

Englewood Community Redevelopment Area RCTOD Committee

Members: Todd Tracy, Evelyn Dales, John Munn, Nancy McCune, Brian Matthews

Residential/Commercial Transition Overlay District (RCTOD)

Purpose and intent, language from Article 7, Special Zoning District.

The Residential/Commercial Transition Overlay (RCTOD), District (formerly the "Arts and Office Overlay District") is intended to further the goals, objectives and policies of the Comprehensive Plan relating to development and redevelopment of areas identified for the activities outlined below, and developed consistent with, and a part of, an adopted County-initiated planning study which establishes the boundaries for the overlay area.

This district is intended to encourage activities such as home-based office, art gallery, artist studio, and bed and breakfast establishments, as well as low-intensity office, professional and institutional uses. The adopted standards are designed to permit and encourage the coordinated development of mixed land uses and activities in a concentrated area to attract both residents and visitors. Internal sidewalks and pathways are encouraged between separate activities or establishments. The mixed-use component will allow office spaces in residences and residential dwellings above or behind shops.

This district is intended to create a stable edge along the boundaries of an existing commercial area by encouraging the preservation and enhancement of existing housing, including historic structures, and by allowing the provision of new housing, office, galleries, studios, and bed and breakfasts. To achieve this intent, existing zoning standards are modified for the purpose of encouraging property owners to redevelop existing housing or develop new housing to create a unique mixed-use district. Where a RCTOD provision differs or conflicts with other provisions of the zoning ordinance, the RCTOD provisions shall govern.

Site design and compatibility controls are provided to ensure that the physical and operational characteristics of proposed development are compatible when considered within the context of the surrounding areas and uses.

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Opening Statement from the RCTOD Committee:

Very few of us can remember what Englewood was like prior to the twenty years of improvements by Englewood's Community Redevelopment Area Advisory Board, the (CRA). In ten more years, the CRA will likely be forgotten and its accomplishments absorbed by their familiarity. While parking lots, piers, memorials, plazas and street scaping help support visitors, they seldom are the attractions people remember and share with others.

Think of St. Augustine. It has similar beaches, bays, history, restaurants and retail but what is the real attraction that visitors remember? Their walking arts district. The blocks of funky old converted housing that offers the public a wide variety of goods and services. It has parking, shady sitting areas, restrooms, lighting, courtyards, one-way streets, mixed use zoning, public and private activities.

Englewood has a similar walking arts district potential within the Residential Commercial Transition Overlay District (RCTOD). If the CRA focused some of its developmental attention to the RCTOD, it could become a major community asset that would inspire the economic expansion our downtown needs.

Tourism loves small towns with blocks of funky and interesting residentially based goods and services. But despite the RCTOD zoning being in place for approximately 12 years as of this writing, only a handful of properties have taken advantage of zoning overlay.

The question is why? The answers are many.

Fundamentally the committee believes that the RCTOD list of "approved" uses is the biggest flaw in the overlay. Governments should not impose limits on the public's creativity. Instead, and with a lot less effort, the CRA could generate a list of reasonable "dis-approvals" and let the free market flow in the years ahead.

Another major issue within the RCTOD is the lack of regulatory continuity. Over the years there have been too many interpretations of what the RCTOD zoning is and how to use it. There needs to be one clear reference source for the RCTOD zoning information. That reference source should include a RCTOD Owner / User's Bill of Rights and how to appeal local governmental decisions.

The committee also suggests that the CRA create a pamphlet, printed and available in a PDF format, that specifically addresses the RCTOD overlay. The content should include the concerns of the previous paragraph and reference known "triggering" property improvements that could incur additional governmental compliance cost or restrictions; (50% rule, ADA compliance, etc.)

Too few residents, artisans, retiring artists, performers, craftsmen, even investors know about the exiting potential that our RCTOD zoning offers. With the help of the CRA, our community can change that.

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Committee Concerns and Suggestions:

The committee suggests the following RCTOD Zoning Overlay improvements:

“Allowed Uses” needs to be replaced with a reasonable list of dis-allowed uses similar to the MSOD. Outdoor Entertainment - Outdoor Display – Outdoor Sales – Signage – Studios for Artists – Homebased Businesses – Health Club or Spa – TUP restrictions – Live In – Boundaries. All need to be debated and agreeably updated.

The committee accepts the following RCTOD allowed uses:

Bed and Breakfast - Low Intensity Office Uses - Community Service Uses - Stores Selling Art Theater for Live Stage Productions, within a full enclosed building - Stores Selling Antiques Studios for Artists - Health Club or Spa - Gymnastic Facility - Hair or Nail Personal Care Services, 250 sf. or less, 2 stations - Professional and Institutional Uses

Committee Considerations:

Outdoor Entertainment:

Other zonings overlays allow permitted “Outdoor Entertainment” but it’s not noted as a “use” within the RCTOD. Outdoor entertainment is currently allowed under the MSOD with qualifiers.

Some of the most successful business and non-profits in Englewood offer live music or organized outdoor activates to attract and entertain the public. During the season hosting events is critical to small business and non-profits financial survival. Allowing organizations or small businesses within the RCTOD to host outdoor events with lower costs and fewer restrictions, is necessary.

Concerns:

Allowing every small parcel owner within the RCTOD to host outdoor activities, even within reasonable limits, could become a quality of life issue for their neighbors. An additional concern is that “mom & pop” gallery owners should not have to permit every small promotional gathering or activity. Building an annual community will require more than seasonal permit flexibility.

Possible Solution:

Allow larger naturally buffered RCTOD parcels expanded Outdoor Activity rights.
Allow outdoor activities on Friday’s, Saturdays, holidays and during Dearborn Street activities.
Temporary Use Permits, (TUP’s) could allow the four annual permits to be used at any time.
TUP requirements within the RCTOD could be eliminated.

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Outdoor Display:

Outdoor displays are very effective tools for small businesses. An annual Temporary Use Permit (TUP), for outdoor displays of merchandise is currently allowed in the MSOD overlay which is primarily commercially zoned properties.

Concerns:

No one wants a neighborhood full of goods on display. However, if the community is serious about supporting a walking arts district then some outdoor display of merchandise accommodation needs to be allowed. Outdoor “merchandise” can be as non-invasive as artwork displayed outdoors during an open house.

Possible Solution:

Limit merchandise displays like the MSOD did. Restrict lighting, insist on display mobility, limit hours of display, etc.

Allow outdoor merchandise to Friday’s, Saturdays, holidays and during Dearborn Street activities.

Allow an annual outdoor display TUP, similar to the MSOD zoning district.

Outdoor Sales:

Currently the RCTOD allows Outdoor Sales but it cannot be visible from the Right-of-Way. That includes storage and preparation items as well. The committee feels this is too limiting.

Outdoor Sales are important for casual shoppers. Outdoor Sales are currently allowed within the MSOD district with some restrictions. Display examples are available from the CRA and could easily be incorporated into the RCTOD.

Concerns:

No one wants a neighborhood full of goods on display with a cash register nearby. However, walking arts districts typically have priced merchandise displayed outdoors to attract customers. Again, if we follow the MSOD district guidelines for Outdoor Displays it should control any negative visual clutter.

Possible Solution:

Consider MSOD standards. Restrict lighting, insist on mobility, limit hours of display, etc.

Allow outdoor sales to Friday’s, Saturdays, holidays and during Dearborn Street activities.

Require an annual outdoor sales TUP.

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Signage:

Outdoor Entertainment, Display, and Sales are dependent on signage. Currently there are no RCTOD signage standards to reference, only general County rules which are rigorous and expensive. The committee would like to see some sort of signage allowances within the RCTOD established.

Concerns:

No one wants a neighborhood full of signs, temporary or permanent, but some sort of affordable small business or artesian accommodation needs to be considered.

Possible Solutions:

Scale, location, size limits, restricted use of lighting, mobility requirements, limit hours of display, etc. Allow temporary signage on Friday's, Saturdays, holidays and during Dearborn Street activities.

Studios for Artists:

Studios for Artists are defined in the RCTOD as: Designers, photographers, musicians, dancers, sculpture, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry, and similar uses.

Concerns:

This narrow list of "allowed uses" for Studio's seem shortsighted at best. We have no idea what the future consumer will embrace, much less demand. If the goal is to inspire creativity and expand interests in both consumers and RCTOD ownership, then establishing limits is counterproductive.

Possible Solution:

The committee suggests that a reasonable list of "not allowed" uses be considered as found in the MSOD.

Home Based Offices:

This "use" is commonly assumed and used regardless of governmental zonings.

"Home Based Offices" was going to be allowed in the proposed LOAO, it is not allowed in the RCTOD. "Low Intensity Office Uses" is allowed in the RCTOD.

Possible Solution:

Combine, re-define and allow both within the RCTOD.

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Health Club or Spa:

Massage Therapy services are licensed health and wellness activities that generate far less traffic than most of the “approved” RCTOD activities and they are easy businesses to accommodate from within a residentially property. Currently massage therapy services within the RCTOD operate under the vaguely defined RCTOD use of “Health Club or Spa”.

Concerns:

It has been suggested that “Spa” services be removed from the RCTOD. The committee feels that there are dozens of positive spa uses that would benefit the community, such as healing art services, wellness coaching, counseling, therapy services, etc. These and many more would require very little investment, have minor traffic impacts and offer a larger variety of health and fitness services to the community.

Possible Solution:

Restrict the number of daily clients.

Limited service industry operational hours.

Allow only licensed or certified “spa” activities.

Retain the Spa services use within the RCOTD but clearly define undesirable spa services.

Temporary Use Permits, (TUP):

This is an unresolved community limitation that must be corrected. Sarasota County issues TUP’s for outdoor activities only four times a year. Those four times are limited to one TUP per quarter. If a commercial or RCTOD property owner wanted to host a permitted monthly event during Englewood’s season, it is currently impossible.

The commercially zoned property restrictions are bad enough, but the TUP limitations on the RCTOD zoned arts district are unacceptable. Two of the common triggers for a TUP permit are advertising and fees which brings to question, is the personal and free promotional use of social media for an event consider advertising and are donations considered fees? Both need to be clearly defined and legally referenced before any TUP requirement based on the two, be imposed on the RCTOD district owners / users.

Concerns:

If everyone within the RCTOD had unlimited TUP privileges the walking arts district could become a multi-block garage sale district. If that happened the overall quality of residential life within the RCTOD neighborhoods could quickly become diminished.

Possible Solution:

Do not require a TUP on Friday’s, Saturdays, holidays and during Dearborn Street activities.

The creation of a seasonal TUP permit could be considered but annual activity is important.

TUP permits could allow the four permitted events to be used at any time, instead of quarterly.

TUP requirements for modestly scaled events within the RCTOD could be eliminated.

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Live In:

Only one zoning overlay even considered requiring a “live in” element; the LOAOD. The legalities of that requirement were never challenged or resolved. To avoid that conflict, it is the committee’s opinion that no Live-In requirement be imposed on the RCTOD.

Concerns:

The Live-In requirement was considered to protect neighborhoods from becoming business centers open 9-5. The fear was that investors would purchase the RCTOD zoned homes as rental investments and neighborhoods would turn into business centers. In twenty years, that hasn’t happened.

Another fear was that if a large percentage of the RCTOD homes were vacated at the end of a business day neighborhoods would suffer. But if you consider the seasonal nature of our downtown, a large percentage of homes are vacant for months annually yet there is very little negative impact.

This issue is very debatable, the committee recognizes that. However, there are some very serious underlying private property issues that have yet to be resolved. Until they are, the committee should not recommend a “Live-In” requirement be imposed on RCTOD property owners.

Possible Solutions:

I’m not sure there is one and consider this:

If a Live-In requirement was imposed, then who’s going to police and enforce it?

What happens if an Englewood resident buys a RCTOD property for their small business use?

What about the Bert J. Harris, Jr., Private Property Rights Protection Act, Fl. statute (**s. 70.001**)

Live in is not an RCTOD requirement now.

RCTOD Boundary Expansion:

There are currently dozens of interesting properties in the downtown area that are not included in the RCTOD overlay. The committee is suggesting that the CRA ask the public to identify individual parcels that would be beneficial to the community as RCTOD sites.

The committee is also suggesting that the CRA consider inviting highly visible corridors into the RCTOD overlay so that even a modest targeted investment of improvements and promotional dollars will be noticed. The parcels along Old Englewood Road, up to the Artists Ave., are naturally buffered, mixed zonings, oversized and highly visibility. Most of them would make excellent small business locations in the future.

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Closing Statements from the Committee:

John R. Munn

With America transitioning into a gig economy, small business makes up the majority of new businesses. Olde Englewood Village is a classic case of where this new business model could thrive, unburdened by the historical restrictions that the old economy and ways of thinking about business left us.

People are now attracted to small businesses that are anti-franchise in presentation. As we have seen with the decline in mall patronage and demolition of these monolithic retailers, America is headed back to the small mom-and-pop operation.

The unique experience in retail service and product is now more mainstream than ever. Our community is poised and ready to fill that need, but we need fewer binding restrictions to allow our creative flow to fill this new need of consumers.

Just look at several examples of successful artists-based community commercial districts: Asheville North Carolina, St Augustine Florida and Austin Texas. These are communities that took what they did best and raised it to a new level. They saw that franchises we're not the way to go, but the more personal and unique atmosphere created for the consumer was more desirable than the cookie cutter franchise model that is available on every corner in America today.

To sum it up, we are looking to be funky, unique, different and quaint. So, when you walk up to and enter one of our businesses, you get the feel like you're in the comfort of someone's home. So home based businesses and live-work spaces go hand-in-hand with this new business model, the new American business model.

Nancy McCune:

Let me introduce myself...I am Nancy McCune, veteran of big cities and happy to be in this unique, funky, friendly village.

The RCTOD zoning district was developed twelve years ago but to my investigation has been very lightly used. Seems it was almost before its time! Now with the remodeling of our economy it is time to dust this off and revamp it so that it meets the new/old economy need for in-home/work-at-home business.

I believe that we can do this with the changes that this committee has proposed. What we have proposed will have minimal impact on those who do not choose to make use of it and major changes for those who do. As in everything, change is difficult for many and we have kept that in mind in the changes which we have proposed.

We are all aware that the mega mall concept and even much of the smaller malls are fast going extinct. Things change despite our aversion to it and we can choose to move forward or be left in the dust.

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We have a unique starting position...we are not overrun with chain business so attracting small, single owner business does not have that hurdle to cross. As the internet expands small business the need for the large chain store is shrinking rapidly.

We can expand our attraction of home-based business and thereby expand our year-round population so that our commercial district is able to thrive. We can maintain our funky coastal atmosphere and create benefit to existing business.

The changes that we have outlined will do that...a win for everyone.

Evelyn Dales:

In 2010, I purchased a property in the Residential Commercial Transition Overlay District (RCTOD), to use as a group pottery and gallery. Although the zoning district had been in existence since 2007, I believe I was the first to use it.

From the beginning the RCTOD was confusing and difficult because no single employee or department of the County had a clear understanding of the Overlay. In the Sarasota County Unified Development Code (UDC), the description and the intention behind the RCTOD arts overlay district is well stated but in practice, it remains challenging.

Recently the RCTOD sub-committee of the Englewood Community Redevelopment Area (CRA), was formed to address and improve the zoning overlay. I eagerly joined because after 12 years, my project, The Open Studio, which now includes 3 adjacent parcels, and one fellow owner of a nearby property seems to be the only operating examples of what I expected to be a thriving Art's District in Englewood Downtown.

After years of reflection and community conversations, I fully support the findings and conclusions of the committee because the RCTOD, despite years of good intentions, remains under promoted, misunderstood, ill-defined and inconsistently interpreted by governmental agencies. In fact, the majority of people who do know about the zoning opportunities only know of them because of their association with The Open Studio.

It is my hope that the commonsense suggestions of the committee are embraced and implemented by the CRA and the County Commission, so that the RCTOD can function as intended.

Englewood's tourism faces enormous competitive pressures. Our single street downtown simply can't compete with the expansive communities that are rapidly growing nearby. To survive, rules must be updated, bent, even broken so even modest investments from artists and craftsmen around the nation can help us develop a vibrant walking arts district unique to our County and endlessly inviting to the public.

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Todd Tracy:

Over the years I've seen visionary planning full of good intention, like the RCTOD Overlay, fall victim to Sarasota County's complex and often difficult to implement rules. Despite Englewood's exciting overlay with its attractive list of allowed uses, too few property owners within the zoning district have known about their opportunities much less survived their attempts to open and operate a small business.

Even if every suggestion from the committee is implemented the RCTOD's zoning district will still face the daunting task of transitioning a residential neighborhood full of seasonal or retired residents into a welcoming walking arts district. The districts lack of connectivity to Dearborn Streets promotions, lighting, sidewalks and parking will remain a challenge to what promises to be one of Englewood's largest economic attractors in the future, our downtown walking arts district.

I'd like to repeat some of the committees opening statements:

Fundamentally the committee believes that the RCTOD list of "approved" uses is the biggest flaw in the overlay. Governments should not impose limits on the public's creativity. Instead, and with a lot less effort, the CRA could generate a list of reasonable "dis-approvals" and let the free market flow in the years ahead.

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If the Englewood CRA, and the County Commission is serious about supporting what promises to be a future competitive edge for Englewood's downtown, then please don't accept bureaucratic defeatism, instead boldly demand and embrace the necessary personal and property freedoms that will empower small artisans to invest and prosper in what will be...undoubtedly...an amazing legacy for us all.

Supporting quotes from the Englewood CRA undated plan.

Page 52: "Increase intensity and mix of uses in the Redevelopment Area where appropriate." "Provide a variety of facilities and services to address the community's needs."

Page 73: "...serving as a partner to all public and private groups working for positive change by promoting and facilitating an attractive environment for redevelopment."

Page 140: "Art Colonies are economic development generators for large and small communities around the United States."

Page 141: "Work with local artists and organizations to develop plans for the arts district and incubator."

Page 146: "Project Participants...OEVA, The Open Studio, AALB..."

Page 153: "Make physical, economic and social connections between Downtown and the surrounding areas."

Page 161: "Support Cottage Industries and Home-Based Business...offer services for business incubators for small growing operations that eventually may relocate to established commercial and industrial districts without a great deal of recruitment effort by the community"