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

**ORDINANCE NUMBER**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, CREATING DIVISION 3, RIO COMMUNITY REDEVELOPMENT CODE OF ARTICLE 12, REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; REPEALING SECTION 3.264, RIO COMMUNITY REDEVELOPMENT AREA; AMENDING THE ZONING ATLAS TO ASSIGN THE RIO REDEVELOPMENT ZONING DISTRICT; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners (BCC) 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, on September 10, 2019, the Board of County Commissioners adopted a new chapter of the Comprehensive Growth Management Plan, Chapter 18, Community Redevelopment Element; and

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

WHEREAS, creation of Article 12, Redevelopment Code, Land Development Regulations has been proposed to implement Chapter 18 of the Comprehensive Growth Management Plan; and

WHEREAS, Article 12, Redevelopment Code, Division 1, General, Land Development Regulations, was adopted by the Board of County Commissioners on September 24, 2019; and

WHEREAS, on October 3, 2019, the Local Planning Agency held public hearings on the proposed adoption of Article 12, Division 3, Rio Community Redevelopment Code, and the proposed amendment of the Zoning Atlas regarding the Rio Community Redevelopment Area; and

WHEREAS, on November 12, 2019, the Board of County Commissioners held a public hearing on the proposed amendment of the Land Development Regulations to create Article 12, Division 3, Rio Community Redevelopment Code; and

WHEREAS, on December 17, 2019, the Board of County Commissioners held a public hearing on the proposed amendment of the Land Development Regulations and the proposed amendment of the Zoning Atlas regarding the Rio Community Redevelopment Area; and

WHEREAS, the Local Planning Agency and the Board of County Commissioners have provided for full public participation in the review of the proposed amendments of the Land Development Regulations and the Zoning Atlas; 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 I: ADOPTION OF DIVISION 3, RIO COMMUNITY REDEVELOPMENT CODE, ARTICLE 12, REDEVELOPMENT, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE**

Division 3, Rio Community Redevelopment Code, of Article 12, Redevelopment, Land Development Regulations, Martin County Code, attached hereto as Exhibit A, is hereby adopted.

**PART II. REPEAL OF SECTION 3.264, RIO COMMUNITY REDEVELOPMENT AREA, ARTICLE 3, DIVISION 6, REDEVELOPMENT OVERLAY DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE**

The entirety of Section 3.264, Rio Community Redevelopment Area, Land Development Regulations, Martin County Code, is hereby repealed.

**PART III. AMENDMENT OF MARTIN COUNTY ZONING ATLAS**

A. The Zoning Atlas is hereby amended to change the zoning district classification to the Rio Redevelopment Zoning District for the property described in Exhibit B, attached hereto. The change in the zoning district classification also eliminates the Rio Industrial, Western, Eastern and Town Center Zoning Overlay Districts.

B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County Code, this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.

C. Pursuant to Section 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County Code, regarding preliminary development approvals, the land that is the subject of this amendment of the Zoning Atlas is subject to a determination of level of service capacity at final site plan approval and no rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by this Board.

#### **PART IV. CONFLICTING PROVISIONS.**

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

#### **PART V. 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 the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

#### **PART VI. APPLICABILITY OF ORDINANCE.**

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

#### **PART VII. FILING WITH DEPARTMENT OF STATE.**

The Clerk be and hereby is 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 VIII: 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 IX. EFFECTIVE DATE.**

- A. The effective date of this ordinance, if Comprehensive Plan Amendment CPA 19-23, RIO FLUM, is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If CPA 19-23, Rio FLUM, is timely challenged, this amendment shall become effective

on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of an ordinance affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

- B. Notwithstanding such effective date, applications for development orders that were submitted prior to the effective date of this ordinance may be approved if the development orders are consistent with Section 3.264, Rio Community Redevelopment Area, Land Development Regulations, Martin County Code, which was in effect prior to the effective date of this ordinance.

**DULY PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF DECEMBER, 2019.**

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**BY: \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER**

**BY: \_\_\_\_\_  
HAROLD E. JENKINS, II  
CHAIRMAN**

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY**

**BY: \_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY**

**Exhibit A**

**Article 12, Division 3, Rio Community Redevelopment Code**

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## **Exhibit B**

### **Legal description of the Rio Redevelopment Zoning District**

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