

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

ORDINANCE NUMBER 1074

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY, TO PROVIDE FOR SPORTING CLAY COURSES; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (BCC) has adopted the Martin County Comprehensive Growth Management Plan within which are included goals, objectives, and policies related to the process for review and approval of certain development applications; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives and policies through the adoption of consistent land development regulations; and

WHEREAS, this proposed amendment to amend Article 3, Zoning Districts, of the Land Development Regulations, Martin County Code, has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

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

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

PART 1: AMENDMENT TO ARTICLE 3 ZONING DISTRICTS, DIVISION 1. GENERAL PROVISIONS

Section 3, Zoning Districts, Section 3.3 Glossary of Terms, is hereby amended as follows (new language is underlined, deleted language struck through)

Sec. 3.3. Glossary of terms.

For purposes of this Article, the following words, terms and phrases shall have the meanings as set forth below:

Accessory dwelling unit. (See: Dwelling unit, accessory.)

Administrative services, not-for-profit. Offices for the provision of government services to the public, including social services and utilities, either by a governmental entity or by a private not-for-profit service provider.

Agriculture, bona fide. Good faith commercial agricultural use of the land classified by the property appraiser for assessment purposes as agricultural, pursuant to the provisions of F.S. § 193.461.

Agriculture processing. The initial compressing, milling, shelling, threshing, sorting, grading, sawing, or packaging of farm products, which processing is reasonably required to take place in proximity to the site where such products are produced.

Agricultural veterinary medical services. Establishments providing professional medical care of nonhousehold pets (those other than dogs, cats, caged birds, etc.).

Airport. A facility designed to facilitate the take-off and landing of aircraft, including all accessory uses customarily incidental to aircraft operations, such as but not limited to, administrative offices, runways, taxiways, communication and visual guidance systems and areas, whether indoor or outdoor, for the storage and maintenance of aircraft.

Airport, general aviation. An airport encompassing all facets of civil aviation except air carriers holding a certificate of public convenience and necessity from the Federal Aviation Administration and large aircraft commercial operators or regularly scheduled commercial operators.

Airstrip. An airport that is restricted to the use of the owner of the parcel on which it is located and the invited guests of the parcel owner, and which is further restricted to agricultural support uses, such as, but not limited to, crop dusting.

Alley. A public right-of-way dedicated to public use which affords only a secondary means of access to abutting property and which is not intended for general traffic circulation.

Apartment hotel. An establishment offering transient lodging accommodations to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to sleeping areas.

Aquaculture. The commercial cultivation of aquatic life, such as, but not limited to, fish, shellfish, and seaweed.

Assisted living facility. (See: Residential care facility.)

Bed and breakfast inn. An establishment operated by an owner or manager living on the premises which offers transient lodging accommodations to the general public. This definition specifically excludes halfway houses and nonsecure residential drug and alcohol treatment and rehabilitation facilities.

Biofuel facility. An industrial plant engaged in the collection, storage, processing or refining of vegetable oil or other non-petroleum based fats, oils and grease, for the purpose of converting such materials into fuel. "Biofuel facility" does not include restaurants or other sources of the raw materials used by a biofuel facility to produce fuel.

Bona fide agriculture. (See: Agriculture, bona fide.)

Building. Any structure having a roof supported by columns or walls, including domes.

Building coverage. The horizontal area measured from the exterior surface of the exterior walls of the ground floor of the principal and accessory structures on a lot.

Building permit. A permit issued pursuant to Chapter 21, Article 1, General Ordinances, Martin County Code.

Business and professional offices. Office uses which extend services by providing advice, information or consultation of a professional nature, such as, but not limited to, insurance, real estate, and executive management, but specifically excluding the storage or display of goods or chattels for the purpose of sale, lease, or rent and specifically excluding financial institutions. Business and professional office use shall also include the creation and processing of information, such as, but not limited to, life sciences, technology, research, computer software development, information storage and retrieval and publishing, excluding pain management clinics.

Campground. An establishment which offers transient lodging accommodations to the general public by providing designated spaces for tents or recreational vehicles, with or without utilities (see recreational vehicle park).

Cemeteries, crematory operations and columbaria. Uses typically associated with the interment of the dead.

Commercial amusements. Active or passive commercial recreation services including, but not limited to, theaters, bowling, tennis and other racket sports, miniature golf, swimming and other water-related sports and spectator sports.

Commercial day care. (See: Day care, commercial.)

Commercial kennel. (See: Kennel, commercial.)

Commercial marina. (See: Marina, commercial.)

Commercial stable. (See: Stable, commercial.)

Community center. A facility operated by a public or not-for-profit entity which is used for recreational, social, educational, or cultural activities.

Composting. A facility designed to convert organic solid waste into compost by means of biological decomposition carried out under controlled, primarily aerobic conditions.

Construction industry trades. Skilled occupations typically involved in construction, such as carpenters, painters, plumbers, masons, electricians, tile contractors, etc.

Construction sales and service. An establishment primarily engaged in construction activities which may include incidental storage on lots other than construction sites, as well as the retailing and wholesale of construction materials with outdoor storage.

Convenience restaurant. (See: Restaurant, convenience.)

Convenience store. (See: Retail sales and services, limited).

Corner lot. (See: Lot, corner.)

Crawl space. The area between the slab, or finished grade where there is no slab, and the base of any structure elevated above that slab or finished grade.

Crop farms. Growing and harvesting of agricultural products including, but not limited to, row crops and field crops (vegetables, fruits, grains, nuts, fibers, etc.).

Cultural or civic uses. Uses typically associated with public or not-for-profit private entities for the promotion of a common cultural or civic objective such as literature, science, music, drama, art, sport or similar objectives.

Dairies. Production of dairy products.

Day care, commercial. An establishment providing supervised care of people, either children or adults, but not overnight accommodations.

Day care, family. A residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit as licensed by the State of Florida, pursuant to F.S. § 402.302.(7).

Dredge spoil facility. An area of land which is designed for the safe storage and processing of sand, silt, muck and other natural materials dredged from waterways under the supervision of the Florida Inland Navigation District. Spoil materials are generally allowed to dry naturally and may later be removed to be used for other purposes.

Duplex dwelling. (See: Dwelling, duplex.)

Dwelling, duplex. Two dwelling units, whether side-by-side or stacked, within one building located on a single lot but specifically excluding mobile homes as defined in this section (3.3).

Dwelling, multifamily. Three or more dwelling units within one building located on a single lot.

Dwelling, single-family detached. A dwelling unit that is not physically attached to any other dwelling by any means, which is surrounded by open space on all sides and which is the only dwelling unit on a lot. This definition specifically excludes mobile homes as defined in this section (3.3). Two or more single-family detached dwelling units placed on a single lot shall be considered a duplex or multifamily dwelling use, depending on the number of dwelling units involved.

Dwelling, townhouse. A single-family dwelling unit which is physically connected to another dwelling unit on at least one side, in which each individual dwelling unit extends from ground to roof and has a separate entrance from the outside.

Dwelling unit. A building comprised of one or more rooms providing cooking, sleeping, and sanitary facilities, designed for the exclusive use of a single family.

Dwelling unit, accessory. A dwelling unit of any physical type (e.g., a single-family detached dwelling, a duplex dwelling, or a townhouse dwelling) except a mobile home, located on a lot developed for nonresidential purposes, and which is designed and used exclusively by the landowner as either a personal residence (for the landowner and his family) or for the use of any employee (along with the family of the employee) of any nonresidential establishment on the lot.

Dwelling, zero lot line single-family dwelling. A single family dwelling unit which has one or more walls located on or close to one interior side lot line or shares a party wall with another such unit on an adjacent lot.

Educational institution. Public or private organizations authorized by the Florida Statutes to provide instructional services. Organizations providing instructional services which are not authorized by Florida Statutes shall be considered business and professional offices.

Exotic wildlife sanctuary. A public or private, nonprofit facility established for the protection, permanent care and/or rehabilitation of exotic Class I, Class II or Class III wild animals as defined by the Florida Fish and Wildlife Conservation Commission. Accessory uses to such facilities may include veterinary labs and services, directly related to the sanctuary, administration offices, conference rooms, maintenance facilities, a caretaker residence, indoor and outdoor wildlife enclosures, other related support facilities and infrastructure improvements as determined appropriate by the Board of County Commissioners.

Extensive impact industry. (See: Industry, extensive impact.)

Family:

1. One or more persons related by blood, marriage, adoption, or guardianship occupying a single residential dwelling unit as a single housekeeping unit and sharing common facilities; or
2. Any group of up to five persons occupying a single dwelling unit as a single housekeeping unit and sharing common facilities.

Family day care. (See: Day care, family.)

Farmer's market. An establishment providing for the retail sale of agricultural products, primarily involving the sale of fresh produce, such as fruits and vegetables, but also including such products and services that are customarily provided in rural or agricultural areas.

Feed lot. A plot of land on which livestock is confined and fattened.

Financial institution. A use which provides banking, or other financial services, including information, advice or consultation of a professional nature.

Fishing and hunting camps. Recreational facilities established for the purpose of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides and other customary accessory uses and facilities as set forth in section 3.76.1.

Flea market. Any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or

equipment, in small quantities, in broken lots, not in bulk, for use or consumption by the immediate purchaser, in open air or partly enclosed booths or stalls which may or may not be within a wholly enclosed building.

Funeral homes. Undertaking and funeral services involving the care and preparation of deceased humans prior to burial but specifically excluding cemeteries, crematory operations and columbaria.

General restaurant. (See: Restaurant, general.)

General retail sales and services. (See: Retail sales and services, general.)

Golf course. A public or private establishment which allows use of golf facilities for a fee.

Gross floor area. The sum of the horizontal areas of each story of a building, measured from the outside of exterior walls or from the center line of party walls, excluding enclosed parking or loading areas and any space where the floor-to-ceiling height is less than six feet.

Guest house. A set of living quarters on the same lot as a single-family detached dwelling, having sanitary and/or cooking facilities separate from the principal dwelling, which is intended for temporary occupancy by guests of family members of the principal household.

Halfway house. A licensed home for inmates on release from more restrictive custodial confinement or where inmates are initially placed in lieu of more restrictive custodial confinement, and where supervision, rehabilitation, and counseling are provided to prepare residents for a return to society, enabling them to live independently. Such placement is pursuant to the authority of the Florida Department of Corrections, or the state judicial system.

Home occupation. Any for-profit activity carried out within, or on the same lot as a residential dwelling unit, by a resident of such dwelling unit.

Hospital. An institution requiring a certificate of need that:

1. Offers services more intensive than those required for room, board, personal services and general nursing care;
2. Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and
3. Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery, obstetrical care, or other definitive medical treatment of similar extent.

A hospital may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories, day care centers for employees, and other related uses.

Hotels and motels. A building or other structure used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants. Hotels and motels typically include accessory uses such as meeting or convention facilities and recreational facilities but individual rooms do not include kitchen facilities.

Independent living facility. (See: Residential care facility.)

Indoor shooting range. (See: Shooting range, indoor.)

Industrial use. The manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials, publishing, and the research and development of pharmaceutical products.

Industry, extensive impact. An industrial use that, due to materials or processes utilized or products produced, has the potential for negative impacts on the environment or on surrounding uses in terms of noise, glare, vibration, smoke, vapors, odors, fire or explosive hazards or an industrial use where more than 20 percent of the use, measured as a percentage of the gross floor area of all buildings on the lot, is conducted outside of an enclosed building. This definition specifically excludes other separately defined

uses referenced in these regulations, such as, but not limited to, mining, salvage yards, and solid waste disposal facilities.

Industry, limited impact. Any industrial use that is not an extensive impact industry.

Interior lot. (See: Lot, interior.)

Kennels, commercial. Facilities used for the commercial boarding of domestic animals such as dogs and cats.

Library, public. A government-owned or operated facility providing reading and other materials on loan to the general public and which may also provide general community services, such as meeting facilities.

Limited impact industry. (See: Industry, limited impact.)

Limited retail sales and services. (See: Retail sales and services, limited.)

Living area. The gross floor area of a dwelling unit, excluding any floor area of accessory structures.

Lot. A parcel of land, distinguished from surrounding parcels by ownership boundaries and excluding public rights-of-way.

Lot, corner. A lot abutting upon two streets at their intersections.

Lot, interior. Any lot which is not a corner lot.

Lot line means those lines defining ownership of an individual parcel of land, separating such parcel from separately owned parcels. Lots lines are further distinguished as follows:

1. *Front lot line:* The line dividing a lot from the street which provides primary vehicular access to the lot. On a corner lot only one lot line shall be considered the front line.
2. *Rear lot line:* The lot line opposite the front lot line.
3. *Side lot line:* Any lot line which is not a front lot line or a rear lot line.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembly or manipulation of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Marina, commercial. A facility with three or more wet and/or dry slips for the commercial docking, launching, mooring or storage of vessels and which may include accessory retail and service uses, such as, but not limited to, the sale, lease, or rental of boats, bait and tackle shops, off-loading and processing of commercial seafood products, and marine equipment sales.

Medical services. The provision of therapeutic, preventive or other corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services are provided to patients who are admitted for examination and treatment by a physician involving no overnight lodging, excluding pain management clinics.

Mining. The excavation of more than 10,000 cubic yards of rock, gravel, soil, shellrock or minerals from any project site in any calendar year, where the excavated material is hauled from that project site to another location across any street.

Mobile home. A structure transportable in one or more sections which is built on a permanent chassis and is designed for use as a single-family residential dwelling unit when connected to the required utilities. If fabricated after June 15, 1976, each section should bear a U.S. Department of Housing and Urban Development (HUD) label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured units meeting the criteria contained in the definition of a modular home and does not include park trailers contained in the definition of recreational vehicles.

Modular home. A structure transportable in one or more sections, with or without a permanent chassis, which is designed for and used as a residential dwelling unit when connected to a foundation and the required utilities. Fabrication of such units shall comply with F.S. Ch. 553 and the Florida Building Code. A modular home does not include manufactured units meeting the criteria contained in the definition of a mobile home and does not include park trailers contained in the definition of recreational vehicles.

Multifamily dwelling. (See: Dwelling, multifamily.)

Neighborhood assisted residence. A residential arrangement in which a state-licensed person or agency provides assistance to the residents, such as housekeeping, centralized cooking or dining, personal care, nursing care, and counseling. This land use category is limited to facilities involved in the housing and care of frail elders, as defined in F.S. § 400.618; physically disabled or handicapped persons, as defined in F.S. § 760.22(7)(a); developmentally disabled persons, as defined in F.S. § 393.063(11); nondangerous mentally ill persons, as defined in F.S. § 394.455(18); and children, as defined in F.S. §§ 39.01(11), 984.03(9), 984.03(12), and 985.03(8).

Nonsecure residential drug and alcohol treatment and rehabilitation facilities. Inpatient facilities, not involving confinement as in a prison or jail facility, which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients. The residents of these facilities shall not include correctional inmates, violent offenders, or habitual criminal offenders.

Nursing home. (See: Residential care facility.)

Open space. That portion of a development that is permeable and remains open and unobstructed from the ground to the sky, specifically excluding parking areas, whether permeable or impermeable.

Orchards and groves. Growing and harvesting of tropical and deciduous fruits including citrus fruits such as oranges and grapefruits.

Outdoor shooting range. (See: Shooting range, outdoor.)

Pain management clinic. The same as the definition found in Sec. 458.3265(1)(a), Florida Statutes (2010), as may be amended from time to time, and shall also include any dispensing organization approved to dispense low-THC cannabis, or any medical marijuana treatment center as those terms are defined by Florida Statutes or the Florida Constitution. Notwithstanding this definition, the use of the words "wellness center" and "detox center" shall not exempt clinics, facilities or offices which advertise in any medium for any type of pain management services, or employ a medical or osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications from this definition. Such definition shall not include any of the following:

1. A clinic that is licensed as a facility pursuant to chapter 395; or
2. A majority of the physicians who provide services in the clinic primarily provide surgical services; or
3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million; or
4. The clinic is owned by, leased by or contractually affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows; or
5. The clinic does not prescribe or dispense controlled substances for the treatment of pain; or
6. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. § 501(c)(3); or
7. A facility that is owned or operated by a chiropractic physician licensed under Chapter 460, Florida Statutes, and does not contract or employ a physician licensed under Chapter 458 or Chapter 459, Florida Statutes, who is primarily engaged in the treatment of pain by prescribing

or dispensing controlled substance medications for the treatment of chronic nonmalignant pain:
or

8. A clinic that is associated with a not-for-profit hospice care provider.

Pain specialist (approved). A physician, or group of physicians licensed under either Chap. 458 or Chap. 459, Florida Statutes, and who comply with Rule 64B8-9.0131 (medical doctors), or Rule 64B15-14.5 and Rule 64B15-14.009 (osteopathic physicians), Florida Administrative Code, as each is amended from time to time.

Parking lots and garages. A public or private parking lot or parking structure operated as a principal use for the purpose of providing off-street parking or storage of operable motor vehicles, including trailers, but specifically excluding the parking or storage of construction equipment.

Perimeter enclosure. A perimeter enclosure is a requirement for screening crawl space created by the elevation of a dwelling built on a pier foundation. The perimeter enclosure must be on all four sides of the dwelling and meet the requirements in Section 3.68.2.A., Dwellings.

Pharmacy. The same as the definition in F.S. (2010) § 465.003, as may be amended from time to time, and includes community pharmacy, internet pharmacy, and special pharmacy, but does not include institutional pharmacy or nuclear pharmacy, as each of those terms are used in that section.

Place of worship. Any structure, used on a regular basis by a group of persons who assemble for religious worship, including, but not limited to, a church, synagogue, mosque, or temple.

Plant nurseries and landscape services. Establishments providing for the retail or wholesale sale of flowers, plants, shrubs and trees, products related to landscaping such as, but not limited to, soil, fertilizer, and potting materials, and landscape consultative services.

Porch. A roofed structure projecting from the wall of a building which is not enclosed with solid or opaque materials more than 30 inches above the floor thereof, except the necessary columns to support the roof.

Private stable. (See: Stable, private.)

Protective and emergency services. Fire, law enforcement, emergency medical and related uses planned and operated for the general welfare of the public.

Public library. (See: Library, public.)

Public parks and recreation areas, active. Public parks and recreation areas operated by a public or private not-for-profit entity where the primary goal is the provision of facilities for active public recreation, such as, but not limited to, tennis courts, ball fields, and picnic areas.

Public parks and recreation areas, passive. Public parks and recreation areas operated by a public or private not-for-profit entity where the primary goal is the preservation of land in its natural state for public enjoyment. Accessory uses and structures, such as parking, restrooms, and public viewing areas may be provided to facilitate public use of the preserved land but this use specifically excludes recreational facilities such as ball parks and tennis court that require large cleared areas, boat ramps for motorized vessels, or other uses which are incompatible with the preservation of native lands.

Public vehicle storage and maintenance. Use of land for the storage and maintenance of public vehicles.

Ranches. Raising, training and/or storage of livestock on improved or unimproved pasture land including, but not limited to, cattle, horses, sheep and goats.

Recreational vehicle. A vehicle or portable structure built on a chassis and designed for travel, recreation, or vacation and occupied for brief tenancies in recreational vehicle parks. A recreational vehicle shall not be considered a dwelling unit and does not qualify as a mobile home. Recreational vehicles shall include and shall be limited to:

1. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

2. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
3. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.
4. The "motor home," which is a vehicular unit which does not exceed the length, height, and width limitations provided in F.S. § 316.515, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
5. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in F.S. § 316.515(9), is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
6. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in F.S. § 316.515, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.
7. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.
8. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Recreational vehicle park. The commercial use of land to provide individual spaces for two or more recreational vehicles on a daily fee or short-term rental basis for tenancies of less than six consecutive months. (See also: Campground).

Recycling drop-off center. A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection trucks.

Recycling plant or transfer station. A facility for the receiving, sorting, storing, and initial processing of nonhazardous materials. This use does not involve the conversion of materials into new products (see: Industrial uses).

Residential care facility. A residential arrangement designed to house the aged or other persons with chronic or debilitating conditions where the residents require assistance with daily activities. The assistance provided may include housekeeping, centralized cooking or dining, personal care, nursing care, and counseling.

Residential storage facility. A building or series of buildings designed and used for the rental of space for the storage of household items but specifically excluding the rental of space for commercial or industrial warehousing.

Restaurant, general. An establishment where the principal business is the sale of food and beverages to the public in a ready-to-consume state.

Restaurant, convenience. An establishment where the principal business is the sale of food and beverages to the customer in a ready-to-consume state, generally in disposable wrapping or containers. Establishments that specialize in take-out food and offer seating for ten or fewer patrons, such as delicatessens and sandwich shops, shall be classified as limited retail sales and services.

Retail sales and services, general. Retail sale or rental from the premises of goods and/or services and highway-oriented sales and services that generally cater to a market area in excess of three miles, excluding establishments with significant wholesaling, warehousing, or outside storage and distribution functions and excluding pain management clinics.

Retail sales and services, limited. Shops and stores limited to retail sales of convenience items or services typically needed on a frequently reoccurring basis, excluding pain management clinics. This definition includes shops with:

1. Limited inventory;
2. A household market area in the immediate vicinity;
3. A specialized market with customized service demand; or
4. A tourist-oriented market area in the immediate vicinity.

Right-of-way. A strip of land dedicated, deeded, used or intended to be used, for a street, alley, walkway, boulevard, railroad, drainage facility, access for ingress or egress, electric transmission line, oil and gas pipeline, sanitary and stormwater sewer line, or other purpose by the public, certain designated persons, or governing bodies. It is an appropriation of the land to some public use made by the owner and accepted for such use by the public.

Salvage yard. The use of a lot for the dismantling, reduction or other processing of used or discarded durable goods which are not intended to be sold in than their original forms. Typical salvage yard operations include automobile wrecking yards and recycling transfer stations.

Shooting range, indoor. A facility, entirely enclosed in a building, designed for the safe discharge of firearms at targets.

Shooting range, outdoor. An open-air facility designed for the safe discharge of firearms from a fixed firing position at targets (including rifle, skeet and trap ranges). This excludes sporting clay courses.

Single-family dwelling. (See: Dwelling, single-family detached.)

Silviculture. That process which follows accepted forest management principles whereby the forests are tended, harvested, and reforested.

Solid waste disposal facilities. The use of a lot for the long term placement of waste materials, such as, but not limited to, construction debris, vegetative waste, domestic waste and hazardous waste, for the primary purpose of abandoning such materials. Solid waste disposal facilities may sometimes be conducted in conjunction with salvage yards.

Sporting clay course. An open-air facility designed for the safe discharge of a shotgun at clay targets within a defined course area.

Stable, commercial. Facilities devoted to the feeding, housing and care of horses for which the operator of the premises receives compensation. Such use may involve related equestrian activities such as riding lessons and recreational horse riding.

Stable, private. An accessory structure on a lot where horses owned by the owners of the premises are kept for private use.

Story. That part of a building contained between any floor and the floor or roof next above.

Street. A public or private right-of-way which is designed to serve as the principal means of vehicular access to two or more lots.

Structure. Any material or combination of materials erected or otherwise installed on a lot, whether installed on, above, or below the surface of land or water.

Trades and skilled services. Shops providing services involving skilled labor or craftsmanship, such as, but not limited to, printing and binding, electronics repair, carpet cleaning, craft-making, decorating services and locksmithing. This shall not be construed to include shops primarily engaged in retail sales and services where the provision of skilled labor or craftsmanship is merely incidental to the retail activity.

Truck stop/travel center. An establishment engaged primarily in the fueling, servicing, repair, and short-term parking of tractor trucks, tractor-trailers, semi-trailers or similar heavy commercial vehicles, including but not limited to the sale of accessories and equipment for such vehicles. It may also include overnight accommodations, showers, and restaurant facilities primarily for the use of truck crews. This use shall be considered an extensive impact industry.

Townhouse dwelling. (See: Dwelling, townhouse.)

Utilities. The use of land which is customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmission systems; water and waste water systems; communication; and similar services and facilities.

Utility. Any organization, either private or governmental, which owns and/or operates facilities for the rendering of services to the general public, such as electric, gas, communications, transportation, water supply, sewage disposal, water conservation and drainage and garbage or refuse disposal.

Vehicular sales and service. The retail or wholesale sale, storage or rental of motor vehicles, including boats, travel trailers and mobile homes, and related equipment, with incidental services and maintenance.

Vehicular service and maintenance. Establishments providing retail sale of motor fuels and other products and services related to the operation of motor vehicles, including cleaning, washing and waxing services and including repair services, such as, but not limited to, tire and oil changes, engine repair and mechanical inspections, provided that such repair services are limited to no more than three service bays. Vehicular maintenance activities involving more than three service bays or involving tire recapping or vulcanizing, rustproofing, painting or body repair shall be considered an industrial use (see definition of "industrial use").

Veterinary medical services. Establishments providing professional medical care for animals.

Wildlife rehabilitation facility. A public or private, nonprofit facility established for the primary purpose of providing care and shelter for wild animals and for providing public educational services related to the care and protection of wildlife. Accessory uses to such facilities may include veterinary medical services related to the care of animals within the facility, administrative offices, conference rooms, maintenance facilities and a caretaker's residence.

Wholesale trades and services. Establishments offering bulk goods to other firms for eventual resale.

Yard trash processing. The processing of vegetative matter resulting from landscaping maintenance or land clearing operations, such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, into mulch, compost or other products suitable for use off-site and specifically excluding the on-site disposal of such material.

Zero lot line dwelling. (See: Dwelling, zero lot line.)

PART 2: AMENDMENT OF ARTICLE 3, DIVISION 3, STANDARDS FOR SPECIFIC USES, LAND DEVELOPMENT REGULATIONS.

Division 3 is hereby amended, as follows (new language is underlined, deleted language is ~~struck through~~):

DIVISION 3. STANDARDS FOR SPECIFIC USES

3.99.1 Shooting range, outdoor.

3.99.1.A.

The discharge of firearms shall be conducted only within areas specifically designated for such use on an approved site plan.

3.99.1.B.

Firing positions shall be separated a minimum of 2,500 feet from the boundary of the subject property with any adjacent parcel in separate ownership. However, for an *outdoor* shooting range designed and used specifically and solely for ~~shooting clay targets with a shotgun~~, the following shall apply: Firing positions shall be separated a minimum of 900 feet from the boundary of the subject property with any adjacent parcel in separate ownership and in addition, firing positions shall be separated a minimum of 2,500 feet from any permitted residence existing at the time of site plan approval for the proposed shooting range.

3.99.1.C.

An impenetrable berm or barrier, 20 feet or more in height, shall be constructed along the three sides lying in the direction of fire of any authorized firearm discharge area.

An *outdoor shooting range* designed specifically and solely for shooting clay targets with a shotgun is exempt from Section 3.99.1.C.

3.99.1.D.

The perimeter of the shooting range activity, including the firearm discharge area and surrounding berms, shall be enclosed by a fence or wall, a minimum of six feet in height. Warning signs of at least one square foot each shall be attached to the perimeter fence at the rate of at least one for every 100 lineal feet plus one at each entry gate.

3.99.1.E.

The applicant shall submit a hazardous waste management plan, prepared by an independent environmental consultant, to assure the protection of groundwater from lead and other contaminants associated with the discharge of firearms.

3.99.1.F.

The applicant shall demonstrate compliance with all applicable state regulations and how safety and noise factors have been addressed through the site plan and other special features of the proposed development.

3.99.2 Sporting clay course.

3.99.2.A.

The minimum lot size shall be 100 acres.

3.99.2.B.

The discharge of shotguns at clay targets shall be conducted only within a defined course area that uses non-permanent shooting structures.

3.99.2.C.

Firing positions shall be separated a minimum of 50 feet from the boundary of the subject property with any adjacent parcel in separate ownership. Firing positions and shot fall zones shall face away from adjacent property lines and inward on the subject property. In addition, firing positions shall be separated a minimum of 600 feet from any off-site permitted residence existing at the time of final site plan approval of the sporting clay course.

3.99.2.D.

The applicant shall submit a lead management plan in accordance with the regulations of the Florida Department of Agriculture, prepared by an independent environmental consultant, to assure the protection of groundwater from lead and other contaminants associated with the discharge of shot guns at clay targets.

3.99.2.E.

The applicant shall demonstrate compliance with all applicable state and federal regulations and in addition, how safety, perimeter security and noise factors have been addressed.

3.99.2.F.

All structures within the sporting clay course must be non-permanent, moveable structures. If a concrete pad is installed for support of a temporary structure, the pad must be depicted on an as built survey in relation to the course.

3.99.2.G.

No firearms, other than shotguns, may be discharged within the limits of the sporting clay course.

PART 3: AMENDMENT TO ARTICLE 3, DIVISION 2, TABLE 3.11.1 AND TABLE 3.12.1 PERMITTED USES

Sec. 3.11. - Permitted uses.

Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Tables 3.11.1, 3.11.2 and 3.11.3. A "P" indicates that the use is permitted within that zoning district provided that the use can be developed in accordance with the requirements set forth in Divisions 3 and 4 and all other applicable requirements of this Article and the LDR.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002)

**TABLE 3.11.1
PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS**

USE CATEGORY	A 2 0 A	A 5 A	A 1 0 A	R 2 A	R 1 A	R 1 ½ A	R 3 R	R B	R 4	R 5	R 6	R 8	R 1 0	R 3	R 4	R 5	R 6	R 8	R 1 0	M H P	M H S
<i>Residential Uses</i>																					
Accessory dwelling units																					
Apartment hotels																					
Mobile homes	P																			P	P
Modular homes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multifamily dwellings														P	P	P	P	P	P		
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Single-family detached dwellings, if established prior to the effective date of this ordinance																				P	P
Townhouse dwellings														P	P	P	P	P	P		
Duplex dwellings														P	P	P	P	P	P		
Zero lot line single-family dwellings													P	P	P	P	P	P	P		
<i>Agricultural Uses</i>																					

[illegible]

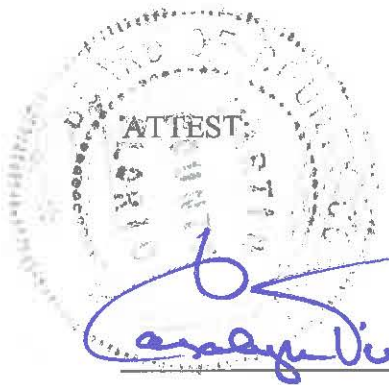
Construction industry trades																				
Construction sales and services																				
Family day care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Financial institutions																				
Flea markets																				
Funeral homes																				
General retail sales and services																				
Golf courses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Golf driving ranges																				
Hotels and motels																				
Kennels, commercial	P	P	P																	
Limited retail sales and services																				
Marinas, commercial																				
Marine education and research																				
Medical services																				
Parking lots and garages																				
Recreational vehicle parks																				
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance																		P	P	
Residential storage facilities																				

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations, except that Parts 4 through 8 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

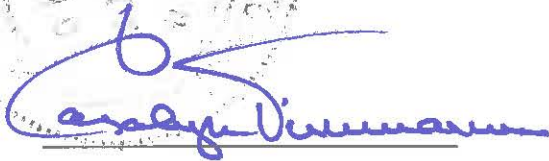
PART 9: EFFECTIVE DATE.

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

PASSED AND DULY ADOPTED THIS 24th DAY OF JULY, 2018.



ATTEST:



CAROLYN TIMMANN,
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER

BOARD OF COUNTY COMMISSIONERS,
MARTIN COUNTY, FLORIDA

BY: 

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: 

KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 2, 2018

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1074, which was filed in this office on August 1, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb