

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

**ORDINANCE NUMBER**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, DIVISION 6, REDEVELOPMENT OVERLAY DISTRICTS, REGARDING SECTION 3.261., JENSEN BEACH COMMUNITY REDEVELOPMENT OVERLAY DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners has adopted the Martin County Comprehensive Growth Management Plan within which are included goals, objectives, and policies related to zoning and land development; 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, the Board of County Commissioners adopted Ordinance 591 establishing the Jensen Beach Community Redevelopment Area property development standards on July 10, 2001; and

WHEREAS, Ordinance 591, as amended by Ordinance 609, Ordinance 683 and Ordinance 755 and Ordinance 591, has been codified as MARTIN COUNTY, FLA, LDR, §3.261; and

WHEREAS, the Jensen Beach Neighborhood Advisory Committee reviewed this draft ordinance on May 3, 2018 and recommended its approval;

WHEREAS, these proposed amendments to Article 3 of the Land Development Regulations, Martin County Code, have received public hearings before the Local Planning Agency and the Board of County Commissioners; 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: AMENDMENT OF ARTICLE 3, DIVISION 6, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS**

*Division 6 is hereby amended as follows (new text is underlined and deleted text is ~~struck through~~):*

### **Sec. 3.261. Jensen Beach Community Redevelopment Area Overlay Districts**

3.261.A. General.

3.261.B. Zoning Overlay Districts.

1. Permitted Uses.

2. Development Standards.

3.261.C. District 8 – Special District

1. Permitted Uses.

2. Development Standards.

3.261.D. Reserved.

3.261.E. Street Type Regulating Plan.

3.261.F. Reserved.

3.261.G. Parking.

3.261.H. Stormwater.

3.261.I. Landscaping.

3.261.J. Walls and Fences.

3.261.K. Sign Regulations.

3.261.L. Architectural Styles.

#### **Sec. 3.261.A. General**

1. MARTIN COUNTY, FLA., LDR §3.260. applies within all Community Redevelopment Areas within unincorporated Martin County.

2. All land within the Jensen Beach Community Redevelopment Area (CRA) is located within one of eight Zoning Overlay Districts and within the Jensen Beach Mixed-Use Future Land Use Overlay. The eight Jensen Beach Zoning Overlay Districts are:

a. District 1 – Jensen Beach Boulevard

b. District 2 – Ricou Terrace

c. District 3 – Pineapple Avenue North

- d. District 4 – Pineapple Avenue
- e. District 5 – Indian River Drive
- f. District 6 – Maple Street Commons
- g. District 7 – Maple Street
- h. District 8 – Special District

3. The boundaries of the Jensen Beach CRA and the Jensen Beach Zoning Overlay Districts are shown on Figure 3.261.1. The boundary of the Jensen Beach Mixed-Use Future Land Use Overlay is the same as the boundary of the Jensen Beach CRA.

4. Except as otherwise provided within section 3.261, the rules and standards of this section shall apply throughout the Jensen Beach CRA.

### **Sec. 3.261.B. Jensen Beach Zoning Overlay Districts**

#### **1. Permitted uses**

- a. The permitted uses in the Jensen Beach Blvd., Ricou Terrace, Pineapple Ave. North, Pineapple Avenue, Indian River Drive, Maple Street Commons, and Maple Street Zoning Overlay Districts are provided in Table 3.261.1. The permitted uses in the Special District, are described in section 3.261.C.
- b. Not all uses listed in Table 3.261.1 are permitted on all lots. All single-use development must also be consistent with the future land use designation on the subject property. The Future Land Use Map is available on the Martin County website ([www.martin.fl.us](http://www.martin.fl.us)).
- c. The Growth Management Director may approve uses other than those listed in Table 3.261.1 upon a finding that the use is functionally similar to the permitted uses and that the use is not likely to generate harmful impacts or create incompatibilities with other uses in the area. Prior to the decision, the Growth Management Director may request a recommendation from the Neighborhood Advisory Committee. The Growth Management Director shall keep a record of all such determinations.
- d. Mixed-Use Development
  - (1) Mixed-use development is permitted within the Jensen Beach CRA on land with any future land use designation.
  - (2) All mixed-use development shall provide at least one dwelling unit.
  - (3) The nonresidential component of mixed-use development shall include a use from the list of Commercial and Business or Limited Impact Industrial Uses on

Table 3.261.1. Public and Institutional uses may also be included in a mixed-use development.

(4) Drive-through businesses are not permitted in a mixed-use development.

e. Accessory uses and accessory structures are permitted pursuant to section 3.201, LDR, except as otherwise provided in this section.

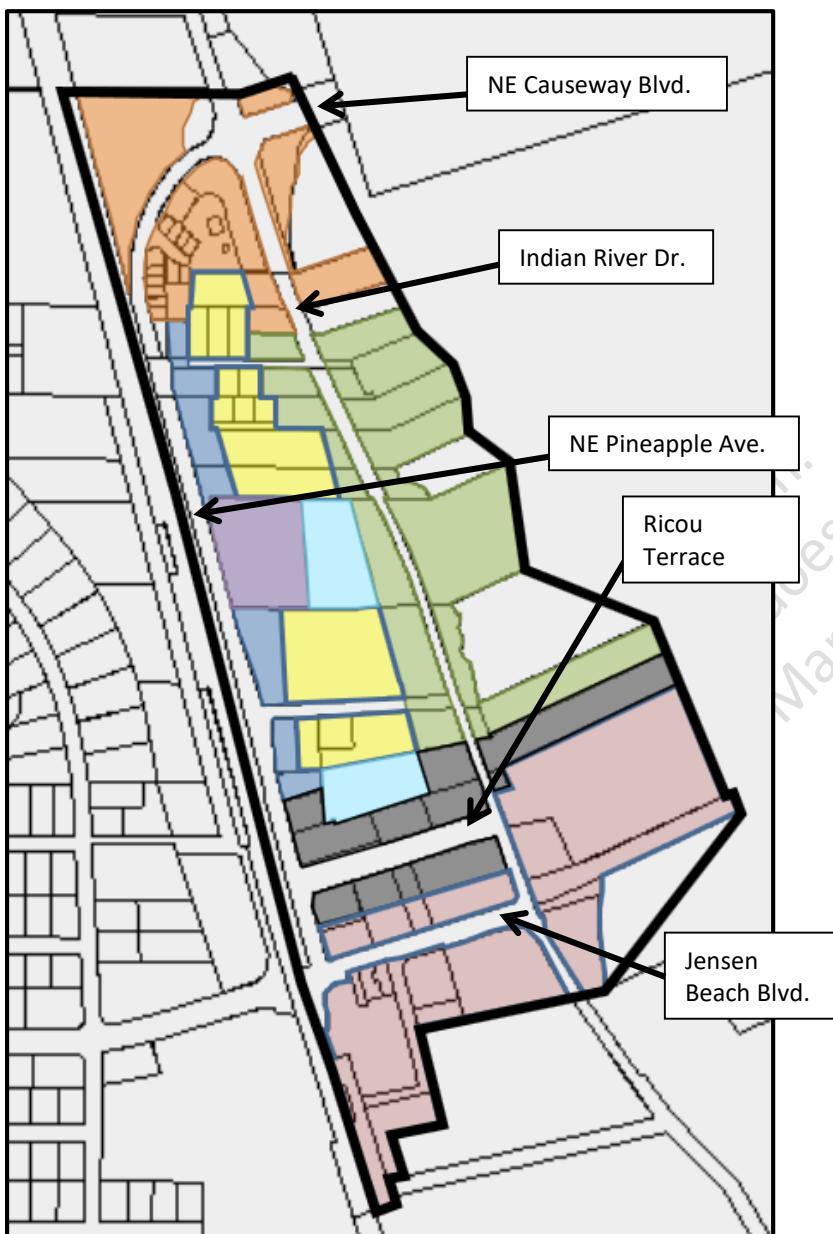
(1) Accessory Dwelling Units and guest houses shall be allowed as follows:

(a) A guest house or guest quarters shall be permitted on any property on which a single-family residence is located.

(b) One accessory dwelling unit available for rent shall be permitted on a property on which there is an owner-occupied, detached single-family residence.

*[remainder of page is blank.]*

Figure 3.261.1. Jensen Beach Community Redevelopment Area



Indian River Drive



Special District



Maple Street Commons



Maple Street



Pineapple Ave.



Ricou Terrace



Jensen Beach Blvd.



Pineapple Ave. North

Figure 3.261.1 is provided for the convenience of users of the LDR. It is not legally-binding. To determine the status of a particular parcel, the official maps of Martin County should be consulted. They can be accessed on the Martin County website: [www.martin.fl.us](http://www.martin.fl.us)

TABLE 3.261.1. Permitted Uses in the Jensen Beach Zoning Overlay Districts

	<u>7. Maple Street</u>	<u>6. Maple St. Town Commons</u>	<u>5. Indian River Drive</u>	<u>4. Pineapple Avenue</u>	<u>3. Pineapple Ave. North</u>	<u>2. Ricou Terrace</u>	<u>1. Jensen Beach Blvd.</u>
<b><u>Residential Uses</u></b>							
<u>Bed and Breakfast Inn</u>	P	P	P	P	P	P	P
<u>Residential as part of a Mixed-Use Project</u>	P	P	P	P	P	P	P
<b><u>Public and Institutional Uses<sup>(6)</sup></u></b>							
<u>Administrative Services, not-for-profit</u>	P	P	P	P	P	P	P
<u>Community Centers</u>	P	P	P	P	P	P	P
<u>Cultural or Civic Uses</u>	P	P	P	P	P	P	P
<u>Commercial Day Care</u>	P	P	P	P	P	P	P
<u>Educational Institutions</u>	P	P	P	P	P	P	P
<u>Post Offices</u>	P	P	P	P	P	P	P
<u>Public Libraries</u>	P	P	P	P	P	P	P
<u>Residential Care Facilities</u>	P	P	P	P	P	P	P
<u>Public Parks and Recreation Areas, Active</u>	P	P	P	P	P	P	P
<u>Public Parks and Recreation Areas, Passive</u>	P	P	P	P	P	P	P
<u>Places of Worship<sup>(1)</sup></u>	P	P	P	P	P	P	P
<u>Protective and Emergency Services</u>	P	P	P	P	P	P	P
<u>Utilities</u>	P	P	P	P	P	P	P

	<u>7. Maple Street</u>	<u>6. Maple St. Town Commons</u>	<u>5. Indian River Drive</u>	<u>4. Pineapple Avenue</u>	<u>3. Pineapple Ave. North</u>	<u>2. Ricou Terrace</u>	<u>1. Jensen Beach Blvd.</u>
<b><u>Business and Professional Uses</u></b> <sup>(6)</sup>							
<u>Amusement, Commercial</u> <sup>(7)</sup>	P	P	P	P	P	P	P
<u>Artisan, Art Studios, Galleries</u> <sup>(2)</sup>	P	P	P	P	P	P	P
<u>Flea Market</u> <sup>(2, 4)</sup>	P	P	P	P	P	P	P
<u>Funeral Home</u>	P	P	P	P	P	P	P
<u>Health and Fitness Club</u>	P	P	P	P	P	P	P
<u>Hotel or Motel</u>	P	P	P	P	P	P	P
<u>Kiosks</u> <sup>(5)</sup>	P	P	P	P	P	P	P
<u>Office, Business or Professional</u>	P	P	P	P	P	P	P
<u>Office, Medical</u>	P	P	P	P	P	P	P
<u>Parking, Commercial</u>	P	P	P	P	P	P	P
<u>Pet Shop and Supplies</u>	P	P	P	P	P	P	P
<u>Rental Center</u> <sup>(2)</sup>	P	P	P	P	P	P	P
<u>Residential Storage Facility</u> <sup>(2)</sup>	P	P	P	P		P	P
<u>Restaurant, General</u>	P	P	P	P	P	P	P
<u>Restaurant, Convenience</u>	P	P	P	P	P	P	P
<u>Retail Sales &amp; Service, Limited</u> <sup>(2)</sup>	P	P	P	P	P	P	P
<u>Retail Sales &amp; Service, General</u> <sup>(2)</sup>	P	P	P	P	P	P	P
<u>Theater, Indoors</u>	P	P	P	P	P	P	P
<u>Theater, Outdoor</u> <sup>(2)</sup>	P	P	P	P	P	P	P
<u>Trade and Skilled Services</u> <sup>(2)</sup>	P	P	P	P	P	P	P
<u>Veterinary Medical Services</u> <sup>(2)</sup>	P	P	P	P	P	P	P

	<u>7. Maple Street</u>	<u>6. Maple St. Town Commons</u>	<u>5. Indian River Drive</u>	<u>4. Pineapple Avenue</u>	<u>3. Pineapple Ave. North</u>	<u>2. Ricou Terrace</u>	<u>1. Jensen Beach Blvd.</u>
<u>Wholesale &amp; Warehousing</u> (2, 4)	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>
<b><u>Waterfront Commercial Uses</u></b> <sup>(6)</sup>							
<u>Commercial</u> <sup>(2)</sup>	P <sub>l</sub> <sup>(6)</sup>	P <sub>l</sub> <sup>(6)</sup>	P <sub>l</sub> <sup>(6)</sup>			P <sub>l</sub> <sup>(6)</sup>	
<u>Transient Quarters</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>
<u>Boatels/Motels/Hotels</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>
<u>Boat Yards</u>						P <sub>l</sub>	
<u>Commercial Dry Storage</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>			P <sub>l</sub>	
<u>Commercial Wet Storage</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>			P <sub>l</sub>	
<u>Watercraft Sales, Rentals, Charters</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	
<u>Marine Power Sales, Service and Repair</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	
<u>Bait and Tackle Shops</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	
<u>Waterfront Community and Public Services</u>						P <sub>l</sub>	
<u>Fuel Sales</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	
<u>Marine Education and Research</u>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	
<b><u>Horticulture</u></b>							
<u>Retail Greenhouses</u> <sup>(2)</sup>				P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>
<u>Nurseries</u> <sup>(2)</sup>				P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>
<u>Landscaping Services</u> <sup>(2)</sup>				P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>	P <sub>l</sub>
<b><u>Industrial Uses</u></b>							
<u>Limited Impact Industry</u> <sup>(2, 3)</sup>	P <sub>l</sub> <sup>(6)</sup>	P <sub>l</sub> <sup>(6)</sup>	P <sub>l</sub> <sup>(6)</sup>	P <sub>l</sub>	P <sub>l</sub> <sup>(6)</sup>	P <sub>l</sub>	P <sub>l</sub>

**Notes to Table 3.262.1:**

- (1) There shall be no minimum separation requirements between places of worship and any other use.
- (2) The outdoor storage of goods or materials is prohibited unless it is completely screened from the street and adjacent property.
- (3) All limited industrial services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.
- (4) A flea market shall be in a totally enclosed area or temporary and occasional.
- (5) Kiosks in the public right-of-way shall be subject to the approval of the Neighborhood Advisory Committee, a right-of-way use permit, and payment of an annual fee. The fee shall be set by the Board of County Commissioners by resolution and deposited into the Jensen Beach CRA Redevelopment Trust Fund. Kiosks shall be subject to the Jensen Beach CRA architectural styles, Section 3.261.L.
- (6) Except as provided for mixed-use development, development on land with the Commercial Waterfront Future Land Use designation shall be water-dependent or water-related. Mixed-Use development on land with the Commercial Waterfront Future Land Use may contain residential uses and retail shops. Other uses in a mixed-use development must be water-dependent or water-related. Water-related development includes marine resort-type uses including transient accommodations, restaurants and retail shops.
- (7) Coin-operated amusements shall be limited to no more than four per business establishment whether such coin-operated amusements are offered as a primary use, such as in an amusement arcade, or as an accessory to another business. For purposes of this subsection, "coin-operated amusements" shall mean any machine intended to provide amusement on-demand, such as but not limited to pin-ball machines, pool tables and video games, regardless of whether the actual method of payment is via coins, tokens, paper money, credit card or similar means. See also, Sec. 3.59, LDR.

**2. Development Standards.**

- a. All new development, substantial improvements of a building, and substantial renovations of a building exterior, as those terms are defined in Art. 4, Div. 20., shall comply with the development standards in Table 3.261.2, except as provided in paragraph b.
- b. Whenever substantial improvement of a building or substantial renovation of building exterior triggers the obligation to comply with this section, 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.

c. Mixed-use development.

- (1) Mixed-use development shall have residential density ranging from 2 units per acre to 15 units per acre.
- (2) When the lot is one-half acre or less, dwelling units of 800 square feet or less shall count as one-half a dwelling unit. This requirement shall not require a small mixed-use project to have more than one dwelling unit because that dwelling unit is 800 square feet or less.
- (3) When the lot is larger than one-half acre, dwelling units of 800 square feet or less shall count as one-half a dwelling unit if at least 50 percent of the units qualify as affordable housing, as affordable housing is defined in the Comprehensive Growth Management Plan (CGMP).
- (4) Mixed-use development shall provide no less than 20 percent open space. In mixed-use development, open space shall include landscaped pedestrian environments and community gathering areas. Mixed-use development shall be permitted 100 percent building coverage if the equivalent of 20 percent open space is contributed in the form of land or money and CGMP Policy 4.3A.10, Alternative Compliance for mixed-use projects in a Mixed-Use Overlay, is met.
- (5) No landscape buffer, other physical or visual screen or barrier, or density transition shall be required between different land uses within a mixed-use development.
- (6) When proposed mixed-use development abuts property with an existing residential use or a residential future land use outside of the Mixed-Use Overlay, buffering or a transition in scale and character shall be provided between the mixed-use project and the adjacent residential property, giving due consideration to the size of the site area of the mixed-use development.
- (7) Mixed-use projects shall have a minimum of 20% residential use and a maximum of 75% residential use based on the total building square footage. The allowable number of units in a mixed-use project shall be calculated according to the following formula: residential building square footage divided by the total project building square footage multiplied by the total project acreage multiplied by 15 units per acre.

The formula is “RB/TP x PA x MD = TU” where:

RB = residential building square footage  
TP = total project building square footage  
PA = project acreage  
MD = maximum density  
TU = total maximum dwelling units

d. Residential development. In all Overlay Districts, when residential use is proposed on the first floor of a building, the first floor shall be elevated at least thirty inches above the finished grade as measured along the front building line. This provision shall be voluntary for any residential building that is developed pursuant to an affordable housing program, such as but not limited to projects funded by the State Housing Initiative Partnership Program (SHIP) or by nonprofit housing providers such as Habitat for Humanity.

e. Accessory uses and structures shall be governed by section 3.201, LDR, except as provided in this section.

(1) Garages, sheds, exposed pumps or electrical meters, air conditioning compressors or projecting air conditioning window units, clothes lines or clothes drying, antennas and satellite dishes, and similar structures and uses shall not be located between the front of a building and a street. Garbage cans shall not be located between the front of a building and a street, except on pick-up days and as required by subsection 3.261.I.4.a.(1)

(2) Boats, recreational vehicles or boat trailers shall not be parked or stored between the front of a building and a street. This prohibition does not apply to boats and boat trailers associated with a lawfully established commercial use.

(3) Accessory structures shall not exceed 850 square feet of interior floor space.

(4) Accessory Dwelling Units and Guest Houses

(a) A guest house or accessory dwelling unit shall not count as a separate unit for purposes of calculating density.

(b) A guest house and an accessory dwelling unit may be the second floor of a garage, a freestanding cottage, or physically attached to the principal dwelling.

(c) A guest house or accessory dwelling unit shall not exceed 50 percent of the floor area of the principal dwelling or 850 square feet, whichever is smaller.

(d) Accessory dwelling units may have separate utility meters or share utilities with the principal dwelling, as required or permitted by the utility provider.

(e) A guest house, an accessory dwelling or the land either one occupies shall not be sold or conveyed separately from the principal dwelling unit.

(5) Walls, fences and signs. See section 3.261.J. for standard governing walls and fences and section 3.261.K. for standards governing signs.

**3.261.A. Permitted uses and development standards.** The permitted uses and development standards for the eight Redevelopment Overlay Districts within the Jensen Beach Community Redevelopment Area shall be as set forth in this section 3.261. The Redevelopment Overlay Districts shall be as set forth in Figure 1 in Ordinance 683, or as such Redevelopment Overlay Districts may be amended from time to time pursuant to subsection 3.260.B. All figures referred to in this section 3.261 shall refer to the figures for Jensen Beach Redevelopment Overlay Districts, which is incorporated herein by reference. The provisions of subsections 3.261.B through 3.261.K shall apply to all eight of the Redevelopment Overlay Districts unless otherwise noted.

**1. District I permitted uses and development standards.**

**a. Permitted uses and specific conditions.**

**Residential**

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

**Public and Institutional Uses**

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~  
~~Protective and Emergency Services~~  
~~Utilities~~

**Manufacturing**

~~Limited Impact Industry (1, 4)~~

**Business and Professional Uses**

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~

~~Flea Market (1, 6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices~~  
~~Office, Business or Professional~~  
~~Parking, Commercial (7)~~  
~~Pet Shop and Supplies~~  
~~Rental Center (1)~~  
~~Residential Storage Facility (1)~~  
~~Restaurant, General~~  
~~Restaurant, Convenience~~  
~~Retail Sales and Service (Limited)~~  
~~Retail Sales and Service (General) (1)~~  
~~Theater, Indoors,~~  
~~Theater, Outdoor (1)~~  
~~Trade and Skilled Services (1)~~  
~~Veterinary Medical Services (1)~~  
~~Wholesale and Warehousing (1, 6)~~

~~Waterfront: Limited, General and Resort~~

~~Commercial (1, 3)~~  
~~Transient Quarters~~  
~~Boatels/Motels/Hotels~~  
~~Commercial Dry Storage~~  
~~Commercial Wet Storage~~  
~~Watercraft Sales, Rental, Charters~~  
~~Marine Power Sales, Service and Repair~~  
~~Bait and Tackle Shops~~  
~~Accessory Marine Related Uses~~  
~~Fuel Sales~~  
~~Marine Education and Research~~

Specific Conditions:

1. ~~Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~
2. ~~Reserved.~~
3. ~~Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~

4. ~~All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~

5. ~~Reserved.~~

6. ~~Use shall be either in a totally enclosed area or temporary or occasional.~~

7. ~~Reserved.~~

8. ~~Reserved.~~

9. ~~Reserved.~~

10. ~~Kiosks are subject to standards set forth in subsection 3.261.H, Miscellaneous Standards.~~

11. ~~There shall be no separation requirements between places of worship and any other use.~~

b. *Development standards for all projects in District I. Refer also to Figures 1 and 1A.*

Maximum lot size, square feet	25,000
Minimum lot width and minimum lot frontage on dedicated right-of-way, feet	25
Maximum lot width and maximum lot frontage on dedicated right-of-way, feet	100
Maximum building coverage, percent, minus setbacks	80%
Maximum building size, square feet of gross floor area	15,000
Maximum gross floor area per use	10,000
Minimum building frontage, percent of lot frontage (required only along "A Streets" as designated in Figure 19)	80%
Maximum building frontage, percent of lot frontage	100%
Required front setback, feet	Build-to-line*
Allowed front sidewalk encroachment—first floor, percent of sidewalk width (arcades and/or canvas roofs—10-foot minimum arcade)	100% less 2'
Allowed front sidewalk encroachment—second floor, percent of sidewalk width (balconies or walkways only)	100% less 2'
Allowed side setback encroachment—first floor	NA
Allowed side setback encroachment—second floor	NA
Minimum side setback, feet	0 or 5**
Minimum combined side setback, feet	0 or 5**
Minimum rear setback, feet	0

Maximum building height, feet (to bottom of roof sill plate)	35***
Minimum building height, feet	20
Permitted building types	Mixed use, retail, civic

\* See build-to-line as specified in right-of-way guidelines, Figures 10 through 12.

\*\* Buildings are permitted with 0 feet setbacks (attached or on the property line). If they are not set on the property line, then the minimum setback is 5 feet (no building may be set back between 0 - 5 feet). Refer to minimum building frontage percent to determine maximum building setbacks along lot frontage.

\*\*\* Maximum height east of Indian River Drive shall be 24 feet.

- c. ~~Mixed use projects.~~ In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.
- d. ~~Non-mixed use projects.~~ Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.

## **2. District II permitted uses and development standards.**

- a. *Permitted uses and specific conditions.*

### *Residential*

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

### *Public and Institutional Uses*

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~

~~Protective and Emergency Services~~  
~~Utilities~~

*Manufacturing*

~~Limited Impact Industry (1, 4)~~

*Business and Professional Uses*

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~  
~~Flea Market (1, 6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices~~  
~~Office, Business or Professional~~  
~~Parking, Commercial~~  
~~Pet Shop and Supplies~~  
~~Rental Center (1)~~  
~~Residential Storage Facility (1)~~  
~~Restaurant, General~~  
~~Restaurant, Convenience~~  
~~Retail Sales and Service (Limited)~~  
~~Retail Sales and Service (General) (1)~~  
~~Theater, Indoors,~~  
~~Theater, Outdoor (1)~~  
~~Trade and Skilled Services (1)~~  
~~Veterinary Medical Services (1)~~  
~~Wholesale and Warehousing (1, 6)~~

*Waterfront: Limited, General and Resort*

~~Commercial (1, 3)~~  
~~Transient Quarters~~  
~~Boatels/Motels/Hotels~~  
~~Commercial Dry Storage~~  
~~Commercial Wet Storage~~  
~~Watercraft Sales, Rental, Charters~~  
~~Marine Power Sales, Service and Repair~~  
~~Bait and Tackle Shops~~  
~~Accessory Marine Related Uses~~  
~~Fuel Sales~~  
~~Marine Education and Research~~

*Specific Conditions:*

1. ~~Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~

2. ~~Reserved.~~

3. ~~Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~

4. ~~All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~

5. ~~Reserved.~~

6. ~~Use shall be either in a totally enclosed area or temporary or occasional.~~

7. ~~Reserved.~~

8. ~~Reserved.~~

9. ~~Reserved.~~

10. ~~Kiosks are subject to standards set forth in subsection 3.261.H, Miscellaneous Standards.~~

11. ~~There shall be no separation requirements between places of worship and any other use.~~

b. *Development standards for all projects in District II. Refer also to Figures 2 and 2A.*

Maximum lot size, square feet	25,000
Minimum lot width and minimum lot frontage on dedicated right-of-way, feet (then increments of 25')	25
Maximum lot width and maximum lot frontage on dedicated right-of-way, feet	100
Maximum building coverage, percent, minus setbacks	80%
Maximum building size, square feet of gross floor area	15,000
Maximum gross floor area per use, square feet	10,000
Minimum building frontage, percent of lot frontage (required only along "A Streets" as designated in Figure 19)	80%
Maximum building frontage, percent of lot frontage	100%
Required front setback, feet	Build-to-line*
Allowed front encroachment—first floor, percent of sidewalk width (arcades and/or canvas roofs—8-foot	100% less 2'

minimum arcade)	
Allowed front encroachment—second floor, percent of sidewalk width (balconies or walkways only)	100% less 2'
Allowed side setback encroachment—first floor	NA
Allowed side setback encroachment—second floor	NA
Minimum side setback, feet	0 or 5**
Minimum combined side setback, feet	0 or 5**
Minimum rear setback, feet	0
Maximum building height, feet (to bottom of roof sill plate plus required 2–3-foot ground crawl space)	35***
Minimum building height, feet	20
Permitted building types	Mixed-use, retail, office, live/work, civic, apartment houses

\* See build-to-line as specified in right-of-way guidelines, Figures 10 through 12.

\*\* Buildings are permitted with 0 feet setbacks (attached or on the property line). If they are not set on the property line, then the minimum setback is 5 feet (no building may be set back between 0–5 feet). Refer to minimum building frontage percent to determine maximum building setbacks along lot frontage.

\*\*\* Maximum height east of Indian River Drive shall be 24 feet.

- c. *Mixed use projects.* In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.
- d. *Non-mixed use projects.* Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.

### **3. District III permitted uses and development standards.**

- a. *Permitted uses and specific conditions.*

#### *Residential*

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

#### *Public and Institutional Uses*

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~  
~~Protective and Emergency Services~~  
~~Utilities~~

***Manufacturing***

~~Limited Impact Industry (1, 4)~~

***Business and Professional Uses***

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~  
~~Flea Market (1, 6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices~~  
~~Office, Business or Professional~~  
~~Parking, Commercial~~  
~~Pet Shop and Supplies~~  
~~Rental Center (1)~~  
~~Residential Storage Facility (1)~~  
~~Restaurant, General~~  
~~Restaurant, Convenience~~  
~~Retail Sales and Service (Limited)~~  
~~Retail Sales and Service (General) (1)~~  
~~Theater, Indoors,~~  
~~Theater, Outdoor (1)~~  
~~Trade and Skilled Services (1)~~  
~~Veterinary Medical Services (1)~~  
~~Wholesale and Warehousing (1, 6)~~

***Waterfront: Limited, General and Resort***

~~Commercial (1, 3)~~  
~~Transient Quarters~~  
~~Boatels/Motels/Hotels~~

~~Commercial Dry Storage~~  
~~Commercial Wet Storage~~  
~~Watercraft Sales, Rental, Charters~~  
~~Marine Power Sales, Service and Repair~~  
~~Bait and Tackle Shops~~  
~~Accessory Marine Related Uses~~  
~~Fuel Sales~~  
~~Marine Education and Research~~

Specific Conditions:

1. ~~Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~
2. ~~Reserved.~~
3. ~~Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~
4. ~~All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~
5. ~~Reserved.~~
6. ~~Use shall be either in a totally enclosed area or temporary or occasional.~~
7. ~~Reserved.~~
8. ~~Reserved.~~
9. ~~Reserved.~~
10. ~~Kiosks are subject to standards set forth in subsection 3.261.H, Miscellaneous Standards.~~
11. ~~There shall be no separation requirements between places of worship and any other use.~~

b. ~~Development standards for all projects in District III. Refer also to Figures 3 and 3A.~~

<del>Maximum lot size, square feet</del>	15,000
<del>Minimum lot width and minimum lot frontage on dedicated right-of-way, feet (then increments of 25')</del>	25
<del>Maximum lot width and maximum lot frontage on dedicated right-of-way, feet</del>	100
<del>Maximum building coverage, percent, minus setbacks</del>	80%
<del>Maximum building size, square feet of gross floor area</del>	15,000

Maximum gross floor area per use, square feet	10,000
Minimum building frontage, percent of lot frontage (required only along "A Streets" as designated in Figure 19)	80%
Maximum building frontage, percent of lot frontage	100%
Required front setback, feet	Build-to-line*
Allowed front encroachment—first floor, percent of sidewalk width (arcades and/or canvas roofs—8 foot minimum arcade)*	100% (less 2' if on-street parking)
Allowed front encroachment—second floor, percent of sidewalk width (balconies or walkways only)	100% (less 2' if on-street parking)
Allowed side setback encroachment—first floor	NA
Allowed side setback encroachment—second floor	NA
Minimum side setback, feet	0 or 5**
Minimum combined side setback, feet	0 or 5**
Minimum rear setback, feet	5 from alley, 10 if no alley
Maximum building height, feet (to bottom of roof sill plate)	35***
Minimum building height, feet	20
Permitted building types	Mixed-use, retail, office, live/work, apartment house, civic

\* See build-to-line as specified in right-of-way guidelines, Figures 10 through 12.

\*\* Buildings are permitted with 0 feet setbacks (attached or on the property line). If they are not set on the property line, then the minimum setback is 5 feet (no building may be setback between 0—5 feet). Refer to minimum building frontage percent to determine maximum building setbacks along lot frontage.

\*\*\* Maximum height east of Indian River Drive shall be 24 feet.

- c. Mixed use projects. In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.
- d. Non-mixed use projects. Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with

~~the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.~~

**4. District IV permitted uses and development standards.**

**a. Permitted uses and specific conditions.**

*Residential*

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

*Horticulture*

~~Retail Greenhouses (1)~~  
~~Nurseries (1)~~  
~~Landscaping Services (1)~~

*Public and Institutional Uses*

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~  
~~Protective and Emergency Services~~  
~~Utilities~~

*Manufacturing*

~~Limited Impact Industry (1, 4)~~

*Business and Professional Uses*

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~  
~~Flea Market (6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices,~~  
~~Office, Business or Professional,~~  
~~Parking, Commercial (7)~~

~~Pet Shop and Supplies,  
Rental Center (1)  
Residential Storage Facility (1)  
Restaurant, General,  
Restaurant, Convenience,  
Retail Sales and Service (Limited),  
Retail Sales and Service (General) (1)  
Theater, Indoors,  
Theater, Outdoor (1)  
Trade and Skilled Services (1)  
Veterinary Medical Services (1)  
Wholesale and Warehousing (1, 6)~~

*Waterfront: Limited, General and Resort Commercial (1, 3)*

~~Transient Quarters  
Boatels/Motels/Hotels  
Watercraft Sales, Rental, Charters  
Marine Power Sales, Service and Repair  
Bait and Tackle Shops  
Accessory Marine Related Uses  
Fuel Sales  
Marine Education and Research~~

*Specific Conditions:*

1. ~~Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~
2. ~~Reserved.~~
3. ~~Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~
4. ~~All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~
5. ~~Reserved.~~
6. ~~Use shall be either in a totally enclosed area or temporary or occasional.~~
7. ~~Reserved.~~
8. ~~Reserved.~~
9. ~~Reserved.~~
10. ~~Kiosks are subject to standards set forth in subsection 3.261.H, Miscellaneous Standards.~~

11. There shall be no separation requirements between places of worship and any other use.

b. *Development standards for all projects in District IV. Refer also to Figures 4 and 4A.*

Maximum lot size, square feet	12,500
Minimum lot width and minimum lot frontage on dedicated right-of-way, feet	50
Maximum lot width and maximum lot frontage on dedicated right-of-way, feet	100
Maximum building coverage, percent	70%
Maximum building size, square feet of gross floor area (5,500 sq. ft. per floor)	16,500
Maximum gross floor area per use, square feet	11,000
Minimum building frontage, percent of lot frontage (required only along "A Streets" as designated in Figure 19)	60%
Maximum building frontage, percent of lot frontage minus setbacks	90%
Required front setback, feet	15 minimum, 20 maximum
Allowed front setback encroachment, feet—first floor, porches only*	10
Allowed front setback encroachment, feet—second floor*	10
Allowed side setback encroachment, feet—first floor	5
Allowed side setback encroachment—second floor	NA
Minimum side setback, feet (one side)	5
Minimum combined side setback, feet	10
Minimum rear setback, feet	5 from alley, 10 if no alley
Maximum building height, feet (to bottom of roof sill plate)	35
Minimum building height, feet	20
Permitted building types	Mixed-use, live/work, retail, office,

	townhouse, side yard house, single-family house, apartment house, apartment building, civic
--	---

- \* ~~Minimum width of encroachment will be at least 50 percent of building width. See build-to-line as specified in right-of-way guidelines, Figures 10 through 12. 12 foot rear alleys with 5-foot setbacks required behind lots.~~
- c. ~~Mixed use projects. In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.~~
- d. ~~Non-mixed use projects. Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.~~

## ***5. District V permitted uses and development standards.***

- a. *Permitted uses and specific conditions.*

### *Residential*

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

### *Horticulture*

~~Retail greenhouses (1)~~  
~~Nurseries (1)~~  
~~Landscaping Services (1, 4)~~

### *Public and Institutional Uses*

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~

~~Protective and Emergency Services~~  
~~Utilities~~

*Manufacturing*

~~Limited Impact Industry (1, 4)~~

*Business and Professional Uses*

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~  
~~Flea Market (1, 6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices,~~  
~~Office, Business or Professional,~~  
~~Parking, Commercial (7)~~  
~~Pet Shop and Supplies,~~  
~~Rental Center (1)~~  
~~Restaurant, General,~~  
~~Restaurant, Convenience,~~  
~~Retail Sales and Service (Limited),~~  
~~Retail Sales and Service (General) (1)~~  
~~Theater, Indoors,~~  
~~Theater, Outdoor (1)~~  
~~Trade and Skilled Services (1)~~  
~~Veterinary Medical Services (1)~~  
~~Wholesale and Warehousing (1, 6)~~

~~Waterfront: Limited, General and Resort Commercial (1, 3)~~

~~Transient Quarters~~  
~~Boatels/Motels/Hotels~~  
~~Boat Yards~~  
~~Commercial Dry Storage~~  
~~Commercial Wet Storage~~  
~~Watercraft Sales, Rental, Charters~~  
~~Marine Power Sales, Service and Repair~~  
~~Bait and Tackle Shops~~  
~~Accessory Marine Related Uses~~  
~~Waterfront Community and Public Services~~  
~~Fuel Sales~~  
~~Marine Education and Research~~

*Specific Conditions:*

1. ~~Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~
2. ~~Reserved.~~
3. ~~Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~
4. ~~All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~
5. ~~Reserved.~~
6. ~~Use shall be either in a totally enclosed area or temporary or occasional.~~
7. ~~Reserved.~~
8. ~~Reserved.~~
9. ~~Reserved.~~
10. ~~Kiosks are subject to standards set forth in subsection 3.261.H, Miscellaneous Standards.~~
11. ~~There shall be no separation requirements between places of worship and any other use.~~

b. *Development standards for all projects in District V. Refer also to Figures 5 and 5A.*

Maximum lot size, square feet	12,500
Minimum lot width and minimum lot frontage on dedicated right-of-way, feet (then increments of 15', 25', 25')	35
Maximum lot width and maximum lot frontage on dedicated right-of-way, feet	100
Maximum building coverage, percent	60%
Maximum building size, square feet of gross floor area	15,000
Maximum gross floor area per use, square feet	10,000
Minimum building frontage, percent of lot frontage (required only along "A Streets" as designated in Figure 19)	60%
Maximum building frontage, percent of lot frontage minus setbacks	80%

Required front setback, feet	15 minimum 25 maximum
Allowed front setback encroachment, feet—first floor (porches)*	10
Allowed front setback encroachment, feet—second floor (balconies or walkways only)*	10
Allowed side setback encroachment—first floor	NA
Allowed side setback encroachment, feet—second floor	5
Minimum side setback, feet (one side)	5
Minimum combined side setback, feet	10
Minimum rear setback, feet	5 from alley, 10 if no alley
Maximum building height, feet (to bottom of roof sill plate)	30***
Minimum building height, feet**	1-story for residential, all others 20'
Permitted building types	Mixed-use, retail, apartment house, apartment building, side yard house, rear yard house, civic

\* Minimum width of encroachment will be at least 50 percent of building width.

\*\* Nonresidential buildings shall appear to be two stories high.

\*\*\* Maximum height east of Indian River Drive shall be 24 feet.

— 12-foot rear alleys with 4-foot setbacks behind lots.

- c. *Mixed use projects.* In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.
- d. *Non-mixed use projects.* Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.

## **6. District VI permitted uses and development standards.**

- a. *Permitted uses specific conditions.*

*Residential*

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

*Horticulture*

~~Retail Greenhouses (1)~~  
~~Nurseries (1)~~  
~~Landscaping Services (1, 4)~~

*Public and Institutional Uses*

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~  
~~Protective and Emergency Services~~  
~~Utilities~~

*Manufacturing*

~~Limited Impact Industry (1, 4)~~

*Business and Professional Uses*

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~  
~~Flea Market (1, 6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices,~~  
~~Office, Business or Professional,~~  
~~Parking, Commercial (7)~~  
~~Pet Shop and Supplies,~~  
~~Rental Center (1)~~  
~~Residential Storage Facility (1)~~  
~~Restaurant, General,~~  
~~Restaurant, Convenience,~~  
~~Retail Sales and Service (Limited),~~  
~~Retail Sales and Service (General) (1)~~  
~~Theater, Indoors,~~

~~Theater, Outdoor (1)~~  
~~Trade and Skilled Services (1)~~  
~~Veterinary Medical Services (1)~~

*Specific Conditions:*

- ~~1. Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~
- ~~2. Reserved.~~
- ~~3. Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~
- ~~4. All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~
- ~~6. Use shall be either in a totally enclosed area or temporary or occasional.~~
- ~~7. Reserved.~~
- ~~9. Reserved.~~
- ~~10. Kiosks are subject to standards set forth in subsection 3.261.H, Miscellaneous Standards.~~
- ~~11. There shall be no separation requirements between places of worship and any other use.~~

~~b. Development standards for all projects in District VI. Refer also to Figures 6 and 6A.~~

<del>Maximum lot size, square feet</del>	<del>3,500</del>
<del>Minimum lot width and minimum lot frontage on dedicated right of way, feet</del>	<del>46</del>
<del>Maximum lot width and maximum lot frontage on dedicated right of way, feet</del>	<del>25</del>
<del>Maximum building coverage, percent (less setbacks)</del>	<del>80%</del>
<del>Maximum building size, square feet of gross floor area</del>	<del>4,500</del>
<del>Maximum gross floor area per use, square feet</del>	<del>4,500</del>
<del>Minimum building frontage, percent of lot frontage (required only along "A Streets" as designated in Figure 19)</del>	<del>100%</del>
<del>Required front setback, feet</del>	<del>5</del>
<del>Allowed front setback encroachment—first floor</del>	<del>stoop*</del>

Allowed front encroachment, feet—second floor	5
Allowed side setback encroachment—first floor	NA
Allowed side setback encroachment—second floor	NA
Minimum side setback, feet (one side)	0 or 5**
Minimum combined side setback, feet	NA
Minimum rear setback, feet	5 from alley
Maximum building height, feet (to bottom of roof sill plate)	30
Minimum building height, feet	20
Permitted building types	Townhouse, live/work, retail

— Minimum 12 foot rear alleys with 5 foot setbacks required behind lots.

\* Stoops (steps and landings needed to access the first floor of the building) shall be uncovered.

\*\* Buildings are permitted with 0 feet setbacks (attached or on the property line). If they are not set on the property lines then the minimum setback is 5 feet (no building may be set back between 0 – 5 feet). 100% minimum building frontage requires buildings to be attached along lot frontage.

c. *Mixed use projects.* In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.

d. *Non-mixed use projects.* Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.

## ***7. District VII permitted uses and development standards.***

a. *Permitted uses and specific conditions.*

### *Residential*

~~Bed and Breakfast Inn~~  
~~Residential as part of a Mixed Use Project~~

### *Horticulture*

~~Retail Greenhouses (1)~~  
~~Nurseries (1)~~  
~~Landscaping Services (1, 4)~~

*Public and Institutional Uses*

~~Administrative Services, not for profit~~  
~~Community Centers~~  
~~Cultural or Civic Uses~~  
~~Commercial Day Care~~  
~~Educational Institutions~~  
~~Post Offices~~  
~~Public Libraries~~  
~~Residential Care Facilities~~  
~~Public Park and Recreation, Active~~  
~~Public Park and Recreation, Passive~~  
~~Places of Worship (11)~~  
~~Protective and Emergency Services~~  
~~Utilities~~

*Manufacturing*

~~Limited Impact Industry (1, 4)~~

*Business and Professional Uses*

~~Amusement, Commercial~~  
~~Artisan, Art Studios, Galleries~~  
~~Flea Market (1, 6)~~  
~~Funeral Home~~  
~~Health and Fitness Club~~  
~~Hotel or Motel~~  
~~Kiosks (10)~~  
~~Medical Offices,~~  
~~Office, Business or Professional,~~  
~~Parking, Commercial (7)~~  
~~Pet Shop and Supplies,~~  
~~Rental Center (1)~~  
~~Residential Storage Facility (1)~~  
~~Restaurant, General,~~  
~~Restaurant, Convenience,~~  
~~Retail Sales and Service (Limited),~~  
~~Retail Sales and Service (General) (1)~~  
~~Theater, Indoors,~~  
~~Theater, Outdoor (1)~~  
~~Trade and Skilled Services (1)~~  
~~Veterinary Medical Services (1)~~

Specific Conditions:

1. ~~Uses subject to this condition shall not be permitted to conduct outdoor display or storage of goods or materials, unless completely screened from the street and adjacent property.~~
2. ~~Reserved.~~
3. ~~Other than those listed, specific waterfront limited, general and resort commercial uses shall meet the alternative compliance provision of subsection 3.260.D.~~
4. ~~All services or uses shall offer the products manufactured for sale on location and the manufacturing process should be accessible to the public for viewing.~~
5. ~~Reserved.~~
6. ~~Use shall be either in a totally enclosed area or temporary or occasional.~~
7. ~~Reserved.~~
9. ~~Reserved.~~
10. ~~Kiosks are subject to standards set forth in Section 3.261.H, Miscellaneous Standards.~~
11. ~~There shall be no separation requirements between places of worship and any other use.~~

b. *Development standards for all projects in District VII. Refer also to Figures 7 and 7A.*

Maximum lot size, square feet	7,500
Minimum lot width and minimum lot frontage on dedicated right-of-way, feet	35
Maximum lot width and maximum lot frontage on dedicated right-of-way, feet	50
Maximum building coverage, percent	50%
Maximum building size, square feet of gross floor area	5,000
Maximum gross floor area per use	NA
Minimum building frontage, percent of lot frontage minus setbacks (required only along "A Streets" as designated in Figure 19)	40%
Maximum building frontage, percent of lot frontage	75%
Required front setback, feet	10 minimum, 15 maximum
Allowed front setback encroachment, feet—first floor	5

Allowed front encroachment, feet—second floor	5
Allowed side setback encroachment, feet—first floor	0
Allowed side setback encroachment, feet—second floor	0
Minimum side setback, feet (one side)	5
Minimum combined side setback, feet	10
Minimum rear setback, feet	5 from alley, 10 if no alley
Maximum building height, feet (to bottom of roof sill plate)	24
Minimum building height	1-story
Permitted building types	Side yard house, rear yard house

— Minimum 12-foot rear alleys with 5-foot setbacks required behind lots.

c. *Mixed use projects.* In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.

d. *Non-mixed use projects.* Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.

**Table 3.261.2. Development Standards by Zoning Overlay District**

	<u>1. Jensen Beach Blvd.</u>	<u>2. Ricou Terrace</u>	<u>3. Pineapple Ave. North</u>	<u>4. Pineapple Avenue</u>	<u>5. Indian River Drive</u>	<u>6. Maple St. Town Commons</u>	<u>7. Maple Street</u>
<u>Max. lot size</u>	<u>25,000 sf.</u>	<u>25,000 sf.</u>	<u>15,000 sf.</u>	<u>12,500 sf.</u>	<u>12,500 sf.</u>	<u>3,500 sf.</u>	<u>7,500 sf.</u>
<u>Min. lot width</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>50 ft.</u>	<u>35 ft.</u>	<u>16 ft.</u>	<u>35 ft.</u>
<u>Max. lot width</u>	<u>100 ft.</u>	<u>100 ft.</u>	<u>100 ft.</u>	<u>100 ft.</u>	<u>100 ft.</u>	<u>25 ft.</u>	<u>50 ft.</u>
<u>Max. bldg. coverage</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>
<u>Min. open space</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>
<u>Max. bldg. size, GFA</u>	<u>15,000 sf.</u>	<u>15,000 sf.</u>	<u>15,000 sf.</u>	<u>16,500 sf.</u>	<u>15,000 sf.</u>	<u>4,500 sf.</u>	<u>5,000 sf.</u>
<u>Max. GFA per floor</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>5,500 sf</u>	<u>none</u>	<u>none</u>	<u>none</u>
<u>Max. GFA per use</u>	<u>10,000 sf.</u>	<u>10,000 sf.</u>	<u>10,000 sf.</u>	<u>11,000 sf.</u>	<u>10,000 sf.</u>	<u>4,500 sf.</u>	<u>none</u>
<u>Min. bldg. frontage</u> <sup>(2)</sup>	<u>80%</u>	<u>80%</u>	<u>80%</u>	<u>60%</u>	<u>60%</u>	<u>100%</u>	<u>40%</u>
<u>Max. bldg. frontage</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>90%<sup>(3)</sup></u>	<u>80%<sup>(3)</sup></u>	<u>100%</u>	<u>75%</u>
<u>Min. front setback</u>	<u>(4)</u>	<u>(4)</u>	<u>(4)</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>
<u>Max. front setback</u>	<u>(4)</u>	<u>(4)</u>	<u>(4)</u>	<u>20 ft.</u>	<u>25 ft.</u>	<u>5 ft.</u>	<u>15 ft.</u>
<u>Allowed encroachment into pedestrian and furnishings zone</u>	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	<u>none</u>	<u>none</u>	<u>none</u>	<u>none</u>

New text is underlined and deleted text is ~~struck through~~.

	<u>1. Jensen Beach Blvd.</u>	<u>2. Ricou Terrace</u>	<u>3. Pineapple Ave. North</u>	<u>4. Pineapple Avenue</u>	<u>5. Indian River Drive</u>	<u>6. Maple St. Town Commons</u>	<u>7. Maple Street</u>
<u>Allowed encroachment into front setback</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>10 ft. <sup>(6)</sup></u>	<u>10 ft. <sup>(6)</sup></u>	<u>5 ft. <sup>(6)</sup></u>	<u>none</u>
<u>Min. side setback</u>	<u>0 or 5 ft. <sup>(7)</sup></u>	<u>0 or 5 ft. <sup>(7)</sup></u>	<u>0 or 5 ft. <sup>(7)</sup></u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>0 or 5 ft. <sup>(7)</sup></u>	<u>5 ft.</u>
<u>Allowed side setback encroachment—1st floor</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Allowed side setback encroachment—2nd floor</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>5 ft.</u>	<u>0</u>	<u>0</u>
<u>Min. rear setback</u>	<u>0 ft.</u>	<u>0 ft.</u>	if alley: 5 ft. no alley: 10 ft.	<u>5 ft. <sup>(7)</sup></u>	<u>5 ft.</u>	<u>5 ft. <sup>(8)</sup></u>	<u>5 ft. <sup>(8)</sup></u>
<u>Max. bldg. height</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>30 ft.</u>	<u>30 ft.</u>	<u>24 ft.</u>
<u>Min. bldg. height</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	Residential: 1 story; all other: 20 ft. <sup>(9)</sup>	<u>20 ft.</u>	<u>1 story</u>
<u>Minimum width of required rear alley</u>				<u>12 ft. <sup>(10)</sup></u>	<u>12 ft. <sup>(10)</sup></u>	<u>12 ft. <sup>(10)</sup></u>	<u>12 ft. <sup>(10)</sup></u>
<u>Parking</u>	<u>in rear, or on street</u>	<u>in rear or on street</u>	<u>in rear or on street</u>	<u>in rear or on street</u>	<u>in rear or on street</u>	<u>in rear or on street</u>	<u>in rear or on street</u>

GFA = gross floor area

New text is underlined and deleted text is ~~struck through~~.

<sup>(1)</sup> Minimum open space, maximum building coverage and maximum building height depend on the Zoning Overlay District, whether the development is single-use or mixed-use, and the future land use designation, as set forth here, except that, in all cases, east of Indian River Drive, maximum building height shall be 24 feet.

In the Jensen Beach CRA, building height shall be measured from the surrounding natural grade to the top of the upper wall plate (also called the top plate), except that in District 2, building height shall be measured from the top of the crawl space, if there is a crawl space, to the top of the upper wall plate (also called the top plate) or the top of the wall beam.

		<u>Minimum Open Space</u>	<u>Maximum Bldg. Coverage</u>	<u>Maximum Bldg. Height</u>
	<b><u>Dist. 1. Jensen Beach Blvd.</u></b>			
<u>Single-Use</u>	<u>Commercial General</u>	<u>20%</u>	<u>60%</u>	<u>35 ft.</u>
	<u>Commercial Office/Residential</u>	<u>40%</u>	<u>40%</u>	<u>30 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>80%</u>	<u>35 ft.</u>
	<b><u>Dist. 2. Ricou Terrace</u></b>			
<u>Single-Use</u>	<u>Commercial General</u>	<u>20%</u>	<u>60%</u>	<u>35 ft.</u>
	<u>Commercial Office/Residential</u>	<u>40%</u>	<u>40%</u>	<u>30 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>80%</u>	<u>35 ft.</u>
	<b><u>Dist. 3. Pineapple Ave. North</u></b>			
<u>Single-Use</u>	<u>Mobile Home</u>	<u>50%</u>	<u>none</u>	<u>1-story</u>
	<u>Commercial Limited</u>	<u>30%</u>	<u>50%</u>	<u>30 ft.</u>
	<u>Commercial Waterfront</u>	<u>30%</u>	<u>50%</u>	<u>35 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>80%</u>	<u>35 ft.</u>

		<u>Minimum Open Space</u>	<u>Maximum Bldg. Coverage</u>	<u>Maximum Bldg. Height</u>
	<b><u>Dist. 4. Pineapple Avenue</u></b>			
<u>Single-Use</u>	<u>Commercial General</u>	<u>20%</u>	<u>60%</u>	<u>35 ft.</u>
	<u>Commercial Limited</u>	<u>30%</u>	<u>50%</u>	<u>30 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>70%</u>	<u>35 ft.</u>
	<b><u>Dist. 5. Indian River Drive</u></b>			
<u>Single-Use</u>	<u>Commercial Limited</u>	<u>30%</u>	<u>50%</u>	<u>30 ft.</u>
	<u>Commercial General</u>	<u>20%</u>	<u>60%</u>	<u>30 ft.</u>
	<u>Commercial Waterfront</u>	<u>30%</u>	<u>50%</u>	<u>30 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>60%</u>	<u>30 ft.</u>
	<b><u>Dist. 6. Maple Street Commons</u></b>			
<u>Single-Use</u>	<u>Commercial Limited</u>	<u>30%</u>	<u>50%</u>	<u>30 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>80%</u>	<u>30 ft.</u>
	<b><u>Dist. 7. Maple Street</u></b>			
<u>Single-Use</u>	<u>Commercial Limited</u>	<u>30%</u>	<u>50%</u>	<u>24 ft.</u>
<u>Mixed-Use</u>	<u>All future land use designations</u>	<u>20%</u>	<u>50%</u>	<u>24 ft.</u>
	<b><u>Dist. 8. the Special District</u></b>			
<u>Single-Use</u>	<u>Commercial Limited</u>	<u>30%</u>	<u>50%</u>	<u>30 ft.</u>
<u>Mixed-Use</u>	<u>All future land designations</u>	<u>20%</u>	<u>80%</u>	<u>35 ft.</u>

New text is underlined and deleted text is ~~struck through~~.

(2) For purposes of Table 3.261.2, building frontage means the width of the building as a percentage of the lot width. Minimum building frontage applies only to buildings fronting "A" streets, as shown in the Street Regulating Plan, section 3.261.E. In Districts 1, 2 and 3, building frontage is measured at the build-to-line. In Districts 4, 5, 6 and 7, it is measured at the minimum front setback line.

(3) In Districts 4 and 5, maximum building frontage is measured as a percentage of lot width less the minimum side setbacks.

(4) The front setback in Districts 1, 2 and 3 is a build-to-line. The build-to-line shall provide for a pedestrian zone, furnishings zone, and on-street parking, as described in section 4.847, Traditional Neighborhood Streets, LDR., and this table. No less than 10 feet shall be provided for the combined pedestrian zone and furnishings zone. In Districts 1 and 3, 10 feet shall be provided for parallel, on-street parking. In District 2, 18 feet shall be provided for angled, on-street parking. As provided in section 4.847.A.4., the decision-maker may allow deviations from these minimum standards when necessary due to the location of existing buildings, constrained right-of-way, or to meet other goals for the particular street section.

(5) Certain building elements may encroach 100% into the pedestrian and furnishings zones, less a 2-ft. clear zone adjacent to the curb, as follows:

- (a) No enclosed, habitable space shall be located above a public right-of-way.
- (b) Arcades must be open to the public at all times.
- (c) In District 1, an arcade must have a minimum ceiling height of 12 ft. and a minimum depth of 10 ft.
- (d) In Districts 2 and 3, an arcade must have a minimum ceiling height of 10 ft. and a minimum depth of 8 ft.
- (e) In District 1, awnings and canopies must have a minimum clear height of 10 ft.
- (f) In Districts 2 and 3, awnings and canopies must have a minimum clear height of 8 ft.
- (g) Balconies and walkways must have a minimum clear height of 10 ft. and minimum depth of 3 feet.
- (h) Any private use of the public right-of-way requires approval by the County Engineer, a right-of-way use permit, a construction agreement, and an indemnification agreement.

(6) Encroachments into the minimum front setback are permitted as provided in Table 3.261.2. and herein.

(a) In Districts 4 and 5, front porches, balconies and walkways that encompass at least 50% of the front facade of the building may encroach into the minimum front setback.

(b) In District 6, stoops (the steps and landing needed to access the first story of a building) and second floor porches, balconies and walkways may be located at the front property line.

(c) In District 7, various building elements such as awnings, porches, balconies, and walkways may encroach up to 5 feet into the minimum front setback.

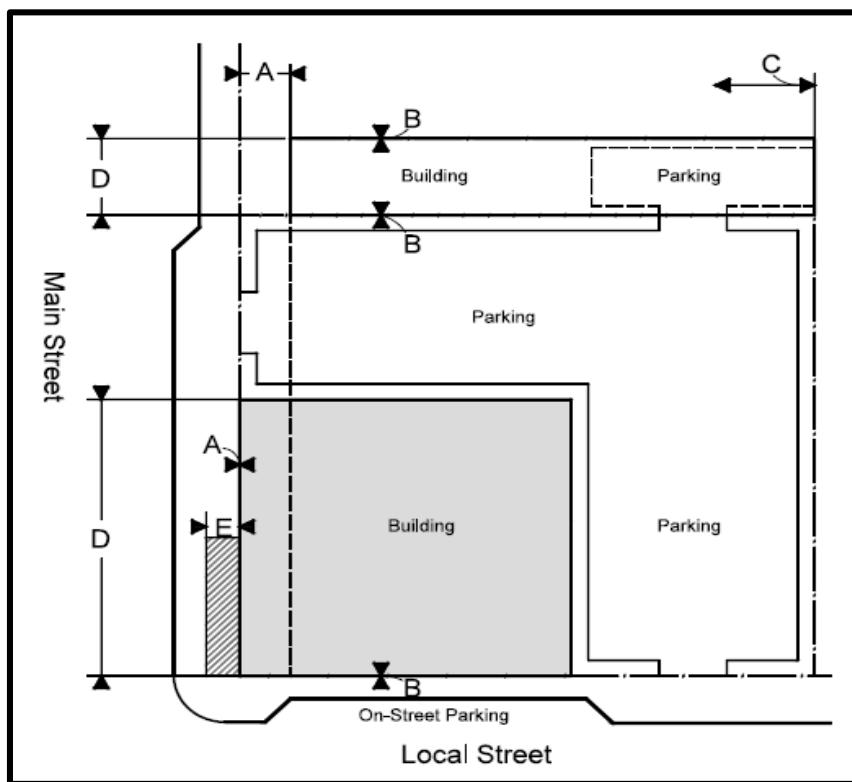
(7) The side setback shall be 0 feet or 5 feet. No side setback measuring between 0 feet and 5 feet is permitted.

(8) In Overlay Districts 4, 6 and 7, in addition to the minimum rear setback, a rear alley with a minimum 12-foot travel lane in a 20-foot right-of-way is required. See also, section 4.847, traditional neighborhood street design. As provided in section 4.847.A.4., the decision-maker may allow deviations from these minimum standards when necessary due to the location of existing buildings, constrained right-of-way, or to meet other goals for the particular street section.

(9) One-story non-residential buildings shall be required to appear as if they have 2 stories.

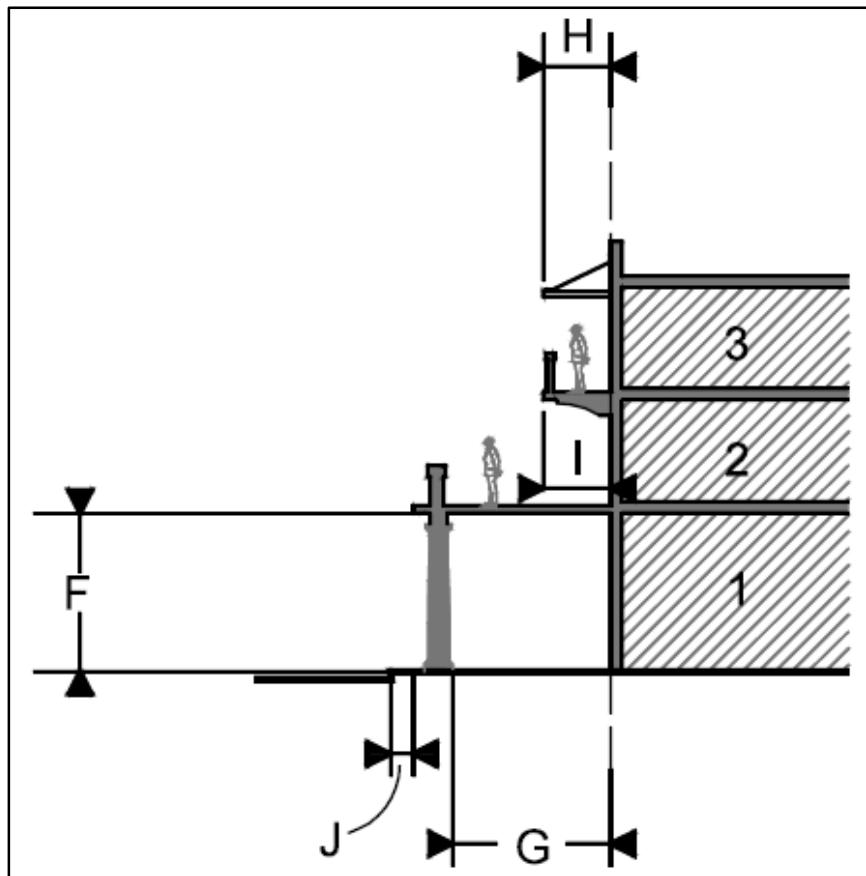
(10) As provided in section 4.847.A.4.LDR, the minimum width of a travel lane in an alley shall be 8 feet. A 12-foot width for an alley provides 2-feet on each side of the minimum travel lane.

Figure 3.261.2A Development Standards in Districts 1, 2 and 3 (Jensen Beach Blvd., Ricou Terrace and Pineapple Ave. North Zoning District Overlays)



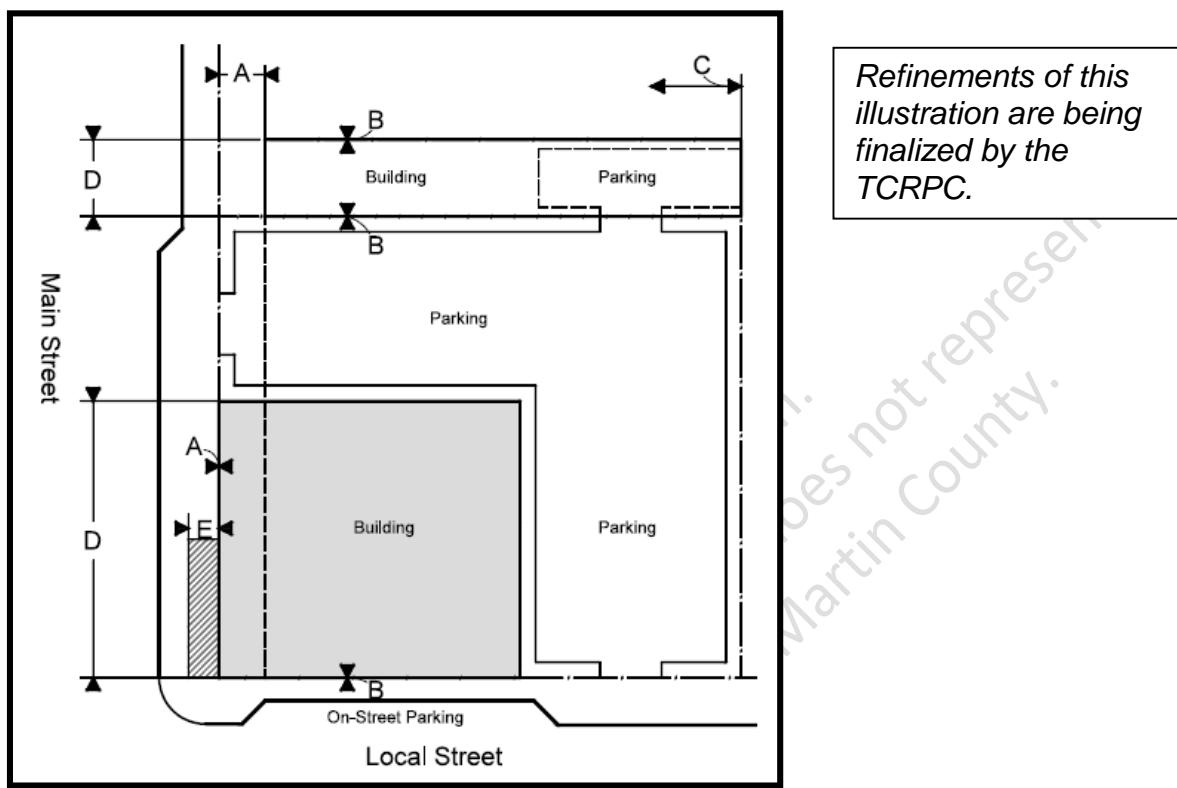
A	Front setback = Build-to-Line	10 ft. from edge of curb for Pedestrian & Furnishings Zones
B	Min. side setback	0 or 5 ft.
C	Min. rear setback	0
D	Min. bldg. frontage	80%
	Max. bldg. frontage	100%
E	Allowed encroachment into pedestrian zone	100% (less 2-ft. clear zone adjacent to curb)
	Parking	in rear or on street

Figure 3.261.2B Development Standards in Districts 1, 2 and 3



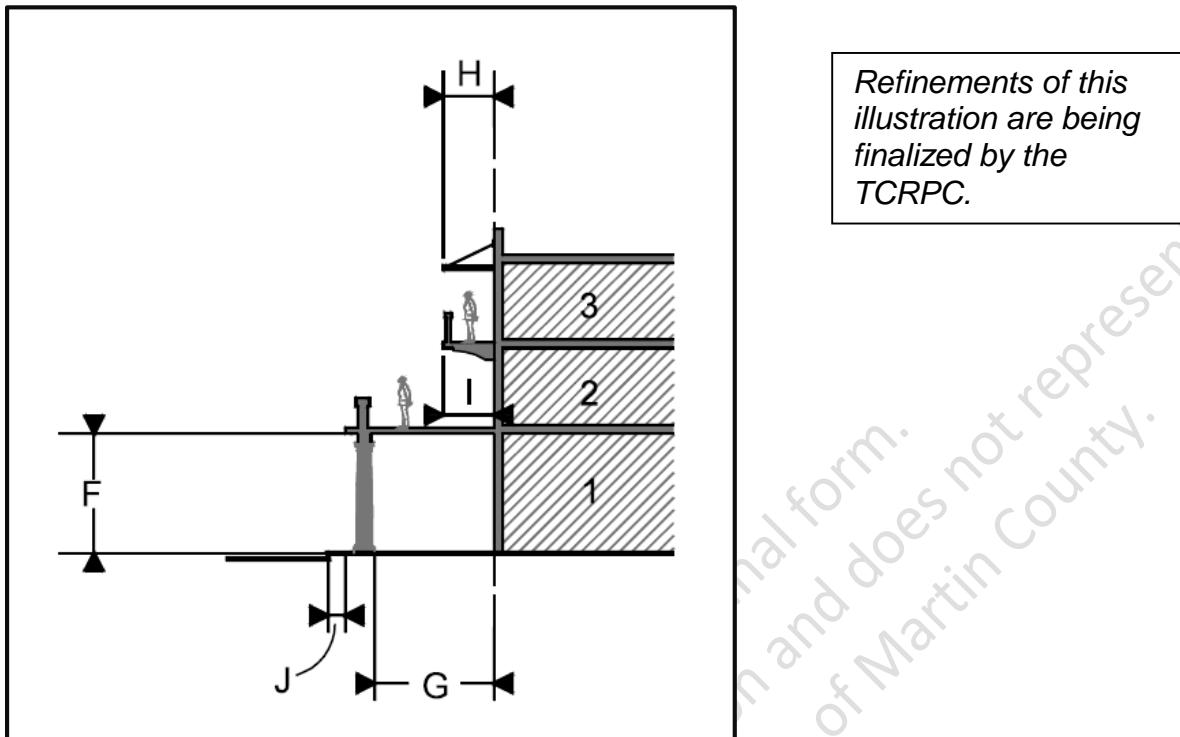
<u>E</u>	<u>Minimum clear height from ground to ceiling of arcade</u>	<u>12 ft. in District 1; 10 ft. in Districts 2 and 3</u>
<u>G</u>	<u>Min. clear depth for arcade</u>	<u>10 ft. in District 1; 8 ft. in Districts 2 and 3</u>
	<u>Minimum clear height from ground to lowest part of awning or canopy</u>	<u>10 ft. in District 1; 8 ft. in Districts 2 and 3</u>
<u>H</u>	<u>Min. depth of balconies and walkways</u>	<u>3 ft.</u>
<u>I</u>	<u>Minimum clear height from ground to lowest part of second floor balcony</u>	<u>10 ft.</u>

Figure 3.261.3A Development Standards in Districts 4, 5, 6 and 7 (Jensen Beach Blvd.  
Ricou Terrace and Pineapple Ave. North Zoning Overlay Districts



A	<u>Min. Front Setback</u>	<u>5 to 15 ft.</u>
	<u>Max. Front Setback</u>	<u>5 to 25 ft.</u>
B	<u>Min. Side Setback</u>	<u>0 ft. or 5 ft.</u>
C	<u>Min. Rear Setback</u>	<u>5 ft.</u>
D	<u>Min. Building Frontage</u>	<u>40 to 100%</u>
	<u>Max. Building Frontage</u>	<u>75% to 100%</u>
E	<u>Front Setback Encroachment</u>	<u>0 to 10 ft.</u>
	<u>Parking</u>	<u>In rear or on street</u>

Figure 3.261.3B Development Standards in Districts 4, 5, 6 and 7



<u>E</u>	<u>Minimum clear height from ground to ceiling of arcade</u>	<u>12 ft.</u>
	<u>Minimum clear height from ground to lowest part of awning and to lowest part of second floor balcony</u>	<u>10 ft.</u>
<u>G</u>	<u>Min. clear depth for arcade</u>	<u>10 ft.</u>
<u>H</u>	<u>Min. projection of awnings</u>	<u>5 ft.</u>
<u>I</u>	<u>Min. depth of balconies</u>	<u>3 ft.</u>
	<u>Minimum Bldg. height</u>	<u>20 feet (one story)</u>
	<u>Maximum Bldg. height</u>	<u>24 ft. to 30 ft.</u>

### **Sec. 3.261.C. District 8, Jensen Beach Special Zoning Overlay District**

#### **8. District VIII permitted uses and development standards.**

1. **Permitted Uses - Reserved.** District 8, the Jensen Beach Special Zoning Overlay District, is intended for a special use to function as a major attraction of the Jensen Beach CRA. Innovative and creative projects and designs are encouraged.

#### **b. Development standards for all projects in District VIII.**

#### **2. Development Standards**

Maximum lot size, square feet	NA <u>none</u>
Minimum lot width and minimum lot frontage on dedicated right-of-way, feet	NA <u>none</u>
Maximum lot width and maximum lot frontage on dedicated right-of-way, feet	NA <u>none</u>
Maximum building coverage, percent	<u>50% or 80% (1)</u>
Maximum building size, square feet of gross floor area (5,500 sq. ft. per floor)	16,500 sf
Maximum building size, per floor	<u>5,500 sf</u>
Maximum gross floor area per use, square feet	16,500 sf
Minimum building frontage, percent of lot frontage	NA <u>none</u>
Maximum building frontage, percent of lot frontage minus setbacks	100%
Required <u>Minimum</u> front setback, feet	<u>15 ft.</u>
Allowed front setback encroachment, feet—first floor, porches only*	<u>3 ft. (2)</u>
Allowed front setback encroachment, feet—second floor‡	<u>3 ft. (2)</u>
<u>Minimum side setback</u>	<u>10 ft.</u>
Allowed side setback encroachment—first floor	NA <u>none</u>

Allowed side setback encroachment—second floor	NA
Minimum side setback, feet (one side)	10'
Minimum combined side setback, feet	20'
Minimum rear setback, feet	10 <u>ft.</u>
Maximum building height, feet (to bottom of roof sill plate)	30 or 35 <u>ft.</u> <sup>(1)</sup>
Minimum building height, feet	20 <u>ft.</u>
Permitted building type	Civic, retail, other prior approval by Martin County

<sup>(1)</sup> The Special District has the Commercial Limited Future Land Use designation. Maximum building coverage, minimum open space and maximum building height depend on whether the development is single-use or mixed-use, as set forth here:

	Maximum Building Coverage	Minimum Open Space	Maximum Building Height
Single-Use	50%	30%	30 ft.
Mixed-Use	80%	20%	35 ft.

(a) Building height shall be measured from the surrounding natural grade to the top of the upper wall plate (also called the top plate).

(2) \* A three-foot encroachment is permitted into the front setback so long as the minimum width of encroachment will be is at least 50 percent of building width at the minimum front setback line. First floor encroachments into the front setback are limited to porches only.

NOTE: This District is intended for a special use to function as a major attraction of the Downtown Redevelopment's Central Area. Innovative and creative projects and designs are encouraged. Refer to subsection 3.260.D, Alternative Compliance.

c. Mixed use projects. In addition to the standards set forth in paragraphs a. and b., above, mixed use projects must also comply with the standards set forth in subsection 3.261.J.

d. *Non-mixed use projects.* Non-mixed use projects (projects that are not designed pursuant to the standards set forth in subsection 3.261.J) shall comply with the standards set forth in paragraphs a. and b., above, and with the standards set forth in subsection 3.261.K, with the more stringent provision prevailing in the event of any conflict.

**3.261.B. Roadway and street design.**

1. All roadways within the Jensen Beach Community Redevelopment Area shall comply with the standards of section 4.847, Traditional Neighborhood Development Street Design, LDR of the Martin County Land Development Regulations, and the designs specified in figures 10 through 14. When the specifications shown in figures 10 through 14 are in conflict with section 4.847, then the specifications in figures 10 through 14 shall apply. A five foot minimum pedestrian walking space shall be maintained on all sidewalks. The Indian River Drive design standards, provided in the Jensen Beach Community Redevelopment Plan, takes into consideration the proposed Riverwalk improvements along Indian River Drive.
2. In addition, all alleys shall interconnect and to the extent possible be consistent with the Jensen Beach CRA conceptual roadway network plan, which shall be maintained by the Growth Management Department and is hereby incorporated by reference.

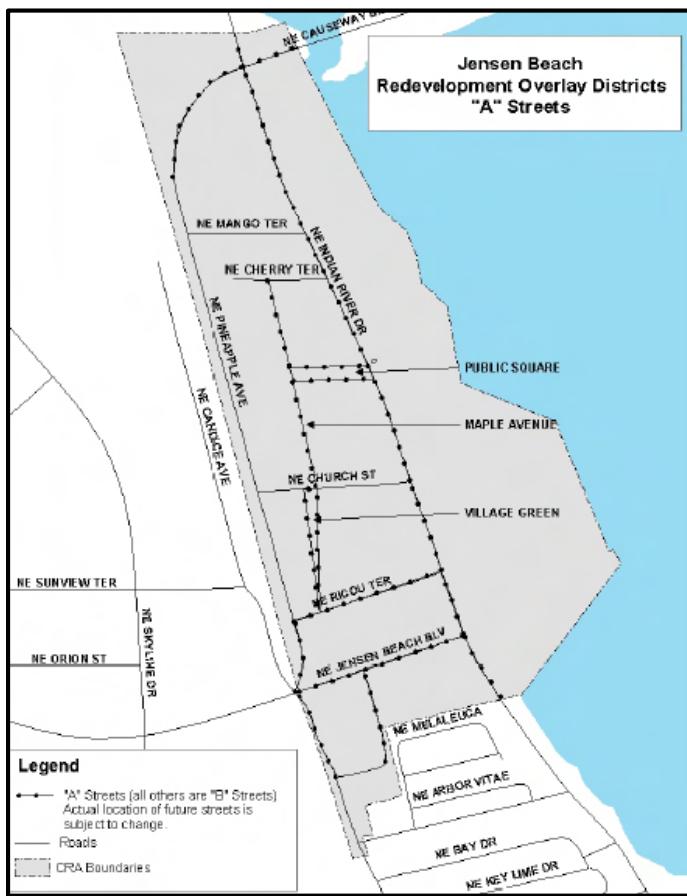
**Sec. 3.263.D. Reserved.**

**Sec. 3.261.E. Street Regulating Plan.**

1. The minimum frontage standards established in Table 3.261.2 apply to the "A" Streets indicated on Figure 3.261.4.
2. As provided in section 3.261.G.6., parking structures and surface parking provided beneath a building located on an "A" Street, as identified in Figure 3.261.4, street level commercial space shall be provided for a depth of no less than 20 feet measured from the front of the building.

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Figure 3.261.4. Street Regulating Plan.



**Sec. 3.261.F. Reserved.**

**Sec. 3.261.G. C. Parking.**

1. **Applicability.** Parking shall conform with to article 4, division 14, Parking and Loading, LDR, of the Land Development Regulations or as unless otherwise specified in this subsection 3.261.C and in the parking specifications set forth in the Figures for Jensen Beach Redevelopment Overlay Districts. Where the provisions of this subsection 3.261.G. C or the specifications shown in the Figures for Jensen Beach Redevelopment Overlay Districts are in conflicts with article 4, division 14, Parking and Loading, LDR, of the Land Development Regulations, then the provisions of this subsection 3.261.G. C and the specifications set forth in figures for Jensen Beach Redevelopment Overlay Districts shall control.
- 2.4. **Parking rates.** On-site parking requirements are as follows:
  - a. Residence: 1.5 spaces per efficiency unit, 1.75 spaces per each 1-bedroom unit, 2 spaces per each unit with 2 or more bedrooms.

- b. Retail or business office: ~~Three 3~~ spaces per 1,000 square feet of gross floor area.
- c. Medical office: ~~Four 4~~ spaces per 1,000 square feet of gross floor area.
- d. Restaurant: ~~Five 5~~ spaces per 1,000 square feet of gross floor area.
- e. Commercial and mixed-use development shall provide bicycle parking in accordance with Art. 4, Division 20, section 4.873, LDR.

3. Location and design. ~~2. Off-site parking.~~ With the exception of parking generated by ~~required for residential uses on the third floor in Districts IV, V, VI, VII and VIII, 4, 5, 6, 7, and 8,~~ off-site parking may be used to satisfy all or part of required the on-site parking requirements as set forth below.

- a. On-street parking. ~~On-street parking.~~ One hundred percent of ~~On-street parking~~ may be used to satisfy all or part of ~~the on-site required~~ parking requirements provided that:
  - (1) The developer constructs the on-street parking spaces to ~~County specifications along the street frontage of the development along the length of the lot directly abutting the parcel generating the parking requirements, in a manner that does not infringe upon the ability of neighboring parcels to access the street.~~
  - (2) ~~(a) In no case shall other on-street parking spaces, such as previously existing spaces or spaces constructed to satisfy the requirements for other developments, be eligible to count towards the fulfillment of on-site parking requirements.~~
  - (3) ~~(b) On-street parking spaces developed within the public right-of-way shall be available for general public use and shall not be reserved for the use of any particular business or residence.~~
  - (4) ~~(c) Such On-street parking must be constructed and found to be in compliance with County standards. prior to issuance of a Certificate of Occupancy for the particular development.~~
  - (5) ~~(2) The maximum amount of the on-site required parking requirement that may be satisfied with on-street parking shall be as set forth in paragraph d. below.~~
- b. Special Parking Alternative for Redevelopment Centers (SPARC) ~~Special Parking Alternative for Redevelopment Centers (SPARC)~~ program. Pursuant to section 3.260.G. of the Land Development Regulations, ~~t~~ The SPARC program, ~~described in section 3.260.G., LDR~~ is hereby authorized within the Jensen Beach CRA Community Redevelopment Overlay Districts as more specifically set forth below.
  - (1) Cost per space. For each required on-site parking space that a developer proposes to satisfy by way of ~~through~~ participation in the SPARC program, the cost to the developer shall be as set forth in the following table. For purposes of this paragraph (1), the "base cost" shall be the estimated cost

of constructing a typical off-street parking space within the Jensen Beach CRA Community Redevelopment Area, including both the land and costs of construction, pursuant to the methods as more particularly set forth in section 3.260.G. (as of April 11, 2017, the base cost is \$7,900.)

Option	Description	Cost to Developer
1	Developer constructs on-street parking to County standards within existing County-owned right-of-way.	50% of base cost
2	Landowner dedicates land to the County and constructs on-street parking spaces to County standards.	None
3	Developer reimburses the County for on-street parking constructed by the County prior to June 1, 2007, including parking constructed within the right-of-way of Florida East Coast Railway.	100% of base cost
4	Developer constructs on-street parking to County standards within the right-of-way of Florida East Coast Railway.	100% of base cost plus proportionate cost of lease
5	Developer contributes toward or reimburses the County or other public entity for parking spaces developed or planned in a surface parking arrangement.	200% of base cost
6	Developer contributes toward or reimburses the County or other public entity for parking spaces developed or planned in a structured parking arrangement.	400% of base cost

(2) *Location.* In addition to the provisions of subsection 3.260.G.4., of the Land Development Regulations, the parcel proposed for The development shall be no further than 1,350 feet from the public or other common parking anticipated to provide the off-site parking, as measured by the shortest pedestrian route of travel.

(3) *Timing.* With For developers using Options 1-4 1, 2, and 4, where construction of the parking spaces will be the developer's responsibility, the spaces must be constructed and found to be in compliance with County standards prior to issuance of a Certificate of Occupancy for the particular development. For Options 3, 5, and 6, the developer must pay the appropriate amount into the SPARC fund as part of the post-approval process and the

County must construct the required number of spaces within two years of the date the new development is approved.

- c. *Crossing of district boundaries.* With the exception of District ~~8 VIII~~, which must satisfy all of its parking demand within its own boundaries, off-site parking provided pursuant to this subsection ~~3.261.C~~ may cross district boundaries, provided that parking generated by developments within Districts 1, 2 or 3 ~~I, II or III~~ shall not be located in Districts ~~4, 5, 6, 7 or 8, IV, V, VI, VII or VIII~~.
- d. *Maximum percentage by district.* The maximum amount of the required on-site parking requirement that may be satisfied by off-site parking shall be as follows:

<u>District</u>	<u>Commercial Uses</u>	<u>Residential Uses</u>	<u>All Other Uses</u>
<u>1. Jensen Beach Blvd.</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>2. Ricou Terrace</u>	<u>80%</u>	<u>50%</u>	<u>80%</u>
<u>3. Pineapple Ave. North</u>	<u>70%</u>	<u>50%</u>	<u>70%</u>
<u>4. Pineapple Avenue</u>	<u>75%</u>	<u>50%</u>	<u>50%</u>
<u>5. Indian River Drive</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>
<u>6. Maple Street Town Commons <sup>(a)</sup></u>	<u>50%</u>	<u>50%</u>	<u>50%</u>
<u>7. Maple Street</u>	<u>0%</u>	<u>25%</u>	<u>0%</u>
<u>8. Special District</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>

<sup>(a)</sup> A 40 percent reduction in required parking may be applied to parcels within the district contributing land to public open space consistent with the CRA master plan.

<u>District</u>	<u>Com- mercial</u>	<u>Resid- ential</u>	<u>All Other Uses</u>
<u>I. Jensen Beach Boulevard</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
<u>II. Ricou Terrace</u>	<u>80%</u>	<u>50%</u>	<u>80%</u>
<u>III. Northern CRA Boundary to Mango Terrace</u>	<u>70%</u>	<u>50%</u>	<u>70%</u>
<u>IV. Ricou Terrace to Mango Terrace:</u>	<u>75%</u>	<u>50%</u>	<u>50%</u>
<u>V. Indian River Drive to Mango Terrace</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>
<u>VI. Maple Street Town Commons <sup>(a)</sup></u>	<u>50%</u>	<u>50%</u>	<u>50%</u>
<u>VII. Maple Street</u>	<u>0%</u>	<u>25%</u>	<u>0%</u>

VIII. Special District**	N/A	N/A	N/A
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~~\* -A 40 percent overall parking reduction may be applied to parcels within the district contributing land to public open space consistent with the CRA master plan.~~

~~\*\* All of the required parking shall be provided within the boundaries of the Special District.~~

4. *Screening of parking from residential uses.* There shall be an alley between parking areas and adjacent residential uses. Where an alley is not possible, there shall be a visual barrier between parking areas or commercial uses and residential uses.
5. *Exceeding the minimum parking requirements.* If the actual number of parking spaces provided on-site will exceed the minimum number required, the development shall be required to provide an additional 200 square feet of open space per excess parking space.
6. *Parking arrangements along "A Streets".* Along any "A Street", as shown in figure 19, any parking structure, or any situation in which parking is provided beneath a building, commercially leasable space, a minimum of twenty feet in depth as measured from the front building line, must be provided along the first floor of the minimum building frontage area, as required for the particular district.
6. *Parking structures.* Whenever a parking structure or surface parking provided beneath a building is located on an "A" Street, as identified on the street regulating plan, sec. 3.261.E., street level commercial space shall be provided for a depth of no less than 20 feet measured from the front of the building.
7. Where more than 200 parking spaces are provided onsite, such parking shall be distributed such that no more than 50 percent of the spaces are grouped in a single area of the parcel. Methods of distributing parking include locating parking adjacent to the rear or sides of a building or by physically separating parking areas with other buildings or landscaped areas.

**Sec. 3.261.H.D. Stormwater management.** Stormwater management shall be as required by article 4, division 9, LDR, of the Land Development Regulations, with the exception that parcels may develop a stormwater management plan in conjunction with adjacent properties. Exfiltration is the preferred method of stormwater management. A Master Stormwater Management Plan (Plan) will be developed for the entire Jensen Beach Community Redevelopment Area. The Plan will be based upon the most likely build-out scenario for the CRA. A cost estimate and joint retention strategy will be based upon the Plan.

**Sec. 3.261.I.E. Landscaping, buffering, and tree protection.**

**1. Applicability**

- a. Except as provided in paragraph b, this section shall apply to all development within the Jensen Beach CRA that requires approval of a final site plan, pursuant to Article 10, Development Review Procedures, LDR, and all development that undergoes a substantial improvement of a building or substantial renovation of a building exterior, as such terms are defined in section 4.871..B, LDR.
- b. Construction of a single-family or duplex residence shall require the planting of one tree per three thousand square feet of lot area (1 tree/ 3,000 sf), and those trees shall comply with the standards set forth in section 4.664.A., LDR. Single-family and duplex residences shall also comply with section 4.37, land clearing plans and procedures, LDR, and section 4.664.A.3., removal of prohibited species, LDR. Single-family and duplex residences shall be exempt from all other requirements of section 3.261.I.
- c. No development order or building permit for any use, structure or development within the Jensen Beach CRA shall be issued until a landscape plan that complies with this section is approved. A certificate of occupancy shall not be granted for any use, structure or development until all requirements of this section are met.
- d. Whenever substantial improvement of a building or site or substantial renovation of building exterior triggers the obligation to comply with this section, the Growth Management Director, or the Director's designee, may authorize incremental compliance with its requirements when the nature and scope of the existing and proposed improvements make full compliance 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.
- e. Unless expressly provided differently in this section, the following sections of Article 4, Division 15, Landscaping, Buffering and Tree Protection, LDR, shall apply in the Jensen Beach CRA:

Sec. 4.661.C., Glossary, LDR;

Sec. 4.662., Application Requirements, LDR;

Sec. 4.664., Landscape Material Standards, LDR;

Sec. 4.665., Maintenance of required landscaping, LDR; and

Sec. 4.668., Certification of compliance, LDR.

~~Landscaping, buffering and tree protection within the Jensen Beach CRA Community Redevelopment Area shall comply with the following requirements and the specifications illustrated in figures 15, 16 and 17. Division 15,~~

~~Landscaping, Buffering and Tree Protection, of the Land Development Regulations shall not apply unless specifically indicated.~~

1. *Applicability.* ~~Subsection 4.661.B., Applicability, of the Land Development Regulations shall apply except that single family or duplex residences shall be required to plant one tree per 2,000 square feet of total site area, consistent with the requirements of subsection 3.261.E.4 of the Land Development Regulations.~~
2. *Glossary.* ~~Subsection 4.661.C., Glossary, of the Land Development Regulations shall apply.~~
3. *Required submittals.* ~~Section 4.662, Application Requirements, of the Land Development Regulations shall apply.~~

2. *Landscape Plan.* The landscape plan shall comply with section 4.662.A., LDR.

3. *General requirements.* The following minimum landscaping and tree planting requirements shall apply:

- a. ~~Open space requirements shall be determined by the application of the property development standards for the eight districts. Open space may include any landscaped pedestrian environment such as planted courtyards or walkways. Ten percent of the open space requirement may be met by landscaping adjacent public space.~~
- b. ~~Credit towards the landscape area requirement may be allowed for all or part of native habitat pursuant to section 4.663.A.2 of the Land Development Regulations.~~
- c. ~~All development shall provide at least one tree per 2,000 square feet of total site area.~~
- b. ~~At least 50 percent of all required trees required to be planted shall be native species or fruit trees.~~
- c. ~~For purpose of determining the number of trees required, total site area shall exclude any required upland preserve area. Trees located within native upland habitat preserve areas shall be counted towards the minimum number of trees required to be planted.~~
- d. ~~Trees planted in adjacent right-of-way or other nearby public space shall be credited towards meeting the number of trees required by this section. Any private use of the public right-of-way requires the approval of the County Engineer, a right-of-way use permit, a construction agreement, and an indemnification agreement.~~
- e. ~~Landscaping shall be permitted in easements only with the written permission of the easement holder. A written agreement shall specify the party responsible for restoring disturbed landscape areas, shall be submitted to the county in a form acceptable to the County Attorney, and shall be recorded in the public records.~~
- f. ~~Exposed dirt yards are prohibited.~~

5. ~~Exposed dirt yards are prohibited.~~

4. 6. Roadways and Vehicular Use and right-of-way areas. The following landscaping requirements shall apply to vehicular use areas and along roads.

a. Roadways.

(1) a. The landscaping on Jensen Beach Boulevard, Indian River Drive, Ricou Terrace, and Pineapple Avenue shall include the planting of shade trees unless a covered walkway is provided. ~~If a covered walkway is provided, palm trees shall be provided.~~ Shade Trees shall be a minimum height of 12 feet at the time of planting with a minimum crown spread of six feet and a minimum DBH of three inches and located at a maximum of 50- 30-foot intervals. If a covered walkway is provided, 12-foot tall palm trees shall be permitted. Every other tree shall be complemented with a bench and a garbage container. The landscape islands shall ~~be have~~ pervious open area sized appropriately to the maximum growth mature size of the tree.

(2) The landscaping along other roadways shall include the planting of trees meeting the standards of section 4.664.B.1., LDR, at a maximum of 30-foot intervals. Trees may be planted in clusters, but not located more than 50 feet apart.

b. Vehicular Use Areas. ~~Perimeter landscaping.~~ Landscaping shall be provided along the perimeter of vehicular use areas in accordance with the following standards:

(1) Tree planting on site. One tree shall be planted for each 30 linear feet of roadway. Trees may be planted in clusters, but not located more than 50 feet apart.

(2) Visual barriers. A hedge, fence, or other durable landscape barrier with a minimum height of ~~three~~ four feet shall be installed along the perimeter of vehicle use parking areas to create a continuous solid visual screen between a vehicle use area and the road right-of-way. ~~unless a right-of-way or access easement is located adjacent to that portion of the parking area, in which case, no visual barrier shall be required.~~ Visual barriers shall provide a continuous solid visual screen along open areas adjacent to sidewalks except open courtyards, walks and driveways. Walls, fences and landscaping around parking vehicular use areas must have one pedestrian access for every 50 linear feet in order to provide connection to adjacent development or sidewalks for every 50 feet.

d. Hedges and shrubs. At the time of planting, hedges and shrubs shall have a minimum height of 24 inches, a minimum spread of 14 inches and be spaced not less than 24 inches on center. Spacing may be increased if larger plants are used to create a full appearance among adjacent plants.

- e. ~~Vines. Vines which have a minimum of three runners 30 inches in length may be used in conjunction with fences, screens or walls to meet barrier requirements. If vines are used in conjunction with fences, screens or walls, their runners shall be attached in a way that encourages proper growth.~~
- f. ~~[Plant and landscape material quality and species.] Except as specified above, plant and landscape material quality and species shall be as provided for in subsection 4.664.A., Quality and Species, of the Land Development Regulations.~~
- g. ~~[Tree species and placement.] Tree species and placement shall be selected so as to minimize conflicts with existing or proposed utilities pursuant to subsection 4.664.B.1.b of the Land Development Regulations.~~
- h. ~~[Ground treatment.] Ground treatment shall be as provided for in subsection 4.664.E of the Land Development Regulations.~~
- i. ~~[Tree preservation credits.] Tree preservation credits shall be determined pursuant to subsection 4.664.F of the Land Development Regulations.~~
- j. ~~Landscaping in easements. Landscaping shall be permitted in easements only with the written permission of the easement holder. Written permission shall specify the party responsible for replacing disturbed landscape areas and shall be submitted to the county in a form acceptable to the County Attorney. Written permission to plant within easements shall be filed with the land records applicable to the site.~~
- k. ~~[Water efficiency requirements.] Landscaping shall comply with the water efficiency requirements of subsection 4.663.D of the Land Development Regulations.~~
- l. ~~[Tree protection requirements.] The tree protection requirements of section 4.666 of the Land Development Regulations shall apply.~~

7. Garden wall. The following material shall be permitted:

- a. Sand and stone blocks.
- b. Wood.
- c. Reserved.]
- d. Wrought iron.
- e. Picket.
- f. Coral rock.

8. Fences.

- a. Plain concrete block and/or barbed wire fences are prohibited.
- b. Chain link fences are permitted in rear yards only and must have vegetative screening where visible from a street right-of-way or public park common area.
- c. Fences shall be three and one-half feet in height or less between the front of the building and the road right-of-way and may be a maximum of six feet in height for the remainder of the lot.

5. 9. *[Trash, recycling and similar receptacles.]* Trash, recycling and similar receptacles including dumpsters shall be screened with an opaque, six-foot high masonry wall or wood fence. Landscaping shall not be required around the perimeter of the screen.

10. *[Bufferyard requirements.]* The bufferyard requirements of subsection 4.663.B of the Land Development Regulations shall not be applicable within the Jensen Beach Community Redevelopment Area except as required by the Comprehensive Plan.

11. *Installation and maintenance.* All property owners shall be responsible for properly installing and maintaining required landscaping so as to at all times present a healthy, neat and orderly appearance, free of refuse and debris. Plants selected for landscaping purposes should be compatible with the soil and water conditions of the CRA. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. A plant or tree's growth characteristics shall be considered before planting to prevent conflicts with utilities, views or signs.

- a. *Replacement.* Vegetation which is required to be planted or preserved shall be replaced with equivalent vegetation if it dies.
- b. *Maintenance.* The property owner, or successors in interest, or agent, if any, shall jointly and severally be responsible for the following:
  - (1) Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat and orderly appearance. All landscaping shall be maintained free from disease, pest, weeds and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
  - (2) Repair or replacement of required wall, fences or structures to a structurally sound condition;
  - (3) Regular maintenance, repair or replacement where necessary, of any required screening.

(4) ~~Perpetual maintenance to prohibit the reestablishment of harmful exotic species within landscaping; and~~

(5) ~~Property owners are responsible for maintenance of landscaping in the adjacent right-of-way fronting their property.~~

c. *[Ensuring the installation and maintenance of required landscaping.]* Pursuant to the requirements of subsection 4.665.B.3, LDR, security shall be required to ensure the installation and maintenance of required landscaping.

d. *Pruning.* Pruning of trees shall be permitted to allow for healthy uniform growth and promote structural, aesthetic and safety considerations. All permitted pruning shall be conducted in accordance with the latest standards of the National Arborist Association.

12. *[Certification of compliance.]* A certification of compliance pursuant to section 4.668, LDR, shall be submitted prior to the issue of a certificate of occupancy to demonstrate compliance with the requirements of this Section.

**Sec. 3.261.J. Walls and Fences.** Walls and fences in the Jensen Beach CRA shall be governed by this subsection and section 3.204.A., LDR.

1. Location. Fences and walls not exceeding the maximum heights provided in paragraph 3 may be located on the property line and are not subject to minimum zoning setbacks. Corner lots may be required to maintain certain minimum site-distance standards for vehicular safety.
2. Materials. Fences and walls shall be architecturally compatible with surrounding buildings.
  - a. Walls or fences shall be constructed of the following materials:
    - (1) Sand and stone blocks;
    - (2) Split-face masonry block;
    - (3) Wood;
    - (4) Wrought iron;
    - (5) Picket;
    - (6) Painted stucco, or
    - (7) Coral rock.
  - b. The finished side of a fence or wall shall face outwards.

c. Chain link fences are permitted in rear yards only and must have vegetative screening where visible from a street or public park.

3. Height.

- a. Fences or walls located between a principal building and a street right-of-way shall not exceed three-and-a-half feet in height, except as provided in paragraphs b, c and d.
- b. Walls between a vehicular use area and a street right-of-way shall be four feet in height, notwithstanding paragraph a.
- c. Fencing of a side yard for a single-family or duplex residential use that abuts a street right-of-way shall not exceed three feet in height from the front property line to a point parallel to the front façade of the residence. Side and rear yard fences may not exceed six feet for the remainder of the side yard.
- d. Other than as provided in paragraphs a, b and c, fences around a rear yard or a side yard shall not exceed six feet in height.

**Sec. 3.261.K.F. Sign regulations.**

1. *Glossary of terms.* For purposes of this subsection 3.261.K.F, the following words, terms and phrases shall have the meanings as set forth below:

*Alter or change.* A change of lettering, lighting, graphics, color; change in the business name, change of material, change of sign face, replacement of any component part. Alter or change does not include general maintenance, such as touch-up painting, replacement of incandescent bulbs or a replacement of brackets.

*Appropriate.* Consistent with the standard themes and characteristics of the design standards set forth in this section 3.261.

*Artistically harmonious.* Designed to reflect the unique characteristic of the business and to be compatible with existing signage and existing buildings.

*Detrimental.* Injurious, causing harm or damage.

*Pleasing.* Signage that is harmonious with the surroundings and scale of people.

*Refurbish.* Brighten, refresh, polish up or repaint using the same color scheme.

*Visual blight.* Proliferation of nonconforming and/or nonmaintained signs, including faded, checked, rusted, or mildewed signs.

*Well-designed.* Artistically harmonious, reflects attention to detail.

2. *Purpose.* The purpose of this subsection 3.261.K.F is to promote the public health, safety and welfare through a comprehensive system of reasonable,

effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. Toward this end, ~~the NAC finds that~~ Jensen Beach is an historic riverfront, oceanside resort community that has traditionally depended on a tourist economy. Tourists, in part, are attracted to the visual character and quality of Jensen Beach.

The proliferation of signs in Jensen Beach would result in visual blight and unattractiveness and would convey an image that is inconsistent with a high quality resort environment. Effective sign control has preserved and enhanced the visual character of other resort communities in Florida and other states. Jensen Beach must compete with many other Florida, national and international resort communities for tourism opportunities.

In order to preserve Jensen Beach as a desirable community to live, vacation and conduct business, a pleasing, visually attractive environment is of foremost importance. These sign regulations are intended to:

- a. Preserve and maintain Jensen Beach as a pleasing, visually attractive environment.
- b. Promote and accomplish the goals, policies and objectives of the Martin County Comprehensive Plan.
- c. Enhance the attractiveness and economic well-being of Jensen Beach as a place to live, vacation and conduct business.
- d. Address community needs relating to upgrading the quality of the tourist experience, preserving the unique natural environment, preserving and enhancing the high quality human existence, retaining Jensen Beach's premier status in an increasingly competitive resort market, preserving the historically and architecturally unique character of Jensen Beach, fostering the "village style" quality of Jensen Beach, and preserving and enhancing scenic views.
- e. Enable the identification of places of residence and business.
- f. Allow for the communication of information necessary for the conduct of commerce.
- g. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- h. Permit signs that are compatible with their surroundings and provide locational information, and preclude placement in a manner that conceals or obstructs the view of adjacent land uses or signs.
- i. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
- j. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.

- k. Establish sign size in relationship to the scale of the lot's street frontage and building's street frontage.
  - l. Protect the public from the dangers of unsafe signs, and require signs to be constructed, installed and maintained in a safe and satisfactory manner.
  - m. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
  - n. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians.
- 3. *Objectives.* The primary objective of sign review is to avoid the appearance of visual clutter and excessive advertising in the design and placement of business signs. In order to meet this objective, business signs should be:
  - a. Informative as to business use and location.
  - b. Simple in design, however, creative graphic depictions that are related to the business use are appropriate.
  - c. Compatible in design, color and scale with the business storefront, adjoining structures, and surroundings.
  - d. Oriented toward the pedestrian, walking environment within the commercial district.
- 4. *{Compliance requirements.}* Signs within the Jensen Beach CRA Community Redevelopment Area shall comply with figure 18 and this sub-section 3.261.K. ~~the following requirements.~~ In addition, all signage must be reviewed and approved by the NAC Sign Review Committee. The NAC will appoint a three-member NAC Sign Review Committee consisting of a professional with design and signage experience, a member of the NAC and a property owner within the NAC boundaries. The role of this Committee is to review and approve signage that meets the criteria of the sign regulations within the Jensen Beach CRA boundaries.
- 5. *Prohibited signs.* The following signs are prohibited within the Jensen Beach CRA Community Redevelopment Area:
  - a. Signs, other than governmental signs of a public nature, erected, placed or maintained on or over any public property and/or right-of-way.
  - b. Billboards unless grandfathered as of the effective date of this section 3.261. Grandfathered billboards may remain until five years from the adoption of this section 3.261
  - c. Blank temporary signs.

- d. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- e. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing copy.
- f. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
- g. Signs, commonly referred to as wind signs, consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.
- h. Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- i. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- j. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any applicable regulations.
- k. Signs that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device.
- l. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- m. Nongovernmental signs that use the words "stop", "look", "danger", or any similar word, phrase, or symbol.
- n. Signs, within ten feet of public right-of-way or 100 feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
- o. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- p. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- q. Searchlights used to advertise or promote a business or to attract customers to a property.

- r. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- s. Signs placed upon benches, bus shelters or waste receptacles.
- t. Vehicle signs. Signs attached to or placed on a vehicle, including trailers, that are parked on public or private property shall be prohibited. This provision shall not be construed to prohibit the identification of a firm or its principal products on a vehicle operated during normal business hours, provided, however, that no such vehicle shall be parked on public or private property for the sole purpose of advertising a business or firm or calling attention to the location of a business or firm.
- u. A portable sign is permitted with a maximum size of 12 square feet upon a determination by the NAC Sign Review Committee that it is artistically harmonious with its surroundings, and shall only be displayed during the hours of business operation. Sign lettering shall not exceed 18 inches in height.
- v. Prohibited illumination. No sign shall be illuminated through the use of internal illumination, rear illumination, fluorescent illumination or neon or other gas tube illumination, [except when used for indirect illumination] and in such a manner as to not be directly exposed to public view. Primarily glossy signs shall also be prohibited. Other prohibited illumination includes flashing, neon, phosphorescent, and signs incorporating lights or movement as viewed from the public right-of-way or from any area open to the public.

6. *Exempt signs.* The following signs are exempt from subsection 3.261.K.F and from the requirement that a permit be obtained for the erection of permanent signs, provided that such signs are not placed or constructed so as to create a hazard of any kind. It shall be the responsibility of the property owner to ensure that any of the following exempt signs are erected and maintained in accordance with all required hurricane protection measures.

- a. Prohibition, safety or caution signs, provided that such signs are:
  - (1) Nonilluminated;
  - (2) Not over four square feet in overall area; and
  - (3) No greater than four feet in overall height.
- b. Signs bearing only property numbers, street addresses, telephone numbers, post box numbers or names of occupants of the premises, including professional nameplates, provided that such signs are:
  - (1) Not over four square feet in area;
  - (2) Limited to one per street frontage, per housing unit, or per business; and
  - (3) Letters and/or numbers are four inches in height.

- c. Governmental flags and insignias, except when displayed in connection with commercial promotion.
- d. Legal notices of 16 square feet or less, either publicly or privately owned, directing and guiding traffic and parking, in accordance with the standards for internal traffic control signs as recommended by the Manual on Uniform Traffic Control Devices (MUTCD) but bearing no advertising matter (example: parking, entrance, exit, service, etc.).
- e. Temporary real estate signs on properties where an owner is actively attempting to sell such property, either personally or through an agent, provided that such signs are:
  - (1) Nonilluminated;
  - (2) Not over six square feet in area;
  - (3) No greater than four feet in overall height; and
  - (4) No closer than 15 feet to any side or rear property line.
- f. Holiday displays, during the applicable holiday season except as specifically prohibited.
- g. Memorial signs or tablets, not to exceed two square feet.
- h. Names of buildings and dates of erection.
- i. Window signs.
- j. Air towed banners.
- k. Umbrellas containing advertising when used in conjunction with an approved food or beverage establishment or when used to denote products or services not available for sale or consumption on-site.
- l. Any sign required by any governmental regulation as a public notice.

7. *Temporary signs.* The following temporary signs are permitted, subject to compliance with the Standard Building Code and the following requirements:

- a. Subdivision and on-site development signs identifying where an approved active on-site development program is underway, provided that such signs are:
  - (1) Nonilluminated;
  - (2) Ground-mounted;
  - (3) Erected no more than 180 days prior to the beginning of actual construction;
  - (4) Removed: if construction is not initiated within 180 days after the sign is erected; within 60 days of cessation of construction if construction is not continuously and actively pursued to

completion; or when construction is completed and a final certificate of occupancy has been issued;

- (5) No larger than 100 square feet in area per sign face and no more than 18 feet in overall height;
- (6) Limited to one sign per street frontage abutting the development;
- (7) Signs approved in PUD projects are additionally subject to any conditions specified in the PUD agreement.
- (8) No closer than 15 feet to any property line.

b. Promotional, special event, grand opening and seasonal sales signs, provided that such signs are:

- (1) Limited to commercial and industrial use areas;
- (2) Ground or wall mounted;
- (3) Not over 40 square feet in area;
- (4) No closer than 15 feet to any property line;
- (5) Securely fastened or attached to the ground or wall to assure safety;
- (6) Erected in such a way that they do not interfere with vehicular or pedestrian traffic;
- (7) Permitted on the basis of not more than one such permit in any given six-month period;
- (8) Permitted for a period not to exceed 60 days for seasonal sales (such as Christmas tree sales) or for a period not to exceed 30 days for promotional sales;
- (9) Removed upon the expiration of the use permit for the use or event for which they are granted; and
- (10) Limited to one per each 500 feet of street on which the activity has frontage.

c. Temporary "For Sale" real estate signs greater than six square feet on properties where an owner is actively attempting to sell such property, either personally or through an agent, provided such signs are:

- (1) Located on industrial, commercial or agricultural property;
- (2) Limited to ten feet in height;
- (3) Limited to one sign per site;
- (4) Nonilluminated;
- (5) No closer than 15 feet to any property line; and
- (6) A maximum of 32 square feet.

8. *Permanent on-site development identification signs.* Permanent on-site development identification signs are permitted subject to compliance with the Standard Florida Building Code and the following requirements:

- a. Signs exceeding six feet in height shall meet the height and setback requirements for the zoning district in which they are located.
- b. Signs are permitted in any zoning district for the exclusive purpose of identifying residential developments.
- c. Signs shall only identify a county-approved subdivision, development or community.

9. *Reserved.*

10. *Point of purchase signs.* The following point of purchase signs are permitted within the Jensen Beach CRA Community Redevelopment Area subject to compliance with the Standard Florida Building Code and the following requirements:

- a. Location. Wall signs, projecting signs or freestanding signs are restricted to point of purchase advertising only and are further restricted to the following districts:
  - (1) Commercial;
  - (2) Mixed use districts where the land use is commercial; and
  - (3) Planned unit development where permitted in the PUD agreement.
- b. Wall signs with a maximum square footage of 32 square feet per 25 feet of lineal footage or greater and 124 percent of lineal footage less than 25 feet. For walls other than front walls, one-half of the square footage for the front is permitted.
  - (1) The permitted size of wall signs shall be based on a percentage of the wall area computed by the length times the height of the geometric figure which determines the actual area. The wall length shall be the building, or that portion occupied. The height of the wall for computation purposes shall not exceed 15 feet for one-story structures or 25 feet for two or more story structures. One wall shall be deemed the front wall. Other walls shall be figured on the basis of one-half of the percent allowed for the front wall. Individual signs may not be larger than 32 square feet.
  - (2) No wall sign shall be mounted at a distance measured perpendicular to said wall greater than 24 inches.
  - (3) No wall sign shall cover wholly or partially any required wall opening.

- (4) Murals are permitted after review and approval by the NAC Sign Review Committee.
- c. Projecting signs. No projecting sign shall have a sign area exceeding 50 percent of the permitted freestanding sign area and in no case shall it exceed 50 percent of the wall-mounted sign area.
- d. Freestanding signs:
  - (1) Not more than one freestanding sign shall be permitted per 200 feet of linear frontage.
  - (2) The total sign area of all freestanding signs permitted on any property line adjacent to a public street shall be limited to one square foot of sign area for each lineal foot of property line adjacent to that public street.
  - (3) No freestanding sign shall exceed 50 square feet in sign area per face.
  - (4) No freestanding sign shall exceed a height of ten feet from existing grade.
  - (5) All freestanding signs shall be located at least five feet from all buildings.
  - (6) Freestanding signs shall include street numbers.
- e. Off-premises signs shall be limited to directional signs or signs used for directory purposes with a maximum allowable size of 16 square feet.
- f. Auxiliary signs. Time-and-temperature devices are permitted in association with public service activities only. These signs may be freestanding, projecting or wall signs. Those devices with alternating messages shall display each such message for not less than ten seconds.

11. *Compliance requirements.*

- a. Signs prohibited by this section 3.261 shall be removed immediately upon the effective date.
- b. Any sign located within a public right-of-way shall be removed immediately unless otherwise permitted. The enforcing official is authorized to remove any sign not permitted in the right-of-way at such time as the sign is determined to be in noncompliance.

12. *Maintenance.* Signs shall be kept clean, painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings. Weeds shall be cut underneath and around the base of ground signs and no rubbish or debris shall be permitted that would constitute a fire hazard or be detrimental to the public health and safety. All signs shall be maintained in a manner which will withstand hurricane wind load requirements.

13. *Nonconformities.*

- a. All billboards or off-premises signs which were legally erected prior to the enactment of this section 3.261, but which do not comply with the requirements of this section must be removed or altered to comply with the requirements of this section within five years of adoption of this section or upon a change in property ownership, whichever comes first.
- b. Nonconforming signs may not be structurally modified. Any nonconforming sign damaged in excess of 50 percent of the integrity of the structure as determined by the Building Official shall only be repaired in full compliance with the requirements of this section.

14. *Enforcement.* The Growth Management ~~Department~~ Director shall work with the NAC Sign Review Committee to enforce the requirements of this subsection 3.261.K.~~F~~. The sign review committee shall have five members consisting of a current sign professional with five years active experience, one current member of the Jensen Beach Chamber of Commerce, one current member of the Jensen Beach Main Street Association, and two members of currently operating businesses in the Jensen Beach CRA. ~~Community Redevelopment Area.~~

15. *Permits required.* Signs shall not be erected, constructed or altered until a permit has been issued and the applicable fee paid. A sign permit shall become null and void and any fee forfeited unless work on the permitted sign is substantially under way within six months after the effective date of the permit. All permit applications shall be approved by the NAC Sign Review Committee prior to review and approval by the Building Department.

16. *Directory signage.* Directory signs are permitted upon approval by the NAC, and may be sited on public or private property. Directories may include up to five sign panels per face. Each panel is leasable on a yearly basis, for a fee to be determined by the CRA, after recommendation from the NAC. All panel applications must be reviewed and approved by the Sign Review Committee. All fees collected shall be remitted to the county for maintenance and construction of existing/additional directory signs.

17. *Sign lettering, logos and graphic designs.*

- a. *Lettering.* No lettering on any sign, including cut-out letter signs, shall exceed 18 inches in height.
- b. *Logos.* No logo on any sign, including cut-out letter signs, shall exceed 18 inches in height.
- c. *Graphic designs.*
  - (1) Any proposed graphic design must comply with all provisions of subsection 3.261.F.14 except for the limitations on the size of lettering set forth in subsection a., above.

(2) Any graphic design shall be reviewed by the Sign Review Committee and approved if it:

- (a) Harmonize with the structure or structures on the parcel on which it is to be painted;
- (b) Compatible with the other signs or graphic designs on the premises;
- (c) Suitable and appropriate to the neighborhood;
- (d) Contribute to any special characteristics of the particular area in which it is to be located;
- (e) Is well designed and pleasing in appearance;
- (f) Is desirable as an urban design characteristic;
- (g) Does not constitute a nuisance to the occupants of adjacent or contiguous property;
- (h) Is not detrimental to the redevelopment goals;
- (i) Does not constitute a traffic and safety hazard because it is distracting;
- (j) Is not considered obscene, lewd, indecent or otherwise offensive to public morals.

**Sec. 3.261.L. G. Architectural design.** All structures within the Jensen Beach Overlay Zoning District CRA shall comply with the following:

1. *Exterior building walls.*
  - a. The following materials and techniques shall be permitted:
    - (1) Wood clapboard.
    - (2) Board and batten. However, no reverse board and batten shall be allowed.
    - (3) Wood shingles.
    - (4) Lap siding.
    - (5) Stucco.
    - (6) Brick.
    - (7) Thatch.
    - (8) Hardiplank.
    - (9) Glass block shall only be permitted on side and rear walls.
  - b. No exposed exterior concrete block shall be permitted. Concrete block structure (CBS) construction shall be covered over with one of the materials as specified in subsection 3.261.G.1, above.

- c. Materials used shall be used over the entire exterior of the building except for the openings.
- 2. *Arcades and porches.*
  - a. The following materials shall be permitted:
    - (1) Metal columns.
    - (2) Brick.
    - (3) Wood posts.
    - (4) Poured cement columns.
    - (5) Fabric material for porch enclosures.
  - b. Size and height restrictions:
    - (1) Posts shall be no less than four inches by four inches or the circular equivalent. Rails and balusters shall be no more than four feet high with maximum space between balusters of five inches. Partial walls shall not exceed a height of three feet on-center. Roof pitch shall be a minimum ratio of 3:12.
- c. Front porches are required on all commercial and residential buildings except when the building is connected to an arcade system. Porches must span a minimum of two-thirds of the front elevation of the building. If enclosed, front porches may only be enclosed by screening.

- 3. *Roofs and gutters.*
  - a. The following materials shall be permitted for roofs:
    - (1) Thatch.
    - (2) Wood/imitation wood dimensional asphalt shingles.
    - (3) Galvanized metal, finished or unfinished.
    - (4) Clay tile.
  - b. Restrictions. Only gable and hip roofs shall be permitted except on multistory buildings when there is a decorative cornice on top of all sides visible from the street. Multistory buildings with cornice built-up types of roof construction must have a minimum pitch of 1:12. Principle roof pitch shall be no less than 5:12 and no greater than 12:12. Rafters at overhangs shall be exposed. Dormers are permitted only on pitched roofs with a 45-degree angle and the angle of the dormer roof shall also be 45 degrees.
  - c. The following additions to windows shall be permitted:
    - (1) Wood shutters matching the dimensions of the windows.
    - (2) Fabric awnings.
    - (3) Bahama shutters.
    - (4) Screened windows.

(5) Storm or hurricane shutters, if concealed.

4. *Outbuildings. Accessory Structures*

- a. Materials shall be or have the appearance of that of the primary structure.
- b. Accessory uses such as the following shall be permitted if allowed by other applicable zoning regulations:
  - (1) Fountains and barbecues.
  - (2) Pavilions and arbors.
  - (3) Detached garages and carports.
  - (4) Garage apartments.
  - (5) Guest houses and studios.
  - (6) Workshops and tool houses.
  - (7) Greenhouse and slat houses.
  - (8) Dog houses.
  - (9) Pools and equipment houses.
  - (10) Playhouses.
  - (11) Pump house.
  - (12) Tree house.
  - (13) Kiosks.
- c. Outbuildings shall not exceed 850 square feet of interior floor space.

5. *Restrictions on use of building frontage.* The following are not permitted between the building front and the fronting right-of-way:

- a. Exposed pumps or electrical meters.
- b. Air conditioning compressors or projecting air conditioning window units.
- c. Clothes lines or clothes drying in the yard.
- d. Antennas and satellite dishes.
- e. The parking or storage of recreational vehicles, boats or boat trailers. This is not intended to apply to vehicles, boats or boat trailers associated with a lawfully established commercial use.
- f. Garbage cans except on pick-up days and as required by subsection 2.261.E.9.

5. *6. Elevation of residential floors.* In all overlay districts, wherever residential use is proposed on the first floor of a building, the first floor shall be elevated at least thirty inches above the finished grade as measured along the front building line. This

provision shall be voluntary for any residential building that is developed pursuant to an affordable housing program, such as, but not limited to, projects funded by the State Housing Initiative Partnership Program (SHIP) or by nonprofit housing providers such as Habitat for Humanity.

- ~~7. Arcades and balconies. Where otherwise permitted, arcades and balconies shall also comply with the following when located on or over a sidewalk or other public right-of-way:~~

  - ~~a. There shall be no habitable space located directly above the public right-of-way.~~
  - ~~b. Arcades must have a minimum clear height of 12 feet from the lowest point of the ceiling, a minimum clear width of eight feet and be open to the public at all times.~~
  - ~~c. Restaurant seating and the display of merchandise is permitted within an arcade provided that a public passageway of at least six feet in width is maintained for pedestrians.~~
  - ~~d. Use of the public right-of way must be approved by both the Growth Management Director and the County Engineer.~~
  - ~~e. Balconies shall have a minimum depth of three feet, a minimum clear height of ten feet at ground level and shall not be used as a means of ingress or egress.~~
- ~~6. 8. Architectural guidelines. The Jensen Beach Architectural Guidelines, which are incorporated herein by reference, illustrate the architectural styles that are preferred within the Jensen Beach Redevelopment Overlay Districts. The Architectural Guidelines are available on the County website: [www.martin.fl.us](http://www.martin.fl.us). Regardless of whether or not the applicant intends to conform to the Architectural Guidelines, all applications for new development and redevelopment shall include architectural drawings.~~

### **3.261.H. *Miscellaneous standards.***

- ~~1. Coin-operated amusements. Coin-operated amusements shall be limited to no more than four per business establishment. This restriction shall apply to all businesses within any of the Jensen Beach Redevelopment Overlay Districts, regardless of whether such coin-operated amusements are offered as a primary use, such as in an amusement arcade, or as an accessory to another business. For purposes of this subsection 3.261.J, "coin-operated amusements" shall mean any machine intended to provide amusement on demand, such as, but not limited to, pin-ball machines, pool tables and video games, regardless of whether the actual method of payment is via coins, tokens, paper money, credit card or by similar means. This restriction on the number of coin-operated amusements shall not apply to Harper's Pub, located at 1969 NE Jensen Beach Boulevard or to Mulligan's Restaurant,~~

~~located at 1999 NE Jensen Beach Boulevard, but shall apply to any future businesses located at those addresses.~~

**[2. Reserved.]**

**3. Kiosks.** ~~Kiosks may be allowed on public property in any of the Jensen Beach Redevelopment Overlay Districts, subject to review by the Neighborhood Advisory Committee and subject to approval of the County Engineer. Placement of a kiosk on private property will be at the discretion of the property owner or lease holder. Kiosks will be subject to the general design criteria established for the CRA. Operation of a kiosk will be subject to an annual fee determined by the Board of County Commissioners and will be deposited into the Jensen Beach CRA Redevelopment Trust Fund account.~~

**4. Utilities.** ~~All utilities shall be located underground.~~

**3.216.I. Reserved.**

**3.216.J. Mixed use projects.**

- 1. Mixed use project, defined.** ~~A "mixed use project" is a development with one or more buildings, containing more than one land use type, including both a residential and nonresidential component, where the various land uses are in close proximity to one another, are planned as a unified, complementary whole and are functionally integrated for the use of shared infrastructure.~~
- 2. Locations.** ~~Mixed use projects are permitted in Districts I through VIII.~~
- 3. Maximum density and intensity.**

- a. Mixed use projects shall have a minimum of 20 percent residential use and a maximum of 75 percent residential use based on the total project building square footage.**
  - b. Residential densities shall range from a minimum of two units per acre to a maximum of fifteen units per acre pursuant to the methodology set forth in section 3.13 of the Land Development Regulations.**
  - c. The allowable number of residential dwelling units in a mixed use project shall be calculated according to the following formula:**

$$[(RB/TP) \times PA \times MD] = TU$$

**Where:**

**RB = Residential Building (or unit) square footage**

**TP = Total Project building square footage**

**PA = Project Acreage**

**MD = Maximum Density (15)**

~~TU = Total Maximum Dwelling Units~~

~~By way of illustration, if a Project Acreage (PA) is two and one-half acres with residential building square footage (RBSF) proposed of 30,000 square feet and total project building square footage (TPSF) of 50,000 square feet with the maximum density (MD) of 15 units per acre then, the total dwelling units (TU) is  $30,000/50,000 \times 2.5 \times 15 = 22.5$  units.~~

- ~~(1) When the result of the calculation ends in 0.5 or higher, the total unit count shall be rounded up.~~
    - ~~(2) When the result of the calculation is less than one, the total unit count shall be rounded up to ensure that at least one residential dwelling unit is allowed.~~
    - ~~(3) When calculating the number of units in a mixed use project on lot sizes of one-half acre or less, units of 800 square feet or less of gross floor area shall be counted as one-half dwelling unit.~~
- ~~4. *Parking.* Where more than 200 parking spaces are provided on site, such parking shall be distributed such that no more than 50 percent of the spaces are grouped in a single area of the parcel. Methods of distributing parking areas may include locating parking adjacent to the rear or sides of a building or by physically separating parking areas with other buildings or landscaped areas.~~
- ~~5. *Landscape buffers and residential transitioning.*~~
  - ~~a. Despite any provision to the contrary within article 4, division 15, of the Land Development Regulations, Martin County Code, the bufferyard requirements of subsection 3.663.B of the Land Development Regulations, Martin County Code, shall not apply to any disparate land uses that may occur:~~
    - ~~(1) Within the interior of a mixed use project.~~
    - ~~(2) Between mixed use projects or other developments that are located entirely within a Mixed Use Overlay.~~
  - ~~b. Despite any provision to the contrary within sections 3.83.1 or 3.402 of the Land Development Regulations, Martin County Code, "residential transitioning" requirements shall not apply:~~
    - ~~(1) Within the interior of a mixed use project.~~
    - ~~(2) Between mixed use projects or other developments that are located entirely within a Mixed Use Overlay.~~
- ~~6. *Vertical mix of uses.* For multistory buildings, the use of each story shall be limited as follows:~~

*First floor: Nonresidential uses.*

~~Second floor: Office or residential uses.~~

~~Third floor: Residential uses only.~~

**3.261.K. *Non-mixed use projects.***

Future Land Use Designation	Minimum Lot Size	Maximum Building Coverage	Minimum Open Space	Maximum Building Height
Mobile Home	N/A	N/A	50%	35 ft.
Limited Commercial	10,000 sq. ft.	50%	30%	30 ft.
General Commercial	10,000 sq. ft.	60%	20%	35 ft.
Commercial Waterfront	10,000 sq. ft.	50%	30%	30 ft. for water-related, 35 ft. for water-dependent

**PART 2: APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable throughout the unincorporated area of Martin County

**PART 3: 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 Growth Management Plan.

**PART 4: 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 5: FILING WITH THE 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 6: CODIFICATION.**

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

#### **PART 7: EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Office of Secretary of State. Notwithstanding such effective date, applications for building permits that were submitted prior to the effective date of this ordinance may be approved if consistent with Section 3.261., LDR, as provided prior to amendment by this Ordinance.

**PASSED AND DULY ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

ATTEST:

BOARD OF COUNTY  
COMMISSIONERS,  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN, CLERK  
OF THE CIRCUIT COURT  
AND COMPTROLLER

---

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

---

ELIZABETH V. LENIHAN  
ASSISTANT COUNTY ATTORNEY