MARTIN COUNTY, FLORIDA
Development Review Division

Amendments to Article 3, Zoning Districts.

Project	1. Amend Article 3, Land Development Regulations, Martin County Code (LDR)
Staff	Peter Walden, AICP, Principal Planner
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A. Why amend Article 3, Zoning Districts

Centerline setbacks have been a part of Martin County land development regulations since the first zoning codes were adopted. Even though zoning codes established minimum criteria for development, centerline setbacks were instituted as well to protect against the future needs of roadways and right-of-way expansion. Centerline setbacks were not just established for major thoroughfares and highways such as US-1 and other state roads but were applied to all roads in all types of neighborhoods aside from the zoning district designations.

Today, Martin County has several resources to plan for the future needs of road related transportation. The Martin Metropolitan Planning Organization (MPO) develops long range transportation plansin conjunction with state and federal authorities. The County Engineer and Public Works staff utilize this resource along with local knowledge of utilities and infrastructure to determine any additional right-of-way requirements. In other words, we have the tools to forecast with certainty what roads may or can be widened in the future.

Many areas of Martin County have established residential communities with confined road networks that have little chance of being expanded in the future. Some of these roads are classified as minor or major collectors that require additional right-of-way setbacks even though historical development may have been established by zoning district codes that allowed homes to be within the required centerline setbacks. Today as infill properties are being developed in these established neighborhoods, prospective builders and homeowners are finding they cannot build to the existing setbacks afforded to prior development, but rather must seek relief from centerline setbacks that are more stringent than the existing zoning codes and patterns of development.

The Board of Zoning Adjustment (BOZA) is normally tasked with granting variances for individuals that need relief from zoning codes due to extenuating circumstances. However, centerline setbacks are not covered in BOZA's purview in all cases. While the Board may have this jurisdiction in some districts they will usually defer to Public Works for information regarding the need for the extra setback. In most cases, the centerline setbacks add unnecessary hardship, encumbering lot owners with unneeded and sometimes unforeseen restrictions.

B. Background

Local zoning codes were first adopted in 1967. As zoning codes were being developed, counties looked to existing and future development to craft regulations to protect public interests. As development progressed, busier roads causing the need for additional infrastructure was identified and rules were applied that protected rights of way for future expansion.

Many areas of the country rely on expanding rights of way in order to accommodate more development. Martin County does not have the development pressures on the existing infrastructure that other areas undergo.

Martin County has many established neighborhoods with a defined infrastructure that will not need to be expanded in the foreseeable future. Although some right of way requirements call for additional space to accommodate future expansion, the need may not ever exist for that area to expand.

Most of the developed residential areas in Martin County edhered to the early zoning codes found in the County land development regulations. As development progressed some interior roads were reclassified and therefore required larger right of way setbacks, even though the existing development may not have met these new requirements. Today some right of way setbacks infer on the adjacent parcels greater requirements than can be met and still have a viable building area. In these cases relief is often sought via the Board of Zoning Adjustment (BOZA). Residents often need to apply and pay for variances that provide the relief needed to be able to construct or modify dwellings.

Code is already in place to exempt residents from regulations adjacent to private right of ways platted prior to April 29, 1986. The proposed text amendment would add public right of ways to that exemption therefore eliminating the restrictions on older platted right of ways that will not need expansion. Residents will still need to adhere to all zoning codes in place or seek variance relief from those codes in case of hardships. And the fact remains that even if someone applied and paid for a variance for right of way setback relief, this does not garuantee that future expansion of the right of way could not happen.

C. Amendment to the text of Article 3, Zoning Districts

The revised text in the land development regulations is as follows: strikethrough text is deleted and underlined text is added.

Sec. 3.16.C. Centerline Setbacks.

Sec. 3.16.C.2 Exceptions. The following shall not be subject to the above-described centerline setbacks.

a. Structures associated with a public utility.

b. Structures on lots within the RT and TP districts abutting local streets.

c. Structures on lots abutting <u>public or</u> private ~~streets~~ <u>right-of-way</u> platted prior to April 29, 1986.

Generally speaking the proposed modification to Article 3, Section 3.16 will have the following impacts:

- On sites with a Category “A” zoning district there will be no change in setbacks as stated in Table 3.12.2 sructure setbacks. Category "A" zoning districts would not be affected at all as they would be platted after the affective date of April 29, 1986.

- On sites with Category “B” zoning districts there will be change. In neighborhoods that were platted prior to April 29, 1986 only the zoning setbacks will apply regardless of the right-of way status (public or private). However, category "B" zoning districts that flip the front setbacks to the rear because they back to waterbodies will still require the front setbacks meet the applicable centerline setbacks as per notes to Table 3.12.2.

- The proposed text amendment will have no affect on Category "C" zoning districts.

Staff recommends amending Section 3.16.C.2.c to add the exemption of platted public right-of-ways in order to make the development code easier to understand and apply and to be more consistent with existing development. Please see the attached draft ordinance with proposed changes.

Staff recommends approval of the proposed changes to Article 3, Zoning Districts.

E. Attachments

Draft Ordinance