

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA
ORDINANCE NO. 1138**

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING SECTION 3.201.C., ACCESSORY USES BY ZONING DISTRICTS OF ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; AFTER THE DECLARATION OF A LOCAL STATE OF EMERGENCY, AUTHORIZING THE TEMPORARY USE OF RECREATIONAL VEHICLES FOR LIVING, SLEEPING OR OTHER OCCUPANCY WHEN A DWELLING ON THE PROPERTY IS UNINHABITABLE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, a local state of emergency was declared due to significant flooding, including in the Hobe Heights neighborhood, which caused damage to businesses, homes, highways, streets, roads, and other improvements as well as vehicles; and

WHEREAS, Emergency Order 20-14 (Hobe Heights Flooding) provided that residents of the Plat of Hobe Heights were authorized to temporarily reside in recreational vehicles on their property if their home was uninhabitable while the home is being reconstructed or repaired; and

WHEREAS, in addition, Emergency Order 20-14 suspended the application of Section 3.201.C.2.h, Land Development Regulations, Martin County Code as to the prohibition against living in a recreational vehicle; and

WHEREAS, an amendment to the Land Development Regulations is necessary in order to provide a solution which extends beyond the time permitted under Florida law for Emergency Order 20-14 and potentially other emergency orders which might be issued in the future; and

WHEREAS, the Local Planning Agency and the Board of County Commissioners have provided for full public participation in the review of the proposed amendment; and

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

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

PART I: AMENDMENT OF SECTION 3.201.C., ACCESSORY USES BY ZONING DISTRICTS OF ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY

Section 3.201.C. is amended as follows:

3.201.C. *Accessory uses by zoning district.* The following uses and structures shall only be permitted in the zoning district(s) as herein enumerated:

1. *In all zoning districts:*

- a. One utility storage structure, incidental to a permitted use, provided no such structure shall exceed 250 square feet in floor area.
- b. Television, radio, etc., receiving dishes provided that such structures comply with the applicable district regulations for setbacks from adjacent properties.
- c. Private garages.
- d. Docks incidental to a permitted use, provided no boat shelter associated with a docking facility is greater than 500 square feet in area and no greater than 20 feet in height above the adjacent pier or platform and not less than 50 percent of the shoreline shall be unobstructed open space.
- e. Solar energy systems.
- f. Notwithstanding other restrictions on the use of recreational vehicles, after the declaration of a local state of emergency, recreational vehicles may be temporarily used for living, sleeping or other occupancy where a dwelling on the same property is uninhabitable. Such temporary use is subject to compliance with the following requirements:
 - (a) The temporary use of the recreational vehicle shall be limited to the time period during which the dwelling is being reconstructed or repaired but shall not exceed one year from the date the dwelling becomes uninhabitable;
 - (b) The recreational vehicle manufacturers specifications shall be followed regarding setup and stabilization of the vehicle and all electrical, potable water and sewage connections; and
 - (c) Use of the recreational vehicle shall comply with all applicable requirements of the Martin County Health Department.

Remainder of Section 3.201.C has not been included

PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

PART III. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV. APPLICABILITY.

This Ordinance shall be applicable throughout Martin County's jurisdiction.

PART V. 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 VI. EFFECTIVE DATE.

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

PART VII. CODIFICATION.

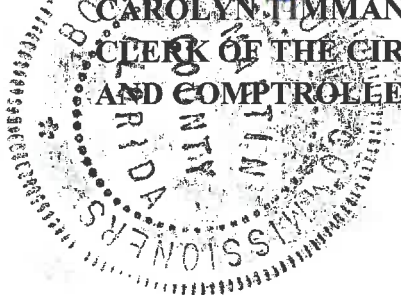
Provisions of this Ordinance shall be incorporated in the Martin County Land Development Regulations and the word "ordinance" may be changed to "section", "article" or other word, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions: provided, however, that parts II to VII shall not be codified.

DULY PASSED AND ADOPTED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:

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


CAROLYN TIMMANN,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER



BY: 
HAROLD E. JENKINS II, CHAIRMAN

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: 
KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 14, 2020

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. 1138, which was filed in this office on August 14, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb