

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

ORDINANCE NUMBER

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, AMENDING DIVISION 6, SITE DEVELOPMENT STANDARDS, ARTICLE 11, PLANNED MIXED-USE VILLAGE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, REGARDING EXCAVATION STANDARDS; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE; AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida, is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, the Board of County Commissioners has adopted the Martin County Comprehensive Growth Management Plan (CGMP) within which are included goals, objectives, and policies related to the process for review and approval of certain development applications; 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, this proposed amendment adds clarity and includes compliance monitoring provisions for excavation within the Planned Mixed-Use Village Zoning District; and

WHEREAS, this proposed amendment to Article 11 of the Land Development Regulations, Martin County Code, has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

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

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

PART I. DIVISION 6, SITE DEVELOPMENT STANDARDS, ARTICLE 11, PLANNED MIXED-USE VILLAGE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE IS AMENDED AS FOLLOWS:

Sec. 11.6.9. Excavation Standards.

1. Minimum distance from rights-of-way. No excavation that creates an open body of water shall be allowed within 50 feet of any road right-of-way as measured from the water control elevation of the open body of water.
2. Minimum distance from property lines. No excavation that creates an open body of water shall be allowed within 50 feet of any property line as measured from the water control elevation of the open body of water.
3. Minimum distance from wetlands. Excavation that creates an open body of water near wetlands shall be designed and operated such that the natural hydroperiod of wetlands shall not be altered, and wetlands shall be protected from siltation and eutrophication. See divisions 1 and 2 of Article 4 - Site Development Standards for additional requirements.
4. Minimum distance from wells and septic systems. No excavation that creates an open body of water shall be allowed within 75 feet of an existing well or septic system measured from the water control elevation of the open body of water.
5. Maximum depth. The depth of an open body of water shall not exceed 40 feet as measured from the water control elevation to the bottom, and the bottom shall be a minimum of 30 feet above the confining unit of the Upper Floridan Aquifer (Hawthorn Group). Material excavated below a depth of 15 feet shall be restricted to Sand as classified by the American Society of Testing and Materials (ASTM) Soil Classification System (ASTM D-2487). A Geotechnical Report shall be submitted with any application for excavation greater than 15 feet deep. It shall be signed and sealed by a professional engineer or professional geologist licensed in the State of Florida qualified to provide the required information and shall contain the following information:
 - a. Sampling. Geological and hydrological assessments shall be based on soil sampling to a minimum depth of 50 feet or at least ten feet below the proposed excavation depth, and at least one per every acre of the proposed open body of water. Samples will be collected on minimum five-foot intervals for sieve analysis testing.

- i. At least one soil sample shall be drilled to at least 70 feet to demonstrate that the proposed excavation depth will be a minimum of 30 feet above the confining unit of the Upper Floridan Aquifer (Hawthorn Group).
 - ii. At least one soil sample shall be drilled using the Standard Penetration Test (SPT) method to verify that the maximum side slopes identified in section 11.6.9.6 can be achieved and maintained.
 - b. Lithologic descriptions. Lithologic descriptions (description of materials from the drilling samples, i.e., sand, clay, limestone, etc.) shall be provided for each soil sample to demonstrate the nature of the sediment encountered in the drilling samples.
 - c. Sieve analyses. The results of the sieve analysis for each soil boring shall be provided to demonstrate that material proposed to be excavated is sand.
 - d. Water Quality. Groundwater samples shall be collected from a minimum of two on-site monitoring wells at the surface and the maximum depth of the proposed excavation and shall be sampled for chlorides and total dissolved solids. The presence of chlorides shall be lower than 250 mg/l, and the presence of total dissolved solids shall be less than 920 mg/l. The results will set the background water quality, which meets the required minimum standards, and will act as the compliance standard to ensure that there is no degradation of water quality at the site.
 - e. Certification. Certification must be provided by a professional engineer or professional geologist licensed in the State of Florida qualified to provide the required information that certifies the water quality of the aquifers and surrounding wells will not be impacted. Such certification shall be supported by geological and hydrological assessments that fully demonstrate the subsurface soils and groundwater conditions and fully demonstrate the proximity to the subsurface aquifers and confining layers.
- 6. Maximum side slopes. The depth of an open body of water shall not exceed one foot vertical to four feet horizontal from the top of bank to a depth of three feet below the control elevation. Below the depth of three feet from the water control elevation, the excavation shall not exceed one foot vertical to two feet horizontal.

7. Dewatering. Dewatering shall be in accordance with Section 4.347.A.8.
8. Dredging. Creation of an open body of water below the wet season water table shall be hydraulically dredged or excavated by mechanical means or dragline. The processing area for the dredged material shall be depicted on a final site plan and shall be designed to retain all silt and water on-site.
9. Recharge trench. No water from dredging activities shall be discharged from the site nor into a wetland. The processed water shall be directed through a recharge trench around the open body of water and conveyed back to the open body of water.
10. Blasting. Blasting is prohibited.
11. Stockpile height. Stockpiles shall be limited to a maximum height of 25 feet above existing grade.
12. Monitoring. Samples must be collected and analyzed semiannually for site compliance. The results of the semiannual analysis will be provided to the County Engineer within five days of the sample testing results. Should any sample fail the compliance standard, the County Engineer will issue a notice to cease and desist all activities related to the excavation and require the applicant to provide a plan to mitigate the degraded water quality within 30 days. No excavation-related activities shall commence until the background water quality is restored.

PART II. 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 Plan.

PART III. 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 IV. APPLICABILITY OF ORDINANCE.

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

PART V. FILING WITH 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 VI. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Office of Secretary of State.

PART VII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts II through VII shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS 24TH DAY OF FEBRUARY, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELYSSE A. ELDER,
COUNTY ATTORNEY