

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

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING
ARTICLE 4, DIVISION 13, HISTORIC PRESERVATION, LAND
DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE;
PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS,
SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE,
CODIFICATION, AND AN EFFECTIVE DATE.**

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

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

WHEREAS, the Board of County Commissioners has adopted Article 4, Division 13, of the Land Development Regulations, Martin County Code, to implement the goals, objectives, and policies of the Future Land Use Element of the Comprehensive Growth Management Plan concerning historic resource preservation; and

WHEREAS, the Local Planning Agency has found and recommended that the Board of County Commissioners find the proposed revisions to the Land Development Regulations consistent with the goals, objectives, and policies of the Comprehensive Growth Management Plan, and the Board of County Commissioners concurs with this finding and recommendation; and

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

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

**PART I: DIVISION 13, HISTORIC PRESERVATION OF ARTICLE 4, SITE
DEVELOPMENT STANDARDS, LAND DEVELOPMENT
REGULATIONS OF MARTIN COUNTY, FLORIDA, is amended as follows:**

DIVISION 13. – HISTORIC PRESERVATION

Sec. 4.581. General provisions and definitions.

4.581.A. Purpose and applicability.

1. The purpose of division 13 is to establish procedures for organizing a Historic Preservation Board (HPB), for designating landmarks, sites, historic districts and archaeological sites, and for processing applications for Certificates of Appropriateness and Certificates to Dig.
2. Division 13 shall apply to the unincorporated area of Martin County and to properties owned or leased by Martin County within the incorporated areas of Martin County. Section 4.594, Tax Exemptions, shall also apply within the incorporated areas of Martin County to the extent of any ad valorem taxes levied by the Board of County Commissioners.
3. When any provision of division 13 is in conflict with any other provision of the LDRs, or the Code, division 13 shall prevail.

4.581.B. Definition. For the purposes of division 13, the following words, terms and phrases shall have the meanings as set forth below:

Archaeological Geo-Environmental Zone. An area which is likely to yield information on the history and prehistory of Martin County. Zones are based on prehistoric settlement patterns in Martin County. Eleven zones have been identified for protection in an Archaeological Survey of Martin County (~~AHC Technical Report #124~~) prepared by the Archaeological and Historical Conservancy, Inc. (AHC) in September 1995, and again in June 1998 (revised October 1998), ~~AHC Technical Report #213~~. The zones conform to natural physiographic features which were the focal points for prehistoric and historic activities.

Archaeological site. Those sites listed in an Archaeological Survey of Martin County (~~AHC Technical Report #124~~) prepared by the Archaeological and Historical Conservancy, Inc. (AHC) in September 1995, and again in June 1998 (revised October 1998), ~~AHC Technical Report #213~~ and any sites identified by a professional archaeologist during future archaeological surveys which meet the criteria for listing in the State of Florida Master Site File.

Architectural features. Architectural features shall include, but not be limited to the architectural style, scale, massing, siting, and general design of the structure. The general arrangement of the exterior of the building or structure including the type, style and color of roofs, windows, doors and appurtenances shall be regarded as architectural features. Architectural features shall also include, when applicable, interior spaces where interior designation has been given.

Building. As defined by the U.S. Department of the Interior, National Park Service, National Register of Historic Places, a building is created principally to shelter any form of human activity.

Certificate of appropriateness. A certificate, similar to a building permit, permitting certain alterations or improvements to a designated ~~individual~~ historic site or property within a designated historic district based on the guidelines for preservation approved by the HPB.

Certificate to dig. A certificate, issued by Martin County based on the guidelines for preservation approved by the HPB. A Certificate to Dig authorizes certain excavations or ground disturbing activities that may affect known archaeological sites or may involve the discovery of as yet unknown archaeological sites within an archaeological geo-environmental zone.

Certificate of designation. A certificate issued by the HPB recognizing ~~properties a~~ building, structure, archaeological site, other improvement or district designated as historic pursuant to this division 13.

Demolition. The intended destructive removal of a building, in whole or in part, from its site.

Demolition by neglect. Neglect in the maintenance of any building or structure resulting in one or more of the following:

- A. The deterioration of a building(s) or structure, to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official.
- B. The deterioration, as determined by the building official, of a building or structure, characterized by one or more of the following:
 - 1. Parts that may fall and injure persons or property;
 - 2. Deteriorated or inadequate foundation;
 - 3. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads safely;
 - 4. Walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - 5. Walls or other vertical supports that are insufficient to carry imposed loads safely;
 - 6. Ceilings, roofs, ceiling and roof supports, or other horizontal parts of a structure which sag, split, or buckle due to defective material or deterioration or are insufficient to carry imposed loads safely;
 - 7. Any fault, defect or condition in the building which renders the building or structure structurally unsafe or not properly water-tight;
 - 8. Unsafe electrical and/or mechanical conditions;
 - 9. Water intrusion causing water damage to the interior of the building or structure caused by broken or missing windows, broken or missing doors and/or deterioration of roofing material; or
 - 10. Excessive damage to exterior and interior wood framing, flooring systems, and finishes caused by termites, to the extent that the building or structure may be unsafe.

~~Design guidelines.~~ Those guidelines established in "The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995."

Economic hardship. Proof that the owner cannot realize a reasonable return upon the value of the property and that an onerous and excessive financial burden upon the property would result.

Exterior. All outside surfaces of a building or structure.

~~Guidelines for preservation.~~ Criteria published in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Historic District. A geographically definable area possessing a significant collection of archaeological sites, buildings, structures, landscape features, or other improvements historic resources that ~~are concentrated in the same area and~~ have been collectively designated as historic a district pursuant to this division 13.

Historic marker. An official marker, whose size, design and descriptive wording and placement of location has been approved by the HPB, and which complies with the state historic marker program specifications.

Historic Preservation Board (HPB). A board of citizens established for the purpose of assisting in the implementation of this division 13.

Historic resource. Any ~~prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. The properties or resources may include but are not limited to~~ buildings, structures, objects, landscape features, architectural features, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure troves, artifacts or other objects or improvements with intrinsic historical, cultural, architectural or archaeological value, or any part thereof, relating to the history, government or culture of the county, the state or the United States of America.

Historic sites survey. A comprehensive survey compiled by Martin County involving the identification, research, and documentation of ~~buildings-historic resources, sites, and structures~~ areas of any historical, cultural, archaeological, or architectural importance in Martin County.

~~Individual~~ *Historic site.* An archaeological site, building, structure, or other ~~improvement~~ historic resource that has been designated as historic ~~an individual site~~ pursuant to this division 13.

Interior. An area contained within the walls or confines of a building or structure.

Landscape feature. Any improvement or vegetation including, but not limited to walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, signs and exterior lighting used in landscaping.

Local register of historic ~~places~~ landmarks. The master document created through the designation of ~~various~~ archaeological sites, buildings, structures, objects other improvements and districts as historic pursuant to this division 13.

~~Struck through~~ passages are deleted; underlined passages are added

National Register of Historic Places. A Federal listing maintained by the U.S. Department of the Interior, National Park Service, of buildings, sites, structures, objects, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.

Ordinary maintenance. Work done to prevent deterioration ~~of a building or structure~~ or decay of, or damage to, a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Site improvements. Site improvements shall include but are not limited to site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting.

Structure. Means anything constructed or erected on the ground or attached to anything constructed or erected on the ground as distinguished from a building.

Treatments. Standards for four distinct, but interrelated, approaches to the preservation, rehabilitation, restoration or reconstruction of historic properties.

Sec. 4.582. Historic preservation board.

4.582.A. Powers and duties. There is hereby created ~~an~~ historic preservation board (HPB). The powers and duties of the HPB include, but are not limited to the following:

1. ~~Adopt or amend rules of procedure not inconsistent with the LDR or F.S. ch. 267.~~
Recognize archaeological geo-environmental zones as identified on an Archaeological Survey of Martin County.
2. Designate ~~individual~~ historic sites; and districts; ~~and archaeological zones~~ pursuant to section 4.584.
3. Approve historical markers and issue certificates of designation.
4. Establish procedures for the issuance of certificates of appropriateness and certificates to dig.
5. Recommend zoning and building code amendments to the proper authorities.
6. Promote an awareness of the benefits of historic preservation and its benefits to the community.
7. Perform periodic updates to the historic architectural survey.
8. Perform periodic updates to the archaeological survey.
9. Record and maintain records of the HPB's actions and decisions.
10. Provide an annual report to the Board of County Commissioners.

11. Review, develop, and recommend ordinances to the Board of County Commissioners that promote the preservation and rehabilitation of historic resources ~~buildings~~.
12. Seek out worthy projects for matching grants-in-aid from sources which have as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archaeology, and culture.
13. Review applications for all buildings, properties and sites in unincorporated Martin County nominated for listing on the National Register of Historic Places.
14. Establish criteria and procedures for the expedited review of certain projects by staff.
15. Seek expertise on proposals or matters requiring evaluation by a professional or a discipline not represented on the ~~board~~ HPB.
16. Provide an annual budget to the Board of County Commissioners.
17. Attend pertinent information or educational meetings, workshops and conferences.

4.582.B. Membership, appointment qualifications, terms and removal.

1. The HPB shall consist of seven members appointed by the Board of County Commissioners. Each member of the HPB shall be a resident of Martin County. The composition of the HPB shall consist of ~~three~~ four designated seats and ~~four~~ three at-large seats. There will be a representative of each of the following professions: one architect with professional or educational experience related to historic preservation; one general contractor with professional or educational experience related to historic preservation; one realtor; and one person with demonstrated knowledge specifically related to Martin County history. The ~~four~~ three at-large seats will be comprised of citizens who, by virtue of their profession or business, have demonstrated interest and experience in historic preservation and/or archeological resources; however, appointments shall be in the sole discretion of the Board of County Commissioners.
2. Appointments shall be for a term of four years for each member, except the initial terms for three members shall be for three years so that the terms are staggered.
3. A member's term of office shall terminate if the member ceases to be a resident of Martin County. If any member fails to attend three consecutive meetings in one year without cause or prior approval of the Chair, the HPB shall declare the member's office vacant. In addition, a member may be removed from office at the pleasure of the Board of County Commissioners. Any vacancy occurring on the HPB shall be filled by the Board of County Commissioners for the remainder of the unexpired term within sixty days ~~at the earliest possible date~~.
4. Members shall be eligible for reappointment, and shall hold office until their successors have been duly appointed, unless they have been removed from office. Members of the

HPB shall serve without compensation, but may receive actual and necessary expenses incurred in the performance of their official duties.

4.582.C. Officers.

1. A chair shall be elected by the members of the HPB and shall preside at all meetings of the HPB.
2. A vice chair shall be elected by the members of the HPB and shall preside at all meetings of the HPB in the absence of the chair.
3. Election of officers shall be held ~~at the first regular meeting and~~ annually in March thereafter.

4.582.D. Meetings.

1. Regular meetings of the HPB shall be held as necessary to fulfill their duties, and at least quarterly.
2. Special meetings of the HPB may be called by the chair upon no less than three (3) days advance notice.
3. No business shall be conducted by the HPB without a quorum consisting of four members, and all business shall be conducted using Robert's Rules of Order.
4. All actions of the HPB require the affirmative vote of a majority of the members present.
5. Reasonable public notice of all HPB meetings shall be provided and such meetings shall be open to the public at all times.
6. The HPB agenda will be placed on the County's website at least 24 hours prior to the meeting at which it will be considered.
7. Minutes will be taken of the HPB meetings and all meeting records made available to the public.

4.582.E. Staffing.

1. The County Administrator shall designate staff for the ~~HPB-Historic Preservation Board.~~
2. The County Attorney or a designated assistant county attorney shall serve as legal advisor to the HPB.
3. The County Administrator or designee shall make recommendations to the HPB regarding zoning and planning issues, and design guidelines consistent with the Secretary of the Interior's Standards for Rehabilitation, Guidelines for Rehabilitating Historic Buildings, and Standards for the Treatment of Historic Properties. In addition,

the County Administrator or designee shall administer staff review of applications for certificates of appropriateness and certificates to dig.

4. The Building Department shall identify applications for building permits submitted for buildings or structures identified on a historic site's survey ~~and immediately notify the County Administrator or designee of all such applications received.~~ The Building Department may continue to review and evaluate any such application, but shall not issue the permit requested until ~~the County Administrator or designee has reviewed the application, evaluated the appropriateness of such building or structure for designation, consulted with local civic groups, public agencies, or interested citizens concerning potential designation of the building or structure, and notified~~ notifying the applicant and the property owner of the historic significance of the building or structure and of the opportunity to apply for designation pursuant to this chapter. The Building Department may act upon any such application upon receiving written notice from the property owner that designation pursuant to this chapter will not be pursued. This notice from the property owner will be kept by the Building Department with the property records and will be considered with future applications for building permits on the building or structure without additional contact with the property owner. County Administrator or designee of the completion of such review, evaluation, consultation, and notification, or the expiration of 30 days from the date of receipt of the application, whichever occurs sooner.
5. The Building Department shall inspect all buildings and structures that have received certificates of appropriateness for compliance with the requirements of such certificates and of this chapter.
6. Nothing in this chapter shall limit the authority of the Building Official to enforce the provisions of this Code, and specifically the provisions concerning unsafe buildings or systems.
7. Staff designated to assist the HPB shall, at a minimum perform the following tasks in support of the HPB
 1. Provide duplicates of the inventory of designated historic districts, individual sites, and historic structures to the State Historic Preservation Office and make the inventory available to the public;
 2. Provide the State Historic Preservation Officer with thirty (30) calendar days prior notice of all meetings;
 3. Prepare and submit the following to the Historic Preservation Officer within thirty (30) calendar days of each meeting:
 - a. Minutes of the meeting;
 - b. A record of attendance of the HPB; and

- c. Public attendance figures;
- 4. Notify the State Historic Preservation Officer of the following:
 - a. Any change in HPB membership, within thirty (30) calendar days of action; and
 - b. All new historic designations or alterations to existing designations;
- 5. Submit amendments to this division 13 to the State Historic Preservation Officer for review and comment at least thirty (30) calendar days prior to adoption;
- 6. Prepare and submit an annual report to the State Historic Preservation officer by November 1 covering activities of the previous October 1 through September 30, and including, at a minimum, the following:
 - a. A copy of the Rules of Procedure;
 - b. A copy of this division 13;
 - c. Resume of each HPB member;
 - d. Changes to HPB membership;
 - e. New Local designations;
 - f. New National Register listings;
 - g. Review of survey and inventory activity with a description of the system used;
 - h. Program report on each grant-assisted activity; and
 - i. Number of projects reviewed.

4.582.F. Ex parte communications. Members of the HPB shall comply with the provisions of section 1-11 of the Code of Laws and Ordinances of Martin County regarding ex parte communications when an action of the HPB is considered a quasi-judicial proceeding.

4.582.G. Voting conflicts. Members of the HPB shall comply with the provisions of F.S. § 112.2143, regarding voting conflicts.

4.582.H. Financial disclosure. Members of the HPB shall comply with the provisions of F.S. § 112.3145, regarding financial disclosure.

Sec. 4.583. Designation criteria of individual sites, districts and archaeological ones.

4.583.A. ~~Criteria.~~ The HPB shall issue certificates of designation to designate as historic, ~~districts, places,~~ buildings, structures, ~~landscape features,~~ archaeological sites, and other improvements ~~or physical features~~ that contain one or more historic resources and:

1. Are significant in ~~the Martin County's~~ the Martin County's history, architecture, archeology or culture of Martin County and possess an integrity of location, design, setting, materials, workmanship, or association; or
2. Are associated with distinctive elements of the cultural, social, political, economic, scientific, prehistoric, and architectural history that have contributed to the pattern of history in Martin County, south Florida, or the Nation; or
3. Are associated with the lives of persons significant in Martin County's, the State of Florida's or the United States of America's past; or
4. Embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or
5. Have yielded, or are likely to yield information in history, or prehistory; or
6. Are listed in the National Register of Historic Places.

4.583.B. Properties not generally considered; exceptions. Certain properties which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of historic districts that do meet the criteria, or if they fall within the following categories:

1. A ~~religious~~ religious property owned by a religious institution or used for religious purposes which derives its ~~deriving~~ primary significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with ~~an~~ historic event or person; or
3. A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her, productive life; or
4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
5. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
6. A property or district achieving significance within the past 50 years if it is of exceptional importance.

4.583.C. The HPB shall issue certificates of designation to designate as historic districts geographically definable areas possessing a significant concentration, linkage, or continuity of archaeological sites, buildings, structures, or other historic resources that meet the criteria

established in this section or are otherwise united historically or aesthetically by plan or physical development.

Sec. 4.584. Designation procedure.

4.584.A. ~~An historic designation petition~~ for designation of a historic site shall be filed with Martin County ~~by the owner of the property or other person having a power of attorney from the owner to file the petition and to act on behalf of the owner in reference to the petition.~~ The petition shall be in a form approved by the HPB and made available to the public. At a minimum, the petition shall include the following information:

1. A copy of the recorded deed for each parcel;
2. A detailed explanation of how the site meets the criteria of section 4.583;
3. A copy of the Master Site File, if any exists for the site;
4. A map identifying the location of the site within the county; and
5. A site plan identifying the location of the site on the parcel or parcels.

4.584.B. ~~In reference to an individual property, the~~ The petition shall be filed by the owner of the subject property or other person having a power of attorney from the owner to file the petition and to act on behalf of the owner in reference to the petition.

4.584.BC. ~~In reference to an historic district, the~~ A petition for designation of a historic district shall be filed with Martin County by a majority of the property owners in the proposed district or other person having a power of attorney to file the petition and to act on behalf of the owner(s) in reference to the petition. The petition shall be in a form approved by the HPB and made available to the public. At a minimum, the petition shall include the following information:

1. A copy of the recorded deed for each property within the proposed district;
2. A detailed explanation of how each property within the proposed district meets the criteria of section 4.583;
3. Identification of the properties within the proposed district that do not contribute to the historic character;
3. A copy of the Master Site File, if any exists for each property;
4. A map identifying the location within the county of the proposed district; and
5. A site plan identifying the location of each historic resource on each property within the proposed district.

4.584.CD. ~~Within thirty (30) days of the filing of a historic designation petition, the~~ The HPB shall consider the historic designation petition and either direct staff to begin the designation process or deny the petition.

~~4.584.ED. Absent the filing of an historic designation petition, the HPB may direct staff to begin the designation process for those archaeological zones and designation of historic sites and historic districts, outlined in Technical Report #124 prepared by the Archaeological and Historical Conservancy, Inc. (AHC) in September 1995, and again in June 1998 (revised October 1998), AHC Technical Report #213. The HPB may also direct staff to begin the designation process for any additional zones or sites included in any update of historical or archaeological surveys.~~

~~4.584.FE. Upon~~ Within sixty (60) days of being directed to begin the designation process, staff shall prepare and submit to the HPB an investigation and designation report. The format of these reports may vary according to the type of designation; however at a minimum all reports must address the following: the historical, cultural, architectural, or archaeological significance of the property or properties being considered for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual properties being considered; and where a district is proposed, the report shall identify those properties, if any, within the district which do not contribute to the period of significance. Upon completion of the report, the report shall be filed with the HPB.

~~4.584.GF. For each individual property, district, or archaeological geo environmental zone proposed for designation, a~~ A public hearing to consider the designation request must be held by the HPB no sooner than 15 days or no later than 60 days from the date a designation report has been filed with the HPB. Notice of the public hearing shall be published in a newspaper of general circulation at least 15 days prior to the public hearing. The public hearing may be continued by the HPB to a fixed date, time and place.

~~4.584.HG. The HPB shall consider the designation request at a public hearing. The public hearing may be continued by the HPB to a fixed date, time and place. After the conclusion of the public hearing, the HPB shall approve, approve with modifications or deny the request for a certificate of designation by resolution which shall constitute the final action of the HPB. Resolutions shall be recorded in the public records of Martin County and a copy provided to the applicant and property owner(s). If the request for a certificate of designation is approved or approved with modifications, the provisions of division 13 shall apply to that property and the Certificate of Designation shall be shown in the Property Appraiser's records of the property. If the request for a certificate of designation is denied, the property will not be governed by division 13 and will not qualify for incentives for historical resources preservation provided in sections 4.593 and 4.594.~~

~~4.584.IH. Owners of private property which qualifies for a~~ is approved for an HPB initiated certificate of designation, shall be given the opportunity to accept or reject the designation. If the designation is rejected, the development of or improvements to the property will not be governed by the division 13 and the property will not qualify for incentives for historical resources preservation provided in sections 4.593 and 4.594. If a private property owner chooses to accept a certificate of the designation is accepted, then the provisions of division 13 shall apply to that property and the Certificate of Designation shall be recorded in the public records of Martin County, Florida and shall be shown in the Property Appraiser's records of the property these properties.

Sec. 4.585. Historic Recognition~~Preservation~~/GIS Overlay.

4.585.A. An Historic Preservation ~~/GIS~~ Overlay shall be created within the County's GIS mapping system to depict archaeological geo-environmental zones, archaeological sites and the extent of designated historic sites and districts ~~properties~~ in Martin County.

4.585.B. The overlay will contain the name of ~~the individual property~~, each historic site and district, ~~the zone~~ as furnished by the HPB.

4.585.C. An inventory by address, Master Site File number, and legal description will be maintained by Martin County of all properties contained within the GIS Overlay. The inventory shall include a separate listing of the designated historic sites and districts as the local register of historic places, which will be made available to the public.

4.585.D. Amendments to or rescission of the designation of ~~individual properties~~, historic sites or districts, and of the recognition of archaeological geo-environmental zones or archaeological sites will be recorded as part of the overlay.

4.585.E. Designated historic sites and districts may be recognized by placement of an appropriate plaque, prepared by the HPB in coordination with the property owner recognizing the designation and placement on the local register of historic places. The placement or removal of the plaque shall have no effect on the designation of the historic site or district or the application of the provisions of division 13 to the historic site or district.

Sec. 4.586. Certificate of appropriateness ~~procedure~~.

4.586.A. Certificate required as prerequisite ~~to alteration, etc.~~ A Certificate of appropriateness shall be required for designated historic sites and districts, ~~properties~~ prior to issuance of a permit for:

1. Any material change or alteration in the exterior appearance of existing historical resources ~~buildings, objects or structures~~;
2. Demolition of any building, object or structure;
3. The movement or relocation of any building, object, or structure;
4. Any new construction of principal or accessory buildings or structures;
5. ~~Disturbance of an archaeological site; or~~
6. Division of a tract or parcel ~~of a designated property~~ into two or more lots.

4.586.B. Application. An application for a certificate of appropriateness shall be filed with Martin County in a form approved by the HPB and available to the public. At a minimum the application must include:

1. ~~Full full~~ plans and specifications; site plan and samples of materials to fully describe the proposed appearance, color, texture, or material, and architectural design of the buildings; and any outbuilding, wall, courtyard, fence, or landscape features.
2. ~~The applicant shall provide adequate~~ Adequate information to enable the HPB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes.
3. ~~If an application involves an designated archaeological site or property within an archaeological geo-environmental zone,~~ the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site or property.

An applicant may request a pre-application meeting with the HPB where the HPB may provide informal comments regarding any proposed action that would require a Certificate of Appropriateness.

4.586.C. Consideration by the HPB. The HPB shall consider the application at a public meeting within 30 days of the application being deemed complete. In addition to the regular meeting requirements, notice ~~Notice~~ of the meeting shall be provided to the applicant. The HPB may continue the meeting to a fixed date, time and place. After the conclusion of the public meeting the HPB shall approve, approve with modifications or deny the request for a certificate of appropriateness by resolution which shall constitute the final action of the HPB. Any modifications imposed shall be reasonably related to the certificate of appropriateness sought by the applicant. Resolutions shall be recorded in the public records of Martin County. A copy of the resolution shall be provided to the applicant and the Building Department. The HPB may establish a procedure for the administrative review and approval of an application for a certificate of appropriateness.

4.586.D. ~~Review criteria~~ Demolition. In addition to other applicable provisions of division 13 and the requirements of the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, Guidelines for Rehabilitating Historic Buildings, and Standards for the Treatment of Historic Properties, the following criteria shall be utilized in evaluating applications for a certificate of appropriateness.

1. For exterior alterations of existing buildings, objects or structures:
 - a. The alterations must be visually compatible with the existing building(s).
 - b. Additions should be located to the rear or least visible side.
 - c. The alterations must minimize the loss of historic materials of the property and protect character-defining features.
 - d. The alterations must be compatible in terms of massing, size, scale, relationship of solids to voids, and architectural features and be subordinate to the historic building, object or structure.

- e. The alterations should be differentiated from the historic building, object or structure.
 - f. Alterations to the rooftop, if permitted, should generally be limited to one story in height, should be set back from the wall plane and should be as inconspicuous as possible.
 - g. The alterations must continue the design elements of the historic building, object or structure on all elevations, not just those elevations that can be viewed from the street.
 - h. The alterations must be made in such a fashion that, if removed, the essential form and integrity of the historic building, object or structure will be unimpaired.
 - i. The alterations must limit the size and number of openings between the historic building, object or structure and any additions by utilizing existing doors or by enlarging existing windows.
- ~~12. In addition to other applicable provisions of division 13, the following criteria shall be utilized in evaluating applications for a certificate of appropriateness for~~ For demolition of any building, object or structure designated properties:
- a. Is the building, object or structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation?
 - b. Is the building, object or structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
 - c. Is the building, object or structure one of the last remaining examples of its kind in the neighborhood, the county or the region?
 - d. Does the building, object or structure contribute significantly to the historic character of a designated district?
 - e. Would retention of the building, object or structure promote the general welfare of the county by providing an opportunity for study of local prehistory, history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
 - f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?
3. For movement or relocation of any building, object or structure:
- a. Is the historic character or aesthetic interest of the building, object or structure contributing to its present setting in such a manner that relocation would result in a substantial loss to the historic site or district?

- b. Are there definite plans for the area to be vacated?
 - c. Are there definite plans for the area to be vacated which may adversely affect the character of the historic site or district?
 - d. Is the proposed relocation area compatible with the historic, cultural, and architectural character of the building, object or structure?
 - e. Has little or no effort been made to consider relocation within the same historic district or within another historic district with compatible historic, aesthetic, cultural, or design qualities with the relocated building, object or structure?
4. For new construction within a historic district or accessory to a historic site:
- a. The new construction must be visually compatible with the existing buildings, including the following:
 - i. Height;
 - ii. Distance from the street;
 - iii. Orientation;
 - iv. Relationship of width of windows and doors to the height of windows and doors;
 - v. Relationship between solids (walls) and voids (windows and doors);
 - vi. Relationship to open space between structures;
 - vii. Roof shape; and
 - viii. Physical size, scale, bulk, mass and volume.
 - b. The new construction should take its design cues from the prevailing architectural styles in the historic district or from the historic site. Traditional or contemporary design standards and elements should relate to the existing styles.
 - c. The new construction should take into account the compatibility of landscaping, parking, service areas, walkways, and accessory structures to design a setting with the overall environment in mind.
 - d. The new construction should be constructed with the predominant materials and textures of the historic district or site.
5. For division of property into two or more lots:
- a. Is the appropriateness of the division directly associated with the appropriateness of new construction?

b. Is the lot split in keeping with the uniformity of the neighborhood?

c. What are the plans for development of the separate lots?

4.586.E.2- Demolition delay. A certificate of appropriateness for demolition may be granted with a delayed effective date of up to six months. The effective date shall be determined by the HPB based upon the relative significance of the building, object or structure and the probable time required to arrange an alternative to demolition. During the demolition delay period, the HPB may take such steps as it deems necessary to preserve the building, object or structure. Such steps may include, but shall not be limited to consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of mitigation measures, including but not limited to, moving one or more building, object or structures or other features, or plus mitigation (salvaging historic resource~~se~~ ~~archaeology~~) as may be deemed necessary or desirable.

4.586.EF. ~~Building permit not to be issued without certificate.~~ No building permit shall be issued by the Martin County Building Department for any ~~designated property~~ historic site or property within a historic district in Martin County without a certificate of appropriateness. In addition, the building department shall issue stop work orders on any work performed on a ~~designated property~~ historic site or property within a historic district which is not in compliance with an issued certificate of appropriateness.

4.586.FG. Compliance of work with certificate standards. All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the Certificate. The Martin County Building Department Administrator ~~shall designate appropriate staff to~~ make the necessary inspections and ~~who~~ shall be empowered to issue a stop work order if the performance of work on a ~~designated property~~ historic site or property within a historic district is not in compliance with the issued Certificate. No work shall proceed as long as a stop work order continues in effect. Copies of any inspection reports and stop work orders shall be furnished to the HPB and the applicant. The building official shall be responsible for ensuring that any work not done in compliance with an issued certificate of appropriateness is corrected prior to rescinding the stop work order.

4.586.H. Changes in approved work. Any change to the work approved pursuant to the issuance of any certificate of appropriateness shall be reviewed by the Building Department. If the proposed change does not materially affect the historic character or the proposed change is in accordance with the HPB's decision, the Building Department may administratively approve the change. If the proposed change is not in accordance with the HPB's decision, a new certificate of appropriateness application for the change must be submitted for review.

4.586.GI. Emergency, temporary measures. For the purpose of remedying emergency conditions determined to be dangerous to life, health, or property, nothing contained herein shall prevent the making of any necessary repairs to a ~~designated building or~~ a historic site or property within a historic district. The owner of a building damaged by fire or natural calamity is permitted to

stabilize the building immediately to prevent further damage and threat to public safety without HPB approval. Further reconstruction or renovation shall require a certificate of appropriateness.

Sec. 4.587. ~~Variances~~Certificate of economic hardship.

~~Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of division 13 would result in economic hardship to the applicant, the HPB may grant variances from the requirements of division 13.~~Prior to taking an appeal of a decision to the Board of County Commissioners on an application for certificate of appropriateness, an applicant may file an application for a certificate of economic hardship.

4.587.A. Application. An application for a certificate of economic hardship must be submitted to Martin County on a form approved by the HPB and available to the public within thirty (30) days after the date of the hearing at which the HPB's decision on the related application for certificate of appropriateness is announced. At a minimum, the application must include~~In any instance where there is a claim of economic hardship, the owner shall submit, by affidavit, to the HPB at least 15 days prior to a regularly scheduled meeting of the HPB, the following information:~~

1. For all property:
 - a. The amount paid for the property, the date of purchase and the party from whom purchased;
 - b. The assessed value of the land and improvements thereon according to the two most recent assessments;
 - c. Real estate taxes for the previous two years;
 - d. Annual debt service, if any, for the previous two years;
 - e. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing, or ownership of the property;
 - f. Any listing of the property for sale or rent, price asked and offers received, if any;
 - g. Any consideration by the owner as to profitable adaptive uses for the property;
~~and~~
 - h. Recent sales of similar properties in the immediate area;
 - i. Proposed construction, alteration, demolition and removal costs;
 - j. Structural and condition reports from a licensed professional with experience in assessing historic buildings; and
 - k. Estimates as to the economic feasibility of rehabilitation or reuse.

2. For income producing property:

- a. Annual gross income from the property for the previous two years;
- b. Itemized operating and maintenance expenses for the previous two years; and
- c. Annual cash flow, if any, for the previous two years.

~~4.587.B.3.~~ The HPB may require an applicant to furnish additional information by affidavit relevant to a determination of ~~undue~~ economic hardship. In the event that any of the required information cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

4.587.B. Negotiation prior to consideration by the HPB. During the period between the filing of the application and consideration of the application by the HPB, the applicant must discuss the proposed action with staff. Discussions may also include other county officials and local preservation organizations to consider alternatives that will avoid any economic hardship and have the least adverse effect to the historic site or district. Staff may request information from county departments and other agencies in order to negotiate an alternative resolution that is in the best interest of the applicant and the county. If negotiation is successful, staff will make a written recommendation to the HPB regarding the negotiated alternatives.

4.587.C. Consideration by the HPB. The HPB shall consider the application at a public meeting within 30 days of the application being deemed complete. In addition to the regular meeting requirements, notice of the meeting shall be provided to the applicant. The HPB may continue the meeting to a fixed date, time and place. After the conclusion of the public meeting the HPB shall approve, approve with conditions or deny the request for a certificate of economic hardship by resolution which shall constitute the final action of the HPB. A copy of the resolution shall be provided to the applicant.

4.587.CD. Effect of determination on economic hardship. The effect of denial of the application for certificate of economic hardship is that the decision regarding the certificate of appropriateness is upheld. The application for certificate of economic hardship may be granted with conditions that will avoid the economic hardship and have the least adverse effect to the historic site or district.~~The HPB shall not grant a variance unless it determines that:~~

- ~~1. The variance is the minimum variance required to make reasonable use of the land, building or structure.~~
- ~~2. The grant of the variance will be in harmony with the general purpose and intent of division 13.~~

Sec. 4.588. Maintenance of designated properties.

Nothing in division 13 shall be construed to prevent ordinary maintenance, replacement or repair of any exterior elements of a ~~designated building, or structure, or object~~ a historic site or property

within a historic district which does not involve a change of color, design, appearance or material, and which does not require a building permit.

Sec. 4.589. Demolition by neglect.

4.589.A. Requirements. Every owner of a ~~historic designated site or of~~ property within a ~~designated historic district or archaeological zone, or of a building or other historic resource~~ listed on the local register of historic places ~~landmarks~~ shall keep the property in good repair, and in compliance with all applicable codes, laws and regulations governing the maintenance of property, including the Secretary of the Interior's Standards for Rehabilitation, Guidelines for Rehabilitating Historic Buildings, and Standards for the Treatment of Historic Properties. It is the intent of this section to preserve from deliberate or inadvertent neglect the following:

- 1 All of the exterior portions of ~~such~~ all buildings, objects or structures;
2. All interior portions thereof which, if not so maintained, may cause such buildings, objects or structures to deteriorate or become damaged or otherwise fall into a state of disrepair; and
3. In addition, where the historic resource is an archaeological site, the owner shall be required to maintain his property in such a manner as not to adversely affect the archaeological integrity of the site.

4.589.B. Determining neglect. The HPB may request that the Martin County Building Department conduct an inspection of a historic designated site, or district or zone or resource ~~listed on the local register of historic landmarks~~ and file a complete report of existing conditions and remedies, to the HPB. The Martin County Building Department shall make its determination based upon the definition of demolition by neglect in section 4.581 as well as applicable building code requirements.

4.589.C. Notification and enforcement. Where the HPB determines that a historic site or properties within a ~~designated historic district or a designated historic property~~ lack maintenance and repair to such an extent as to detract from the desirable character of the historic site or district or resource, the HPB shall notify the owner of record, by certified mail, within 30 days of such findings. The HPB shall request the owner of the property to appear before the HPB and the HPB shall present ways to improve the condition of the property. If the owner fails to take action within a prescribed period of time, the HPB may request that county staff initiate appropriate enforcement proceedings.

4.589.D. Emergency conditions applicable to this part. The Building Official shall immediately notify the HPB of cases where there are emergency conditions dangerous to life, health or property affecting a historic site or property within a historic district ~~designated building, structure or archaeological site or property listed on the local register of historical landmarks~~. After consultation with the HPB, the ~~Chief~~ Building Official may order the remedying of the dangerous conditions.

Sec. 4.590. Certificates to dig.

4.590.A. Certificates required for archaeological sites and properties within archaeological geo-environmental zones. Within an ~~designated~~ archaeological site or property an archaeological geo-environmental zone, ~~listed on the local register of historic sites~~ no building permit shall be issued for new construction, filling, grading, grubbing, large scale digging, swimming pool excavation, the removal of trees, the planting of trees or any other ground disturbing activity that occurs at locations more than three inches below adjacent surrounding ground surface, encompasses a combined area of equal to or greater than 100 square feet, or which may disturb or reveal an interred archaeological site without the applicant first obtaining a certificate to dig.

4.590.B. Application process.

1. An application for a certificate to dig shall be filed with Martin County in a form approved by the HPB. Martin County may waive the requirement for a certificate to dig in those cases where alterations are regarded as minor or minimal such as, but not limited to: placement of irrigation systems, fence posts six inches or less in diameter, or ditches 12 inches or less in width and other minor or minimal alterations as determined by the criteria of the HPB.
2. Within 30 days of the application being deemed complete, staff shall approve, approve with modifications or deny the request for a Certificate to Dig. Such determination shall be based up on the designation report for the archaeological site or archaeological geo-environmental zone and any guidelines established by the HPB. Approval of the request may be subject to specified conditions including but not limited to site inspections by staff and conditions regarding site excavation. The applicant shall agree to permit a county designated archaeologist to conduct excavations for the time of the application until the effective date. The determination by staff shall be reduced to writing and provided to the applicant.
3. The applicant may request a review of the staff decision to the HPB by filing a request within 30 days of the receipt of the determination. The HPB shall consider such request at its next regularly scheduled meeting and approve, approve with modifications or deny the request by resolution which shall constitute the final action of the HPB. Resolutions shall be recorded in the public records of Martin County. A copy of the resolution shall be provided to the applicant.

4.590.C. Work to conform to certificate; stop work order.

1. All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate.

2. In the event that work is performed which is not in accordance with such certificate, the ~~appropriate staff~~ Martin County Building Department shall be empowered to issue a stop-work order and all work shall cease.

4.590.D. Ground disturbing activities.

1. Ground disturbing activities shall be suspended within 100 feet of the discovery of any archaeological artifact or burial and the staff of the ~~Historic Preservation Board~~ HPB shall be notified within 24 hours of the discovery. This suspension may last for up to 30 days from the date of notification to allow for an initial evaluation of significance by a professional archaeologist. If human skeletal remains are found, then F.S. § 872.05, as amended, shall control.
2. If the historic resource is found to be potentially significant, activities shall be further suspended for up to 30 days to allow for further evaluation by a professional archaeologist.
3. Ground disturbing activities shall be undertaken with caution in the surrounding area.

Sec. 4.591. Appeals.

Appeals of final actions of the HPB shall be made to the Board of County Commissioners in a manner provided for in section 10.10.E, Appeals of Final Actions, of article 10 of the LDR.

Sec. 4.592. Enforcement.

Enforcement of division 13 shall be consistent with chapter 1, article 4 of the Code of Laws and Ordinances.

Sec. 4.593. Incentives and conservation easements.

4.593.A. Properties designated as ~~individual~~ historic sites or as ~~designated properties a contributing property~~ within a historic district ~~or zone~~ may be eligible for financial assistance set aside for historic preservation by Martin County, or the State of Florida.

4.593.B. Owners are also encouraged to consider granting, selling, or leasing conservation easements, pursuant to F.S. ch. 704.

4.593.C. ~~A residentially used historic resource located on a parcel of land within any Community Redevelopment Area may be relocated to another parcel within any of the Community Redevelopment Areas and may continue to be used for residential purposes.~~

~~4.593.D.~~ The application, permit and other fees applicable to the relocation of a historic ~~structure~~ resource may be paid by Martin County after review and recommendation by the ~~Historic Preservation Board~~ HPB and approval by the Board of County Commissioners. The approval shall be implemented through an agreement between Martin County and the applicant including, but not limited to: 1) a project completion schedule and 2) the posting of a bond, letter of credit, or

other form of security to guarantee the timely completion of the project based upon the cost of such completion.

Sec. 4.594. Tax exemptions for historic properties.

4.594.A. Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, in its discretion, to allow ad valorem tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to up to 100 percent of the assessed value of all improvements to historic properties which result from restoration, renovation or rehabilitation made in accordance with a Certificate of Appropriateness issued by the HPB on or after January 1, 2003. The exemption applies only to taxes levied by the Board of County Commissioners and not to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property.

4.594.B. Duration of tax exemptions. Any exemption granted under this division 13 to a particular property shall remain in effect for up to ten years. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for exemption, must be maintained over the period for which the exemption was granted.

4.594.C Eligible properties and improvements.

1. Property is qualified for an exemption if at the time the exemption is granted, the property is:
 - a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
 - b. A contributing property to a national-register-listed district; or
 - c. Designated as a historic site ~~property~~, or as a contributing property to a historic district, under the terms of this division 13.
2. In order for an improvement to ~~an~~ historic property to qualify the property for an exemption, the improvement must:
 - a. Be consistent with the United States Secretary of the Interior's Standards of Rehabilitation, Guidelines for Rehabilitating Historic Buildings, and Standards for the Treatment of Historic Properties; and
 - b. Be determined by Martin County to meet criteria established in rules adopted by the Florida Division of Historical Resources.

4.594.D. Applications.

~~4.~~ Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of an historic property must, in the year the exemption is desired to take effect, file with Martin County a written application on a form prescribed by the Florida Division of Historical Resources. The application must include the following information:

1a. The name of the property owner and the location of the historic property;

2b. A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;

3e. Proof, to the satisfaction of the HPB ~~Martin County~~, that the property to be rehabilitated or restored is an historic property under division 13;

4d. Proof, to the satisfaction of the HPB ~~Martin County~~, that the improvements to the property will be consistent with the United States Secretary of the Interior's Standards for Rehabilitation, Guidelines for Rehabilitating Historic Buildings, and Standards for the Treatment of Historic Properties and will be made in accordance with guidelines developed by the Florida Division of Historical Resources;

5e. Other information deemed appropriate by the Florida Division of Historical Resources, or requested by Martin County; and

6f. A completed application for a certificate of appropriateness for the qualifying restoration, renovation or rehabilitation.

4.594.E. Required covenant. To qualify for an exemption, the property owner must enter into a covenant or agreement with Martin County for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Florida Division of Historical Resources and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferee, and the owner's heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).

4.594.F. Review by Martin County. ~~The County Administrator or designee~~ HPB will review applications for exemptions and recommend that the Board of County Commissioners either grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Florida Division of Historical Resources. The recommendation, and the reasons therefore, must be provided to the applicant and to the Board of County

Commissioners before consideration of the application at public meeting of the Board of County Commissioners. The HPB must certify to the Board of County Commissioners that the property for which an exemption is requested is eligible as set forth in F.S. § 196.1997 and this division 13.

4.594.G. Approval by Martin County. A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The Board of County Commissioners shall include the following in the resolution approving the application for exemption:

1. The name of the owner and the address of the historic property for which exemption is granted;
2. The period of time for which the exemption will remain in effect and the expiration date of the exemption; and
3. A finding that the historic or archaeological property meets the requirements of F.S. § 196.1997 and this division 13.

Sec. 4.595. Procedure for review of nominations for the National Register of Historic Places.

4.595.A. Comment period. In compliance with existing Federal regulations, the HPB and appropriate local officials, owners of record, and applicants shall be given ~~a minimum of 30~~ sixty (60) days ~~and not more than 75 days prior to a HPB meeting~~ in which to comment on or object to the listing of a property in the National Register ~~to be reviewed~~. In addition to the regular meeting notice, notice will be sent to the owners of record and the applicants of such property for the meeting at which the proposed National Register listing will be discussed by the HPB. Within thirty (30) days after its meeting, the HPB will forward to the State Historic Preservation Officer its action on the nomination and the recommendation of the local officials. Appropriate local officials, the owner, and the applicant shall be notified of the HPB's action.

4.595.B. Objections. Objections by property owners must be notarized and filed with the State Historic Preservation Officer to prevent nomination to the National Register.

Secs. 4.596 – 4.620. Reserved.

PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County Ordinances and County Resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this Ordinance to the extent of such conflict.

PART III. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this ~~Struck through~~ passages are deleted; underlined passages are added

Ordinance or any provision thereof shall be held inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART IV. APPLICABILITY.

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

PART V. FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this Ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART VI. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Department of State that this Ordinance has been filed in that office.

PART VII. CODIFICATION.

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

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 20____.

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**

**BY: _____
SARAH W. WOODS,
COUNTY ATTORNEY**