

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at www.martin.fl.us/accessibility-feedback

***Comprehensive Growth Management Plan Policies
relevant to the consideration of
CPA 18-10, CRA Text Amendments***

February 1, 2019

Policy 2.1A.3. In areas of residential development, project design shall ensure that comparable density and dwelling unit types are planned for the area of the project abutting existing residential development. For purposes of this policy, abutting property is the same as "adjacent," "immediately adjacent" or "adjoining" property and shall refer to property with a shared property line or to properties separated only by right of ways or easements. Properties separated by an existing road with a minimum 30 foot right of way shall not be considered abutting.

- (1) Projects directly adjacent to lands used or designated for higher density may be given maximum density.
- (2) Projects immediately adjacent to lands used or designated for lower density use should be given less than maximum density and shall provide for reduced density next to the existing lower density residential area.
- (3) Within the urban service districts where lot sizes in the existing residential development are two acres or less and density is more than 1 unit per 2 acres, the following shall apply: For projects abutting a residential development of lesser density, a density transition zone of comparable density and compatible dwelling unit types, shall be established in the new project for a depth from the shared property line that is equivalent to the depth of the first tier of the adjoining development's lower density. (Ex. - the depth of the first block of single family lots.)
- (4) Where the tiering Policy 4.1 F.2.(1) and (2) applies, there shall be no requirement to construct residential units within the applicable area of the proposed development. However, if the area is left vacant, no other construction shall be allowed except for underground utilities, sidewalks, swales, stormwater ponds, and dry retention areas.
- (5) A mixed use development containing residential units within a Mixed Use Overlay shall not be required to have a residential structure on that part of the project abutting existing development or area of lesser density within the Mixed Use Overlay. Buffers shall be as provided in Policy 4.3A.7.

Objective 2.2B. Martin County shall preserve native upland habitat that may be utilized by threatened and endangered plant and animal species.

Policy 2.2B.1. Except as set forth in Policy 9.1G.11, Martin County shall assure that a minimum of 25% of existing upland native habitat will be preserved in all development where such habitat exists. Additional requirements for native upland habitat that is endangered or threatened, and for unique oak/cabbage palm hammocks are outlined in Chapter 9.

Policy 2.2B.2. Upland preservation areas and PAMPs approved by the county to protect them shall be designed and maintained to ensure sustainability.

Policy 2.2B.3. Martin County shall protect native habitats utilized by species that are designated by the federal government and the State of Florida as "Endangered" or

"Threatened."

Policy 2.2C.9. All new development shall provide a 75 foot shoreline protection zone, extending landward from mean high water, within which there shall be no construction within or reductions to the shoreline protection zone, except as set forth below. The shoreline protection zone shall be defined as all estuarine waters within Martin County and all surface waters of the State that are both hydrologically connected to the estuarine waters and navigable. The shoreline protection zone shall extend 75 feet laterally upland from the mean high water. Within the waters described above, "wetlands" shall be protected as described in Chapters 2 and 9.

As used in this Policy, "navigable" shall include the following estuarine river systems in Martin County; St. Lucie River, Indian River and Loxahatchee River, including canals, tributaries and sovereign submerged lands regardless of the existence of a lease, easement or license.

For purposes of applying a shoreline protection zone, the term "navigable" shall not include: surface waters of the state that are connected to estuarine waters by a weir or other manmade structure, such as the S-80 lock; and ditches, swales and other constructed conveyances that are connected to the estuary by a pipe.

(1) There shall be no reductions to the size of the shoreline protection zone except as stated below:

- (a) For lots of record (as of April 1, 1982) with an upland area of one acre or less, the landward extent of the shoreline protection zone shall be reduced to 25 feet. The shoreline protection zone shall not require additional "construction setbacks" from the shoreline protection zone. However, required zoning setbacks from property boundaries shall remain applicable. Erosion control devices shall be installed and maintained throughout the duration of any construction activities adjacent to the shoreline protection zone. The shoreline protection zone shall not be subject to a preserve area management plan (PAMP) unless a PAMP has already been established pursuant to a development order, prior to August 13, 2013. If no native vegetation exists within this zone, there is no requirement to replant with this material.
- (b) Replacement of existing structures within the shoreline protection zone shall not be subject to a 75 foot shoreline protection zone.
- (c) Nonresidential lots of record (April 1, 1982) more than one acre in size with hardened shorelines may reduce the shoreline protection zone from the mean high water line to 50 feet.
- (d) Development within the shoreline protection zone may provide reasonable access to the water, such as bridges, docks, elevated walkways and boat entry facilities. Access shall be allowed when a plan for the proposed development demonstrates the need for access and alteration of the shoreline protection zone is minimized. Water access shall be perpendicular to the shoreline and shall generally not be wider than 60 feet for Marine Waterfront Commercial

Future Land Use, 150 feet for Institutional Future Land Use, and 12 feet for other development.

- (e) Existing facilities within the shoreline protection zone may be maintained, rebuilt or reconstructed within the existing footprint.
 - (f) Removal of exotic vegetation or planting of appropriate native vegetation shall be allowed.
 - (g) Where an existing master site plan which is in compliance with its original timetable and has been found to be in compliance with policies in effect at the time of approval, specifies a shoreline protection zone which differs from policies in effect at the time of final site plan approval, the shoreline protection zone specified in the approved master site plan shall be deemed consistent with this policy.
 - (h) Single-family residential lots of record on plats approved after April 1, 1982 may be developed in accordance with the regulations (buffer, transition zone, setback, shoreline protection zone and performance criteria) in effect at the time that the plat was approved.
 - (i) For residential lots of record (as of April 1, 1982) with an upland area of more than one acre but not more than two acres, the landward extent of the shoreline protection zone may be reduced to less than 75 feet but shall not be reduced to less than 25 feet for either primary or accessory structures. New principal structures on lots shall maintain a shoreline protection zone from mean high water equal to or greater than the average shoreline protection zone of the nearest principal residences on adjacent lots. The average shoreline protection zone of the nearest principal residences on adjacent lots shall be determined by measuring from the point of each of the existing principal residences nearest to mean high water.
- (2) Commercial marinas are water-dependent uses requiring proximity to the water. Commercial marinas that exist as of August 13, 2013 may be reconfigured and redeveloped, as provided below:
- (a) Impervious surfaces and other encroachments in to the shoreline protection zone may be relocated within the shoreline protection zone provided, there is no net increase in the square footage of impervious surfaces.
 - (b) Planting of native vegetation shall not be required landward of vertical seawalls where no such vegetation exists.
 - (c) Existing commercial marinas shall maintain existing access through the shoreline protection zone for water-dependent uses and this area shall not be limited to the 60 foot wide access provided for properties designated for marine waterfront commercial use, Policy 8.1C. 1.(3) (c) 2).
 - 1) Where redevelopment of existing commercial marina developments requires relocation of boat entry facilities, access through the shoreline protection zone may be expanded beyond existing access where clear need is

demonstrated.

- 2) Where redevelopment of existing commercial marina developments is proposed, existing pedestrian access and access for loading between vehicles and vessels within the shoreline protection zone may be maintained.
 - (d) Commercial marinas with existing manmade boat basins or boat "cut-outs" may be allowed to reduce or eliminate the manmade basin provided, there is no impact to wetlands, seagrass or oyster beds. Elimination of a basin shall not permit the creation of upland area waterward of the natural shoreline, prior to man-made impacts.
 - (e) Any redevelopment, as authorized in this section, shall demonstrate that impact to the estuary from stormwater run-off will meet the minimum storm water requirements (in place at the time of the proposed redevelopment) for rate, quantity, quality, and timing of the discharge.
 - (f) The shoreline protection zone shall not require additional "construction setbacks" from the shoreline protection zone. However, required zoning setbacks from property boundaries shall remain applicable. Erosion control devices shall be installed and maintained throughout the duration of any construction activities adjacent to the shoreline protection zone. The shoreline protection zone shall not be subject to a preserve area management plan (PAMP) unless a PAMP has already been established pursuant to a development order, prior to August 13, 2013. If no native vegetation exists within this zone, there is no requirement to replant with this material.
- (3) The construction of state required public access facilities on Martin County conservation lands shall be allowed. Each project shall be reviewed to ensure that environmental impacts are kept to a minimum.

Policy 2.2C.10. Shoreline hardening shall only be allowed pursuant to Chapter 8, Coastal Management and Chapter 9, Conservation and Open Space.

Policy 4.1E.4. Gross density. The permitted densities stipulated in section 4.4 (Goals, Objectives and Policies) and on the FLUM designations shall be gross residential densities and the gross land area of which this density is applied is described as follows. These densities shall be applied to contiguous land areas under common ownership, with the following provisions and exceptions:

- (1) In cases where land abuts the waters of the Atlantic Ocean, St. Lucie River, Indian River, Loxahatchee River, Intracoastal Waterway, Lake Okeechobee or any tributary or manmade canal, the boundary of the land shall be delineated as established by State Statutes.
- (2) No submerged land areas waterward of the boundary described above shall be included under this definition.

- (3) No land areas proposed to be allocated to nonresidential uses shall be included under this definition except for contiguous land areas for:
 - (a) Utilities under common ownership and principally supporting the residential use;
 - (b) Recreational facilities for the primary use of on-site residents;
 - (c) Dedication to the County or other County-approved agencies or not-for-profit corporations;
 - (d) In mixed-use projects in the seven designated community redevelopment areas (CRAs) as described in Goal 4.3.
- (4) Maximum gross density is defined as maximum allowable units divided by gross land areas.

Objective 4.1F. Density allocations and intensity. All projects must comply with the provisions of the concurrency management system (Goal 4.1) to assure all required services are available. In considering density allocation in site plan approvals, the County shall consider the following:

Policy 4.1F.1. Projects directly adjacent to lands used or designated for higher intensity use may be given maximum density.

Policy 4.1F.2. Projects immediately adjacent to lands used or designated for lower density use should be given less than maximum density.

- (1) In all such cases the project with higher density shall provide for reduced density next to the existing lower density residential area.
- (2) Within the urban service districts where lot sizes in the existing residential development are two acres or less and density is more than 1 unit per 2 acres, the following shall apply:

For the residential portion of said project abutting the existing development or area of lesser density, a density transition zone of comparable density and compatible dwelling unit types shall be established in the new project for a depth from the shared property line that is equivalent to the depth of the first tier of the adjoining development's lower density (i.e., the depth of the first block of single-family lots).

Policy 4.1F.3. The following criteria shall be met when applying Policy 4.1F.2.

- (1) For purposes of this policy, abutting property is the same as "adjacent" or "adjoining" or "immediately adjacent" property and shall refer to property with a shared property line regardless of easements on the abutting properties. Properties separated by an existing road with a minimum 30 foot right of way shall not be considered abutting.
- (2) Lands outside the urban service district, agricultural property and residential lots 2 acres or larger shall be protected by buffers and by 4.1F.2. but the tiering Policy in 4.1F.2. (2) shall not apply.
- (3) Where the tiering Policy 4.1F.2. (2) applies, there shall be no requirement to construct residential units within the applicable area of the proposed development.

However, if the area is left vacant, no other construction shall be allowed except for underground utilities, sidewalks, swales, stormwater ponds and dry retention areas.

- (4) Other buffers required by the Comprehensive Plan or Land Development Regulations shall also be applicable.
- (5) Residential structures within a Mixed Use Overlay. A mixed use development containing residential units within a Mixed Use Overlay shall not be required to have a residential structure on that part of the project abutting existing development or area of lesser density within the Mixed Use Overlay. Buffers shall be as provided in Policy 4.3A.7.

Goal 4.2. To alleviate the negative impacts of inadequate public facilities and services and substandard structures for affected areas in the County.

Objective 4.2A. To continue to assist areas in need of redevelopment.

Policy 4.2A.1. Mechanisms for attracting private investment. Using fiscally sound means, the County shall investigate and establish mechanisms for attracting private investment into redevelopment activities.

Policy 4.2A.2. Requirements for redevelopment plans. At a minimum, redevelopment plans, activities and regulations shall:

- (1) Be consistent with policies set forth in this Plan, including statutory condemnation and eminent domain provisions;
- (2) Be coordinated with the availability of the following public facilities and services at the levels of service adopted in the CGMP: transportation, potable water, sanitary sewer, drainage and aquifer recharge, solid waste and recreation;
- (3) Address the impacts of redevelopment activities on the natural systems and historic resources of Martin County;
- (4) Provide for the visual continuity of designated redevelopment areas through application of sound principles of architectural design and landscaping.

Policy 4.2A.3. Amendments supporting redevelopment. In conjunction with the continuing efforts of the Affordable Housing Advisory Committee, as well as objectives and policies established in the Housing Element, the County shall periodically consider amendments to the CGMP and/or Land Development Regulations regarding mechanisms to address areas in need of redevelopment and renewal and the provision of affordable housing.

Objective 4.2B. To encourage redevelopment through the designation of CRAs.

Policy 4.2B.1. Creation of community redevelopment areas. All CRAs shall be created in accordance with the provisions of F.S. Chapter 163, Part III.

Policy 4.2B.2. Location of community redevelopment areas. CRAs shall not be established outside the Primary Urban Service District.

Policy 4.2B.3. Resources to aid redevelopment. Martin County shall continue to provide technical, planning and financial resources to aid the residents and landowners with redevelopment and in-fill development.

Policy 4.2B.4. Designation of community redevelopment areas. Martin County has designated the following CRAs in unincorporated Martin County: Jensen Beach, Port Salerno, Hobe Sound, Rio, Golden Gate, Old Palm City and Indiantown. These specific geographic areas are identified in the community redevelopment plan for each area, which were adopted by the Board of County Commissioners as of June 2003, and are designated on the FLUM. Any new CRAs or any changes to CRA boundaries shall require an amendment to the CGMP and to the FLUM.

Policy 4.2B.5. Analysis of land use impacts. Any Plan amendment and/or FLUM amendment that expands the boundary of a CRA or creates a new CRA must contain an analysis of the impacts of potential land use changes. Since designation of a CRA allows mixed use under certain conditions, there must be data and analysis supporting the conclusion that the potential impacts of the CRA creation or expansion are consistent with the CGMP. The analysis shall include review of the availability and adequacy of public facilities and the level of service necessary to support mixed use as well as potential fiscal impacts, land use impacts and land use need relative to population.

Policy 4.2B.6. Priority for capital improvements in CRAs. In developing its Capital Improvement Plan and as provided in the Capital Improvements Element, Martin County shall give priority to capital projects identified in adopted community redevelopment plans that provide infrastructure improvements in designated CRAs.

Policy 4.2B.7. Consistency of land use policies. Land use policies for CRAs or portions of them in a Coastal High-Hazard Area shall be consistent with all CGMP policies regulating construction in such areas.

Objective 4.2C. To encourage redevelopment by designating brownfields and pursuing public/private partnerships to redevelop designated sites.

Policy 4.2C.1. Establishment of brownfields. Brownfield areas shall be established in accordance with applicable federal and state regulations.

Policy 4.2C.2. Inventory of brownfields. Martin County shall inventory potential brownfield sites.

Policy 4.2C.3. Funding for brownfield redevelopment. Martin County shall seek federal and state funding to clean up and redevelop brownfields.

Objective 4.2D. To continue to provide a public education program to inform potentially eligible lower-income households and neighborhoods about housing assistance.

Policy 4.2D.1. Brownfield Program. At a minimum, the program shall:

- (1) Monitor housing assistance and related programs and determine which areas could be eligible for such programs;
- (2) Provide public workshops to ensure that residents in eligible areas are aware of the availability of such assistance and the procedures for obtaining it.

Goal 4.3. To provide opportunities for mixed residential and nonresidential uses, including Traditional Neighborhood Development. The goal of allowing mixed use in specified areas of CRAs and in Traditional Neighborhood Development is to:

- Encourage redevelopment and in-fill;
- Provide for livable urban areas that mitigate the impacts of mixing uses;
- Provide a coordinated system of recreation and open space;
- Provide for pedestrian-friendly communities that reduce dependence on the automobile;
- Reduce infrastructure needs by integrating and sharing parking, drainage and other public facilities;
- Meet the needs of neighborhood residents;
- Provide residents with a variety of housing choices.

Objective 4.3A. To encourage, but not mandate, mixed use in designated CRAs as described in Policies 4.3A.1 through 4.3A.9. Mixed-use projects shall contain a mix of uses in close proximity to each other and shall be planned as a unified, complementary whole to reduce transportation and other infrastructure impacts. The mix of uses in each project shall be pedestrian oriented and neighborhood friendly. Mixed-use projects may contain both nonresidential and residential components. The nonresidential component shall be made up of commercial or light industrial uses, which shall include a use from one or more of the following: Commercial Office/Residential (COR), Limited Commercial (LC), General Commercial (GC) and compatible Industrial consistent with the requirements of this objective. The residential component is important to encourage residents to live, work and shop in the same neighborhood. Mixed-use projects shall be functionally integrated to encourage shared vehicular and pedestrian access and parking areas. The mix of uses may include residential, institutional, retail, office, recreation and open space and other appropriate uses as determined by the Board of County Commissioners.

Policy 4.3A.1. Mixed-use development in CRAs. Martin County shall allow mixed-use development in the CRA areas listed in Policy 4.2B.4., as follows:

- (1) In a Mixed Use Overlay (MUO) area(s) developed for designated CRAs, as

described in Policy 4.2B.4., and as designated on the FLUM.

(2) Outside of an MUO in the following land uses:

- (a) COR as described in Policy 4.13A.8.(1);
- (b) LC as described in Policy 4.13A.8.(2);
- (c) GC as described in Policy 4.13A.8.(3).

Mixed-use development in these land use categories shall remain consistent with the nonresidential use and intensity requirements in each of these land use designations (see Goal 4.13) except that residential use shall be allowed. Residential densities shall be consistent with the mixed-use densities described in this section (Objective 4.3A).

Policy 4.3A.2. *Provisions for mixed-use projects in Land Development Regulations.* Martin County's Land Development Regulations include provisions for mixed-use projects to implement the Mixed Use Overlay in the seven CRAs designated in Policy 4.2B.4., and provide for mixed use in Commercial Office/Residential, Limited Commercial and General Commercial in the seven designated CRAs outside the Mixed Use Overlay.

Policy 4.3A.3. Requirements for mixed-used projects. All mixed-use projects in the designated CRAs must meet the following requirements, which shall be further delineated in the Land Development Regulations.

- (1) Constructed residential densities shall range from 2 units to 15 units per acre.
- (2) When the result of this calculation is a number that ends in 0.5 or higher, the total unit count shall be rounded up. When calculating the number of units in a mixed-use project on lot sizes of one-half acre or less, units of 800 or fewer square feet shall be counted as one half of a unit. When calculating the number of units in a mixed-use project on lot sizes greater than one-half acre, units of 800 or fewer square feet shall be counted as half a unit if at least 50 percent of the units are restricted to affordable housing, meeting the requirements of Policy 6.1D.5. All mixed-use projects, regardless of size, shall be allowed at least one residential unit.
- (3) Permitted uses shall be mutually supportive and compatible with the scale of neighborhood development. Clustered living, working, shopping and other activities shall serve the local population and help to create self-contained neighborhoods.
- (4) Highway-dependent retail and wholesale commercial with a regional market, high-impact industrial uses and other uses incompatible with a residential mixed-use neighborhood shall not be allowed.
- (5) Projects shall be designed primarily for pedestrians and only secondarily for cars. Drive-through businesses shall not be allowed. Pedestrian circulation systems shall assure ties to adjacent commercial and mixed-use areas as well as the surrounding residential community.
- (6) Urban design techniques that avoid a "sea of parking" and large parking areas in

front of buildings shall be required.

Policy 4.3A.4. Requirements for projects inside Mixed Use Overlay in CRAs. All mixed-use projects in an MUO in any of the seven designated CRAs shall meet the following requirements, which shall be further delineated in the Land Development Regulations:

- (1) A Mixed Use Overlay shall cover the area in the urbanized core of the CRA where conversion to mixed use is allowed to encourage redevelopment.
- (2) All land use designations in the Mixed Use Overlay areas shall allow mixed use regardless of the underlying land use designations. The nonresidential component of a mixed-use project in an MUO shall include a use from one or more of the following: Commercial Office/Residential, Limited Commercial, General Commercial and compatible Industrial consistent with the requirements of Objective 4.3A.
- (3) A mixed-use project located on a parcel designated Waterfront Commercial on the FLUM in an MUO may satisfy its required nonresidential component with nonresidential Waterfront Commercial uses. Boundaries shall be shown on the FLUM. New mixed-use overlay areas or changes in boundaries of existing mixed-use overlay areas can be made only by FLUM amendment, which shall assess the impacts of conversion to mixed use.
- (4) Maximum building coverage shall be 100 percent.
- (5) Building heights may range from one to three stories with a maximum of 35 feet. Floors devoted to parking shall count toward the maximum number of stories.
- (6) A Mixed Use Overlay shall have between 20 percent and 75 percent residential use based on the total building square footage.

Policy 4.3A.5. Requirements for projects outside Mixed Use Overlay in CRAs. Projects outside a Mixed Use Overlay and in any of the seven designated CRAs shall meet the following requirements, which shall be further delineated in the Land Development Regulations.

- (1) Mixed use shall be allowed only on land designated for Commercial Office/Residential, Limited Commercial and General Commercial.
- (2) Land use limitations shall remain consistent with the limitations of the underlying land use except that residential development shall be encouraged as part of any mixed-use development. Densities shall be consistent with the mixed use densities of Policy 4.3A.3.
- (3) Mixed-use projects shall have between 20 percent and 75 percent residential use based on the total building square footage of the project.

Policy 4.3A.6. Consistency with redevelopment plan. Maximum density and intensity of use are not guaranteed by right. Density and intensity must be consistent with the community redevelopment plan for the area and Goal 4.3, as well as with the redevelopment overlay districts, Land Development Regulations and infrastructure

limitations.

Policy 4.3A.7. Buffers in CRAs. Buffers for mixed use in CRAs shall be as follows:

- (1) Buffers and land use transitions internal to a mixed-use project are exempt from policies that require density and use transitions and physical buffers inappropriate for compact mixed-use development including: Objective 4.9E; Policy 4.13A.7.(5)(d); Policy 4.13A.8.(1)(a); Policy 4.13A.8.(3); Objective 4.1F and Objective 4.9D. Land Development Regulations shall require urban design techniques, use control and other strategies for resolving the impacts of mixing different uses in close proximity. These shall include performance standards with specific requirements.
- (2) To encourage redevelopment, mixed-use projects that are entirely within an MUO, regardless of adjacent land use, shall require no buffers beyond those required in the Community Redevelopment Plan and the redevelopment overlay district. Ultimate conversion and redevelopment consistent with the community redevelopment plan and the redevelopment overlay district will provide for long-term compatibility of adjacent uses.
- (3) Mixed-use projects in an MUO that abut the boundary of an MUO shall have special provisions for buffers. Where the mixed-use project is adjacent to existing uses of lesser intensity outside the MUO, buffers shall protect those uses from adverse impacts. In this situation, mixed-use projects at the edge of the MUO shall be exempt from the density allocation requirements of Objective 4.1F.

Policy 4.3A.8. Expedited review in CRAs. By December 2011 Martin County's Land Development Regulations shall incorporate provisions for expedited review of redevelopment and in-fill projects in designated CRAs.

Policy 4.3A.9. Open space requirements. For mixed-use projects in an MUO area, the minimum open space shall be 20 percent. The maximum building coverage may be 100 percent if alternative compliance measures are used to comply with minimum open space requirements. All other Plan requirements must be met.

Policy 4.3A.10. Alternative compliance for mixed-use projects in a Mixed Use Overlay of a CRA. Mixed-use projects in an MUO of one of the seven designated CRAs may provide an off-site alternative to the minimum 20 percent on-site open space requirement to meet community-wide goals for open space and recreational activities. Mixed-use projects in an MUO shall have no open space requirements, provided the applicant contributes, through either cash or land, off-site open space identified in the specific community redevelopment plan for that CRA area. Whether through prior purchase by the CRA and cash donation to cover the cost or through land donation, the off-site parcel must be in place and in public ownership at the time of final site plan approval or of any earlier approvals allowing site clearing. Existing public conservation areas may not be used as an alternative for on-site compliance unless they were purchased specifically for the purpose of meeting this policy.

Objective 4.3B. To incorporate in the Land Development Regulations the Traditional

Neighborhood Development Regulations. These regulations shall be reviewed along with other Land Development Regulations for continuous improvement. The Traditional Neighborhood Development Regulations will provide a range of housing types and commercial opportunities. Traditional neighborhood development aims to encourage traditional and environmentally sound land development, thereby facilitating the economic and efficient use of land in the County.

Policy 4.3B.1. Criteria for Traditional Neighborhood Development. At a minimum, the location of the Traditional Neighborhood shall:

- (1) Be appropriate for new in-fill development and redevelopment projects in the Urban Service District;
- (2) Allow redevelopment of underused shopping centers into mixed-use communities;
- (3) In the case of redevelopment in CRAs, require the involvement of an active citizens organization that is representative of area residents, business people and landowners;
- (4) In no case shall the Traditional Neighborhood Development Regulations be used to allow strip commercial or highway-dependent commercial uses or to allow inappropriate intensity in existing neighborhoods that would disrupt rather than unify them.

Policy 4.3B.2. Traditional Neighborhood Development regulations. Traditional Neighborhood Development Regulations shall:

- (1) Allow clustering of living, working, recreational, shopping and other activities supportive of the local population into self-contained neighborhoods;
- (2) Require pedestrian circulation systems that functionally and physically integrate the various land use activities;
- (3) Incorporate performance standards that regulate buildings by type rather than use;
- (4) Include building setback requirements allowing buildings to abut front sidewalks;
- (5) Allow on-street parking, where deemed appropriate, to buffer walkways from roadways and increase pedestrian safety;
- (6) Concentrate any necessary boundaries along back-to-back property borders so that similar uses front across streets;
- (7) Allow the residents and/or landowners of an area, together with experienced design consultants, to determine the desired character of the community through joint development of controls for architectural and landscape design, signs, streetlights, trees and preservation of natural vistas;
- (8) Include parking standards that acknowledge the pedestrian nature of the community;
- (9) Require well-defined public spaces, buildings and vistas that terminate on focal points, thereby making the area memorable and contributing to a sense of place;
- (10) Permit well-designed, unobstructive sidewalk cafes, including tables and

accessory items, where appropriate, to generate business and improve ambiance;
and

- (11) Allow for mixed residential and commercial development, i.e., residential uses with supportive commercial uses within a single structure or complex of structures.

Policy 6.1D.8. *No net loss of mobile home lands.* Lands designated Mobile Home Density on the Future Land Use Map shall be changed to another designation only where (1) other suitable lands can be redesignated as Mobile Home Density or (2) where the proposal to change the designation is accompanied by a planned unit development application that will, at a minimum, ensure (1) no involuntary displacement of mobile home residents and (2) any site-built units that replace mobile home units qualify as affordable housing, as defined in Chapter 2, Overall Goals and Definitions, for at least 30 years after initial occupancy. The affordable units proposed in the PUD must contain a combination of units affordable to households with extremely low, very low, low, moderate, and workforce incomes as determined by the BCC.

Objective 8.1C. To protect and preserve the functions and values of the estuarine river systems, which serve a multitude of functions, including wildlife habitat, flood control and erosion control.

Policy 8.1C.1. Shoreline performance standards. The County shall enforce shoreline performance standards in review of estuarine development proposals. This shall include docks, which are defined as fixed or floating structures providing access to submerged lands. Martin County shall protect the estuarine rivers and the shoreline in order to protect the stability of the estuary, enhance water quality and preserve shoreline mangrove communities, where they are not protected by policies established in Chapter 9, Conservation and Open Space.

- (1) *Shoreline protection zone.* The shoreline protection zone shall be defined as all estuarine waters within Martin County and all surface waters of the State that are both hydrologically connected to the estuarine waters and navigable. The shoreline protection zone shall extend 75 feet laterally upland from the mean high water. All new development shall provide a 75 foot shoreline protection zone, extending landward from mean high water, with which there shall be no construction within or reductions to the shoreline protection zone, except as set forth below. Within the waters described above, "wetlands" shall be protected as described in Objective 9.1G.

As used in this Policy, "navigable" shall include the following estuarine river systems in Martin County; St. Lucie River, Indian River and Loxahatchee River, including canals, tributaries and sovereign submerged lands regardless of the existence of a lease, easement or license. For purposes of applying a Shoreline Protection Zone, the term "navigable" shall not include;

- (a) Surface waters of the State that are connected to estuarine waters by a weir or other manmade structure, such as the S-80 lock;
 - (b) Ditches, swales and other constructed conveyances that are connected to the estuary by a pipe.
- (2) *Mangroves.* The shoreline protection zone mangroves shall include mangrove communities containing red (*Rhizophora mangle*) and black (*Avicennia germinans*) mangroves. White (*Laguncularia racemosa*) and Buttonwood mangroves (*Conocarpus erectus*) may be included in the shoreline protection zone if they are integrally tied to the estuarine environmental system.
- (3) *Performance standards.*

- (a) *Vegetation.* Any mangrove or wetland vegetative communities that are isolated inland, separated from estuarine waters by non-wetland natural vegetation communities, and outside the shoreline protection zone, shall be preserved and protected in accordance with the provisions of Chapter 9, Conservation and Open Space. But they shall not be subject to the restrictions of the shoreline protection zone of Policy 8.1C.1.

The existence of a narrow band of Australian Pine or other berm vegetation such as those created by mosquito impoundment dikes shall not constitute "isolation" as used above. This standard shall not be interpreted as allowing destruction of non-mangrove wetlands landward of the area protected by this standard when such wetlands are protected by other policies and standards in this element.

- (b) *Protection of the shoreline protection zone.* Shoreline protection zones and any other designated upland preserve areas shall be protected from encroachment due to construction and/or building maintenance activities. Erosion control devices shall be installed and maintained throughout the duration of any construction activities adjacent to the shoreline protection zone.

New construction proposed for areas adjacent to the shoreline protection zone shall be set back a minimum of 10 feet (or greater if warranted by specific site conditions) for primary structures. Minimum setbacks for accessory structures (pool decks, screen enclosures, driveways, etc.) shall be 5 feet. Construction setbacks to the shoreline protection zone are required unless specifically identified in the exceptions in this Policy.

- (c) *Water access.* Development shall not be permitted in the shoreline protection zone defined in Policy 8.1C.1(1), except to provide the property owner reasonable access to the water.

- 1) This development shall be restricted to accessways running perpendicular to the shoreline, and shall be no greater than 12 feet in width.
- 2) For properties designated for marine waterfront commercial use, access to the water may extend through the shoreline protection zone. This extension must be accomplished in a manner that is least disruptive to the existing native

vegetation. The access must be accepted by the Growth Management Department. The alterations through the shoreline protection zone should generally not be wider than 60 feet. Where vehicle turnaround and maneuver areas are needed, the area of alteration shall likewise be limited to 60 feet in width as with the approach road, but these areas may be designed to be contiguous with the accessway. The access shall comply with all applicable state and federal regulations. Boat entry and retrieval facilities shall be allowed.

- 3) For properties designated for institutional use on the CGMP Future Land Use Maps, and where the properties are used for public boat ramps, docking, fishing piers and related facilities providing benefits exceeding those lost as a result of shoreline protection zone alterations, an accessway running generally perpendicular to the shoreline shall be no wider than 150 feet at its maximum point. This exemption shall be used only to the extent necessary to provide access to the water.
 - 4) For bridges proposed within public rights-of-way crossing estuarine waters or surface waters of the state, public access shall be allowed by clearing that portion of affected native vegetation, so long as a revegetation plan is reviewed and approved by Martin County and in accordance with applicable state regulations.
 - 5) The Growth Management Director (or designee) shall approve any request for access only after receiving a satisfactory plan of the proposed development. The plan shall demonstrate the need for access and shall designate the property boundaries to scale (including the limits of the shoreline protection zone). The plan shall also demonstrate the reason for the development and other information as may be required by the Land Development Regulations. The decision of the Growth Management Director may be appealed to the Board of County Commissioners.
 - 6) The Board of County Commissioners may approve the request upon a finding of need, together with a finding that the plan represents the minimum reasonable mangrove destruction needed for access.
- (d) *Shoreline uses.* Except as may otherwise be provided herein, no structure shall be permitted within the shoreline protection zone, except docks and bridges in public rights-of-way (waterward of the mangrove line) and elevated walkways, limited to those necessary for the use and enjoyment of the shoreline property owner and County-approved public utilities. Elevated walkways that cross over navigable waters of the state shall be reviewed by the Board of County Commissioners for compliance with the policies of this plan.
- (e) *Existing development.* Within the landward extent of the shoreline protection zone, no permits shall be required for maintenance of existing uses or of uses permitted by this section.
- (f) *Reserved.*

- (g) *Management plans.* The landward extent of the shoreline protection zone shall be designated as a Preserve Area, provided the minimum upland preserve area width requirements are met as established, by Policy 9.1G.8. Areas not meeting the minimum preserve area criteria will be sloped, revegetated and maintained free of invasive exotic vegetation to prevent the need for shoreline hardening. A management plan will not be required for a shoreline protection zone that does not meet minimum width requirements. A Preserve Area Management Plan shall not be required on publicly-owned land where a management plan has already been approved by, or required pursuant to an agreement with, the state of Florida.
- (h) *Exceptions.* The following exceptions to Policy 8.1C.1 above are to be recognized:
- 1) For lots of record (April 1, 1982) with an upland area of one acre or less, the landward extent of the shoreline protection zone shall be reduced to 25 feet. The shoreline protection zone shall not require additional "construction setbacks" from the shoreline protection zone. However, required zoning setbacks from property boundaries shall remain applicable. Erosion control devices shall be installed and maintained throughout the duration of any construction activities adjacent to the shoreline protection zone. The shoreline protection zone shall not be subject to a preserve area management plan (PAMP) unless a PAMP has already been established pursuant to a development order, prior to August 13, 2013. If no native vegetation exists within this zone, there is no requirement to replant with this material.
 - 2) Single-family residential lots of record on plats approved after April 1, 1982 may be developed in accordance with the regulations (buffer, transition zone, setback, shoreline protection zone and performance criteria) in effect at the time that the plat was approved.
 - 3) Non-residential lots of record (April 1, 1982) more than one acre in size with hardened shorelines may reduce the shoreline protection zone from the mean high water line to 50 feet.
 - 4) Existing facilities within the shoreline protection zone may be maintained, rebuilt or reconstructed within the existing foot print.
 - 5) Replacement of existing structures within the shoreline protection zone shall not be subject to a 75 foot shoreline protection zone.
 - 6) Where an existing master plan which is in compliance with its original timetable and has been found to be in compliance with policies in effect at the time of approval, specifies a shoreline protection zone which differs from policies in effect at the time of final plan approval, the shoreline protection zone specified in the approved master plan shall be deemed consistent with this policy.
 - 7) Areas in the shoreline protection zone that have been voluntarily altered after the effective date of the Comprehensive Plan (adopted 1982) by planting

wetland vegetation, including mangroves, shall be exempt from additional setbacks from such plantings. Such alterations must be documented; and must not have been required for remedial purposes or as part of any prior development approval.

- 8) Removal of exotic vegetation or planting of appropriate native vegetation shall be allowed.
- 9) For residential lots of record (as of April 1, 1982) with an upland area of more than one acre but not more than two acres, the landward extent of the shoreline protection zone may be reduced to less than 75 feet but shall not be reduced to less than 25 feet for either primary or accessory structures. New principal structures on lots shall maintain a shoreline protection zone from mean high water equal to or greater than the average shoreline protection zone of the nearest principal residences on adjacent lots. The average shoreline protection zone of the nearest principal residences on adjacent lots shall be determined by measuring from the point of each of the existing principal residences nearest to mean high water.
- 10) Commercial marinas are water-dependent uses requiring proximity to the water. Commercial marinas that exist as of August 13, 2013 may be reconfigured and redeveloped, as provided below:
 - [a] Impervious surfaces and other encroachments in to the shoreline protection zone may be relocated within the shoreline protection zone provided, there is no net increase in the square footage of impervious surfaces.
 - [b] Planting of native vegetation shall not be required landward of vertical seawalls where no such vegetation exists.
 - [c] Existing commercial marinas shall maintain existing access through the shoreline protection zone for water-dependent uses and this area shall not be limited to the 60 foot wide access provided for properties designated for marine waterfront commercial use, Policy 8.1C.1.(3) (c) 2).
 1. Where redevelopment of existing commercial marina developments requires relocation of boat entry facilities, access through the shoreline protection zone may be expanded beyond existing access where clear need is demonstrated.
 2. Where redevelopment of existing commercial marina developments is proposed, existing pedestrian access and access for loading between vehicles and vessels within the shoreline protection zone may be maintained.
 - [d] Commercial marinas with existing manmade boat basins or boat "cut-outs" may be allowed to reduce or eliminate the manmade basin provided, there is no impact to wetlands, seagrass or oyster beds. Elimination of a basin shall not permit the creation of upland area waterward of the natural

shoreline, prior to man-made impacts.

- [e] Any redevelopment, as authorized in this section, shall demonstrate that impact to the estuary from stormwater run-off will meet the minimum storm water requirements (in place at the time of the proposed redevelopment) for rate, quantity, quality, and timing of the discharge.
 - [f] The shoreline protection zone shall not require additional "construction setbacks" from the shoreline protection zone. However, required zoning setbacks from property boundaries shall remain applicable. Erosion control devices shall be installed and maintained throughout the duration of any construction activities adjacent to the shoreline protection zone. The shoreline protection zone shall not be subject to a preserve area management plan (PAMP) unless a PAMP has already been established pursuant to a development order, prior to August 13, 2013.
- 11) The construction of state required public access facilities on Martin County conservation lands shall be allowed. Each project shall be reviewed to ensure that environmental impacts are kept to a minimum.

Policy 9.1G.5. Preservation of upland native habitat. Martin County shall ensure preservation of at least 25 percent of the existing upland native habitat in the County. To attain this goal, the current total County upland preservation percentage of 10.9 percent shall be increased to 15 percent in 1995, 20 percent in 2000 and 25 percent in 2005 (see Table 9-5). These percentage goals shall be attained for both endangered/rare and common uplands, to the maximum extent feasible.

The policies related to native upland habitat aim to protect and preserve native upland habitat in place within all developments. The following definitions apply:

- (1) *Native upland habitat*: Native plant community associations, including canopy, understory and groundcover, or any combination of them that are generally undisturbed and unimproved.
- (2) *Special upland habitats*: Native upland habitats that are endangered, unique, threatened or rare in Martin County, or regionally rare.

Determination of endangered or regionally rare habitat will be based on habitats identified by the Florida Natural Areas Inventory's (FNAI) Guide to the Natural Communities of Florida and supported by applicable state and federal authorities. Special upland habitats include natural upland communities that are ranked as either rare or imperiled or critically imperiled in the FNAI Guide.

Special upland habitats in Martin County include but are not limited to sand pine/scrub oak associations, turkey oak associations, hardwood hammock associations, tropical hammock associations, coastal hammock associations and cabbage palm/oak hammock that may have such native trees as cypress, magnolia,

maple and bay trees.

- (3) *Common upland habitats*: Native upland habitats that are not included in the definition of special habitats. This definition also includes natural upland communities that are not ranked as rare, imperiled, or critically imperiled natural communities as ranked in the FNAI Guide. Mesic flatwood communities (FNAI) are a common native upland habitat in Martin County.

Native upland habitats acquired by the County for conservation or set aside with development have been mapped and will continue to be updated and refined as new data becomes available.

Policy 9.1G.6. *Preserve requirements for common habitat.* Twenty-five percent of common native upland habitat occurring on-site shall be preserved in place in all developments, unless the upland habitat requirements are met by the preservation of special upland habitat.

Policy 9.1G.7. *Preserve requirements for special habitat.* Where special upland habitat occurs on-site, all of the special habitat up to 25 percent of the total upland property on-site, shall be preserved.

Policy 9.1G.9. *Alternative compliance for mixed-use projects within the Mixed Use Overlay of a designated CRA.* For lots of record as of February 20, 1990, that are located within the Mixed Use Overlay of one of the seven designated CRAs, compliance other than on-site preservation may be allowed to meet the goals for preserving upland native habitat. Off-site preservation of upland native habitat may be substituted where the following standards are met:

- (1) Special habitat is not present on site;
- (2) The off-site habitat shall be the same size, type and habitat value as the native upland habitat on-site and shall be located within the CRA;
- (3) The off-site preserve area shall be part of a sustainable preserve system planned for the CRA;
- (4) The applicant either pays the full cash value of the offsite preserve or donates land that is part of a planned CRA preserve system;
- (5) Whether through prior purchase by the CRA and cash donation to cover its cost or through land donation, the offsite parcel is in place and in public ownership at the time of final site plan approval or any earlier approvals that allow site clearing. Existing public conservation areas must not be used as an alternative for on-site compliance unless they were purchased specifically for the purpose of meeting this policy.