

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

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA AMENDING SECTION 12.1.12, APPLICABILITY, DIVISION 1, UNIFORM DEVELOPMENT STANDARDS AND LANDSCAPING, BUFFERING, AND TREE PROTECTION STANDARDS TABLES, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, 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 (Board) is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

WHEREAS, the purpose of the amendment is to provide clear criteria for requests for alternative compliance in the Community Redevelopment Areas; and

WHEREAS, the Board desires to amend the existing alternative compliance procedures to provide more community input and transparency in the alternative compliance process by requiring the evaluation of certain requests at a duly noticed public meeting; and

WHEREAS, the Board has determined that it is in the public interest to amend the Ordinance.

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

PART I. AMENDMENT OF SECTION 12.1.12, APPLICABILITY, DIVISION 1, UNIFORM DEVELOPMENT STANDARDS, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE:

Section 12.12. Applicability is amended as follows:

Sec. 12.1.12. Applicability.

1. All new development, substantial improvements of a building, and substantial renovations of a building exterior shall comply with Article 12.

2. Existing Buildings. Whenever substantial improvement of a building or substantial renovation of a building exterior triggers the obligation to comply with Article 12, the Growth Management Director may authorize incremental compliance with its requirements proportional to the nature and scope of the existing and proposed improvements if full compliance would be unreasonable. An application for alternative compliance shall not be required, but the Growth Management Director may require that the proposal be presented to the Neighborhood Advisory Committee for review and comment. See Section 4.871.B, Div. 20, Article 4.
3. *Nonconforming uses, structures, and lots.* All legally permitted uses, structures, and lots that are existing on the effective date of Article 12 that do not comply with Article 12 shall comply with Article 8, Nonconformities. Additionally, an existing structure in a special flood hazard area that does not comply with the base flood elevation requirements in Article 4, Div. 10. may be subject to Division 10 restrictions on substantial improvements to the structure.
4. *Alternative compliance.* An applicant for development approval may propose a site, landscape, or architectural plan that varies from the requirements of Article 12 ~~in order~~ to accommodate unique circumstances of the proposed development site or to propose a different but comparable design solution. Such alternative plan should ~~may~~ include offers by the applicant to mitigate or offset the impacts of the alternative design. Such alternative plan ~~may be approved only upon a finding by the Growth Management Director that the alternative plan must~~ fulfills the purpose and intent of Article 12. ~~as well as, or more effectively than, adherence to the strict requirements of Article 12 and/or would help carry out specific goals or objectives outlined in the applicable particular CRA plan.~~
 - a. The alternative compliance process shall not be used to increase the height of buildings, increase density or to reduce the required on-site parking requirements beyond the limits provided in Article 12.
 - b. To obtain alternative compliance from dimensional and architectural standards, the applicant must demonstrate:
 - i. special conditions exist which are peculiar to the land or project;
 - ii. the special conditions were not caused by the applicant;
 - iii. the granting of alternative compliance will not confer a special privilege to the applicant that is denied to others within the same CRA;
 - iv. strict application of Article 12 would deprive the applicant of rights commonly enjoyed by other properties in the same Redevelopment Zoning District; and
 - v. the proposed alternative compliance is the minimum necessary to make reasonable use of the property.
 - c. To obtain alternative compliance from landscape standards an applicant may submit a landscape plan which varies from the strict application of the landscape

requirements of Article 12 to accommodate unique site features or utilize innovative design.

Evaluation. The applicant must provide documentation to justify a landscape plan not meeting the minimum standards of the applicable CRA regulations. The justification shall include a quantitative analysis of areas not meeting minimum standards or dimensions, required vs. provided dimensions, and materials not meeting minimum Code requirements.

In evaluating proposed alternative compliance landscape plans, considerations shall be given to proposals which preserve native vegetation and use drought-tolerant plantings and other low impact design principles and where the design may accomplish one or more of the following:

- i. Ensures preservation of the maximum predevelopment vegetation on the site.
- ii. Is designed to ensure that the overall appearance and function of the proposed project is compatible with other properties in the immediate area; is demonstrably responsive to the environmental attributes of soil, slope, hydrology, and vegetative communities unique to the site; is consistent with sound planning and site design principles:
- iii. Structures and other improvements are designed as to utilize existing site characteristics of topography, existing vegetation, and any unique environmental features.
- iv. Resolve conflicts between vehicular and pedestrian circulation.
- v. Planting plans indicate a diversity of plant species in the categories of ground cover, shrubs, and trees.
- vi. Integration of proposed and existing vegetation is demonstrated in the plans with an emphasis on maintaining native community buffers and corridors, preserving or restoring forest community types, and providing for the natural ecological function of each type by using such techniques as preserving a diversity of upper story, midstory, and understory.
- vii. Plant schedules contain botanical and common names, sizes of materials by dimension and container size, location by dimension, and notation describing species diversity.
- viii. Implements an EcoArt element as approved by the Growth Management Department Director.
- ix. Provides foundation landscaping, comprised entirely of native vegetation around principal structures with educational signage identifying native plant species.

~~Prior to the decision, the Growth Management Director may request a recommendation from the Neighborhood Advisory Committee for that~~

~~Redevelopment Zoning District. The Growth Management Director shall keep a record of all such determinations.~~

d. Alternative compliance shall be approved as follows:

i. Dimensional and architectural requests for major developments as defined in Section 10.2.C., Article 10, Land Development Regulations, Martin County Code shall be by the Board of County Commissioners.

ii. All other dimensional and architectural requests, except as provided in paragraph iv below, shall be by the Community Redevelopment Agency.

iii. Landscape alternative compliance requests shall be by the Growth Management Director.

iv. Alternative compliance requests that fall within the parameters set forth in Section 9.5.L Article 9, Land Development Regulations, Martin County Code for administrative variances shall be by the Growth Management Director.

~~Appropriate justifications for approving alternative compliance plans include, but are not limited to:~~

a. ~~The resolution of site constraints associated with the incorporation of new buildings and structures on sites developed prior to the adoption of Article 12 or the expansion of existing buildings and structures.~~

b. ~~The utilization of existing site characteristics, such as historical or archaeological features, topography, scenic views or native vegetation.~~

c. ~~Improve or provide integration of proposed development with the surrounding off-site development.~~

d. ~~The preservation of the historical or archaeological features of the area.~~

e. ~~Accepting a design solution that is comparable to, but different from a standard in Article 12.~~

PART II. AMENDMENT OF TABLE JB-9, SECTION 12.2.09, LANDSCAPE STANDARDS, DIVISION 2, JENSEN BEACH, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 12.2.09. Landscape standards.

1. Table JB-9 identifies which of the landscaping, buffering, and tree protection standards in Div. 15, Article 4 apply as written in the Jensen Beach Redevelopment Zoning District and which standards are modified, replaced, or do not apply in this Redevelopment Zoning District.

Table JB-9 - Landscaping, Buffering, and Tree Protection Standards

Div. 15, Article 4		In Jensen Beach CRA
General Requirements		
4.661.A	Purpose and intent	Applies as written
4.661.B	Applicability	Does not apply
4.661.C	Glossary	Applies as written
Application Requirement		
4.662.A	Landscape Plan	Modified by 12.2.09.2
4.662.B	Irrigation Plans	Applies as written
Landscape Design Standards		
4.663.A	General requirements	
A.1	Required landscape area	Replaced by 12.2.09.3
A.2	Landscape area credits	Applies as written
A.3	Required tree planting	Replaced by 12.2.09.4
A.4-5	Vehicular use areas	Modified by 12.2.09.5
A.6	Service areas	Modified by 12.2.09.6
A.7	Commercial buildings	Does not apply
4.663.B	Buffer-yard requirements	Does not apply
4.663.C	Add't req. for landscaping	Does not apply
4.663.D	Water efficient landscaping	Applies as written
4.663.E	Preserve area interface	Applies as written
Landscape Material Standards		
4.664	(All Subsections)	Applies as written
Maintenance of Required Landscaping		
4.665	(All Subsections)	Applies as written
Tree Protection		
4.666	(All Subsections)	Applies as written
Alternative Compliance		
4.667	(All Subsections)	Replaced by 12.1.12.4.b 3.3
Certificate of Compliance		
4.668	(All Subsections)	Applies as written

PART III. AMENDMENT OF TABLE R-9, SECTION 12.3.09, LANDSCAPE STANDARDS, DIVISION 3, RIO, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 12.3.09. Landscape standards.

1. Table R-9 identifies which of the landscaping, buffering, and tree protection standards in Div. 15, Article 4 apply in the Rio Redevelopment Zoning District and which standards are modified, replaced, or do not apply in this Redevelopment Zoning District.

Table R-9 - Landscaping, Buffering, and Tree Protection Standards

Div. 15, Article 4		In Rio CRA
General Requirements		
4.661.A	Purpose and intent	Applies as written
4.661.B	Applicability	Does not apply
4.661.C	Glossary	Applies as written
Application Requirement		
4.662.A	Landscape Plan	Modified by 12.3.09.2
4.662.B	Irrigation Plans	Applies as written
Landscape Design Standards		
4.663.A	General requirements	
A.1	Required landscape area	Replaced by 12.3.09.3
A.2	Landscape area credits	Applies as written
A.3	Required tree planting	Modified by 12.3.09.4
A.4-5	Vehicular use areas	Modified by 12.3.09.6
A.6	Service areas	Modified by 12.3.09.7
A.7	Commercial buildings	Does not apply
4.663.B	Buffer-yard requirements	Does not apply
4.663.C	Add't req. for landscaping	Does not apply
4.663.D	Water efficient landscaping	Applies as written
4.663.E	Preserve area interface	Applies as written
Landscape Material Standards		
4.664	(All Subsections)	Applies as written
Maintenance of Required Landscaping		

4.665	(All Subsections)	Applies as written
Tree Protection		
4.666	(All Subsections)	Applies as written
Alternative Compliance		
4.667	(All Subsections)	Replaced by 12.1.12.4.b 3-3
Certificate of Compliance		
4.668	(All Subsections)	Applies as written

PART IV. AMENDMENT OF TABLE OPC-9, SECTION 12.4.09, LANDSCAPE STANDARDS, DIVISION 4, OLD PALM CITY, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 12.4.09. Landscape standards.

1. Table OPC-9 identifies which of the landscaping, buffering, and tree protection standards in Div. 15, Article 4 apply in the Old Palm City Redevelopment Zoning District and which standards are modified, replaced, or do not apply in this Redevelopment Zoning District.

Table OPC-9 - Landscaping, Buffering, and Tree Protection Standards

Div. 15, Article 4		In OPC CRA
General Requirements		
4.661.A	Purpose and intent	Applies as written
4.661.B	Applicability	Does not apply
4.661.C	Glossary	Applies as written
Application Requirement		
4.662.A	Landscape Plan	Modified by 12.4.09.5
4.662.B	Irrigation Plans	Applies as written
Landscape Design Standards		
4.663.A	General requirements	
A.1	Required landscape area	Replaced by 12.4.09.3
A.2	Landscape area credits	Applies as written
A.3	Required tree planting	Modified by 12.4.09.4
A.4-5	Vehicular use areas	Modified by 12.4.09.6

A.6	Service areas	Modified by 12.4.09.7
A.7	Commercial buildings	Does not apply
4.663.B	Buffer-yard requirements	Does not apply
4.663.C	Add't req. for landscaping	Does not apply
4.663.D	Water efficient landscaping	Applies as written
4.663.E	Preserve area interface	Applies as written
Landscape Material Standards		
4.664	(All Subsections)	Applies as written
Maintenance of Required Landscaping		
4.665	(All Subsections)	Applies as written
Tree Protection		
4.666	(All Subsections)	Applies as written
Alternative Compliance		
4.667	(All Subsections)	Replaced by 12.1.12.4.b 3.3
Certificate of Compliance		
4.668	(All Subsections)	Applies as written

PART V. AMENDMENT OF TABLE HS-9, SECTION 12.5.09, LANDSCAPE STANDARDS, DIVISION 5, HOBE SOUND, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 12.5.09. Landscape standards.

1. Table HS-9 identifies which of the landscaping, buffering, and tree protection standards in Div. 15, Article 4 apply in the Hobe Sound Redevelopment Zoning District and which standards are modified, replaced, or do not apply in this Redevelopment Zoning District.

Table HS-9 - Landscaping, Buffering, and Tree Protection Standards

Div. 15, Article 4		In Hobe Sound CRA
General Requirements		
4.661.A	Purpose and intent	Applies as written
4.661.B	Applicability	Does not apply
4.661.C	Glossary	Applies as written
Application Requirement		

4.662.A	Landscape Plan	Modified by 12.5.09.2
4.662.B	Irrigation Plans	Applies as written
Landscape Design Standards		
4.663.A	General requirements	
A.1	Required landscape area	Replaced by 12.5.09.3
A.2	Landscape area credits	Applies as written
A.3	Required tree planting	Modified by 12.5.09.4
A.4-5	Vehicular use areas	Modified by 12.5.09.6
A.6	Service areas	Modified by 12.5.09.7
A.7	Commercial buildings	Does not apply
4.663.B	Buffer-yard requirements	Does not apply
4.663.B.5	Buffer-yard requirements Adjoining Conservation Land	Applies as written
4.663.C	Add't req. for landscaping	Does not apply
4.663.D	Water efficient landscaping	Applies as written
4.663.E	Preserve area interface	Applies as written
Landscape Material Standards		
4.664	(All Subsections)	Applies as written
Maintenance of Required Landscaping		
4.665	(All Subsections)	Applies as written
Tree Protection		
4.666	(All Subsections)	Applies as written
Alternative Compliance		
4.667	(All Subsections)	Replaced by 12.1.12.4.b 3.3
Certificate of Compliance		
4.668	(All Subsections)	Applies as written

PART VI. AMENDMENT OF TABLE PS-9, SECTION 12.6.09, LANDSCAPE STANDARDS, DIVISION 6, PORT SALERNO, ARTICLE 12, COMMUNITY

REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 12.6.09. Landscape standards.

1. Table PS-9 identifies which of the landscaping, buffering, and tree protection standards in Div. 15, Article 4 apply in the Port Salerno Redevelopment Zoning District and which standards are modified, replaced, or do not apply in this Redevelopment Zoning District.

Table PS-9 - Landscaping, Buffering, and Tree Protection Standards

Div. 15, Article 4		In Port Salerno CRA
General Requirements		
4.661.A	Purpose and intent	Applies as written
4.661.B	Applicability	Does not apply
4.661.C	Glossary	Applies as written
Application Requirements		
4.662.A	Landscape Plan	Modified by 12.6.09.2
4.662.B	Irrigation Plans	Applies as written
Landscape Design Standards		
4.663.A	General requirements	
A.1	Required landscape area	Replaced by 12.6.09.3
A.2	Landscape area credits	Applies as written
A.3	Required tree planting	Modified by 12.6.09.4
A.4-5	Vehicular use areas	Modified by 12.6.09.6
A.6	Service areas	Modified by 12.6.09.7
A.7	Commercial buildings	Does not apply
4.663.B	Buffer-yard requirements	Does not apply
4.663.B.5	Buffer-yard requirements Adjoining Conservation Land	Applies as written
4.663.C	Add't req. for landscaping	Does not apply
4.663.D	Water efficient landscaping	Applies as written

4.663.E	Preserve area interface	Applies as written
Landscape Materials Standards		
4.664	(All Subsections)	Applies as written
Maintenance of Required Landscaping		
4.665	(All Subsections)	Applies as written
Tree Protection		
4.666	(All Subsections)	Applies as written
Alternative Compliance		
4.667	(All Subsections)	Replaced by 12.1.12.4.b 3.3
Certificate of Compliance		
4.668	(All Subsections)	Applies as written

PART VII. AMENDMENT OF TABLE GG-9, SECTION 12.3.09, LANDSCAPE STANDARDS, DIVISION 7, GOLDEN GATE, ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE

Sec. 12.7.09. Landscape standards.

1. Table GG-9 identifies which of the landscaping, buffering, and tree protection standards in Div. 15, Article 4 apply in the Golden Gate Redevelopment Zoning District and which standards are modified, replaced, or do not apply in this Redevelopment Zoning District.

Table GG-9 - Landscaping, Buffering, and Tree Protection Standards

Div. 15, Article 4		In Golden Gate CRA
General Requirements		
4.661.A	Purpose and intent	Applies as written
4.661.B	Applicability	Does not apply
4.661.C	Glossary	Applies as written
Application Requirements		
4.662.A	Landscape Plan	Modified by 12.7.09.2
4.662.B	Irrigation Plans	Applies as written
Landscape Design Standards		
4.663.A	General requirements	
A.1	Required landscape area	Replaced by 12.7.09.3
A.2	Landscape area credits	Applies as written

A.3	Required tree planting	Modified by 12.7.09.4
A.4-5	Vehicular use areas	Modified by 12.7.09.6
A.6	Service areas	Modified by 12.7.09.7
A.7	Commercial buildings	Does not apply
4.663.B	Buffer-yard requirements	Does not apply
4.663.B.5	Buffer-yard requirements Adjoining Conservation Land	Applies as written
4.663.C	Add't req. for landscaping	Does not apply
4.663.D	Water efficient landscaping	Applies as written
4.663.E	Preserve area interface	Applies as written
Landscape Material Standards		
4.664	(All Subsections)	Applies as written
Maintenance of Required Landscaping		
4.665	(All Subsections)	Applies as written
Tree Protection		
4.666	(All Subsections)	Applies as written
Alternative Compliance		
4.667	(All Subsections)	Replaced by 12.1.12.4.b 3.3
Certificate of Compliance		
4.668	(All Subsections)	Applies as written

PART VIII. 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 IX. 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 X. APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable throughout unincorporated Martin County.

PART XI. 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 XII. EFFECTIVE DATE.

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

PART XIII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the Land Development Regulations, Martin County Code, except that Parts VIII through XIII 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 ____ DAY OF _____, 2025.

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:

SARAH W. WOODS, COUNTY ATTORNEY