

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

ORDINANCE NUMBER

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY, TO PROVIDE FOR MEDICAL MARIJUANA DISPENSARIES; 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, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution entitled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"); and

WHEREAS, Amendment 2 legalizes the medically certified use of marijuana throughout the State of Florida and authorizes the cultivation, processing, distribution, and sale of marijuana, and related activities, by licensed "Medical Marijuana Treatment Centers; and

WHEREAS, on June 23, 2017, the Florida Legislature amended numerous provisions of Section 381.986, Florida Statutes to expand compassionate use of medical marijuana including how local governments regulate Medical Marijuana Treatment Center (MMTC) dispensing facilities: and provided additional regulation of the Department of Health with regard to medical cannabis; and

WHEREAS, the draft ordinance will provide appropriate locations and standards to guide the placement and development of dispensaries in accordance with Florida Statutes:

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 Marijuana Dispensing Facility. A facility operated by a Medical Marijuana Treatment Center (MMTC) licensed in accordance with Section 381.986, Florida Statutes by the Florida Department of Health. The services provided at the building or structure used as a dispensing facility includes the dispensing and the delivery of medical marijuana to qualified patients or caregivers.

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 64B15-14.005 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 at targets (including rifle, skeet and trap ranges).

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.

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

Sec. 3.77.1. Limited retail sales and services.

1. When located in the WRC or WGC district, such use shall be water dependent or water related.

2. Medical Marijuana Treatment Center (MMTC) dispensing facility:

a. A Medical Marijuana dispensing facility shall be allowed in any zoning district that permits pharmacies.

b. A Medical Marijuana dispensing facility shall be located no closer than 500 feet from any public or private school. The distance between school property and licensed premises shall be measured on a straight line connecting the nearest point of the school property to the nearest point of the building of the licensed premises, as documented by a survey prepared by a licensed surveyor.

Sec. 3.86.1. Pain management clinics.

3.86.1.A. General requirements.

1. Pain management clinics shall at all times, be in compliance with each and every provision of this section, as well as all applicable federal laws, state laws, administrative rules, and County regulations; and
2. Pain management clinics, as defined in section 3.3, article 3, Zoning Districts, Land Development Regulations (LDR), Martin County Code (MCC), shall be permitted only in the zoning districts so specified in section 3.11, LDR, MCC and must be operated by an approved pain specialist, or as a Florida Agency for Health Care Administration (ACHA) licensed operation, under F.S. ch. 400, pt. X, and as otherwise required by Florida law; and
3. In the event the owner or operator of a state licensed or designated pain management clinic has such license or designation revoked by the Florida Board of Medicine, the Florida Board of Osteopathic Medicine or by ACHA, any permission granted by the County to operate the pain management clinic shall simultaneously be revoked, and shall thereafter be null and void.
4. Copies of all required state licenses and permits must be provided to the County prior to the issuance of any occupation authorizations, licenses or permits or any renewal of occupation authorizations, licenses or permits by the County.

3.86.1.B. Location.

1. On or after January 1, 2011, any new pain management clinic shall only be located in the zoning districts where such uses are permitted pursuant to section 3.11, Permitted uses, article 3, LDR, MCC and shall be established pursuant to the requirements of this section, subject to the other requirements of this section.
2. Pain management clinics, regardless of location, which exist on December 31, 2010, shall be deemed a lawful use, and not subject to the requirements of this section.

3.86.1.C. Distance requirements.

1. Distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed

clinic is to be located to the nearest point of the lot, use, right-of-way line or district from which the proposed clinic is to be separated.

2. No pain management clinic shall commence operation within 1,000 feet of any other pain management clinic.
3. No pain management clinic shall be co-located in the same office or building with a pharmacy.
4. No pain management clinic shall commence operation within 500 feet of a pharmacy.
5. Regardless of the other provisions of subsection 3.86.1.C., above, no pain management clinic shall commence operation within 5,000 feet from the nearest Interstate 1-95 or Florida Turnpike exit ramp or access ramp right-of-way line.

3.86.1.D. *Other regulations.*

1. It shall be unlawful for any pain management clinic to be open for operation between the hours of 6:00 p.m. and 7:00 a.m.
2. It shall be unlawful for a pain management clinic owner or operator to direct or encourage any patient or business invitee to stand, sit, or gather outside of the building in which the clinic operates, on the adjoining sidewalk or in the area(s) designated for parking, in such manner as to restrict or interfere with the lawful entry into or out of such clinic or other uses co-located within a building. This prohibition includes sitting in or on a vehicle. The clinic owner(s) and operator(s) shall be responsible to actively monitor and apply this regulation. Clinics shall provide sufficient inside seating to insure and provide adequate seating for all patients or business invitees, and those who accompany such persons.
3. The number of parking spaces required for pain management clinics shall be the same as for those required of medical offices.

3.86.1.E. *Signage.*

1. Approved signage for a pain management clinic shall not include any word(s) or phrase(s) which offers or suggests goods, drugs, prescriptions or services in violation of any applicable state law or which otherwise violates state law, including without limitation, the provisions of F.S. §§ 456.037 (active license required), 456.057 (patient records requirements), 458.3265 (pain management clinic registration - MD), 458.327 (medical practice violations and penalties), 458.331 (medical disciplinary actions), 459.0137 (pain management clinic registration - DO), 459.013 (osteopathic practice violations and penalties), 459.015 (osteopath disciplinary actions), 465.0276 (dispensing practitioners) or 893.055 (drug monitoring program), as currently written or amended.
2. Signage for a pain management clinic shall not contain any word or phrase that uses the word "pain" or "detox", unless the clinic is operated by an approved pain specialist or as an AHCA licensed operation (F.S. ch. 400, pt. X). No off-premises signage, including billboards wherever located, shall be permitted for the advertisement of pain management clinics.
3. Signage for a pain management clinic must contain the correct name of the physician or physicians designated by the clinic pursuant to F.S. § 458.3265(1), as amended from time to time, and such signage shall be kept current at all times with the correct name of the practice, the correct name of the physician(s) designated, and other relevant information.
4. Nothing contained in this section shall be interpreted to restrict the use of the word "pain" in advertising by Florida licensed chiropractors, physical therapists, nurse practitioners, naturapaths, acupuncturists, massage therapists, dentists, oral surgeons, hospice care providers or similar treating or dispensing professionals not licensed under F.S. ch. 458 or 459.

3.86.1.F. *Landlord responsibilities.* Owners or landlords who lease space to a pain management clinic must expressly incorporate the provisions of this section 3.86.1. into their lease(s) with the clinic. Any such lease, whether oral or written, must provide that a violation of any federal or state law or County ordinance regulating or affecting pain management clinics shall be a material breach of the lease and shall constitute grounds for termination and eviction by the owner or landlord.

**PART 3: AMENDMENT TO ARTICLE 3 ZONING DISTRICTS, SECTION 3.403,
TERMS DEFINED**

Section 3, Zoning Districts, Section 3.403 Terms Defined, is hereby amended as follows (new language is underlined, deleted language struck through)

Sec. 3.403. Terms defined.

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

Accessory building: A subordinate building or portion of the main building, the use of which is incidental to that of the main building.

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

Alteration: Any change in the arrangement of a building, including work affecting the structural parts of a building or any change in occupancy.

Apartment hotel: An apartment building, under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to the apartments.

Apartment house: Any building or part thereof where separate accommodations for more than two families living independently of each other are supplied to transient or permanent guests or tenants.

Assembly hall: A permanent structure, the design and/or use of which complies with applicable requirements and limitations of the County building code relating to assembly occupancy.

Awning: A light, protective appurtenance entirely supported by, but not permanently attached to a building, which does not exceed ten feet in length.

Barbecue pit or building: An enclosed or open pit for fireplace or an open or enclosed structure used primarily for cooking food in the "barbecue style."

Barbecue stand: A refreshment place where space is provided or allowance is made for automobiles to gather for the primary purpose of serving barbecued food to occupants thereof.

Basement: A story partly underground and having at least one-half of its height below the level of the contacting grade.

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.

Boardinghouse: A rooming house where meals are served.

Body shop: Any enclosed structure used for the alteration, repairs, restoration and refinishing of the body parts or appurtenances of an automotive vehicle body.

Building: Any structure having a roof supported by columns or walls.

Building height: The vertical distance between (1) the average elevation of the finished grade of a building along the front thereof and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge or gable, hip and gambrel roofs. For buildings placed along the oceanfront, the oceanside of the building may be considered the front for height measurement purposes, provided that any building space below the average building elevation shall be used only for parking and storage purposes.

Child: A person less than 18 years of age.

Child care: The care, protection and supervision of a child on a regular basis which supplements for the child, in accordance with his individual needs, daily care, enrichment opportunities, and health supervisions and where a payment, fee or grant is made for care.

Child care facility: Includes any child center or child care arrangement that provides child care for more than five children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: Public schools and nonpublic schools which are in compliance with the compulsory school attendance law, F.S. ch. 232; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods. The provisions of this act shall not apply to a child care facility which is an integral part of a church or parochial schools conducting regularly scheduled classes or courses of study.

Church: Any structure and/or site legally approved for and used upon a permanent basis by a society of persons as a place where such persons regularly assemble primarily for public worship.

Clinic, private: Any structure or premises used as an establishment for medical, dental or surgical examination and/or treatment of persons classed as outpatients when maintained and/or operated by any licensed person or organization of persons other than governmental organizations.

Clinic, public: Any structure or premises used as an establishment for medical, dental or surgical examination and/or operated by any governmental, licensed ecclesiastical or charitable organization for the benefit of the general public.

Club, private: A property owned or leased and operated by a group or an association of persons and maintained and operated solely by and for the members of such group or association and there guests and not available for unrestricted public access or use.

Cottage court: A series of detached single-family rental units which are located on one tract of land under single ownership.

Court: An open, unobstructed, unoccupied space, other than a yard, on the same premises on which the building is located. A court entirely surrounded by the building is an inner court. A court bounded on three sides by the building and on the fourth side by any lot line is a lot line court. A court with at least one side opened to a yard, alley or street is an outer court.

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.

Designated through-traffic highway: Designated through-traffic highway is any road so designated by the planning and zoning commission.

Drive-in business: Any place of business or premise which serves, sells or otherwise makes available its services to patrons situated in automobiles.

Drive-in theatre: A place of outdoor assembly used for the showing of plays, operas, motion pictures and similar forms of entertainment, in which the viewing audience views the performance from self-propelled vehicles parked within the theatre enclosure.

Dwelling, multiple: A building or portion thereof designed as a residence for three or more families living independently or each other.

Dwelling, single-family: A detached building designed for or occupied exclusively by one family.

Dwelling, two-family (duplex): A detached building designed for or occupied exclusively by two families living independently of each other.

Excavations: Removal of earth material for purposes other than that incidental to and on the site of authorized construction.

Family: Any number of individuals related by blood, marriage or legal adoption, and not more than four persons not so related living together as a single housekeeping unit.

Filling station: Same as "service station."

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 3.412.A.

Frontage: All the property abutting on one side of a street between two intersecting streets measured along the street line.

Funeral home: A premises, structure or site used as a commercial establishment for the preparation of deceased humans for burial and/or for the conduction of funeral services prior to burial or other disposition of deceased human remains. Such a premises, structure or site shall not be used for the burial, prolonged storage or permanent disposition of deceased human remains.

Garage, mechanical: Any enclosed structure used for the storage, care, repair, refinishing or equipping for operation of motor vehicles, or where automotive mechanical service is provided.

Garage, private: A structure solely for the private use of the owner or occupant of the principal building on a lot or his family or domestic employees, for the storage of noncommercial motor vehicles and which has no public shop or mechanical service in connection therewith.

Garage, public: Any building, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, storage: Any building or premises, other than a public or private garage, used exclusively for the parking or storage of motor vehicles.

Gasoline station: Same as "service station."

Guesthouse: A single-family dwelling located on the same lot as a principal residence, but not exceeding in area 50 percent of the area of the principal residence and which is not occupied year-round except by members of the family, but which is used as a temporary residence only. Such a dwelling shall conform to the requirements for accessory buildings, except that sanitary and cooking facilities may be provided.

Home occupations: Occupations carried on entirely within a dwelling and only by members of the family permanently living therein, where products are not offered for sale from the premises and no commercial vehicles are kept on the premises or parked overnight on the premises.

Hospital, private: Any structure or premises used as an establishment for the residential, medical or surgical care of ill, injured or disabled persons on a temporary or permanent basis, as a commercial enterprise, by any licensed person or organization of persons other than governmental organizations.

Hospital, public: Any structure or premises used as an establishment for the residential, medical or surgical care of ill, injured or disabled persons by any governmental, licensed ecclesiastical or charitable organization for the primary benefit of the general public.

Hospital, veterinary, general: Any structure or premises used primarily and essentially for the medical or surgical care of ill, injured or disabled animals.

Hotels: Every building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodation of such guests and having one or more dining rooms or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms or cafes being conducted in the same building or buildings in connection therewith.

Junk: Materials considered as valueless refuse or worthless scrap.

Loading space: A space which provides for the loading of delivery vehicles.

Lot: A parcel of land which is or may be equipped with a building or structure and accessory buildings or structures, including the open spaces required under this section:

Corner lot: A lot abutting upon two or more streets at their intersections.

Interior lot: Any lot which is not a corner lot.

Through lot: Any lot having frontage on two parallel or approximately parallel streets or highways.

Lot lines: The lines abounding a lot as defined herein:

Front lot line: The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line; provided, where the length of a shorter street line is less than 90 percent of the length of the longer street lot line, the shorter line shall be considered the front lot line.

Rear lot line: The lot line opposite the front lot line. In case of an irregular, triangular or gore-shaped lot, it shall mean a line within the lot, ten feet long, parallel to and at the maximum distance from the front lot line.

Side lot line: Any lot line which is not a front lot line or rear lot line.

Medical Marijuana Dispensing Facility. A facility operated by a Medical Marijuana Treatment Center (MMTC) licensed in accordance with Section 381.986, Florida Statutes by the Florida Department of Health. The services provided at the building or structure used as a dispensing facility includes the dispensing and the delivery of medical marijuana to qualified patients or caregivers.

Mobile home: A manufactured detached, transportable in one or more sections, single-family dwelling unit designed for long-term occupancy, having a minimum living area of 400 square feet and arriving at the site where it is to be occupied as a complete dwelling unit, containing conveniences and facilities with plumbing and electrical connections provided for attachment to approved utility systems, to include any and all accessory structures, attached or detached.

Mobile home park: A plot of ground upon which two or more trailers or mobile homes are parked or located for the purpose of sleeping or dwelling.

Mobile home site: A lot or space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home or trailer coach.

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.

Morgue: A structure or place where bodies of known or unidentified dead persons are kept and exposed for identification or until they are claimed and removed by their relatives or friends.

Mortuary: Same as "funeral home."

Neighborhood: A surrounding or adjoining district, not dependent upon an arbitrary rule of distance or topography, but one in which one use is predominate.

Frontage. A building permit for a dwelling shall not be issued unless a lot abuts for at least 30 feet on a street, and only one single-family dwelling may be constructed on such frontage.

Nursery, plant: Any lot, structure or premises used as a commercial enterprise for the purpose of growing or keeping or plants for sale or resale.

Nursing home, private: Any approved structure or premises used for the residential care of aged, convalescent, destitute or infirm persons, as a commercial enterprise, by any licensed person or organization of persons.

Nursing home, public: Any approved structure or premises used for the residential care of aged, convalescent, destitute or infirm persons by any governmental, licensed ecclesiastical or charitable organization for the primary benefit of the general public.

Outdoor theatres: A place of outdoor assembly used for the showing of plays, operas, motion pictures and similar forms of entertainment.

Owner: A person, firm or corporation (including duly authorized agent, attorney, guardian, conservator or trustee) who or which owns or controls property, or, in case of a leased premises, the legal holder of the lease, contract or his legal representative, assign or successor.

Parking lot: An area or plot of ground used solely for the storage or parking of motor vehicles.

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.

Porch: A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood or other materials more than 30 inches above the floor thereof, except awnings or screening or necessary columns to support the roof.

Public platted right-of-way: A public thoroughfare which has been dedicated either to the general public or the sovereign for public use.

Public 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.

Restaurant: Every building or other structure and all outbuildings in connection therewith and any room or rooms within any building or structure or any place or location kept, used, maintained and advertised as or held out to the public to be a place where meals, lunches or sandwiches are prepared or served, either gratuitously or for pay.

Rooming house: Every house or motor court, motel or other structure or any place or location kept, used, maintained, advertised or held out to the public to be a place where living quarters, sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.

Salvage: The meaning of the work salvage, as used in this chapter, shall be construed to define any material thing subject to discard because it is no longer desired for the original purpose for which it came into being. Salvage may have some use, either in whole or in part, therefore, it differs from junk in that salvage might have some value.

Salvage yard: An area set aside for the collection, deposit, destruction or obliteration of junk or salvage.

School, accredited private: Any structure, site or premises where instruction in any branch of knowledge is conducted as a commercial enterprise by any person or organization of persons, whose instructors and/or curricula are approved by the state department of education

School, accredited public: Any structure, site or premises where instruction in any branch of knowledge is conducted as a noncommercial enterprise, for the benefit of the general public, by any governmental or ecclesiastical or charitable organization, whose instructors and/or curricula are approved by the state department of education.

Service station: A commercial enterprise established for the purpose of retail sale or supply to motor vehicles of fuel, lubrication, minor repairs to tires, minor accessories, and including the customary space and facilities for the installation of such commodities on or in vehicles, but not including space or facilities for storage, painting, repair, refinishing, body work, extensive mechanical work on or other servicing of motor vehicles.

Setback: Setback shall be synonymous with the work "yard."

Shopping center: A grouping of retail stores erected upon a parcel, lot or contiguous lots.

Stable, breeding: A stable with a capacity of not more than one horse for each one-half acre of lot area whereon such stable is located, and where such horses are owned by the owners or occupants of the premises and are kept by such owners or occupants for the purpose of breeding, raising, nurturing, rearing and training. No horses on said premises shall be kept for hire or remuneration and

the owners and/or occupants, cumulatively, shall in no case sell or in any way transfer for a consideration more than 50 of the aforesaid horses per year.

Stable, private: A stable with a capacity of not more than one horse for each 3,500 square feet of lot area whereon such stable is located, and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire or sale.

Stable, public: A stable other than a private stable.

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

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, road and other thoroughfares, except an alley.

Structure: Anything constructed or erected, the use of which requires, more or less, permanent location on the land or attachment to something having a permanent location on the land.

Tourist camp: A site on which tents, tent houses or camp cottages are located and offered by a person, association of persons or municipality for sleeping or eating accommodations, most generally to the traveling public, and where there is a direct remuneration in money, goods or services to the owner or indirect benefit to the owner in connection with a related business.

Trailer: A residence and any device on wheels, rollers or skids or designed to have the same added so as to be movable, not basically designed to be structurally anchored to a foundation, propelled by an attached vehicle, animal or other propelling apparatus

Trailer park: A plot of ground upon which two or more trailers or mobile homes are parked or located for the purpose of sleeping or dwelling.

Trailer site: A lot or space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home or trailer coach.

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.

Used car junk lot: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

Waterfront property: The term waterfront or water frontage as used herein shall apply only to property abutting on the ocean, bays, bayous, navigable streams and on man created canals, lakes or impounded reservoirs, provided that such man-created canals, lakes or reservoirs have a minimum dry weather water surface of 75 feet, measured perpendicular to the water frontage of the abutting property, and provide a minimum water depth of three feet during dry weather.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by tree or shrubbery or as otherwise provided herein.

Yard, front: A yard across the full width of the lot extending from the nearest part of the structure to the front line of the lot.

Yard, rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest part of the rear of the main building

Yard, side: An open unoccupied space, on the same lot with a building, between the building and the side line of the lot extending through from the front yard to the rear yard or to the rear line of the lot where no rear yard is required.

PART 4: AMENDMENT TO ARTICLE 3 ZONING DISTRICTS, SECTION 3.416, HB-1, LIMITED BUSINESS DISTRICT

Section 3, Zoning Districts, Section 3.416 HB-1, Limited Business District., is hereby amended as follows (new language is underlined, deleted language struck through)

Sec. 3.416. HB-1 Limited Business District.

3.416.A. Uses permitted. In this district, buildings, structures, land or water shall be used only for the following purposes, subject to any additional limitations pursuant to section 3.402:

1. Appliance stores including radio and television service.
2. Art and antique shops.
3. Banks or drive-in banks.
4. Bakeries.
5. Barber and beauty shops.
6. Book, stationery, camera or photographic supplies.
7. Cafes or restaurants, but excluding drive-in restaurants.
8. Clothing, shoes, millineries, dry goods and notions.
9. Furniture and home furnishings, including office furniture and equipment.
10. Florists, nurseries or gift shops.
11. Gasoline stations, subject to the approval of the planning and zoning board and the County commission after public hearing, as not creating traffic or safety hazards and as being in accordance with the spirit and purpose of this chapter.
12. Groceries, fruit, vegetables, meat markets, delicatessens, catering and supermarkets.
13. Hardware and paints.
14. Jewelry stores.
15. Laundry and dry cleaning pickup stations and self-service laundries.
16. Professional Offices; medical, dental; real estate; lawyer; engineer, architect; tax consultant; veterinary clinics, provided no animals are boarded or kept overnight. No animals shall be permitted outside of the walls of the main structure.
17. Shoe repair shops.
18. Storage garages or private automobile parking.
19. Theatres, but excluding drive-in theatres.
20. Pharmacies and Medical Marijuana Dispensing Facilities, provided any Medical Marijuana Dispensing facility shall be located no closer than 500 feet from any public or private school. The distance between school property and licensed premises shall be measured on a straight line connecting the nearest point of the school property to the nearest point of the building of the licensed premises, as documented by a survey prepared by a licensed surveyor.

3.416.B. Building height regulations. No building or structure shall exceed 35 feet in height.

3.416.C. Building site area regulations. No structure erected for business or service shall have a floor area of less than 1,000 square feet and a height of less than 12 feet.

3.416.D. Front, rear and side yard regulations.

1. A minimum front yard, measured from the road or street right-of-way line to the main wall of structure, of 20 feet.

2. A rear yard, measured from the rear lot line to the rear wall of the structure, of not less than 20 feet.
3. A side yard shall not be required, except where a HB-1 Limited Business District abuts a residential district, then a side yard of ten feet shall be provided.

PART 5: APPLICABILITY OF ORDINANCE.

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

PART 6: 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 7: 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 8: 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 9: CODIFICATION.

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations, except that Parts 5 through 10 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 10: EFFECTIVE DATE.

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

PASSED AND DULY ADOPTED THIS 10th DAY OF JULY, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS,
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN,
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER

BY: _____

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

KRISTA A. STOREY
SENIOR ASSISTANT COUNTY ATTORNEY