of the Zoning Overlay Districts shall be permitted pursuant to Section 3.201, LDR, the zoning district and future land use designation, unless otherwise provided in section 3.264.

2. Development Standards outside of a Zoning Overlay District.

a. Single-Use Development outside of a Zoning Overlay District.

- (1) Development shall comply with the development standards established by:
  - (a) the zoning district;
  - (b) the future land use designation;
  - (c) all applicable LDR.
- (2) Commercial Development shall also comply with Article 4, Division 20, Commercial Design, LDR.

b. Mixed-Use Development outside of a Mixed-Use Future Land Use Overlay.

- (1) The maximum height, maximum building coverage and minimum open space shall be determined by the Future Land Use designation. Table 3.264.3 summarizes these standards.
- (2) Residential density shall comply with section 3.264.B.2.c.(1), (2) and (3).
- (3) No landscape buffer, other physical or visual screen or barrier, or density transition shall be required between different land uses within a mixed-use development.
- (4) When proposed mixed-use development abuts property located outside of a mixed-use overlay that has an existing residential use or a residential future land use, a buffer or a transition in scale and character shall be provided between the mixed-use project and the adjacent residential property, giving due consideration to the size of the site area of the mixed-use development.

c. Accessory uses and structures outside of the Zoning Overlay Districts shall be governed by the section 3.201, LDR, and the zoning district, except as otherwise provided in section 3.264.

- (1) Accessory Dwelling Units.
  - (a) A guest house or accessory dwelling unit shall not count as a separate unit for purposes of calculating density.
  - (b) Guest houses and accessory dwelling units may be the second floor of a garage, a freestanding cottage, or physically attached to the principal dwelling.
  - (c) A guest house or accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling.
  - (d) Accessory dwelling units may have separate utility meters or share utilities with the principal dwelling, as required or permitted by the utility provider.
  - (e) A guest house, an accessory dwelling, or the land either one occupies shall not be sold or conveyed separately from the principal dwelling.
- (2) Walls, Fences and Signs. See Section 3.264.J. for standards governing walls and fences and Section 3.264.K. for standards governing signs.

d. Miscellaneous Provisions.

- (1) Exterior lighting. Exterior lighting shall be so shielded to prevent any light trespass onto adjoining property.

*(2) Painting of structures and repairs.*

(a) All exterior surfaces of buildings within the Rio CRA shall be painted, except when constructed with materials not normally painted, including, but not limited to, vinyl siding or brick.

(b) Any repairs to the exterior of any building must be painted to match the balance of the structure.

(3) *Board-ups.* If a structure is boarded-up for any reason, the boarding material must be, at a minimum, exterior grade plywood. If exterior grade plywood is used, it must be painted to match the balance of the structure, except for temporary boarding in the event of a natural disaster.

Table 3.264.3. Development Standards for Mixed-Use Development outside of a Mixed-Use Overlay by Future Land Use designation

	<u>General Commercial</u>	<u>Limited Commercial</u>	<u>Commercial Office/Residential</u>
<u>Max. Building Height</u>	<u>40 ft.</u>	<u>30 ft.</u>	<u>30 ft.</u>
<u>Max. Building Coverage</u>	<u>60%</u>	<u>50%</u>	<u>40%</u>
<u>Min. Open Space</u>	<u>20%</u>	<u>30%</u>	<u>40%</u>
<u>Max. Residential Density</u>	<u>2-15 dwelling units per acre</u>	<u>2-15 dwelling units per acre</u>	<u>2-15 dwelling units per acre</u>
<u>Setbacks</u>			
Front	<u>0-15 ft.</u>	<u>0 – 15 ft.</u>	<u>0 – 15 ft.</u>
Rear	<u>1 story = 20 ft.</u> <u>2 story = 20 ft.</u> <u>3 story = 30 ft.</u> <u>4 story = 40 ft.</u>	<u>1 story = 20 ft.</u> <u>2 story = 20 ft.</u> <u>3 story = 30 ft.</u>	<u>1 story = 20 ft.</u> <u>2 story = 20 ft.</u> <u>3 story = 30 ft.</u>
Side	<u>1 story = 10 ft.</u> <u>2 story = 10 ft.</u> <u>3 story = 20 ft.</u> <u>4 story = 30 ft.</u>	<u>1 story = 10 ft.</u> <u>2 story = 10 ft.</u> <u>3 story = 20 ft.</u>	<u>1 story = 10 ft.</u> <u>2 story = 10 ft.</u> <u>3 story = 30 ft.</u>
<u>Parking Location</u>	<u>In the rear or to the side of the buildings or on the interior of the development.</u>		

**Sec. 3.264.D. reserved.**

**Sec. 3.264.E. reserved.**

**Sec. 3.264.F. reserved.**

**Sec. 3.264.G.C. *Parking*.**

1. Parking shall conform with Article 4, Division 14, Parking and Loading, LDR, Martin County Ordinance No. 622 (August 27, 2002), unless otherwise specified in section 3.264.G.C.

1. *On-site parking requirements.*

- a. The required parking may be provided off-site, provided the site is approved by the Rio Neighborhood Advisory Committee.
- b. Developers/property owners may, after review and approval from the Rio Neighborhood Advisory Committee, pay a fee in lieu of providing the required spaces. The fee shall be based on the average cost of constructing a parking space in Martin County, as determined by the Building Department. Said fee shall be a one-time payment, to be placed in the redevelopment trust fund and shall be utilized for parking improvements within the Rio Community Redevelopment Area.
- c. On-street parking along the corresponding frontage shall count 100% towards the parking requirements.

2. *Applicability.*

- a. Within a Zoning Overlay District, all development that requires approval of a final site plan, pursuant to Article 10, Development Review Procedures, LDR, and all development that undergoes a substantial improvement of a building or substantial renovation of a building exterior, as substantial improvement and substantial renovation are defined section 4.871.B., LDR, shall comply with section 3.264.G.
- b. Parking provided for residential use, whether a single-use residential development or the residential component of a mixed-use project and whether in a Zoning Overlay or outside a Zoning Overlay, shall comply with section 3.264.G..
- c. Parking and loading for non-residential development outside the Zoning Overlay Districts shall comply with section 3.264.G., except that parking rates and the number of required off-street loading spaces shall be consistent with sections 4.624. and 4.626.B.4., LDR.

3. SPARC. The Special Parking Alternative for Redevelopment Centers program, established by section 3.260.G., LDR, shall be available in the Rio CRA, upon adoption by resolution of the Board of County Commissioners of the program specifics. SPARC is intended to provide on-street and other public parking and to allow property owners to satisfy some or all their parking requirement by paying a proportionate share of the cost of providing such parking.

4. d. Specific Parking space requirements:

a. (1) Residential: Two per residential unit.

b. (2) Commercial: Western SR 707, Eastern SR 707, and Town Center Zoning Overlay Districts.

(1) Less than 15,000 square feet, a minimum of one space per 500 square feet of net leasable floor area and no spaces for residential units in any mixed use building where residential use constitutes 50 percent or less of the use.

(2) More than 15,000 square feet, a minimum of two spaces per 500 square feet of net leasable floor area and one space for each residential unit.

(3) Dock space for waterside uses shall be counted as one dock space equals two parking spaces.

c. Industrial Zoning Overlay district:

(1) (a) Less than 15,000 square feet, a minimum of one space per 5,000 square feet of net leasable floor area and no spaces for residential units in any mixed use building where residential constitutes 50 percent or less of the use.

(2) (b) More than 15,000 square feet, a minimum of two spaces per 5,000 square feet of net leasable floor area and one space for each residential unit.

d. Non-residential development outside the Zoning Overlay Districts shall conform with 4.624., LDR, regarding the number of parking spaces.

e. Commercial and mixed-use development shall provide bicycle parking in accordance with Art. 4, Division 20, section 4.873, LDR.

e. On-site parking will be restricted to according to the development standards in Figures 1 through 4. In the case of side yard parking, the parking area shall be a minimum of five feet behind the front setback line and a street wall or opaque screen shall be provided at the right-of-way line or building setback line, whichever is further removed from the roadway. Such street wall or opaque screen shall not exceed four feet in height.

5. 2. Access.

- a. All development within the Zoning Overlay Districts shall provide joint and cross access as described in section 4.845.D., access management, LDR. Adjoining public or private parking lots must share ingress/egress points where feasible or legally permitted; and
- b. Public or private parking lots may be accessed from alleys provided the alleyways are constructed to County standards.

6. 3. Location and Design, generally

- a. In addition to compliance with section 3.264.G., parking areas shall be designed and located in accordance with section 3.264.B.2, development standards in zoning overlays; section 3.264.J., walls and fences; and section 3.264.I. landscaping. Parking lots shall be designed in accordance with the adopted landscaping requirements for the Rio Community Redevelopment Area.
- b. On-street parking along the street frontage of a development shall count 100 percent towards the parking requirements for that development.
- c.
  - e. On-site parking shall be located as provided in Table 3.264.2. A wall or hedge and landscaping shall be provided between the parking and the property line, consistent with Sec. 3.264.I.4.
  - b. Recreational vehicles, including but not limited to, motor homes, campers, travel trailers, personal watercraft, and other vessels, must be screened from view from any roadway, when stored on the property, except when stored in a rear alley.
  - f. There shall be a minimum ten-foot buffer between parking areas and adjacent residential uses, which lie outside the specific overlay district. This buffer may be inclusive of any alley.

7. 4. Joint use of off-street parking lots.

- a. Joint use of off-street parking lots is encouraged.; and
- b. Shared parking lots must be located within 500 feet of each use. These lots may be separated from the use(s) by a street, easement, or other right-of-way.; and
- c. Parking shared by different uses must provide be supported by evidence that peak parking demands of each use occur at different times of the day or days of the week. Section 4.626.B.2, Shared Parking, LDR, provides the methodology to support shared parking. Mixed-use developments, on a single parcel, which include a residential component do not have to meet this standard.

8. 5. Off-street loading. A minimum of one loading space must be provided for all buildings that receive or ship goods via semitrailer or trucks larger than 20 feet in length. The space shall not obstruct or otherwise hinder the movement of

~~vehicles and pedestrians, and shall be located so as not to be seen from the street. Non-residential development outside the Zoning Overlay Districts shall conform with 4.626.B.4., LDR, regarding the number of loading spaces.~~

9. 6. Approved parking surfaces.

- a. Residential-only development shall provide parking on a paved surface.
- b. Commercial, industrial, or mixed-use development shall provide the required number of parking spaces on paved surfaces; however, any overflow parking may be provided on a grassed surface.
- c. Civic uses may provide parking on grassed surfaces.
- d. Parking surfaces ~~prohibited by this Section~~ shall be brought up to the standards of this sub-section, no later than five years from the effective date of this section 3.264.

10. Parking or storage of boats and other recreational vehicles on residential lots. Section 3.201.C.2.h., LDR, shall apply in the Rio CRA, except that the parking or storage of a vehicle or equipment that exceeds 25 feet in length shall not be parked in a minimum front, side or rear setback.

**Sec. 3.264.D. H. Stormwater.**

A Master Stormwater Management Plan (Plan) will be developed for the Rio Community Redevelopment Area (CRA). The Plan will be based upon the most likely build-out scenario for the CRA. A cost estimate and joint stormwater management strategy will be developed based upon the Plan. In the interim, ~~Stormwater~~ management shall be as required by Article 4, Division 9, LDR Land Development Regulations, with the exception that parcels within a Zoning or Mixed-use Overlay the overlay areas may develop a stormwater management plan in conjunction with the adjacent properties.

**3.264.E. Landscaping.**

No certificate of occupancy or occupational license shall be granted for any use, structure or development within the Rio Community Redevelopment Area until all landscaping and buffering requirements as set forth in this section are met to the maximum extent possible, except for the following:

- ~~Remodeling not involving a substantial change in land use; or~~
- ~~Limited removal of understory vegetation for purposes of routine field survey work; or~~
- ~~Removal of exotic, dead or diseased vegetation.~~

1. ~~Required submittals.~~ Prior to the issuance of a building permit, a landscape plan shall be submitted to and approved by the Rio Neighborhood Advisory

~~Committee, following a recommendation from County staff. The required landscape plan shall be prepared by a qualified professional and indicate the location and type of all existing and proposed:~~

- ~~a. Property boundaries, rights-of-way and easements;~~
- ~~b. On-site and abutting land uses;~~
- ~~c. Buildings and structures;~~
- ~~d. Utilities, including septic drain fields;~~
- ~~e. Off-street parking and other vehicular use areas;~~
- ~~f. Surface water bodies and well fields;~~
- ~~g. Trees, landscaping and other vegetation to be preserved or removed;~~
- ~~h. Irrigation sources; and~~
- ~~i. Such other information as may be required, such as the location and acreage of all areas designated for development and preservation.~~

### **Sec. 3.264.I. Landscaping.**

#### **1. Applicability.**

- a. Except as provided in paragraph b, section 3.264.I. shall apply to all development within the Rio CRA that requires approval of a final site plan, pursuant to Article 10, Development Review Procedures, LDR, and all development that undergoes a substantial improvement of a building or substantial renovation of a building exterior, as such terms are defined in section 4.871.B., LDR.
- b. Construction or substantial renovation of a single-family or duplex residence shall require the planting of one tree per three thousand square feet of lot area (1 tree/3,000 sq. ft.), and those trees shall comply with the standards set forth in section 4.664., LDR. Single-family and duplex residences shall also comply with section 4.37, land clearing plans and procedures, LDR and section 4.664.A.3., removal of prohibited species. Single-family and duplex residences shall be exempt from all other requirements of section 3.264.I.
- c. No development order or building permit for any use, structure or development within the Rio CRA shall be issued until a landscape plan that complies with this sub-section to the maximum extent possible is approved. A certificate of occupancy shall not be granted for any use, structure or development until the requirements of this sub-section are met to the maximum extent possible.
- d. Whenever substantial improvement of a building or site or substantial renovation of building exterior triggers the obligation to comply with this sub-section, the Growth Management Director, may authorize incremental compliance with its requirements when the nature and scope of the existing

and proposed improvements make full compliance unreasonable. An application for alternative compliance shall not be required but the Growth Management Director may require that the proposal be presented to the Neighborhood Advisory Committee for review and comment.

- e. Unless expressly provided differently in this sub-section, the following sections of Article 4, Division 15, Landscaping, Buffering and Tree Protection, LDR, shall apply in the Rio CRA:

section 4.661.C., Glossary, LDR;

section 4.662. Application Requirements, LDR;

section 4.664. Landscape Material Standards, LDR;

section 4.665., Maintenance of required landscaping, LDR; and

section 4.668., Certification of compliance, LDR.

- 2. Landscape Plan. The landscape plan shall comply with section 4.662.A., Landscape Plan, LDR.

- 3. General requirements. The following minimum landscaping and tree planting requirements shall apply:

- a. b. All developments, except those in the Industrial District, shall provide at least one tree per thousand square feet of total site area. For purposes of determining the number of trees required, total site area This calculation shall excludes any required upland preserve area.

- b. Tree species and size.

(1) At least 75% of required trees shall be native species.

(2) Trees planted to meet the requirements for Roadways and Vehicle Use Areas shall be the size provided in section 3.264.I.4.

(3) Other required trees shall have a minimum height of 12 feet, with a four-foot clear trunk, and two-inch diameter at breast height (dbh), at the time of planting.

(4) Palm trees shall have a minimum height of 12 feet at the time of planting.

(5) Fruit trees shall have a minimum height of five feet at the time of planting.

- c. Trees planted in the adjacent right-of-way or other nearby public space shall be credited towards meeting the number of required trees. Any private use of the public right-of-way requires the approval of the County Engineer, a right-of-way use permit, a construction agreement, and an indemnification agreement.

- d. a. In mixed-use projects Open space, if required, may include impervious areas may be credited toward the required open space if designated as

landscaped community gathering spaces or any landscaped pedestrian environments such as planted courtyards or walkways. Ten percent of the open space requirement may be met by landscaping and permanently maintaining adjacent public space ~~, and permanently establishing the area as a pedestrian environment. Such space is to~~ shall be designated on the site plan.

- e. e. Landscaping in easements. Landscaping shall be permitted in easements only with the written permission of the easement holder. ~~A written agreement permission shall specify the party responsible for replacing restoring disturbed landscape areas, and shall be submitted to the County in a form acceptable to the County Attorney, and . Written permission to plant within easements shall be recorded in the public records, filed with the land records applicable to the site.~~
- f. d. Exposed dirt yards are prohibited.

4. 3. Roadways and Vehicular Use Areas and requirements. The following landscaping requirements shall apply ~~within~~ to vehicular use areas and along roads:

- a. Principal Roadways. Landscaping. The landscaping on SR 707 shall include native and non-native trees with a minimum height of 16 feet, with a four-foot clear trunk, and three-inch caliper diameter at breast height (dbh) at the time of planting, planted at a maximum of 30-foot intervals. ~~In the Along SR 707 Corridor, every other block shall be complemented with a bench and a garbage container. The landscape islands shall be have pervious open area sized appropriately to the maximum growth mature size of the tree.~~
- b. Any roadway other than SR 707 shall be planted with trees with a minimum height of 12 feet, with a four-foot clear trunk, and two-inch dbh at 30-foot intervals.
- c. Vehicle Use Areas. Perimeter landscaping. Landscaping shall be provided along the perimeter of vehicular use areas, ~~except vehicular use areas fronting on SR 707~~, in accordance with the following standards:
  - (1) The side of a vehicular use area fronting SR 707 shall be planted with trees at 30-foot intervals. The trees shall be 16 feet in height, with a 4-foot clear trunk, and 4-inch dbh at the time of planting.
  - (2) The side of a vehicle use area abutting a residential use or residential future land use designation that is not a part of the subject development shall be planted with trees with a minimum height of 16 feet, 4-foot clear trunk, and 4-inch dbh, at 25-foot intervals in a landscape area that is at least ten feet wide. A six-foot wall or hedge shall also be provided. The trees, landscaped buffer and the wall, fence or hedge may be reduced or eliminated with the written consent of the owner of the residential property, which shall be recorded in the public records.

(3) Any side of a vehicular use area not included in paragraph (1) or (2) shall be planted with trees minimum height of 12 feet, with a four-foot clear trunk, and two-inch dbh at 30-foot intervals.

(4) A wall, fence, or hedge shall be provided around all vehicle use areas. Between the vehicle use area and a road right-of-way, the wall, fence, or hedge shall not exceed 4 feet in height. For the remainder of the lot, it shall be no more than 6 feet in height. Walls and landscaping around parking areas shall provide pedestrian access every 50 linear feet. No wall, fence, or hedge is required along the side of a parking area that abuts another parking area.

(1) Native trees shall constitute 75 percent of the trees used; and

(2) Trees shall be a minimum of 12 feet in height, four-foot clear trunk, and two inches dbh at the time of planting, planted at a maximum of 50-foot intervals; and

(3) If a parking area abuts a residential property, trees with a minimum height of 16 feet, a four foot clear trunk, and three-inch caliper dbh at the time of planting, planted at a maximum of 30-foot intervals, shall be required; and

(4) Opaque hedge material, three feet tall at time of planting, may be used in lieu of an opaque wall or fence.

c. Visual barriers. A wall, fence, berm or other durable landscape barrier with a maximum height of three feet between the front of the building and the road right-of-way and six feet in height for the remainder of the lot shall be provided. Visual barriers shall provide a continuous solid visual screen along open areas adjacent to sidewalks except open courtyards, walks and driveways. Walls shall have a decorative cap. Walls and landscaping around parking areas shall have one pedestrian access through the buffer for every 50 linear feet in order to provide connection to adjacent development or sidewalks, if access is available.

d. Garden wall. The following material shall be permitted:

(1) Sand and stone blocks.

(2) Wood.

(3) Wrought iron.

(4) Picket.

(5) Coral rock.

e. Fences.

(1) Plain concrete block and/or barbed wire fences are prohibited along SR-707.

(2) Chain link fences.

- (a) Chain link fences are permitted in rear yards only.
- (b) In the Industrial area, chain link fencing may be used in any location, but must have vegetative screening on the outside of the fencing where visible from adjacent properties, or along any street frontage.
- (3) A maximum fence height of three feet between the front of a building and the road right of way is permitted. A maximum fence height of six feet is permitted for the remainder of the lot, and for all fencing within the Industrial area.

5. 4. Buffer requirements. To reduce potential incompatible relationships incompatibilities between adjacent land uses non-residential development and an abutting, existing residential use or residential future land use, a buffer fences, or hedges between various certain uses shall be required.

- a. A Six-foot fence, wall or landscaped screen, at least 6 feet in height, between a proposed nonresidential use and an existing residential uses or residential future land use shall be required unless both parties mutually agreed in writing to waive this requirement, which shall be recorded in the public records.
- b. No buffer is required between different components of a mixed-use development.
- b. Use of vegetative landscape screens. Where a hedge or vegetative landscape screens are installed in required areas, they is used, it shall be required to form a solid visual screen at the time of planting.
- c. Existing native vegetation may be used to satisfy screening requirements upon the approval of the Growth Management Department Director.

6. All dumpsters shall be screened from public view with walls and a gate that match the building or planted hedge.

5. Tree size. At the time of planting, all required trees shall meet the following minimum requirements:

- a. Along SR 707, landscaping shall include the planting of native and non-native trees with a minimum height of 16 feet, with a four foot clear trunk, and three-inch caliper diameter at breast height (dbh) at the time of planting; planted at a maximum of 30-foot intervals.
- b. Outside of the SR 707 corridor trees shall be a minimum height of 12 feet, with a four foot clear trunk, and two-inch caliper dbh, at the time of planting.
- c. Palm trees shall be a minimum height of 12 feet at the time of planting.
- d. Fruit trees shall be a minimum height of five feet at the time of planting.

6. ~~Tree species. At least 75 percent of all trees planted to satisfy the requirements of this section shall be native species.~~
7. ~~Hedges and shrubs. At the time of planting, hedges and shrubs shall have a minimum height of 24 inches, a minimum spread of ten inches and be spaced not less than 24 inches on center. Spacing may be increased if larger plants are used to create a full appearance among adjacent plants.~~
8. ~~Vines. Vines which have a minimum of three runners, 30 inches in length may be used in conjunction with fences, screens or walls to meet barrier requirements. If vines are used in conjunction with fences, screens or walls, their runners shall be attached in a way that encourages proper growth.~~
9. ~~Maintenance and protection of required landscaping. Encroachment into required landscaped areas by vehicles, boats, mobile homes or trailers shall not be permitted, and the following maintenance and protection measures shall be required:~~
  - a. ~~Required landscaped areas shall not be used for the storage or sale of materials, products or the parking of vehicles and equipment;~~
  - b. ~~Hatracking is not permitted; and~~
  - c. ~~Railroad ties shall not be considered an acceptable wheel stop.~~
10. ~~Construction periods. During periods of development and construction, the areas within the drip line of preserved trees shall be maintained at their original grade with pervious landscape material. Within these areas, there shall be:~~
  - a. ~~No trenching or cutting roots;~~
  - b. ~~No fill, compaction or removal of soil; and~~
  - c. ~~No use of concrete, paint, chemicals or other foreign substances.~~
11. ~~Installation and maintenance. All property owners shall be responsible for properly installing and maintaining required landscaping so that the landscaping is installed and maintained in a healthy, neat and orderly appearance; and is free of refuse and debris.~~
12. ~~Fences, walls, gates, and gate houses.~~
  - a. ~~Construction material for fences and walls must be architecturally compatible with surrounding buildings.~~
  - b. ~~Barbed wire may be used in conjunction with fencing only in the Industrial District. However, spire tips, or sharp objects are not permitted in conjunction with fencing anywhere within the Rio Community Redevelopment Area.~~
  - c. ~~The finished side of any fence must face outward.~~
13. ~~Location and height of fences and walls.~~

- a. ~~Fences and walls may be built at the street right-of-way or building setback line, provided the fence or wall does not interfere with the safe movement of pedestrians or vehicles; and~~
- b. ~~Fences or walls built at the street right-of-way or building setback line, may be built to a height of three feet.~~

**Sec. 3.264.J. Walls and Fences.** Walls and fences in the Rio CRA shall be governed by this sub-section and section 3.204.A., LDR.

1. Location. Fences and walls not exceeding the maximum heights provided in paragraph 3 may be located on the property line and are not subject to minimum zoning setbacks. Corner lots may be required to maintain certain minimum site-distance standards for vehicular safety.
2. Materials. Fences and walls shall be architecturally compatible with surrounding buildings.
  - a. Walls or fences shall be constructed of the following materials:
    - (1) Sand and stone blocks;
    - (2) Split-face masonry block;
    - (3) Coral rock;
    - (4) Wrought iron;
    - (5) Wood; or
    - (6) Painted stucco.
  - b. The finished side of a fence or wall shall face outwards.
  - c. Except for an industrial development, chain link fences are permitted in rear yards only.
  - d. For industrial development, chain link fencing and barbed wire used in conjunction with fencing may be used in any location, but must have vegetative screening on the outside of the fencing where visible from adjacent properties or along any street frontage.
3. Height.
  - a. Fences or walls located between a principal building and a street right-of-way shall not exceed three feet in height, except as provided in paragraphs b, c and d.
  - b. Walls between a vehicular use area and a street right-of-way shall be four feet in height, notwithstanding paragraph a.

- c. Fencing of a side yard for a single-family or duplex residential use that abuts a street right-of-way shall not exceed three feet in height from the front property line to a point parallel to the front façade of the residence. Side and rear yard fences may not exceed six feet for the remainder of the side yard.
- d. Other than as provided in paragraphs a and c, fences around a rear yard or a side yard shall not exceed six feet in height.
- e. A maximum fence height of 6 feet is permitted for all fencing for an industrial land use.

### **3.264.K. F. Sign regulations.**

Signage shall be as provided for in Article 4, Division 16, LDR Land Development Regulations, unless otherwise provided below. It shall be unlawful to erect, display or maintain any sign within the Rio CRA Redevelopment Overlay District that does not comply with the following standards and regulations. All signs which are legally permitted signs, as of the effective date of this section 3.264., shall be deemed conforming. Such signs shall be afforded the same maintenance privileges as new permitted signs, provided the square footage is not increased.

1. *Temporary signs.* Temporary signs are permitted, subject to compliance with the Florida Building Code and the following requirements:
  - a. Promotional, special event, grand opening and seasonal sales signs, provided that such signs are:
    - (1) Not over eight square feet in area; and
    - (2) No closer than ten feet to any right-of-way line; and
    - (3) Erected in such a way that they do not interfere with vehicular or pedestrian traffic; and
    - (4) Permitted for a period not to exceed 60 days for seasonal sales (such as Christmas tree sales) or for a period not to exceed 30 days for promotional sales and nonprofit activities;
    - (5) Removed immediately upon the expiration of the use or event for which they are granted; and
    - (6) Limited to one per each 100 feet of street frontage
  - b. Portable signs, such as sandwich board or A-frame signs, may be used on the premises or on the sidewalk directly in-front of the premises provided:
    - (1) The sign is placed indoors after business hours; and
    - (2) If placed on the sidewalk, the portable sign does not exceed 24 inches in width; and
    - (3) Is not placed streetward of the sidewalk.

- c. Banner signs may be erected for a temporary period, not to exceed 21 days. If hung over a right-of-way, they must comply with all applicable FDOT or Martin County regulations. Banner signs shall be used to advertise only redevelopment area events.
- 2. *Billboards.*
  - a. New billboards shall not be allowed in the Rio Community Redevelopment Area.
- 3. *Point of purchase signs.* The following point of purchase signs are permitted subject to compliance with the Florida Standard Building Code and the following requirements:
  - a. *Wall signs.*
    - (1) For front wall signs, a maximum square footage of 32 square feet per 50 feet of lineal frontage and a square footage equal to 80 percent of lineal frontage, if lineal frontage is less than 50 feet. For walls other than front walls one-half of the square footage for the front wall signs are permitted;
    - (2) The permitted size of wall signs shall be based on a percentage of the wall areas computed by the length times the height in the geometric figures which determine the actual area. The wall length shall be the building, or that portion occupied. The height of the wall for computation purposes shall not exceed 15 feet for one-story structures and 25 feet for two or more story structures. One wall shall be deemed the front wall. Other walls shall be figured on the basis of one-half of the amount allowable for the front wall. Individual signs may not be larger than 32 square feet.
    - (3) No wall sign shall cover wholly or partially any required wall opening.
    - (4) Murals are permitted, but may not contain advertising.
  - b. *Projecting signs.*
    - (1) No projecting sign shall have a sign area exceeding 50 percent of the permitted front wall area and in no case shall it exceed 50 percent of the front wall mounted sign area;
    - (2) Projecting signs may extend over the right-of-way (sidewalk). The maximum distance, measured perpendicular to the building is the sidewalk less two feet.
  - c. *Freestanding signs.*
    - (1) There shall be one freestanding sign per building or each 200 lineal feet of property frontage.
    - (2) The freestanding sign shall be a pedestal sign with a maximum square footage of 50 square feet per sign face.

- d. *Off-premises signs.*
  - (1) Off-premises signs shall be limited to directional signs or signs used for directory purposes.
  - (2) Off-premises signs shall not exceed two square feet for each tenant or property.
  - (3) The total maximum allowable size shall be 32 square feet;
- e. *Auxiliary signs.*
  - (1) Time-and-temperature devices are permitted in association with public service activities only. These signs may be freestanding, projecting or wall signs. Those devices with alternating messages shall display each such message for not less than ten seconds.
- f. *Window signs.*
  - (1) Window signs shall not exceed 20 percent of the window area.

4. *Compliance requirements.*

- a. Signs prohibited by this sub-section shall be removed immediately upon the effective date of this section.
- b. All legal nonconforming signs shall be removed or brought into compliance no later than five years from the effective date of this section.
- c. Any sign located within a public right-of-way shall be removed immediately, unless it is permitted elsewhere within this sub-section. The enforcing official is authorized to remove any sign not permitted in the right-of-way under this sub-section at such time as the sign is determined to be in noncompliance.

5. *Maintenance.* Signs shall be kept clean, painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings. Weeds shall be cut underneath and around the base of ground signs and no rubbish or debris shall be permitted that would constitute a fire hazard or be detrimental to the public health and safety. All signs shall be maintained in a manner which will withstand hurricane wind load requirements.

6. *Permits required.* Signs shall not be erected, constructed, altered or maintained except as provided in section 3.264.F until a permit for same has been issued and the applicable fee paid. A sign permit shall become null and void and the fee forfeited, unless work on the permitted sign is substantially under way within six months after the effective date of the permit.

**3.264.G. Outbuildings.**

1. Accessory uses, including, but not limited to, the following, shall be permitted:
  - a. Pavilions and arbors.
  - b. Detached garages and carports.
  - c. Garage apartments.
  - d. Guest houses and studios.
  - e. Workshops and tool houses.
  - f. Greenhouse and slat houses.
  - g. Pools and equipment houses.
  - h. Pump house.

**Sec. 3.264.H. Miscellaneous provisions.**

1. Exterior lighting shall be shielded to prevent any light trespass onto adjoining property.
2. Painting of structures and repairs.
  - a. All exterior surfaces of buildings within the Rio Redevelopment Overlay District shall be painted, except when constructed with materials not normally painted, including, but not limited to, such surfaces as vinyl siding or brick.
  - b. Any repairs to the exterior of any building must be painted to match the balance of the structure.
3. If a structure is boarded-up for any reason, the boarding material must be, at a minimum, exterior grade plywood. If exterior grade plywood is used, it must be painted to match the balance of the structure.
4. Unfinished construction projects.
  - a. Unfinished construction projects that have an expired building permit shall have 90 days to reinstate the building permit for the project.
  - b. Owners of unfinished construction projects that have failed to reinstate an expired building permit must remove any unfinished improvements immediately.

**3.264.I. Architectural design.** Architectural design for the Rio zoning overlay districts shall be as set forth in the Design Regulations for Rio.

## **PART 2: APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable throughout the unincorporated area of Martin County

## **PART 3: CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this ordinance to the extent of such conflict, except for ordinances concerning either adoption or amendment of the Comprehensive Growth Management Plan.

## **PART 4: SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

## **PART 5: FILING WITH THE DEPARTMENT OF STATE.**

The clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of state via electronic transmission.

## **PART 6: CODIFICATION.**

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

## **PART 7: EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Office of Secretary of State. Notwithstanding such effective date, applications for building permits that were submitted prior to the effective date of this ordinance may be approved if consistent with Section 3.264., LDR, as provided prior to amendment by this Ordinance.

PASSED AND DULY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

BOARD OF COUNTY  
COMMISSIONERS,  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN, CLERK  
OF THE CIRCUIT COURT  
AND COMPTROLLER

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EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

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ELIZABETH V. LENIHAN  
ASSISTANT COUNTY ATTORNEY

DRAFT  
This document is subject to revision and does not represent  
the official policy or position of Martin County.