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

**ORDINANCE NUMBER \_\_\_\_**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING PLATS; AMENDING ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 21, SUBDIVISION REGULATIONS AND ARTICLE 10, DEVELOPMENT REVIEW PROCEDURES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 125, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Land Development Regulations currently include regulations regarding subdivisions; and

**WHEREAS**, staff is proposing amendments to the existing regulations to remove redundancy and conflicts with Chapter 177, Florida Statutes, to reorder some regulations, and to provide further clarification as necessary; and

**WHEREAS**, Section 177.071, Florida Statutes, was amended to require administrative approval of plats with no further action by the governing body of a County beginning July 1, 2025; and

**WHEREAS**, based on the mandate that plats be administratively approved, the authority to approve plats must be delegated to the County Administrator; 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

**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. ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 21, SUBDIVISION REGULATIONS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY IS AMENDED AS FOLLOWS:**

## DIVISION 21. SUBDIVISION REGULATIONS

### Sec. 4.911. - General provisions.

#### 4.911.A. *Applicability.*

1. Any person or entity, proposing a subdivision of real property in unincorporated Martin County shall first obtain plat approval in accordance with the requirements of ~~d~~Division 21 unless such sale or conveyance is specifically exempted.
2. The provisions of ~~d~~Division 21 shall be in addition to the requirements of Chapter 177, F.S. ~~ch. 177~~.
3. No subdivision plat shall be approved for recording until the requirements of ~~d~~Division 21 and Chapter 177, F.S. ~~ch. 177~~ have been met.

#### 4.911.B. *Subdivision defined.* As used in this ~~d~~Division 21, the term "subdivision" shall mean: ~~The~~ division or platting of land into three or more lots, tracts, or parcels for the purpose of sale or lease; ~~the creation subdivision of new streets and alleys, whether public or private; changes in an existing street or alley, whether public or private; or additions and resubdivisions of any parcel divided or platted after September 27, 1977.~~

#### 4.911.C. *Exemptions.* The term subdivision shall not be applied to any of the following:

1. *Lot splits:* The division of a lot of record that so existed on September 27, 1977, into two lots (parcels), provided that each lot (parcel) so created shall comply with all other Land Development Regulations.
2. *Judicial exception:* Any division or redivision of a parcel of land made pursuant to an order of a court of competent jurisdiction.
3. *Boundary settlement exceptions:* Any conveyance between adjacent land owners if:
  - a. The purpose of the conveyance is to adjust or settle the common boundary line between said adjacent landowners; and
  - b. Such purpose is stated in the deed of conveyance or is stated in a separate instrument recorded in the public records of Martin County.
4. *Conveyance to government:* Any division or redivision of a parcel of land, the sole purpose of which is to convey a part thereof to any Federal, state, or local governmental entity or agency for a bona fide public purpose ~~and~~, provided that such conveyance is accepted by such governmental entity or agency by an instrument recorded in the public records of Martin County.
5. *Creation of equal or larger building parcels in recorded subdivisions:* Any division or redivision of lots in a previously platted subdivision, the sole purpose of which division or redivision is to create new building parcels which are at least equal in size to the existing lot or lots. ~~Under this exception~~ (for example, and not by way of limitation, three adjoining platted 50-foot-wide lots might be replaced by two 75-foot-wide parcels or by one 70-foot-wide parcel and one 80-foot-wide parcel).
6. *Exception for corrective instruments:* Any conveyance from the grantor in a deed recorded prior to September 27, 1977, to the same grantee in said deed, if the purpose of such conveyance is solely to correct defects in such deed recorded prior to September 27, 1977.
7. *Agricultural exception:* Any division or redivision of a parcel of land for bona fide agricultural use, if provided no parcel of less than 20 acres ~~in an area is hereby created~~, if no public street is created, if no change ~~is made in~~ to an existing public street is made, and if a declaration is

contained in each deed of conveyance that the Board of County Commissioners of Martin County shall have no responsibility, duty, or liability with regard to any private street to be that may be created.

Residential development in the areas designated Agricultural on the Future Land Use Map of the Growth Management Plan are restricted to one single-family residence per gross 20-acre tract. In order to further avoid activities that adversely impact agricultural productivity on agricultural lands as designated on the Future Land Use Map, no development shall be permitted which divides landholdings into lots, parcels or other units of less than 20 gross acres. Acreage may be split for bona fide agricultural uses into parcels no smaller than 20 gross acres. Residential subdivisions must be platted and must provide for all necessary services. Residential subdivisions at a density or intensity of greater than one single-family dwelling unit per 20 gross acre lot shall not be allowed.

4.911.D. *Plat procedures.* Applications for plats shall be reviewed and processed pursuant to Article 10, Development Review Procedures.

4.911.E. *Approval of Final Site Plans.* No Final Site Plan for non-residential development, other than an Infrastructure Final Site Plan, shall be approved prior to the recordation of the plat creating the subject lot, tract, or parcel.

4.911.~~EF~~. *Issuance of building permits.* Compliance with this ~~d~~Division 21 shall be a condition precedent to the issuance of a building permit for any parcel within unincorporated Martin County, unless an expedited approval of residential building permits is granted pursuant to §177.073 F.S.

4.911.F. ~~Authority of county inspectors.~~ The county engineer or his/her designee is authorized to inspect all construction related to required subdivision improvements and infrastructure. The county engineer or his/her designee shall not be authorized to revoke, alter or waive any requirements of the approved plans and specifications, but shall be authorized to call to the attention of the subdivider any failure of work or materials to conform to the approved plans and specifications. The county engineer or his/her designee shall have the authority to reject materials or suspend work that is not consistent with the approved plans and specifications.

The county engineer or his/her designee shall in no case act as foreman or perform any duties for the subdivider, nor interfere with the management of the work, and any advise which the county engineer or his/her designee may give to the subdivider shall in no way be construed as binding to the County or release the subdivider from carrying out the intent of the plans and specifications.

When the county engineer or his/her designee determines that construction activities must cease, such determination shall be documented in writing to the subdivider.

The neglect of the county engineer to order the rejection of any material or work at the time it is proposed for use shall not act as a waiver of his right to subsequently reject such material or work in the event of discovery that such material or work is not consistent with approved plans and specifications.

4.911.G. ~~Testing requirements.~~ The expense for the testing of materials and construction related to required subdivision improvements and infrastructure shall be the responsibility of the subdivider.

Upon completion of all required improvements, the subdivider's engineer shall submit a certification to the County Engineer that all work was constructed according to the approved plans and specifications. The subdivider's engineer shall submit with the certification a construction report including the dates, locations and results of all tests and the person(s) who conducted the tests. Tests shall be made for compaction of roadways, sidewalks, grading, where applicable, subbase and base. Compression test of concrete cylinders shall be made on all phases of concrete work.

~~All required tests of materials shall be performed by an authorized laboratory. The samples for such tests shall be taken under supervision of, or as directed by, either the county engineer or the authorized laboratory personnel.~~

~~All density tests of compacted areas shall be made pursuant to the Modified Proctor Test (AASHTO 180) in accordance with the method specified in each case by the Department of Transportation standard specifications.~~

~~Florida Bearing Values Tests for the stability of the existing subsoil shall be taken at intervals of not more than 200 feet, and closer as may be necessary in the event of variations in the strata.~~

~~Tests for the density of the subgrade shall be taken at intervals of 200 feet, or less, where necessary. Density shall be determined as specified in the standard specifications of the state road department except that the required density shall be 95 percent of the maximum density as determined by AASHTO 180.~~

~~Tests for the density of the base shall be made at intervals of 500 feet, or less where necessary, and the density requirements shall be as specified for bases in the standard specifications of the state road department.~~

#### **Sec. 4.912. - Plat requirements.**

4.912.A. *Purpose and intent.* The purpose of ~~d~~Division 21 is to establish minimum requirements for all plats within the unincorporated area of Martin County. At a minimum, all plats must meet the requirements of Chapter 177, F.S. ch. 177 and ~~e~~Chapter 61G17-6 5J-17 of the Florida Administrative Code. If a provision within ~~d~~Division 21 conflicts with a provision of state law, the stricter provision shall apply. All references within Division 21 to particular governmental agency, officer, or provision of law are to be construed as including any agency, officer, or provision of law, however designated, which succeeds the current agency, officer, or provision of law.

4.912.B. *Definitions.* For purposes of ~~d~~Division 21, the following words, terms, and phrases shall have the meaning set forth ~~bellow~~: below.

~~*Apparent shoreline* means the line drawn on a map or chart in lieu of the mean high water line, MHWL or mean low water line in areas where either or both may be obscured by marsh or mangrove, cypress, or other types of marine vegetation. This line represents the intersection of the mean high water line, MHW datum with the outer limits of vegetation and appears to the navigator as the shoreline.~~

*Benchmark* means a relatively permanent material object, bearing a marked point whose elevation above or below an adopted datum is known.

~~*Certified corner record* means a document prepared by a surveyor and mapper that is required by F.S. ch. 177 when a public land survey corner is used as a control in a survey or resurvey.~~

*Computer aided drafting (CAD)* means computer software and hardware commonly used in the preparation of maps, drawings, plats and other similar documents.

*Digital exchange file (DXF)* means a standard format for the electronic transfer of CAD information.

*Drawing (DWG)* means a specific computer file containing a complete drawing in its native format.

*Geodetic control station* means a relatively permanent fixed point on the earth that has been established and adjusted by geodetic methods (~~NAD 88/90~~), and in which the size and shape of the earth (geoid) have been considered in position computations.

~~Mean high water line (MHWL) means the intersection of the tidal plane of mean high water with the shore. The MHWL is recognized and declared to be the boundary between the foreshore owned by the state in its sovereign capacity and upland subject to private ownership.~~

~~Mean high water (MHW) means the average height of the high waters over a 19-year period. For shorter periods of observations, MHW means the average height of the high waters after corrections are applied to eliminate known variations and reduce the result to the equivalent of a mean 19-year value.~~

~~Permanent control point (PCP) means a reference monument as defined in F.S. ch. 177.~~

~~Permanent reference monument (PRM) means a reference monument as defined in F.S. ch. 177.~~

~~Plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirements of all applicable sections of F.S. ch. 177 and the Martin County Land Development Regulations.~~

~~Safe upland line means the intersection of the shore with a contour line established at an elevation known to be above the MHW elevation.~~

~~State plane coordinates means the system of plane coordinates which has been established by the National Ocean Survey for defining and stating the positions or locations of points on the surface of the earth (NAD 88/90), as such system is further defined in F.S. ch. 177.~~

~~Surveyor and mapper means a professional surveyor and mapper registered under Chapter 472, F.S. ch. 472 who is in good standing with the State Board of Surveyors and Mappers.~~

Utility means any public or private utility system, such as, but not limited to, stormwater management, wastewater collection, potable and reclaimed water distribution, electric transmission or distribution, gas transmission or distribution, and telecommunication including, but not limited to, video, cable television, internet, and broadband, whether underground or overhead.

~~All references within this subsection to particular governmental agencies, officers or provisions of law are to be construed as including any agencies, officers or provisions of law, however designated, which succeed current agencies, officers or provisions of law.~~

4.912.C. *Plat standards.* The following standards shall be applicable to all plats within the unincorporated area of Martin County:

1. The plat must be prepared under the responsible direction and supervision of a professional surveyor and mapper.
24. Each plat must be prepared on 24-inch by 36-inch sheets of material in conformity with Chapter 177, F.S. ch. 177 and must contain a border that delineates a three-inch margin on the left side of the plat for binding purposes. The remaining three sides must have a one-inch margin.
2. ~~The plat must be prepared under the responsible direction and supervision of a surveyor and mapper, and be clearly and legibly drawn with black permanent drawing ink or varitype process, to a scale of not smaller than one inch equals 100 feet, unless the county surveyor and mapper issues prior written approval of a smaller scale, based upon good cause shown.~~
3. All text and graphics on the plat must be clearly and legibly drawn; all text and numerical data on the plat must be a minimum of one-tenth inch in height, including lower case letters; the graphics must be to a scale of not smaller than one-inch equals 100 feet, unless the County Surveyor and Mapper issues prior written approval of a smaller scale.

4. The first page of the plat must contain a vicinity sketch illustrating the subdivision location in reference to major roadways and adjoining properties. Each sheet must be numbered in the lower right-hand corner as "Sheet \_ of \_". ~~Plats with greater than two sheets of map information must provide a key map detail on each sheet showing the relationship of each sheet to the total plat. Each sheet of a plat must be numbered in the lower right hand corner as "Sheet \_ of \_" (i.e., particular sheet number out of the total number of sheets). Clearly labeled matchlines are required on all multiple-sheet plats. Surveyor's notes and a legend must appear on all plat sheets.~~
5. A five-inch line for the subdivision parcel control number must be provided in the upper right-hand corner of the first page of the plat. ~~PRMs must be set in the field and shown on the plat in accordance with F.S. ch. 177 and subsection 4.912.E. Prior to final approval of a plat for recordation, the county surveyor and mapper or his designee shall physically inspect the PRMs to verify placement. The surveyor and mapper certifying the plat or his designee must be present at the inspection by the county surveyor and mapper, or his designee, to identify the location of the PRMs.~~
6. Plats with more than two map sheets must provide a key map on each map sheet detailing the relationship of each sheet to the total plat. Clearly labeled matchlines are required on all map sheets and each map sheet must include the Surveyor's notes and a legend. ~~PCPs must be set and shown on the plat in accordance with F.S. ch. 177.~~
7. ~~PRMs, PCPs and lot corners must be in place prior to final improvement inspection of subdivision improvements by the county. The county surveyor and mapper, or his designee, must make a field inspection to verify existence and placement of PRMs, PCPs and lot corners upon completion of subdivision improvements. The subdivider shall be responsible for ensuring that PRMs, PCPs and lot corners are in place after construction and that such PRMs, PCPs and lot corners are marked clearly for inspection. The developer or his designee shall be present, if requested, at PRM, PCP and lot corner inspections to identify the location of the PRMs, PCPs and lot corners. In circumstances involving subdivisions as to which a bond or other surety is required, the cost of setting or resetting all PRMs, PCPs and lot corners must be included separately as a line item in the project engineer's cost estimate for bonding purposes. The cost of setting these control points must be determined by a surveyor and mapper. The developer is responsible for the proper placement of destroyed, damages, or otherwise altered PRMs, PCPs and lot corners through securing the services of a surveyor and mapper. PRMs, PCPs and lot corners that are replaced must meet all updated requirements of F.S. ch. 177 and must include stamping thereon of "PRM Re-set" and the registration number of the individual replacing the original PRMs.~~
78. Plat curve data may be tabulated subject to the following conditions:
  - a. External plat boundary or roadway centerline curve data may not be tabulated.
  - b. When lot line curve data are tabulated, a minimum of the arc length and the curve designation number or letter must be shown on the actual curve.
  - c. Curve tables reflecting the tabulated data must appear on the map sheet on which the curves appear.
89. Tangent line data may not be tabulated ~~tables shall not be permitted unless the eCounty sSurveyor and mMapper issues prior written approval of such tables tabulation; based upon good cause shown. Pplat scale will not be considered as a factor, in allowing tangent line tables. Tangent line tables, if approved, must appear on the applicable map sheet line tables reflecting the tabulated data must appear on the map sheet on which the lines appear.~~

~~10. The following notes shall appear on plats:~~

- ~~a. "This plat, as recorded in its original form in the public records, is the official depiction of the subdivided lands described hereon and will in no circumstances be supplanted in authority by any other form of the plat, whether graphic or digital."~~
- ~~b. "There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."~~
- ~~c. For plats which contain public easements located within private streets or rights of ways: "In the event that Martin County disturbs the surface of a private street due to maintenance, repair or replacement of a public improvement located therein, then the county shall be responsible for restoring the street surface only to the extent which would be required if the street were a public street, in accordance with county specifications."~~

~~944. Plats or portions of plats that lie within a Special Flood Hazard Area in (flood zones A, AE, AH, AO, AR, A99, V and VE) A1-30, AH, and V1-30, as shown on the applicable FEMA Flood Insurance Rate Map (FIRM) map, shall have two permanent benchmarks established on site in an accessible location and shall consist of a brass or aluminum disc set in concrete or other permanent material, stamped with benchmark identification number, elevation, and datum. Each of the two permanent benchmarks shall be shown and described on the plat in its current location together with its identification number, elevation, s of the benchmarks and including vertical datum, as approved by the County. Benchmarks shall consist of a brass or aluminum disc set in concrete or other permanent material, stamped with benchmark identification number, elevation and datum. The attribute data for each benchmark shall be submitted on a form approved by the County to the County Surveyor and Mapper for inclusion in the Martin County benchmark inventory.~~

~~102. Plats bordering on tidally affected navigable waters where the location of the mean high water line (MHWL) is used to determine building or other setbacks required for development must comply fully with the requirements of Chapter 177, F.S. ch. 177 regarding establishment of a local tidal datum and the determination of the MHWL in the event that the MHWL is used to determine building or other setbacks required for development. The elevation and date of determination of the MHWL, as approved by the Florida Department of Environmental Protection (FDEP) Bureau of Surveying and Mapping, or its successor agency, must appear on the plat. A copy of written the MHWL survey approved from by the FDEP must be submitted to the eCounty sSurveyor and mMapper prior to plat recordation.~~

~~113. Plats immediately bordering on tidally affected navigable waters where the location of the MHWL is not used to determine building or other setbacks required for development are exempted, to the extent permitted by from compliance with the provisions of Chapter 177, F.S. ch. 177 regarding the determination of the MHWL from compliance with the requirement of establishing the MHWL in conformity with FDEP requirements provided that the MHWL location is not required for determining building or other setbacks required for development. In case of such an exemption, a safe upland line shall be that is physically established on the site in the vicinity of the shoreline at a location or and an elevation approved by the FDEP or the eCounty sSurveyor and mMapper shall be used to determine building or other setbacks required for development. The location and courses of the safe upland line must be shown on boundary survey of the subject property in conformance with the professional standards provided in Chapter 5J-17, Florida Administrative Code and such survey must be submitted at the time when the plat is initially submitted for review by the County. The safe upland line:~~

- a. may be used to determine the total plat acreage only and may not constitute a boundary line; and
- b. ~~also, the safe upland line must be shown on the plat with tie-ins to the apparent shoreline its location and courses; and. The location and the courses of the safe upland line also must be shown on the boundary survey of the subject property, in conformity with the professional standards provided in Chapter 61G17-6, Florida Administrative Code, and such survey must be submitted at the time when the plat is initially submitted for review by the county. The boundary survey must show the apparent shoreline, as applicable.~~
- c. must be established with Permanent Reference Monuments set in accordance with this Division 21; and
- d. may be represented by a T~~op of bank location must be used as a safe upland line if approved in writing, for good cause shown, by the eCounty sSurveyor and mMapper.~~

~~When a safe upland line is used, the apparent shoreline shall be shown on the plat and the plat must contain a note indicating that the plat boundary is the MHWL of the water body, as approximated by the safe upland line, or apparent shoreline. PRMs must be set in accordance with division 21 along the safe upland line. The safe upland line may be used as the apparent shoreline provided that the surveyor and mapper certifying the plat demonstrates that the safe upland line is a proper representation of the apparent shoreline.~~

- 124. Each plat submitted must be accompanied by a boundary survey which is signed and sealed by the professional surveyor and mapper whose signature and seal appears on the plat. The date of the field survey must be less than 180 days prior to the date of initial submittal of the plat. A specific purpose survey may be submitted in the circumstance in which a safe upland line is used to approximate the boundary adjacent to a navigable water body.
- 135. A minimum of two boundary monuments shall be tied ~~by a closed field traverse~~ to the nearest approved ~~Martin County~~ geodetic control station and azimuth mark or approved pair of ~~Martin County~~ adjusted traverse points or to other control points established by Global Navigation Satellite System (GNSS), Positioning System (GPS) which meet or exceed Third Order Class I Accuracy Standards according to current publication of the Federal Geodetic Control Committee (FGCC) procedures. ~~Field traverse from plat boundary to geodetic control shall meet Third Order Class II Traverse Closure Standards when possible; however, at a minimum, traverse closure must meet the minimum technical standards set forth in Chapter 61G17-16, Florida Administrative Code. A signed copy of geodetic tie-in field notes and traverse closure data is required along with closure documentation for the external boundary of the plat. The bearing and distance from each boundary monument to the control station or point and the state plane coordinates for each boundary monument shall be shown on the plat.~~
- 146. Prior to plat recordation, a CAD file, preferably in DWG format or, alternatively, in DXF format, or in a digital format that is acceptable to the eCounty sSurveyor and mMapper, shall be provided to the eCounty showing all final plat survey data and line annotations, including, but not limited to, lots, roadways, easements, preserve areas, buffer areas, maintenance areas, and other specific information which appears on the map portion of the plat. The purpose of such a computer file is to provide direct, efficient updates to the eCounty's gGeographic iInformation sSystems (GIS) parcel map coverage. The coordinate positions within this file are to be rotated and translated to state plane coordinates in the North American Datum of 1983/adjustment of 1990 (NAD 83/90) Florida East Zone, or currently approved datum, based



upon the required tie-in to geodetic control. The conversion of ground distance to grid distance within the digital file is not required.

157. A plat checklist shall be submitted with all applications for plat approval. The checklist shall be submitted on a form approved by the eCounty and shall be completed and signed by the professional surveyor and mapper responsible for the preparation of the plat. Plat review by eCounty shall not commence until the signed plat checklist has been submitted.

168. Certified corner records must be filed in accordance with Chapter 177, F.S. ch. 177 for public land corners identification, recovered, reestablished, remonumented, restored or used as controls in the preparation of a plat. The original certified corner record must be submitted to the FDEP Bureau of Surveying and Mapping, and a copy thereof must be provided to the eCounty sSurveyor and mMapper. Each certified corner record must indicate the state plane coordinates value of the corner, ~~based upon the geodetic tie-in requirement of this section.~~ Upon approval of the certified corner record by FDEP, the certified number of the public land corner shall be shown on the plat prior to recordation of the plat.

~~19. All properties contiguous to property which is to be platted must be identified, along the periphery of the plat, according to the applicable plat book and page or identified as unplatted consistent with Chapter 177, Florida Statutes.~~

1720. The legal description on the plat must contain the total acreage of the platted land and such acreage must be consistent with the title certification.

~~21. A five-inch line for the subdivision parcel control number must be provided in the upper right-hand corner of the first page of the plat.~~

1822. The title of the plat (i.e., the name of the subdivision, which is the subject of the plat) must be set forth on each page of the plat and must contain text of uniform size and type. If the plat encompasses a pPlanned uUnit dDevelopment (PUD), then the title on the plat shall contain the abbreviation "PUD".

~~23. The title of the plat must be consistent with F.S. ch. 177 which requires that each subdivision be given a name and that such name must not be the same or in any way so similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision which is the subject of the plat, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his successor(s) in title.~~

~~24. All names, signatures, seals, stamps and related data on plats must be inscribed in "India" or similar indelible ink.~~

1925. The following shall be submitted with the ~~record~~ plat application:

- a. Acceptable 100 percent security, if the subdivider has not elected to construct the required improvements; or,
- b. In the event that the required improvements have been made before a ~~record~~ plat is ~~submitted~~ recorded, a certificate from the subdivider's engineer shall be submitted indicating that all the required improvements have been constructed in accordance with the approved plans and specifications, and an affidavit shall be submitted by the subdivider indicating that all bills for improvements have been paid.

4.912.D. *Required textual exhibits.* The required textual components for plats shall be established by resolution of the Board of County Commissioners and may be amended from time to time to assure compliance with Chapter 177, F.S. ch. 177 and dDivision 21.

4.912.E. ~~Permanent reference m~~Monuments. The following standards shall be applicable to the placement of monuments.

1. Permanent Reference Monuments (PRMs or P.R.M.s) must be set in the field and shown on the plat in accordance with Chapter 177, F.S. Permanent reference monuments, at least four in number, and no more than 800 feet apart, shall be placed within the platted lands and on the exterior boundaries thereof so as to provide definite reference points from which may be located any points, lines or lots shown on the plat. All point of curvature, points of reverse curvature, points of tangency and at least two points in each block shall be permanently marked with PRMs. Unless otherwise approved by the County Surveyor and Mapper, ~~The~~ monuments shall be set in four inches by four inches reinforced concrete, 24 inches long, ~~said monument having the reference point marked thereon. They shall have~~ Their position in reference to each other shall be identified included by distances and angles and ~~not less than one of said monuments shall have its location indicated on the plat in reference to the nearest government corner. The top of the monuments shall be set not less than one inch nor more less than four inches above finished grade at their respective locations. The position of said monuments shall be indicated on the plat and shall be marked "Permanent Reference Monument" or with the initials "PRM" to designate the same.~~
2. Prior to final approval of a plat for recordation, the County Surveyor and Mapper or designee shall physically inspect the PRMs to verify placement. The professional surveyor and mapper or designee shall be present, if requested.
4. PRMs, PCPs, and lot corners must be in place prior to final improvement inspection of subdivision improvements by the County. The County Surveyor and Mapper or designee must make a field inspection to verify existence and placement of PRMs, PCPs, and lot corners upon completion of subdivision improvements. The subdivider shall be responsible for ensuring that PRMs, PCPs, and lot corners are in place after construction and that such PRMs, PCPs, and lot corners are marked clearly for inspection. The professional surveyor and mapper or designee shall be present, if requested, at the PRM, PCP, and lot corner inspection to identify the location of the PRMs, PCPs, and lot corners. In circumstances involving subdivisions where security is required, the cost of setting or resetting all PRMs, PCPs, and lot corners must be included separately as a line item in the engineer's opinion of probable cost. The cost of setting these control points must be determined by a professional surveyor and mapper. The subdivider is responsible for the ensuring that a professional surveyor and mapper has properly replaced any destroyed, damaged, or otherwise altered PRMs, PCPs, and lot corners. PRMs, PCPs, and lot corners that are replaced must meet all the requirements of Chapter 177, F.S. and shall be stamped "PRM Re-set" and bear the registration number of the individual replacing the original monument.

**Sec. 4.913. - Required improvements and infrastructure.**

4.913.A. *Improvements and infrastructure required prior to plat recording.* Before a plat shall be recorded in the public records all improvements and infrastructure required by the Land Development Regulations, Code of Laws and Ordinances and state law, including but not limited to roads, sidewalks, ~~stormwater and drainage facilities,~~ utilities, traffic control devices, permanent reference monuments, permanent control points, lot and tract corners, and landscaping, shall have been constructed and approved by the County Engineer.

4.913.B. *Authority of county inspectors.* The County Engineer or designee is authorized to inspect all construction related to required subdivision improvements and infrastructure. The County Engineer or designee shall not be authorized to revoke, alter, or waive any requirements of the approved plans and specifications, but shall be authorized to call to the attention of the subdivider any failure

of work or materials to conform to the approved plans and specifications. The County Engineer or designee shall have the authority to reject materials or suspend work that is not consistent with the approved plans and specifications.

The County Engineer or designee shall in no case act as foreman or perform any duties for the subdivider, nor interfere with the management of the work, and any advice that the County Engineer or designee may give to the subdivider shall in no way be construed as binding to the County or release the subdivider from carrying out the intent of the plans and specifications.

When the County Engineer or designee determines that construction activities must cease, such determination shall be documented in writing to the subdivider.

The neglect of the County Engineer to order the rejection of any material or work at the time it is proposed for use shall not act as a waiver of the right to subsequently reject such material or work in the event of discovery that such material or work is not consistent with approved plans and specifications.

4.913.C. *Testing.* The expense for the testing of materials and construction related to required subdivision improvements and infrastructure shall be the responsibility of the subdivider.

All required tests of materials shall be performed by an authorized laboratory. The samples for such tests shall be taken under supervision of, or as directed by, either the subdivider's engineer or the authorized laboratory personnel.

Tests shall be made for compaction of roadways, sidewalks, grading, where applicable, subbase and base. Compression test of concrete cylinders shall be made on all phases of concrete work. All density tests of compacted areas shall be made pursuant to the Modified Proctor Test (AASHTO 180) in accordance with the method specified in each case by the Department of Transportation standard specifications. The required density shall be 95 percent of the maximum density as determined by AASHTO 180. The test results shall show that the minimum Limerock Bearing Ratio set forth in the accepted plans and specifications is met.

1. Tests for the stability of the existing subsoil shall be taken at intervals of not more than 200 feet, or less, where necessary.
2. Tests for the density of the subgrade shall be taken at intervals of 200 feet, or less, where necessary.
3. Tests for the density of the base shall be made at intervals of 500 feet, or less where necessary.

4.913.D. *Completion.* Upon completion of all required improvements, the subdivider's engineer shall submit a certification to the County Engineer that all work was constructed according to the approved plans and specifications. The subdivider's engineer shall submit with the certification a construction report including the dates, locations, and results of all tests and the person(s) who conducted the tests and signed and sealed record drawing/as-built survey.

4.913.BE. *Provision of security in lieu of completion.* In lieu of the completion of the required improvements and infrastructure prior to plat recordation, security may be posted in a form acceptable to the BCC Board of County Commissioners to ensure such completion. The terms and conditions for the required improvements and the forms necessary to ensure completion shall be established by resolution of the BCC County Attorney, upon review and concurrence of the County Engineer, and may be amended from time to time to assure compliance with Chapter 177, F.S. ~~ch. 177~~ and ~~d~~Division 21.

Security shall be posted in the amount of 100 percent of the ~~estimated~~ engineer's opinion of probable costs of improvements, which ~~estimate~~ shall be prepared by a professional engineer

registered in the State of Florida and ~~approved~~ accepted by the County Engineer. Partial release (up to 90 percent of the posted security) of the security may be authorized by the County Engineer as work is accepted. Upon completion and ~~approval of acceptance by the eCounty eEngineer~~ of all the required improvements, 90 percent of the posted security shall be released by the ~~BCC County Engineer~~. The remaining ~~A ten percent warranty security will~~ shall be held for an additional 12 months as warranty security; ~~following which time, if, after 12 months,~~ all improvements are free of defects due to faulty field engineering, workmanship or materials, the ten percent warranty security will be released by the County Engineer. ~~In lieu of the above security, the subdivider may post an escrow account of 100 percent of the estimated cost of improvements. This may be broken down into drainage, curb and gutters, base, paving, etc., with security to be 100 percent of each item. Partial release may be authorized up to 90 percent of the posted security as work is approved. The remaining ten percent will be held for an additional 12 months, following which time, if all improvements are free of defects due to faulty field engineering, workmanship or materials, the ten percent or the remaining security will be released by the BCC.~~ In lieu of the ten percent warranty security, an acceptable ten percent maintenance security may be posted for a period of 12 months.

#### **Sec. 4.914. - Vacation of plats.**

4.914.A. *Authorization and applicability.* The owner of any land that has been platted may request that the ~~BCC~~ Board of County Commissioners vacate said plat either in whole in part. Such requests shall be reviewed and processed pursuant to the requirements of Chapter 177, F.S. ~~ch. 177~~, this ~~d~~Division 21, and ~~a~~Article 10, Development Review Procedures.

4.914.B. *Action may be initiated by Board of County Commissioners.* The Board of County Commissioners may initiate the vacation of a recorded plat subject to compliance with Chapter 177, F.S. ~~ch. 177~~, this ~~d~~Division 21, and ~~a~~Article 10.

### **PART 2. ARTICLE 10, DEVELOPMENT REVIEW PROCEDURES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY IS AMENDED AS FOLLOWS:**

#### **ARTICLE 10 - DEVELOPMENT REVIEW PROCEDURES**

##### **Sec. 10.1. - General.**

10.1.B. *Glossary.* For purposes of this article, the rules of interpretation of section 1.5, LDR, govern. In addition, the following words, terms and phrases shall have the meanings set forth below:

*Active residential development* means a residential development that has final site plan approval and is meeting all requirements of the development order, including the timetable.

*Affordable housing development* means a project that will contain units for which monthly rents or mortgage payments, including taxes, insurance and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households or persons indicated in F.S. § 420.0004. For renter-occupied housing, this percentage would include monthly contract rent and utilities.

*Building permit* means a permit issued pursuant to chapter 21, General Ordinances, Martin County Code.

*Certificate of occupancy (C.O.)* means an official document evidencing that a building satisfies the requirements of Martin County for the occupancy of a building pursuant to chapter 21, General Ordinances, Martin County Code.

*Change of use* means any change:

- a. From one permitted use category, as set forth in article 3, Zoning Districts, to another permitted use category, as set forth in article 3, Zoning Districts; or
- b. That increases the demand for parking; or
- c. That creates additional impervious area; or
- d. That generates more than 105 percent of the number of daily traffic trips or more than 15 peak hour traffic trips.

*Code* means the General Ordinances of Martin County, Florida.

*Community Redevelopment Area (CRA)* means an area designated as such by Martin County, pursuant to Comprehensive Plan Chapter 18.

*County Administrator* means the County Administrator of Martin County, or his/her designee.

*County Attorney* means the County Attorney of Martin County, or his/her designee.

*Decision-maker* means the entity having final approval of a development order as specified in section 10.2.B.2.

*Development* means the carrying out of any building activity, mining operation, the making of any material change in the redevelopment or modification of an existing use or appearance of any structure or land, which creates additional impacts, or the dividing of land into three or more lots, tracts or parcels, including planned unit developments and acknowledging all exceptions to subdivisions.

*Development application* means a request for development approval submitted to the Growth Management Director pursuant to this article. An application to amend the official zoning atlas or a variance shall also be considered a development application.

*Development order* means any written document granting, denying or granting with conditions an application for a building permit, site plan, plat, change to the zoning atlas, special exception, variance or clearing permit.

*Development application within CRA* means a request for development approval for land within one of the designated Community Redevelopment Areas within unincorporated Martin County.

*Development applications for public access to environmentally sensitive lands* means a request for development approval to enter and make use of a site managed by Martin County, or other governmental agency designated as the managing partner pursuant to a State of Florida or South Florida Water Management District approved management plan or other binding agreement.

*Final site plan* means a detailed plan drawn to scale proposed for a parcel of land that includes but is not limited to building footprints and square footage, proposed uses, preserve areas, landscape areas and buffers, stormwater areas, pedestrian paths, and vehicular circulation and parking areas.

*Green development* means a development that applies sustainable building construction and maintenance techniques and site standards to improve energy savings, water efficiency, reduce carbon dioxide (CO) emissions, improve environmental quality, and encourage sustainable stewardship of resources as defined by organizations, such as, but not limited to, the Florida Green Building Coalition, Inc. (FGBC); the United States Green Building Council (USGBC); or other recognized programs.

*Growth Management Director* means the director of the Martin County Growth Management Department, or his/her designee.

*Infrastructure Final Site Plan* means a Final Site Plan for a non-residential development that provides only the infrastructure and improvements required to support the subdivision, such as but not limited to roads, sidewalks, utilities, and traffic control devices, but does not include improvements on

lots within the subdivision, such as building footprints and square footage, parking areas, and landscaping.

*Industrial development* means development intended for activities such as the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials.

*LDR* means the Martin County Land Development Regulations.

*Life Science, Technology and Research (LSTAR)* means the uses defined in section 3.83 of article 3, LDR, Martin County Code.

*Master site plan* means a conceptual plan drawn to scale, proposed for a parcel of land that illustrates but is not limited to building footprints and square footage, proposed uses, environmental and landscape areas and buffers, stormwater areas, pedestrian paths, vehicular circulation and phasing.

*Mining operation development* means a development in which mining or a mining operation occurs. See Article 4, Division 8 for definition of mining and mining operation.

*Minor change* means a change that does not require an adjustment to key aspects of the site plan, such as landscape buffers, preserve areas, building footprints or stormwater areas.

*Mixed-use development* means a development which includes uses from both the residential category and non-residential category of uses.

*Non-residential development* means development that is not residential.

*Permit-ready industrial development* means a planned unit development located on lands with an industrial land use designation or located within a targeted business zoning district that have satisfied all requirements to be designated a permit ready project as specified in the Plan, LDR and Code.

*Plan or Comprehensive Plan* means the Martin County Comprehensive Growth Management Plan.

*Planned unit development or PUD* means a unified development that is planned, approved and controlled according to provisions of a binding written document negotiated between the developer and the County as a special PUD zoning district and approved at public hearing.

*Plat* means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision consistent with the approved final site plan and other information that demonstrates compliance with the requirements of all applicable sections of F.S. ch. 177 and the Martin County Land Development Regulations.

*Residential development* means a development intended to provide structures for human habitation.

*Site* means the total area within the property boundaries of a principal parcel to be developed, or contiguous parcels intended for development under a common scheme or plan.

*Special exception* means a use that was approved on a specific site by the Board of County Commissioners between July 17, 1973, and December 31, 1995 at an advertised public hearing in accordance with section 33-30, or section 35-5.8, Martin County Code.

*Targeted industries businesses (TIB)* means those uses as described on the State of Florida Targeted Industries List as produced and as updated by Enterprise Florida, Inc., and/or another State of Florida designated entity for economic development. Targeted businesses typically include: manufacturing facilities, finance and insurance services, wholesale trades, information industries, professional, scientific and technical services, management services, and administrative and support services.

*Termination of an application* means that a development application has been deemed null and void.

**Sec. 10.5. - Application review process.**

**10.5.F. *Review and analysis for applications.***

1. The County Administrator shall prepare a staff report which addresses all requirements of the Comprehensive Plan, the LDR and the Code within the time period set forth in section 10.5.E.1., unless an extension is mutually agreed to by the applicant and the County Administrator.
2. After the issuance of any staff report, the applicant may request a meeting with staff to address unresolved issues. The applicant has 90 days to resubmit application materials to address any unresolved issues identified in the staff report.
3. Resubmittal fees shall be required after the second resubmittal of applicant materials.
4. Upon receiving a request from an applicant, the County Administrator may grant one extension of the timeframe for an applicant to resubmit materials not to exceed 60 days.
5. If the applicant fails to meet the resubmittal deadline, including any approved extension period, the application may be terminated.
6. The County Administrator shall review the resubmittal and issue a report within the time period set forth in section 10.5.E.1.
  - a. If the staff report does not identify any unresolved or outstanding issues, the application shall move forward to the decision-maker. If the staff report does identify any unresolved or outstanding issues the applicant has 90 days to resubmit application materials to address any unresolved issues identified in the staff report.
  - b. If the third staff report identifies unresolved or outstanding issues, the application may be terminated unless the unresolved or outstanding issues have been identified for the first time in this report. Unresolved or outstanding issues identified for the first time shall not mean an issue resulting from either changes made by the applicant to its documents which are not based on an earlier staff comment or if it is the result of new information or modifications related to applicant proposed changes to previously reviewed materials.
  - c. If a staff report indicates that the application is substantially compliant, with only minor outstanding technical issues or issues identified for the first time in the report, the applicant may correct the application materials and the application may be scheduled for a public meeting or public hearing as required.
  - d. One resubmittal of the documents to correct minor outstanding technical issues or issues identified for the first time may be accepted without payment of additional review fees. Examples of minor technical issues include, but are not limited to: minor corrections on the site plan or plat; correction of the digital disc; or submission of corrected documents required by one of the reviewing departments. The County Administrator shall determine whether an item is a minor technical issue. Resubmittal of the corrected documents is required within 90 days.
  - e. When the review of an application for final site plan indicates that the application is not consistent with the approved master plan or when review of an application for a plat indicates it is not consistent with an approved final site plan, a revision to the master site plan or final site plan as approved, shall be processed as follows:

- 1) *Minor technical adjustments to an approved master site plan* that are consistent with all applicable regulations such as, but not limited to, changes to lot dimensions, easement locations or site data calculations, may be processed as a revised master site plan with the final site plan application. No separate application for a revised master site plan shall be required. The revised master site plan development order must be approved prior to the approved final site plan development order.
  - 2) *Minor technical adjustments to an approved final site plan* that are consistent with all applicable regulations such as, but not limited to, changes to lot dimensions, easement locations or site data calculations, may be processed as a revised final site plan with the plat application. No separate application for a revised final site plan shall be required. The revised final site plan development order must be approved prior to the approval of the plat.
- f. If a staff report identifies other processes or other approvals that must be completed prior to the issuance of a development order, the required period for response by the applicant shall be automatically extended until the other processes are completed, however, the response shall not to extend beyond one year from the date of the report. Examples of other processes include, but are not limited to: processing of land use or rezoning applications; completion of an environmental waiver process; variance application pending Board of Zoning Adjustment action; completion of a water/wastewater agreement; completion of an alternative compliance request; completion of the land donation process; and judicial proceedings.
  - g. If an extension is permitted pursuant to section 10.5.F.6.f., then the applicant shall be required to update any documents that have time expiration periods including, but not limited to, traffic studies and surveys.
  - h. When reviewing a development application that has been certified by a professional listed in F.S. § 403.0877, the County shall not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. If the applicant states in writing that the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial.
  - i. At any time after completion of the initial review cycle and resubmittal by the applicant, the applicant may request that the County Administrator forward the application to the decision-maker for review and final action. Upon such a request staff shall cease any further review of the application.
  - j. If the report is not issued within the time period set forth in section 10.5.E.1. and the applicant does not agree to an extension of the review time, the development application, staff review documents and the report at its current stage of completion, and an explanation of the reason(s) for the delay, shall be forwarded to the decision-maker for review and final action pursuant to all requirements of this article. This provision shall not be construed to allow any application to be approved which is not in compliance with the Comprehensive Plan, the LDR and the Code.
7. *Non-response.* If an applicant does not respond to the report or request an extension of time within the time periods specified elsewhere in the article, the application may be deemed null and void.



8. *Decision-maker.* The following table indicates the formal decision-making process required for each type of application governed by this article. Where any difference may exist between the information provided in the table and the text of these regulations, the text shall prevail.

*Table 10.5.F.9. Responsibility of Review and Final Action for Applications*

TYPE OF DEVELOPMENT APPLICATION	County Administrator	LPA (public hearing)	BCC	
			(public hearing)	(public meeting)
Administrative Amendment	R AND F			
Minor Development, master site plan	R AND F			
Minor Development, final site plan	R AND F			
Major Development, master site plan	R	R	F	
Major Development, final site plan	R			F
Major Development, final site plan without a previously approved Master Plan	R	R	F	
Plat; <u>or replat</u> <del>or vacation of Plat</del>	R <u>AND F</u>			<del>F</del>
<u>Vacation of Plat</u>	<u>R</u>			<u>E</u>
Special Exception Amendment	R		F	
Zoning Atlas Change	R	R	F	
PUD Zoning Agreement	R	R	F	
PUD Zoning Agreement Amendment, PUD Final Site Plans*	R			F
Development Agreement**	R	R	F	
LDR Amendment	R	R	F	
Vested Rights Determination	R	R	F	

R = Review and recommendation

F = Final action of Approval, Approval with Conditions or Denial

\* PUD Zoning Agreement Amendments and PUD Master and/or Final Site Plans that propose more than minor changes to project boundaries, residential density, access points on Public Right-of-Ways, PAMP boundaries, or public benefits, shall be processed in the same manner as PUD Zoning Agreements. PUD amendments that meet the criteria of Section 10.15.C. may be approved pursuant to that section.

\*\* A development agreement requires two public hearings. In some instances, both public hearings may be before the BCC.

940. Neighborhood Advisory Committees. When development that is subject to review and approval pursuant to this article is proposed for land within a CRA, the applicant shall present the development proposal to the Neighborhood Advisory Committee (NAC). The members of the NAC and members of the public in attendance at the NAC meeting may ask questions and provide comment on the application. A staff member of the Office of Community Development or the Growth Management Department may also present information to the NAC regarding consistency between the proposed development and the Community Redevelopment Plan, the Comprehensive Plan, the LDR and the Code. The initial presentation to the NAC may occur prior to the issuance of the first staff report and shall be independent of any presentation required with regard to a request for alternative compliance.

#### **Sec. 10.7. - Functions of the County Administrator.**

10.7.B. The County Administrator shall take final action on administrative amendments and minor development applications and plat approvals:

1. Upon completion of the review of an administrative amendment or a minor master or final site plan application, the County Administrator shall issue a written development order approving, approving with modifications, or denying the application which shall constitute final action of the County Administrator. Applications which are not consistent with the Comprehensive Plan, the LDR and the Code shall not be approved by the County Administrator.
2. Within seven working days of issuing the development order, the County Administrator shall cause to be published a notice of issuance of development order in the legal advertisement section of a newspaper of general circulation in Martin County, as defined in F.S. ch. 50.
3. Appeals of the County Administrator's final action shall be to the BCC as provided in section 10.12.

#### **Sec. 10.12. - Appeal of final actions.**

10.12.A. *Purpose and applicability.* This section provides for the administrative appeal of final actions of the County Administrator and county administrative officials regarding development applications. The filing of an administrative appeal under this section shall suspend the finality of the action being appealed until the administrative appeal proceedings are concluded. Where a final action regarding a site plan has been appealed pursuant to this section, the BCC County Administrator shall not approve a plat for the subject parcel of land until the appeal proceedings are concluded.

### **PART 3. APPLICABILITY OF ORDINANCE**

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

### **PART 4. CONFLICTING PROVISIONS**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and 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 the adoption or amendment of the Comprehensive Plan.

**PART 5. 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 6. 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 7. CODIFICATION**

Provisions of this ordinance shall be incorporated in the County Code, except parts 3 through 8 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

**PART 8. EFFECTIVE DATE**

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

**DULY PASSED AND ADOPTED THIS 26<sup>th</sup> DAY OF August, 2025.**

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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SARAH HEARD, CHAIR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

---

ELYSSE A. ELDER, ACTING COUNTY  
ATTORNEY