

# MARTIN COUNTY, FLORIDA INTER-OFFICE MEMORANDUM

[www.martin.fl.us](http://www.martin.fl.us)

2401 SE Monterey Road, Stuart, Florida 34996

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](http://www.martin.fl.us/accessibility-feedback).

---

**TO:** Local Planning Agency

**DATE:** October 14, 2019

**VIA:** Nicki van Vonno, AICP   
Growth Management Director

**FROM:** Darryl Deleeuw, Environmental Division   
Administrator

**SUBJECT:** CPA 19-12, Shoreline Protection Zone

---

Agenda Item NPH-5. Comprehensive Plan Amendment 19-12, Shoreline Protection Zone was scheduled for consideration by the Local Planning Agency on Thursday October 17, 2019. At this time, Staff is withdrawing NPH-5 from the agenda.



## Agenda Item Summary

---

**File ID:** 19-1065

**NPH-5**

**Meeting Date:** 10/17/2019

---

**PLACEMENT:** New Business

**TITLE:**

**COMPREHENSIVE PLAN AMENDMENT 19-12, SHORELINE PROTECTION ZONE**

**EXECUTIVE SUMMARY:**

A proposed text amendment to Chapter 8, Coastal Management Element, and Chapter 2, Overall Goals and Definitions, of the Comprehensive Growth Management Plan, Martin County Code (CGMP). Amendments to other chapters of the CGMP may be identified to insure internal consistency with the proposed changes.

Requested by: Nicki vanVonne, AICP, Growth Management Department Director

Presented by: Shawn McCarthy, Principal Planner, Growth Management Department

**PREPARED BY:** Joan Seaman, Administrative Specialist II

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](http://www.martin.fl.us/accessibility-feedback) <<http://www.martin.fl.us/accessibility-feedback>>.

# **PROPOSED AMENDMENT TO THE MARTIN COUNTY COMPREHENSIVE PLAN**

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](http://www.martin.fl.us/accessibility-feedback)

**REQUEST NUMBER:** CPA 19-12 Shoreline Protection Zone Policies, Text

Report Issuance Date: October 9, 2019

**APPLICANT:** Board of County Commissioners

**REPRESENTED BY:** BOCC initiated amendment

**PLANNERS-IN-CHARGE:** Shawn McCarthy, Principal Planner  
Darryl DeLeeuw, Environmental Administrator  
Growth Management Department

<b><u>PUBLIC HEARINGS</u></b>	<b><u>Date</u></b>	<b><u>Action</u></b>
Local Planning Agency:	10/17/19	
Board of County Commission Transmittal:	TBD	
Board of County Commission Adoption:	TBD	

**APPLICANT REQUEST:** The Board of County Commissioners initiated a Comprehensive Growth Management Plan text amendment to review and possibly modify Comprehensive Growth Management Plan policies regarding the shoreline protection zone and shoreline hardening throughout Martin County.

## **STAFF RECOMMENDATION:**

Staff recommends approval of text amendment changes to Chapter 2, Overall Goals and Objectives, and Chapter 8, Coastal Management Element, as proposed.

## **EXECUTIVE SUMMARY:**

### **Background**

On February 26, 2019, the Board of County Commissioners (BOCC) passed Resolution Number 19-2.43 which initiated a Comprehensive Growth Management Plan (CGMP) text amendment for staff to review and possibly modify the shoreline protection zone policies as they apply to coastal properties throughout Martin County. This resolution was passed during a BOCC workshop on CPA 18-10 which were text amendments related to the County's Community Redevelopment Areas (CRAs). A proposed text amendment in CPA 18-10 included a policy specifically written for coastal properties within the CRAs with a shoreline protection zone (SPZ) requirement. It was during this discussion that the BOCC initiated CPA 19-12 and directed staff to review SPZ policies as they pertained to all other properties outside of the CRAs.

In 2018, the Comprehensive Growth Management Plan was amended to implement changes as part of the Evaluation and Appraisal Report (EAR) prepared in 2016-2017. Shortly thereafter, Environmental Division staff prepared amendments to the Land Development Regulations (LDR) for Wetlands and Uplands Protection to implement these changes and also to provide consistency with amendments to the CGMP effected in 2013. Changes discussed with the Board included those provided for consistency with the waivers afforded for wetland buffers and the SPZ.

Another relevant item on this topic was a Board item presented to the BOCC on June 12, 2018. This board item was a discussion in response to a letter sent to the commissioners by the Treasure Coast Builders Association. The letter requested consideration of several items, one of which was related to waterfront setbacks from manmade canals and natural shorelines.

As a result of these discussions, revisions to the LDR on shoreline protection, Article 4, Division 1, were later adopted by the BOCC under Ordinance Number 1082 on August 21, 2018. The specific section codified was Section 4.5.E, related to maintenance of existing uses within the shoreline protection zone. Maintenance was further defined to allow existing residential lots to replace and repair existing bulkheads and to construct fencing along the perimeter of property lines within the SPZ and construct fencing on top of existing bulkheads.

However, it was also noted during this discussion that an exception from the 1982 CGMP for “legally filled areas landward from the legally constructed bulkheads, retaining walls or other shoreline protection structures” existed in the CGMP until 2000 when this exception was removed. This exception had allowed property owners with bulkheads the ability to develop within their backyards, exempt from SPZ requirements, given that zoning setbacks were met. The exception was removed in 2000 in order to provide consistency between shoreline protection zones and wetland buffer requirements. As a result, the exception was replaced with similar language to the wetland buffer requirements at the time, which were more restrictive.

Just recently, the county began a study on resiliency to address the potential impacts from climate change. It’s anticipated the study will last approximately 9 months and the goal will be to provide the county with a list of recommendations to better prepare and plan for resiliency. Part of the study will be on the effects of sea-level rise on coastal areas and how to implement solutions moving forward. At this time, staff is proposing changes in Chapter 8 to provide a starting point for resiliency with the idea that additional objectives and policies will likely be proposed in future comprehensive plan amendments once the resiliency study is complete.

## **2. ANALYSIS**

### **Chapter 2 CGMP**

Chapter 2 outlines overall goals and policies within the CGMP. Existing Policy 2.2C.9 defines the SPZ as it is stated in Chapter 8 where all new development shall provide a 75 foot SPZ landward of mean high water. This policy also contains details on exceptions that are also fully expressed in Chapter 8. Since this chapter is provided to outline overall goals, staff is recommending striking the details and then referencing the language that specifies the exceptions already found in Chapter 8.

**The following is the proposed text amendment in Chapter 2 CGMP, Policy 2.2C.9:**

*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~~ as provided pursuant to Chapter 8, Coastal Management. 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.~~

## **Chapter 8 CGMP**

Based on the BOCC directive and the topic surrounding maintenance of existing uses within the SPZ, staff focused on what uses could be allowed within the SPZ for existing lots of record. The

current CGMP policies and exceptions relating to existing lots of record recognize existing facilities as well as define a reduced shoreline protection width based on the size of the lot and the landuse, either being residential or non-residential. For example, new development proposed on a residential lot of record with a bulkhead would be required to construct all structures landward of the SPZ except development associated with water access like a boardwalk or paver walkway. Since these lots were legally filled and bulkheaded prior to adoption of the CGMP in 1982, the SPZ area landward of the bulkhead is very likely turfgrass being fertilized and mowed as a 'backyard'.

The proposed text amendments do not plan to change or modify the current SPZ width requirements, but rather define uses within the SPZ for lots of record having existing, legally hardened bulkheads and for existing lots of record that may not contain a bulkhead, but have a 'backyard' area near the shoreline.

The first proposed text amendment, Policy 8.1C.1(3).e.6, defines uses that can occur within the SPZ with a building permit. The uses would be limited to horizontal improvements such as construction of a slotted wooden deck or sand-set pavers or any other horizontal improvement considered pervious. No vertical structures or concrete footers for vertical structures would be allowed. In order to take advantage of these improvements, the property owner would be required to create a 'no-mow zone' adjacent to the existing shoreline structure. The goals and objectives in Chapter 8 stress the need to effectively balance private property rights with protection of the county's coastal resources. The 'no-mow zone' will reduce the need to fertilize adjacent to the river or estuary while allowing additional uses in an existing filled area behind a bulkhead.

Although a No-mow zone is strongly recommended as part of the County's adopted Fertilizer Ordinance, there is no practical way to implement this good practice:

*No-mow zone.* A voluntary ten foot no-mow zone is strongly recommended, but not mandated, from the water's edge of any pond, stream, water body, lake, canal, wetland or from the top of a seawall. This zone may receive periodic maintenance to remove or control invasive or exotic species. No vegetative material shall be deposited or left remaining in this zone or deposited in adjacent waters. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

As part of the building permit process for lots of record that want to implement this new policy, a final inspection would be conducted to ensure the no-mow zone was established prior to permit approval.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1C.1(3).e.6 existing development:**

- 6) Existing lots of record (April 1, 1982) may conduct the following uses that require a building permit.
  - [a] For lots with filled areas landward from existing legally constructed seawalls, retaining walls, or other shoreline protection structures, a maximum of forty percent of the shoreline protection zone may be utilized for pervious horizontal improvements including, but not limited to, slotted decking and sand-set pavers. Imperious materials such as a concrete slab overlaid with pavers are prohibited. Areas utilized for water access as defined in Policy 8.1.C.1(3)(c) shall be included as part of the forty percent area calculation. The approval of permitted horizontal

improvements shall require the establishment of a no-mow zone within the remainder of the shoreline protection zone. The no-mow zone shall be a minimum of ten feet in width located landward and established parallel to the entire length of the existing shoreline protection structure. Turf grass, fertilizer and any structure shall be prohibited within the no-mow zone. The no-mow zone shall be stabilized with pervious landscaping materials, such as mulch, rocks, sand, or pebbles, and native plants suitable for coastal shorelines.

The second proposed text amendment, Policy 8.1C.1(3).e.7, defines uses that can occur on existing lots of record within the SPZ without a building permit. These uses are typically temporary structures commonly found in a backyard setting like playsets, patio table and chairs, landscaping materials, and small chickee huts structures (under 100 square feet). Landscaping material is living material, including trees, shrubs, vines, turf grass, and ground cover, landscape water features and nonliving durable material commonly used in landscaping, including mulch, walls and fencing, rocks, pebbles, sand, and earthen mounds, but excluding impervious surfaces. The intent of this language is to clarify the allowance of uses and practices typically employed by waterfront property owners.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1C.1(3).e.7 existing development:**

7) Existing lots of record (April 1, 1982) may conduct the following uses that do not require a building permit.

[a] Accessory uses and structures including those listed below are allowed to be within the SPZ provided they are ancillary, in connection with, and incidental to, the principal use or structure uses. In all cases of improvements and uses allowed, existing shoreline slopes shall be maintained and all existing native vegetation within the shoreline protection zone shall be protected, including mangroves. The ancillary uses authorized under this section shall not require structural review for compliance under the Florida Building Code. Chickee huts shall be limited to a maximum of 100 square feet in area. All zoning requirements for open space shall be met.

1.) Landscape materials: living material including trees, shrubs, turf grass, and ground cover; landscape water features; and, nonliving durable material commonly used in landscaping, including mulch, decorative walls and fencing, rocks, pebbles, sand, and earthen mounds. The design and combination of these materials shall not create an impervious surface within the shoreline protection zone.

2.) Recreational uses such as playground equipment and furniture, including benches, and tables and chairs and open-sided chickee hut structures.

The other proposed changes to Policy 8.1C.1(3).e, existing conditions, is to move existing language from Policy 8.1C.1(3).h, exceptions, to Policy 8.1C.1(3).e. This proposed move does not change any of the language or application of these policies, but rather clarify that these policies are for existing development and are better suited under the existing conditions Policy 8.1C.1(3).e.

Note that new language has been added to language Policy 8.1C.1(3).e.1. to be consistent with Language found in LDR, Article 8 NONCONFORMITIES, Section 8.3. for Nonconforming structures.



**The following is the proposed text amendment to be moved to CGMP, Policy 8.1C.1(3).e.1 through 8.1C.1(3).e.5, existing development:**

- (e) Existing development. Within the landward extent of the shoreline protection zone (SPZ), no permits shall be required for maintenance of existing uses, legally established non-conforming structures, or of other uses permitted by this section.
- 1) Existing facilities within the shoreline protection zone may be maintained, rebuilt or reconstructed within the existing foot print. Existing impervious surfaces and non-conforming structures may be enlarged vertically or horizontally, reconfigured, relocated, or redeveloped provided that such enlargement, reconstruction or redevelopment shall not result in further encroachment into the SPZ.
- 2) 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.
- 3) 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.
- 4) Removal of exotic vegetation or planting of appropriate native vegetation shall be allowed.
- 5) 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.

**The following is the proposed text amendment to be stricken CGMP, Policy 8.1C.1(3).h, exceptions and added to Policy 8.1C.1(3).e shown above:**

- ~~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.~~
- ~~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.~~

The following are proposed minor changes throughout Chapter 8. The first minor change is to provide assurances that siting a dock or boardwalk will have a minimal impact on mangroves.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1C.1(3)(c), water access:**

- (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. Water access shall be designed to minimize impacts to mangroves in the shoreline protection zone.

This proposed change is to clarify existing language in order to provide easier application of this policy. The term 'transition zone' is not defined or used elsewhere in the CGMP but is referring to the remainder of the shoreline protection zone for purposes of this policy.

**The following is the proposed text amendment to be stricken and added to CGMP, Policy 8.1C.2.(9), construction activity in estuarine systems and vegetation requirements:**

- (9) For residential lots of record, retaining walls for construction of primary or accessory structures located landward of the shoreline protection zone (Policy 8.1C.1(1)) can be placed up to five feet waterward of the shoreline protection zone line, if The slopes waterward of the retaining wall are to shall be maintained and the transition zone remainder of the shoreline protection zone shall be ~~is replanted in native vegetation compatible with elevations and proximity to water; and, provided that all zoning district setback criteria are met.~~

The language below has been added to recognize required remedial actions undertaken after discrete storm events that result in catastrophic damage and require repair as may be authorized by a state-issued Emergency Final Order. This issue was reviewed with the Board of County Commissioners on March 28, 2017, "Discussion on The Palm Cove Planned Unit Development Preserve Area", where a waterfront portion of the preserve area in the Palm Cove PUD, also referred to as the shoreline protection zone, was severely damaged by hurricanes in 2004 and 2005.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1C.2.(4), construction activity in estuarine systems and vegetation requirements:**

- (4) Shoreline hardening may be approved following extreme storm events that damage the estuarine shoreline. Where storm surge, wave action, freshwater runoff or some combination of impacts causes serious (significant) threat to life or property, the County Engineer may approve shoreline hardening, regardless of the presence of a shoreline protection zone identified on a site plan or a recorded Plat. The amount of shoreline hardening shall be based upon the best available data at the time, given consideration to environmental solutions, and the documented loss of shoreline.

This proposed change to Policy 8.1D.2 and the proposed addition of a new policy (Policy 8.1D.5) is intended to provide clarification as the County's role in the review of docking facilities, especially residential. For non-commercial docks and those docks with less than 16 slips (most commonly 2-slip residential docks), the County reviews that portion over uplands/wetlands, or the landward extent of the SPZ above mean high water. The location, permitting, and allowance of docking structures over state-owned sovereign submerged lands or submerged land is the purview of the state (property owner) and not the county.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1D.2., siting criteria for commercial marinas:**

*Policy 8.1D.2. Siting criteria for commercial marinas and multi-slip docking facilities.* The following criteria shall be used by Martin County in reviewing site plans for all commercial marina projects and in reviewing site plans for multi-slip docking facilities with more than 15 boat slips. These criteria shall be evaluated prior to the adoption of any new or revised Land Development Regulations.

**The following is the proposed text amendment to be added as a new policy to CGMP, Policy 8.1D.5., siting criteria for non-commercial and multi-slip docking facilities:**

*Policy 8.1D.5. Siting criteria for non-commercial and multi-slip docking facilities.* Martin County shall review docking facilities with less than 16 boat slips for compliance with policies for water access through the landward extent of the SPZ. The siting and permitting for docking facilities with less than 16 boat slips, including and their associated appurtenances, on submerged lands below mean high water are subject to review and approval by the state, and not by Martin County.

A transcription error was found in Ch. 8 where a policy was duplicated with the same language.

**The following is the proposed text amendment to be stricken from CGMP, Policy 8.1D.3., city/county coordination:**

~~*Policy 8.1D.3. City/County coordination.* Martin County shall cooperate and coordinate with the City of Stuart on marina siting criteria so that the County and the City have effective, consistent criteria in their development and site plan procedures for marina projects.~~

**Chapter 8 and inclusion of resiliency to address sea-level rise**

Existing language in Ch.8 discusses sea-level rise in a limited role under a policy pertaining to protection of county facilities through stormwater improvements (Policy 8.1B.1) and under Goal 8.2, Policy 8.2A.1, coastal high-hazard area, which defines the coastal high-hazard area within the county and the practices used to protect these areas.

With this amendment, staff is proposing to provide language to create a framework for resiliency now so more extensive objectives and policies can be added in the future. The county recently began a nine month study on resiliency that will cover a multitude of topics to plan and implement action to prepare for climate change. What is proposed in Ch. 8 now will likely only be a small portion of proposed changes after the county resiliency study is complete and the study panel creates recommendations on how the county can become more resilient.

The first proposed change for resiliency is suggested by the county's consultant hired to spearhead the nine-month resiliency study. The language is provided to establish resiliency planning efforts into Ch. 8.

**The following is the proposed text amendment to be added to CGMP, Section 8.1.A and Section 8.1.B, Coastal resources:**

8.1.A. *Coastal resources.* Martin County is rich in water-related coastal resources. The County's shoreline property is even more extensive than some other coastal counties due to the presence of the Indian River Lagoon, Intracoastal Waterway, St. Lucie River (both north and south forks), Manatee Pocket and Loxahatchee River (north and northwest forks). The County contains more than 135 miles of shoreline. Historically the population has always been situated along water bodies, though the concentrated settlement pattern dates only from the late 1970s and 1980s.

Protection of natural resources and planning for water-related and water-dependent uses has been a concern of Martin County centered around the Comprehensive Plan adopted in 1982. A more recent issue is adequate protection of the health of natural systems and integrating the concept of resiliency into planning efforts.

8.1.B. *Purpose and intent.* The Coastal Management Element aims to provide for understandable and predictable planning and regulation of coastal, natural systems. This element is a tool for managing the forces affecting the coastal environment. Martin County believes that prudent management policies that protect, enhance and expand the quality of the environmental treasures in our coastal zone will preserve the best of Martin County, instilling pride in its residents. This element also identifies measures that Martin County will take to avoid loss of life and minimize property damage in the event of hurricanes, tropical storms or other natural disasters and integrate resiliency planning into County initiatives.

Under Policy 8.1C.2, is criteria that regulates shoreline hardening for coastal properties. The policy is a tiered approach where stabilization of a shoreline with native vegetation is encouraged and then requires demonstration of continuing erosion that is causing a serious threat to life or property in order to use structural hardening. Shoreline hardening with a seawall being the most difficult to demonstrate after showing no other hardening alternatives are adequate. The proposed language will give property owners an option to demonstrate serious erosion has occurred from ongoing and persistent extreme tidal flooding and poses a risk to the property. The county's resiliency consultant has proposed this language.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1C.2.(2), Construction activity in estuarine systems and vegetation requirements:**

*Policy 8.1C.2. Construction activity in estuarine systems and vegetation requirements.* Hardening of the shoreline shall not be allowed without a clear demonstration that there is continuing erosion that causes a significant threat to property. Hardening shall be a last resort where it can be demonstrated that other options which maintain natural vegetation and a sloped shoreline will not provide protection. The circumstances under which shoreline protection measures shall be permitted shall be established by the County Engineer and the Growth Management Director and approved by the Board of County Commissioners. Any criteria and standards must incorporate the following:

- (1) Shorelines shall be stabilized using appropriate native wetland and/or transitional upland vegetation, wherever practicable.
- (2) Except as provided in Policy 8.1C.2.(3), shoreline hardening shall be allowed only when there is a clear demonstration that there is continuing erosion that causes a serious (significant) threat to life or property in light of the circumstances listed below, except as provided in Policy 8.1C.1.(3)(c)2) regarding boat entry/retrieval facilities and boat ramps. Native plant revegetation in combination with riprap materials, pervious interlocking brick systems, filter mats and other similar stabilization methods shall be used in lieu of vertical seawalls.

Vertical seawalls may be allowed to stabilize or harden a shoreline only when the Martin County Engineering Department, in coordination with the Martin County Growth Management Department, determines that significant erosion exists, or demonstrated

ongoing tidal flooding is occurring, and no other protection method is suitable to the specific and unique conditions of the site. An example would be a significantly eroding shoreline that drops so sharply that no suitable bank exists for placement of native plants, riprap or other materials used in similar stabilization methods. Another example would be persistent seasonal tidal flooding that impacts or poses a risk to the property. The lack of a suitable alternative to vertical seawalls must be field checked, reviewed and verified by Martin County prior to issuance of a building permit for construction of a vertical seawall.

The following proposed changes are suggested by the County's coastal engineer.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1E.5., Shoreline preservation and restoration:**

*Policy 8.1E.5. Shoreline preservation and restoration.* In collaboration with the U.S. Army Corps of Engineers, FDEP and other interested parties, the County shall continue to monitor and evaluate major factors, including sea level rise, causing shoreline erosion and measures to prevent erosion and preserve and restore shorelines.

**The following is the proposed text amendment to be added to CGMP, Policy 8.1E.14., Beach renourishment project standards:**

*Policy 8.1E.14. Beach renourishment project standards.* Beach renourishment projects shall meet the following level-of-service standards to the maximum extent practicable:

- (1) Beach fill must include a protective berm high enough to prevent flooding by a 10-year storm: and
- (2) Beach renourishment projects shall have a design life of at least five years or as feasible based on environmental conditions.

The proposed language on resiliency is suggested by the County's resiliency planning consultant in coordination with GMD staff.

**The following is the proposed text amendment to be added as a new goal to CGMP, Goal 8.3 with a new objective, Objective 8.3.A., Resiliency Planning, and four new policies, Policy 8.3A.1 through Policy 8.3A.4:**

**Goal 8.3** To protect human life by preparing and defending public and private property against recurring events such as: extreme drought, fire, high-tide, saltwater intrusion, storm surge, extreme rain events, inland flooding or, some combination of events.

*Objective 8.3A. Resiliency Planning.* The County shall develop principals, strategies, and environmental and engineering solutions that respond to recurring events such as extreme drought, fire, extreme high-tide events, storm surge, flash floods, and other related impacts associated with sea-level rise for coastal areas.

*Policy 8.3A.1. Vulnerability Analysis and Resiliency Plan.* The County shall complete a Vulnerability Analysis with Resiliency Plan that will include identification of areas projected to be impacted by future sea level rise in 2030, 2060 and 2100.

*Policy 8.3A.2. Resiliency Planning Implementation.* The County shall consider further Comprehensive Plan, Code and policy recommendations, as recommended by the Vulnerability Analysis with Resiliency Plan.

*Policy 8.3A.3. County Resiliency Planning Coordination.* The County shall seek opportunities to enhance the multiple benefits of resiliency planning by developing nature-based and built

environment strategies that can be implemented through County policies related to floodplain, emergency and natural systems management.

*Policy 8.3A.4. Interagency Resiliency Initiatives.* The County will maintain and enhance relationships with State and Federal agencies on resiliency planning including, but not limited to, FEMA's Community Rating System, the South Florida Water Management District, Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, State of Florida Chief Science Office, State of Florida Chief Resilience Officer, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, United States Geological Survey and other local governments.

## **Chapter 8 Data and Analysis**

The proposed changes of shoreline uses to be added as Policy 8.1C.(3).e.6 and Policy 8.1C.(3).e.7 will apply to existing established coastal lots of record, established as of April 1, 1982, within the county. The county conducted a shoreline inventory and analysis in 2013 of residential and commercial shoreline properties in unincorporated Martin County. The study identified that approximately 95 % of the waterfront lots are residential and mostly developed (with 7% of the waterfront lots being vacant). According to the analysis, application of the proposed policies will apply to approximately 4,006 lots of record or about 83% of the total waterfront parcels in the county (4,820 lots). The remaining 814 lots are either subject the 75 foot shoreline protection zone requirement or are under an existing plat which was created under the rules in effect at that time. These lots are not eligible for the proposed shoreline use policies because they are not lots of record. In addition, lots that are split or subdivided would not be eligible for these shoreline policies and would be subject to the current SPZ requirements.

Proposed Policy 8.1C.(3).e.6 that would allow pervious horizontal improvements within the SPZ with a building permit only applies to lots of record that have legally hardened shorelines. The 2013 study did not provide a number on how many lots of record within the county have hardened shorelines, but it did provide an approximation of length of hardened and unhardened shoreline in the county. Of the total of 161 miles of shoreline, approximately 77 miles is hardened meaning it was determined through aerial interpretation to have either a 'rip-rap' shoreline or a seawall. The study does tell us that approximately 73% or 3,514 lots are residential less than one acre. So, given that the proposed policy would apply to all lots of record, it can be inferred that approximately 73% to 83% of the total waterfront lots within the county could take advantage of this policy.

Proposed Policy 8.1C.(3).e.7 would recognize the allowance incidental uses within the SPZ for lots of record. These are the activities and uses that occur on private property and are not typically subject to review by the County as they do not require building permits. Any lot of record, hardened or unhardened, could take advantage of this proposed policy. That would be approximately 4,006 existing waterfront lots within the county.

## **CONCLUSION**

The proposed amendments to Chapter 8 are provided to bring back allowances for existing established coastal property owners as was provided with the original Comprehensive Plan policy in 1982. Although the original policy exempted bulkheaded lots of record from SPZ requirements, staff recommends retaining an SPZ on these lots. For bulkheaded lots, the uses in the SPZ are limited to pervious improvements up to a maximum of 40% of the shoreline. Staff also recommends that an environmental benefit be established for lot owners that take advantage of

this policy; hence the no-mow zone requirement. These allowances do not apply to coastal properties with wetland or wetland buffer requirements as prescribed in Chapter 9 of the Comp Plan.

Staff is also recommending establishing a framework for future Comp Plan policies for coastal resiliency, in preparation for further study, analysis and policy adoption.

### **3. FIGURES/ATTACHMENTS**

Attachment 1, CGMP Chapter 2

Attachment 2, CGMP Chapter 8

Attachment 3, 2013 Shoreline Inventory and Analysis Study

Attachment 4, Fertilizer Ordinance, Vol. 1, Ch. 67, Article 14

Attachment 5, Application Materials

Attachment 6, Aerial example of the proposed shoreline use policies

Attachment 7, 1982 CGMP shoreline policy

Attachment 8, Public Notice



Chapter 2 OVERALL GOALS AND DEFINITIONS

**Chapter 2 OVERALL GOALS AND DEFINITIONS**

Adopted:	February 20, 1990	By Ordinance No. 373
Adopted:	December 16, 2009	By Ordinance No. 843
Amended:	December 16, 2014	By Ordinance No. 965
Amended:	August 13, 2013	By Ordinance No. 938
Amended:	December 10, 2013	By Ordinance No. 946
Amended:	July 8, 2014	By Ordinance No. 957
Amended:	August 22, 2017	By Ordinance No. 1032
Amended:	February 27, 2018	By Ordinance No. 1048
Amended:	August 21, 2018	By Ordinance No. 1080

[Section 2.1. Overall Goals for Martin County's Comprehensive Growth Management Plan](#)

[Section 2.2. Overall Goals, Objectives and Policies](#)

[Section 2.3. Rules of Interpretation](#)

[Section 2.4. Definitions](#)

**Section 2.1. Overall Goals for Martin County's Comprehensive Growth Management Plan**

Martin County has endeavored to establish a Comprehensive Growth Management Plan which broadens, enhances, and protects the quality of life for its residents. The overall goals for the Comprehensive Growth Management Plan are keyed to maintaining quality residential and nonresidential uses, natural resource conservation and preservation of beneficial and protective natural systems, enhanced economic development, and fiscal conservancy. The Overall Goals, Objectives and Policies contained in this chapter summarize Goals, Objectives and Policies in other parts of the Plan.

Martin County has been proclaimed a 'Sustainable County' by the state land planning agency. Sustainable means meeting the needs of the present without compromising the ability of future generations to meet their needs. All planning decisions made by the County shall be based upon a

## Chapter 2 OVERALL GOALS AND DEFINITIONS

consideration of impacts on the ecology, quality of life and fiscal sustainability of such actions, including the long term cumulative impacts.

### Section 2.2. Overall Goals, Objectives and Policies

**Goal 2.1.** Martin County shall broaden, enhance, and protect the quality of life of Martin County residents.

*Objective 2.1A.* Text amendments to the CGMP and amendments to the FLUM shall allocate land use so as to provide for compatibility with existing development and long term planning goals.

*Policy 2.1A.1: No land uses or development shall:*

- (1) Exceed 15 units per acre. This policy shall not be applicable to densities described in the Mixed-Use Village future land use designation.
- (2) Have more than four stories. Rebuilding of oceanfront structures on Hutchinson Island to the original building configuration shall not be considered inconsistent with this policy.
- (3) Be more than 40 feet high. Building height shall be measured as described in the Land Development Regulations.

*Policy 2.1A.2.* Existing and future residential areas shall be protected from encroachment by commercial or industrial development or other non-residential uses, which would be incompatible with such residential uses. All plan amendments and development approvals shall protect residential neighborhoods from the negative impacts of more intense development. This is not intended to preclude necessary community facilities within the residential areas where residents are protected from negative impacts. This policy shall not apply to the MUV future land use designation.

*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.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

- (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.
- (6) Policy 2.1A.3. shall not apply to development within the Mixed-Use Village future land use designation.

*Policy 2.1A.4.* The Growth Management Department shall coordinate with the Building Department and the Property Appraiser's Office to provide an ongoing accurate inventory of land use.

**Measure:** The Growth Management Department shall provide an annual report on changes in the FLUM and on text changes that amended allowable land uses or development intensities or densities. The report shall include a summary of all development that has occurred in the preceding year in terms of acreage, residential units, non-residential upland acreage and land use designation. This information shall be used to update available acreage in each FLUM category and maximum allowable use on vacant residential acreage.

*Objective 2.1B.* Martin County shall create and maintain objective measures of quality of life for Martin Country residents.

*Policy 2.1B.1.* The Growth Management Department in conjunction with the Parks Department shall update data annually on the number of acres of active parks, miles of public beach, and acres of public open space.

*Policy 2.1B.2.* The Engineering Department shall report annually on sections of roadways that have deficient levels of service including an explanation of how these deficiencies will be addressed.

*Policy: 2.1B.3.* The Engineering Department shall coordinate with the Sheriff's Department to provide an annual analysis of traffic accidents and fatalities including proposals for improving roadways and intersections to avoid accidents.

**Measure:** At the time of the Evaluation and Appraisal Report (EAR) the county shall use the data collected under Policies 2.1 B., 1., 2., and 3. above to compare Martin County to adjacent counties and to counties of similar size in Florida.

**Goal 2.2.** Martin County shall ensure natural resource conservation and conservation of the area's natural communities.

*Objective 2.2A.* Martin County shall preserve all wetlands regardless of size unless prohibited by state law.

*Policy 2.2A.1.* All wetlands shall be preserved except as set out in the exceptions listed below. "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do

## Chapter 2 OVERALL GOALS AND DEFINITIONS

not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of the landward boundary of wetlands must be as required by state law.

The intent of this policy is to protect natural wetland systems even when they are affected by manmade excavations. This policy is not intended to protect manmade excavations in uplands. Though manmade wetlands are exempt from this policy and are not protected as natural wetlands, development review shall assure that impacts to them do not adversely affect drainage or natural systems.

*Policy 2.2A.2.* Exceptions to allow wetland alteration are limited to:

- (1) providing access for utilities, stormwater facilities, roads and bridges, removal of exotic vegetation, docks, boat entry, and elevated boardwalks
- (2) lots of record as of 1982 to provide reasonable use
- (3) CERP projects as outlined in Policy 9.1G.2.(7)(f).
- (4) Where the applicant demonstrates that encroachment of the wetlands or wetland buffers is necessary for access, and no reasonable upland alternative exists. In such cases, an exemption will be granted only when appropriate environmental agencies or the Martin County Growth Management Department certify in writing that it is the least damaging alternative, and that the applicant has submitted a mitigation proposal that will minimize damage to the extent technically feasible.

*Policy 2.2A.3.* In all cases where wetlands alterations are allowed the least damaging alternative shall be chosen and mitigation shall replace the functions and values and the spatial extent of the altered wetlands. Exceptions shall not result in adverse impacts on plants and animals that are designated by the federal government or the state of Florida as "Endangered" or "Threatened".

*Policy 2.2A.4.* Development plans shall provide restoration of the natural hydroperiod to the maximum extent technically feasible, and shall provide for buffers, exotic vegetation removal, long term maintenance guarantees, and any other actions necessary to assure the continuing values and functions of the wetland area.

*Policy 2.2A.5.* Where evidence indicates that drainage, clearing or other development or manmade impacts has taken place since April 1, 1982, in violation of applicable wetland development restrictions in effect at the time the violation occurred, restoration shall be required before any development permits or orders are issued, or within 90 days after receiving a notice of violation. A minimum two-year letter of credit or other acceptable financial alternative must be submitted to assure the successful restoration of the violation. This policy shall apply regardless of whether or not the wetlands in question have ever been delineated through either a binding or nonbinding boundary determination. However, where there has been a binding determination by a state agency or the SFWMD, that determination will control as required by law.

*Policy 2.2A.6.* The Growth Management Department, in coordination with Code Enforcement shall establish and maintain a procedure to effectively ensure compliance with Preserve Area Management Plans (PAMPS).

*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.

## - COMPREHENSIVE GROWTH MANAGEMENT PLAN

### Chapter 2 OVERALL GOALS AND DEFINITIONS

*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."

*Objective 2.2C.* Martin County shall ensure that all official actions of the County support and further a safe, healthy and ecologically balanced St. Lucie River Estuary and Indian River Lagoon, which are natural resources that are vital to the economy and quality of life of Martin County and the Treasure Coast. This objective will not be applicable where official actions do not impact the St. Lucie River Estuary and Indian River Lagoon, or where development activities comply with the comprehensive plan and land development regulations.

*Policy 2.2C.1.* Martin County shall continue to work with the SFWMD, the state legislature, the Corps of Engineers and Congress to provide continuing implementation of Comprehensive Everglades Restoration Plan (CERP) and the Indian River Lagoon-South CERP component.

*Policy 2.2C.2.* Martin County shall lobby vigorously at the state and federal level for implementation of the CERP and the Indian River Lagoon South component.

*Policy 2.2C.3.* Martin County shall support the Corp's Central Everglades Planning Project (CEPP) and other initiatives which will move more water south from Lake Okeechobee to Everglades National Park and provide storage and treatment in order to reduce fresh water, nutrient laden discharges into the St Lucie River from the C-23, C-24 and C-44 canals and Lake Okeechobee.

*Policy 2.2C.4.* Martin County shall encourage agency rule changes that move more water south within the current infrastructure limitations.

*Policy 2.2C.5.* Changes to the FLUM or the text of the Comprehensive Plan that would negatively affect implementation of CERP or the Indian River Lagoon South component by compromising their success or increasing cost, shall not be allowed unless the applicant clearly demonstrates with supporting evidence, that the denial of such request would result in a violation of its constitutional or statutory property rights.

*Policy 2.2C.6.* Surface and stormwater management regulations. The County shall continue to actively enforce established surface and stormwater management regulations so as to eliminate inadequately maintained or designed systems that are degrading water quality, in accordance with Chapter 13. Martin County shall ensure that proposed developments are designed and constructed so that stormwater system improvements meet County and SFWMD criteria. This includes both on-site and off-site improvements of public and private facilities.

*Policy 2.2C.7.* Martin County shall protect shorelines, mangroves, seagrasses, and oyster bars in the estuaries.

*Policy 2.2C.8.* Martin County shall work with residents to implement local programs to help lessen pollution in runoff from residential neighborhoods.

*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~~ as provided pursuant to Chapter 8, Coastal Management. 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

## Chapter 2 OVERALL GOALS AND DEFINITIONS

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.~~

Chapter 2 OVERALL GOALS AND DEFINITIONS

- ~~(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.~~

## - COMPREHENSIVE GROWTH MANAGEMENT PLAN

### Chapter 2 OVERALL GOALS AND DEFINITIONS

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

Measure: The county shall request an annual report from the Corps of Engineers and the SFWMD on progress in implementing the Indian River Lagoon Plan and other components of CERP which affect Martin County.

Measure: Martin County's state legislative delegation and Congressmen and Senators shall be asked to provide the County with an annual Report on the progress of CERP and the Indian River Lagoon South component.

Measure: Martin County shall work with state and federal agencies to monitor discharges to major canals leading to the St. Lucie River. The goal of said monitoring shall be to identify problem areas and create strategies to reduce those problems.

*Objective 2.2D.* Martin County shall protect and restore the Loxahatchee River, Florida's first National Wild and Scenic River.

*Policy 2.2D.1.* Martin County shall support implementation of the Loxahatchee River Watershed Restoration Project which is a component of the Comprehensive Everglades Restoration Plan.

*Policy 2.2D.2.* In considering amendments to the CGMP in the watershed of the Loxahatchee River which increase the intensity of use, the Board shall consider whether the more intense land use will negatively impact the ability to restore natural timing, volume, and water quality to the Loxahatchee River. Figure 5. From the 2010 Loxahatchee River National Wild and Scenic River Management Plan shall be used to identify the boundary of the Loxahatchee River Watershed in unincorporated Martin County. The 2010 Loxahatchee River National Wild and Scenic River Management Plan is a public record available from the PEP and SFWMD.

*Policy 2.2D.3.* Through its land use authority, under Chapter 163, to the maximum extent reasonably achievable, that the impacts of development approvals do not diminish the water supply during the dry season for the Loxahatchee River and its associated wetlands.

*Objective 2.2E.* Within the limits of state law. Martin County shall use its land use authority to protect the freshwater aquifer.

*Policy 2.2E.1.* Storage and recharge potential of properties shall be maintained and, where possible, increased or enhanced through the use of retention/detention areas, existing wetland, open space and other means. The County shall use its land use authority under FS 163 to ensure that land use decisions shall not result in the reduction of the normal seasonal wetland water levels. Implementation of this policy shall include the CGMP and the Land Development Regulations and shall not transgress the SFWMD's authority under state law to regulate consumptive use permitting.

*Policy 2.2E.2.* The aquifer shall be protected from pollution and salt water intrusion.

Measure: The County shall work with the United States Geological Survey and the South Florida Water Management District to obtain information for use in the Evaluation and Appraisal Report (EAR) which tracks trends in water levels, pollutant levels and salt intrusion in the surficial aquifer.

**Goal 2.3.** Martin County shall promote orderly and balanced economic growth while protecting natural resources, enhancing the quality of life in Martin County, and providing prudent fiscal management.

*Objective 2.3A.* Martin County shall adopt land use regulations that will encourage economic development to the extent consistent with the goals, objectives and policies of the CGMP.



## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Policy 2.3A.1.* Martin County shall establish reasonable, clear, and objective standards for issuing permits for non-residential uses.

*Policy 2.3A.2.* Application requirements shall be simplified in industrial parks for where property has been subdivided and facilities are available.

**Measure:** The Growth Management Department shall maintain a list of industrial subdivisions that have all facilities available. A list shall be maintained of areas of vacant Industrial land use that are not available for immediate use along with a report on how their deficiencies can be remedied.

*Objective 2.3B.* Martin County, in conjunction with the developer, shall provide public facilities necessary for development concurrent with the need for those facilities.

*Policy 2.3B.1.* Martin County shall enforce the concurrency standards for sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities (including mass transit where applicable) as detailed in Chapter 14, Capital Improvements, as critical components of maintaining the quality of life for existing and new residents as well as providing balanced economic growth. Standards shall be updated as needed to ensure that an acceptable level of service is maintained for public facilities.

*Policy 2.3B.2.* Martin County concurrency standards shall:

- (1) Provide adequate facilities for businesses to function efficiently according to adopted levels of service;
- (2) Ensure a quality of life acceptable to county residents; and
- (3) Ensure that growth will pay for itself.

*Policy 2.3B.3.* All development must meet the concurrency requirements of this Plan.

*Policy 2.3B.4.* No FLUM amendment or text amendments shall lessen the requirements of this Plan to provide an acceptable level of public services for the people of Martin County unless mandated by state law.

*Objective 2.3C.* Martin County shall use objective indicators to measure economic health.

*Policy 2.3C.1.* The county shall obtain information from EDR and other sources on the economy, identified in Chapter 15, Economic Element.

*Objective 2.3D.* Martin County shall coordinate with and support the county's public schools as an incentive to business creation, expansion, and relocation.

*Policy 2.3D.1.* The county shall work with the Martin County School District and Indian River State College to showcase the high caliber of county schools.

*Policy 2.3D.2.* Martin County schools shall be used as an incentive to business creation, expansion, and relocation.

*Policy 2.3D.3.* Impact fees shall be kept current to avoid school overcrowding.

**Goal 2.4.** Prudent fiscal management shall be a primary goal in all County actions and in all development approvals.

*Objective 2.4A.* Martin County shall limit local tax burdens while funding facilities and services needed to maintain the quality of life and support services necessary for growth.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Policy 2.4A.1.* New development shall pay the cost of the facilities it requires. Impact fees, enterprise fund user charges, connection fees, and other user fees paid by new development shall be reviewed every two years to ensure that provision of capital improvements needed to address the impact of future development will not increase ad valorem tax rates.

*Policy 2.4A.2.* Impact fees shall be designed to make sure that there is a rational nexus between the fees collected and the impact of the project paying the fees. Fees collected for a category of public facilities must be expended for those kinds of facilities.

*Policy 2.4A.3.* The County shall ensure honesty and efficiency in all departments and agencies receiving county funds by requiring open meetings and transparency in decision making; by requiring strict conflict of interest and disclosure policies; and by requiring objective accountability for results.

*Policy 2.4A.4.* The County shall not waive impact fees for any project. Where a super-majority of the county commission determines that a public purpose is being served, the commission may pay impact fees with other county revenues.

*Policy 2.4A.5.* Property with an agricultural tax classification may be granted a land use change which allows urban development provided any existing agricultural classification is removed at the first opportunity after approval of a final development order. This policy only applies to the land area subject to the final development order. If a land area maintains an agricultural tax classification for the years following approval of a final development order, it shall be subject to a County initiated process to rescind the final development order. This is in no way intended to prevent any landowner from taking advantage of state law in regard to the agricultural tax classification. This policy shall not apply to any property that received a FLUM or text amendment allowing urban uses that was adopted prior to the effective date of Ordinance Nos. 938, 945, 946 and Ordinance No. 957.

*Objective 2.4B.* Martin County shall use the Capital Improvement Plan to ensure that concurrency management strategies are fiscally feasible and expenditures are properly prioritized to meet critical needs.

*Policy 2.4B.1.* All revenues in the CIP shall be from dedicated sources.

*Policy 2.4B.2.* Expenditures in the CIP shall be prioritized as follows:

- (1) New public facilities and improvements to existing public facilities that eliminate public hazards;
- (2) Repair, remodeling, renovation or replacement of obsolete or worn-out facilities that contribute to achieving or maintaining standards for levels of service adopted in this Comprehensive Growth Management Plan in accordance with standards;
- (3) New or expanded facilities that reduce or eliminate deficiencies in levels of service for existing demand;
- (4) Improvements to existing and new facilities that significantly reduce the operating cost of providing a service or facility or otherwise mitigate impacts of public facilities on future operating budgets;
- (5) New or expanded facilities that provide the adopted levels of service for new development and redevelopment during the next 10 fiscal years, pursuant to Policy 14.1A.10, CGMP.
- (6) New or expanded public facilities that are contained in a Community Redevelopment Plan and scheduled in the next five years;

## Chapter 2 OVERALL GOALS AND DEFINITIONS

- (7) New facilities that exceed the adopted levels of service for new growth during the next five fiscal years pursuant to Policy 14.1A.10, CGMP.

Measure: The administrator shall report failures of the CIP to cover prioritized needs and shall propose solutions to prevent a recurrence of the problem.

*Objective 2.4C.* Martin County shall coordinate the timetables of developments with expected population projections so that development approvals are consistent with a fiscally feasible strategy for planning and construction of public facilities.

*Policy 2.4C.1.* Because excessive development approvals require capital expenditures on facilities that will not be needed, the county shall adopt a planning system to track residential development approvals and limit final residential development approvals scheduled for the first five years of the 15 year planning period, to 125% of the projected need for residential units for that period.

*Policy 2.4C.2.* Appropriate action shall be taken in a timely fashion to remove projects from the tracking list that are no longer active. An active residential development is a residential development that has final site plan approval and is meeting all requirements of the development order, including the timetable.

*Policy 2.4C.3.* Except for platted single family and duplex lots, no development order shall grant vested rights to any project beyond the last year of the CIP, unless executive orders by the Governor require timetable extensions to be granted.

### Section 2.3. Rules of Interpretation

*Generally.* The Comprehensive Growth Management Plan shall be interpreted and administered to achieve consistency throughout the Plan as interpreted by the Board of County Commissioners. Where provisions conflict, the more restrictive requirements shall govern.

1. Words used or defined in one tense or form shall include other tenses or derivative forms.
2. Words in the singular shall include the plural and words in the plural shall include the singular.
3. The masculine gender shall include the feminine and the feminine shall include the masculine.
4. The particular shall control the general.
5. The words "must" or "shall" or "will" are mandatory.
6. The word "may" and "should" are permissive.
7. In the event of a conflict between the text of the Comprehensive Growth Management Plan and any caption, illustration, table, map, graph or chart, the text shall control.
8. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

10. Words or phrases shall be construed according to their customary meaning unless defined in the Comprehensive Growth Management Plan.
11. The terms "written" or "in writing" shall be construed to include any representation of words, letters, diagrams or figures, whether by printing or otherwise.
12. Any reference to laws, ordinances, codes, or other regulations shall include any future amendment to such laws, ordinances or regulations.
13. Unless specified otherwise, a "day" shall be a calendar day.
14. The word "person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
15. The word "erected" also includes constructed, reconstructed, altered, placed, or relocated.
16. Quality of Life. Where the comprehensive plan contains requirements to maintain, protect, or enhance quality of life, it is referring to goals, objectives and policies within the plan that make Martin County people friendly, environmentally friendly, business friendly, and fiscally prudent.
17. Prospective application. All comprehensive plan amendments shall be applied prospectively unless the amendment specifically provides for retroactive application.
18. Status of agricultural activities. Amendments to the CGMP adopted in August or December 2013 and July 8, 2014 do not change the manner or scope of the county's regulation of agricultural uses.

### Section 2.4. Definitions

*Accessory dwelling units (ADUs):* Also referred to as accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.

*Active developments:* Projects with current development orders issued pursuant to F.S. chapter 380 (Developments of Regional Impacts). projects vested under section 1.12 of this Plan, and projects granted to a local development order where the development process has commenced and is continuing in good faith.

*Active residential development:* A residential development that has final site plan approval and is meeting all requirements of the development order, including the timetable.

*Active parkland:* Parks where improvements to the land are the major attractor.

*Advanced treatment plant:* A treatment facility using processes that treat water to a higher level than conventional treatment. In addition to conventional surface water treatment processes (coagulation, flocculation, sedimentation and filtration), an advanced treatment plant may use ozonation, granular activated carbon adsorption treatment, or both.

*Aeration:* Induction of air into the water to achieve oxidation (removal) of certain constituents such as iron and certain gases such as hydrogen sulfide.

*Affordable housing:* Affordable housing is defined by housing programs of the federal government, the Florida Affordable Housing Act of 1986, the Florida Housing Finance Corporation and local housing agencies. Affordable housing is defined as housing for which monthly rents or mortgage payments, including taxes, insurance and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households or persons indicated in Section 420.0004, Florida Statutes. For renter-occupied housing, this percentage would include monthly contract rent and utilities.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

The five categories used to define affordable housing are; extremely low income, very low income, low income, moderate income, and workforce housing. Each is defined below. The income ranges are based on the median household income for an area.

- *Extremely low income households:* Households whose annual gross income, adjusted for family size, does not exceed 30 percent of the median annual income in Martin County;
- *Very low income households:* Households whose annual gross income, adjusted for family size, does not exceed 50 percent of the median annual income in Martin County;
- *Low income households:* Households whose annual gross income, adjusted for family size, does not exceed 80 percent of the median annual income in Martin County;
- *Moderate income households:* Households whose annual gross income, adjusted for family size, does not exceed 120 percent of the median annual income in Martin County;
- *Workforce housing:* Housing that is affordable to persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.

*Alternative water supplies:* Water sources designated as nontraditional for a water supply planning region. These include salt water; brackish surface and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water reclaimed after one or more public supply, municipal, industrial, commercial or agricultural uses; downstream augmentation of water bodies with reclaimed water; and stormwater. (Source: Florida Statutes section 373.019)

*Aquifer:* A groundwater-bearing geologic formation that contains enough saturated permeable material to yield significant quantities of water.

*Archaeological site:* A site where relics or remnants of past human activity are preserved.

*Architectural enhancements:* Design components of a building that significantly increase the aesthetic appeal or that provide an opportunity for arts display and/or performances. Aesthetic features include fountains, arches, sculpture and stained glass. Opportunities for arts display include display areas, stage, amphitheaters, lighting, sculpture and stained glass.

*Arterial road:* A roadway primarily used by through traffic, usually on a continuous route, or a roadway designated as part of a principal roadway system.

*Art in public places:* A program that supports exhibits and performances of cultural or artistic merit in public buildings or areas of significant public use.

*Arts facility:* A structure that houses any artistic discipline, including music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, environmental art, photography or crafts, and the teaching and exhibition of these artistic disciplines.

*Artesian well:* A human-made connection from the surface to a water-bearing formation (Floridan aquifer) that allows for extraction of water. An artesian well has sufficient pressure to force water upwards.

*Artworks :* Tangible objects produced according to aesthetic principles, including paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings. Additionally, it includes ecological/environmental art, architectural enhancements and other artistic expressions that are aesthetically pleasing.

*Average annual daily traffic (AADT):* Denotes the daily traffic averaged over one calendar year.

*Beach access area:* A public beach access site developed to a lesser degree than a beach park and intended for less intensive use, having improved parking and public beach access, but few other amenities.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Best available data:* means data that derives from a source that is generally recognized as authoritative, methodologically sound, and currently valid in the profession or professions relevant to the planning issue. Where accurate and timely information exists based on data from Martin County, it shall be considered the best available data.

*Biosolid disposal:* Treatment techniques allowing proper disposal of biosolids to prevent adverse environmental impacts. These techniques can include use as a land fertilizer or dewatering for disposal at a solid waste landfill.

*Buffer:* A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. It can be a physical and/or spatial separation. An appropriate buffer may vary depending on the purpose of the buffer, and shall be determined by the appropriate Land Development Regulation.

*Canal:* An artificial waterway providing access to surface waters of the State or their tributary systems for the purposes of navigation, aesthetics, recreation and/or enhancement of property value. This definition expressly excludes nonresidential canals required for agricultural irrigation and drainage purposes with a legal spillway, pump station or control structure that does not provide ingress and egress for navigation. This definition excludes appropriately designed swales and ditches approved by Martin County as necessary for controlled discharge of surface water.

*Capacity:* The limiting (maximum) number of vehicles that can be expected to traverse a unit of distance on a roadway under ideal flow conditions. For the purpose of this Plan, road capacity is established by the methodology adopted by the Florida Department of Transportation latest Quality/Level of Service.

*Capital improvement:* Land, improvements to land, structures (including design, permitting and construction), initial furnishings and selected equipment (including ambulances, fire apparatus and library collection materials). Capital improvements have an expected useful life of at least three years. Other capital costs - such as motor vehicles and motorized equipment, computers and office equipment, office furnishings and small tools - are considered in the County's annual budget. However, such items are not capital improvements for the purposes of the Comprehensive Growth Management Plan, or the issuance of development orders.

*Category of public facilities:* A specific group of public facilities, as follows:

- *Category A:* arterial and collector roads, active parkland, water management, potable water, sanitary sewer, solid waste, public school and fire rescue facilities.
- *Category B:* libraries, correctional institutions and other government facilities owned or operated by the County.
- *Category C:* arterial and collector roads owned or operated by Federal or State governments, and potable water and sanitary sewer facilities owned or operated by independent districts or private organizations.
- *Category D:* public health facilities owned or operated by Federal, State and municipal governments, independent districts and private organizations; and arterial and collector roads (municipal streets), water management, potable water, sanitary sewer, and parks and recreation facilities, and solid waste facilities owned or operated by municipal governments; water management and park and recreation facilities owned and operated by Federal and State governments; and park and recreation facilities, and solid waste facilities owned or operated by private organizations.
- *Category E:* public facilities for which level of service standards are not applied. These facilities include the airport and golf courses.

*Chlorination:* The addition of chlorine to treated water as a disinfectant to control bacteria.

*CIE/CIP:* Capital Improvements Element/Capital Improvements Plan.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Class I Waters:* Fourteen general areas throughout the state used as a drinking water supply, including: impoundments and associated tributaries and certain lakes, rivers, or portions of rivers.

*Class II Waters:* Coastal waters where shellfish are harvested.

*Class III Waters:* The surface waters of the State, unless described in rule 62-302.400 F.A.C.

*Coastal High Hazard Area: (State Statute)* The coastal high-hazard area is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. §163.3178(2)(h), Fla. Stat. (2017)

*Coastal High Hazard Area: (Code of Federal Regulations)* A Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. 44 C.F.R. §59.1 (2006)

*Collector road:* In rural areas, a roadway that connects small towns and local roadways to arterial roadways; in urban areas, a roadway that provides land access and traffic circulation within residential, commercial, and business areas and connects local roadways to arterial roadways.

*Commercial core areas (CCA):* Historical community centers where retail and service businesses have agglomerated and the existing and planned principal arterial intersections where community-sized and larger shopping centers are being established.

*Commercial marina:* A facility for the commercial docking, launching, mooring or storage of vessels and which may include accessory retail and service uses, such as the sale, lease, or rental of boats, bait and tackle shops, off-loading and processing of commercial seafood products, and marine equipment sales.

*Community park:* A County-owned and County-managed recreation site with facilities for active recreation, including ball fields and courts, serving a population within a 3-mile radius.

*Community Redevelopment Area (CRA):* A slum or blighted area, or an area with a shortage of housing that is affordable to residents of low or moderate income, including the elderly; or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout; or a combination thereof; and designated by the governing body as appropriate for community redevelopment. Community Redevelopment Areas shall be designated on the Future Land Use Map.

*Complete street:* A roadway that accommodates all travelers, particularly public transit users, bicyclists, pedestrians, and motorists, to enable all travelers to use the roadway safely and efficiently.

*Concurrency:* Provision of public facilities and services needed to support development at the time the impacts of such development occur.

*Concurrency management:* The coordination of land use decisions and available or projected fiscal resources with a schedule of capital improvements that maintains adopted level of service standards and meets the existing and future facility needs.

*Cone of depression:* A conical area of reduced water levels resulting from withdrawal of groundwater from a point source, such as a well. The extent and depth of the depression is a function of the hydraulic properties of the aquifer, pumpage rates and recharge rates.

*Consistent:* Developments approved or undertaken by Martin County shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, criteria, land uses, and densities or intensities in the Comprehensive Plan.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Cultural and performing arts center:* A building with the acoustics, space, lighting, stages and other relevant design items needed for the performance of theater, music and dance; visual exhibits; and lectures and meetings.

*Deep well :* An injection well constructed to dispose of wastewater effluent into the injection zone. The injection zone used in Martin County is approximately 3,000 feet below ground surface. It consists of limestone boulders topped by an impervious confining zone that restricts fluid movement above the boulder zone.

*Demolition:* The intended destruction of a building, in whole or in part, and removal from its site.

*Development :* For the purposes of the CGMP, the term "development" shall mean the carrying out of any building activity or mining operation, the making of any material change in the redevelopment or modification of an existing use or appearance of any structure or land which creates additional impacts, and the dividing of land into three or more lots, tracts or parcels (including planned unit developments).

*Development order:* Any order granting, denying, or granting with conditions, an application for a building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance or any other official action of the County having the effect of permitting the development of land.

*Development order, final:* A building permit, final plat approval (except for boundary plats), final development plan approval, excavation and fill permit approval, landscape approval, mining permit or any other development order which results in an immediate and continuing impact upon public facilities.

*Development order, preliminary:* Means a DRI development approval, zoning approval, preliminary plat approval, a boundary plat for which additional final development plans would be required, preliminary development plan approval, master plan approval, Board of Adjustment approval and any other development order, other than a final development order.

*Domestic self-supply:* Water used by households whose primary sources are private wells or water treatment facilities (also referred to as package water treatment plants) with pumpages of less than 0.1 million gallons per day (Source: SFWMD, Consolidated Water Supply Plan Support Document).

*Domestic wastewater residuals (sludge or biosolids):* Solid, semisolid or liquid residue generated during the treatment of domestic wastewater in a treatment facility.

*Drainage basin:* An area that contributes stormwater to a drainage system, estuarine waters or oceanic waters, including all areas artificially added to the basin.

*Drainage facilities:* A system of structures designed to collect, convey, hold, divert or discharge stormwater, including sewers, canals, culverts, weirs (dams), control structures and detention and retention facilities.

*Drawdown:* Lowering of existing groundwater level caused by the withdrawal of water from the aquifer.

*Dune Preservation Zone:* The mean high water line of the Atlantic Ocean to a point 50 feet westerly of the coastal construction control line, as in force and in effect on June 1, 1985. It is prohibited to clear or excavate the beach or dune in the dune preservation zone for any reason, other than approved shore protection, beach restoration, dune crossovers or activities related to beach safety.

*Economic leakage:* The process by which funds earned in an area leave the area. When savings, taxes and imports "leak" out of the local economy, it reduces the total funds available in the economy. The presence of leakage suggests there is an opportunity to grow the local economy by capturing leaked dollars.

*Effluent:* Wastewater that has received secondary treatment from a wastewater treatment plant.

*Effluent reuse:* An environmentally sound practice using effluent for purposes such as irrigation. Effluent to be reused requires advanced treatment, including filtration and additional disinfection.



## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Environmental art:* A model of art that investigates climate change and ecological/environmental sustainability by bringing together science and the arts in a variety of events such as performances, exhibits, talks, tours, films and fairs.

*Estuarine waters:* Region of interaction between rivers and near-shore ocean waters where tidal action and river flow mix fresh and salt water. Such areas include bays, mouths of rivers, salt marshes and lagoons. These brackish water ecosystems shelter and feed marine life, birds and wildlife.

*Federal Aviation Regulation (FAR):* All FARs are contained in Title 14, Code of Federal Regulations. The "Part" number identifies the specific subject area. For example: Part 77—Title: Objects Affecting Navigable Airspace).

*Federal Transit Administration (FTA):* The agency within the U.S. Department of Transportation charged with overseeing transit-related policies and programs.

*Fishing access:* Undeveloped or developed land that provides public access for fishing. It is measured in footage of shoreline or pier length.

*Fixed base operator (FBO):* Airport service business related to repair, refueling, charter, flight instruction, etc. as defined by the statute for fixed base operators.

*Floridan Aquifer:* The major confined limestone aquifer underlying the entire Florida peninsula, extending from 600 to 1,500 feet below the land surface. Its water quality is generally lower than the Surficial aquifer. The water contains moderate to high concentrations of dissolved solids (chlorides), thereby requiring advanced treatment methods for use as potable water.

*Florida intrastate highway system (FIHS):* A statewide network of limited-access and controlled-access highways designed with general-use and exclusive-use lanes to accommodate Florida's high speed and high volume highway traffic.

*Force main:* A pressure transmission pipe that transports wastewater from a lift station to the wastewater treatment plant.

*Foster care facility:* A facility that houses foster residents and provides a family living environment, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents, and serving either children or adult residents.

*Full service beach park:* A fully developed public beach access site with lifeguards, restrooms, showers, picnic areas, improved parking and other amenities for the management and use of large crowds.

*Functional classification:* A classification system for the roadway network denoting what function particular roads serve. Due to different planning perspectives, the State and County maintain different functional classification systems. The adopted Florida Department of Transportation (FDOT) Functional Classification map is on file with the Martin County Engineering Department.

*General aviation:* That portion of civil aviation that encompasses all facets of aviation except air carriers holding a certificate of public convenience and necessity from the Federal Aviation Administration.

*Green building practices:* The application of development standards aimed at utilizing sustainable site development practices, saving energy, utilizing renewable energy sources, reusing existing materials, improving water efficiency, reducing carbon dioxide emissions, improving environmental quality, improving air quality and conserving resources.

*Groundwater:* Water that fills all unblocked voids of underlying material below the natural ground surface, which is the upper limit of saturation, or water held in the unsaturated zone by capillarity.

*Groundwater basin:* An area that holds water beneath the land surface. It is defined by groundwater recharge divides (areas with a high water table that usually coincide with topographic elevation) and

## Chapter 2 OVERALL GOALS AND DEFINITIONS

groundwater discharge divides (usually streams into which groundwater discharges). Groundwater basins often coincide with surface water drainage basins.

*Group home:* A facility that provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. This definition includes adult congregate living facilities comparable in size to group homes. This definition does not include rooming houses or boarding houses, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes or emergency shelters.

*Guidelines for preservation:* Criteria published in the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

*Heliport:* An area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters and includes its buildings and facilities, if any.

*Historic district:* A collection of archaeological sites, buildings, structures, landscape features or other improvements concentrated in the same area and designated as a district.

*Historic marker:* An official marker designating a site of historic significance.

*Historic Preservation Board:* A board of citizens established by the Martin County Board of County Commissioners for the purpose of assisting in the implementation of historic preservation activities.

*Historic resource:* A 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 monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure troves, artifacts or other objects with intrinsic historical or archaeological value relating to the history, government or culture of Martin County or the United States of America.

*Historic sites survey:* A comprehensive survey compiled for Martin County involving the identification, research and documentation of buildings, sites and structures of any historical, cultural, archaeological or architectural importance in Martin County.

*Housing trust fund:* A dedicated source of revenue available to assist people, who qualify based on income, to attain housing that is affordable.

*Housing units in actual use:* Means the number of residential housing units occupied by permanent residents as classified by the US Census, plus the number of vacant seasonal housing units. Housing units in actual use equals the occupied housing units plus vacant seasonal housing units.

*Incentive:* The addition of a positive measure and/or the elimination or reduction of a negative measure to encourage activities, programs, or projects to obtain a specific goal.

*Individual potable water treatment system:* A potable water well, treatment and supply system which serves nonresidential uses with a flow rate of less than or equal to 2,000 gallons per day, and where treatment is mandated by governing agencies.

*Industrial, hazardous or toxic sewage waste* — From 64E-6.002(29) FAC. — Wastewater not otherwise defined as domestic sewage waste or commercial sewage waste. Wastewater carried off by floor drains, utility sinks and equipment drains located in buildings in industrial or manufacturing areas, estimated volumes of commercial sewage wastes exceeding 5,000 gallons per day, wastewater from commercial laundry facilities with more than four self-service machines, and wastewater from car and truck washes are included in this definition.

*Infill development:* Development occurring in vacant areas in the urbanized parts of the County.

*Influent:* Untreated or raw wastewater delivered by a combination of gravity sewers and force mains to the head end (front end) of a wastewater treatment facility.

*Injection well/zone:* A well in which fluid is transmitted to a subterranean formation.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Interim level of service:* A temporary level of service designation for a roadway link that expires after limited time or when a specified traffic volume threshold is reached, whichever occurs first. The interim level is usually below the adopted level of service for the road network and is linked to a specific programmed improvement designed to bring the operation of the facility up to the adopted level.

*Interim package plant:* A temporary package plant or septic system in service until a regional system is available in close enough proximity and with adequate capacity.

*Interim water systems:* Any temporary potable water treatment and supply system, other than an individual potable water well, in service until a regional system is available in close enough proximity and with adequate capacity.

*Interlocal Agreement for School Facilities Planning and Siting:* The interlocal agreement detailing the responsibilities and coordination processes necessary to implement joint planning, school siting procedures, and school concurrency between Martin County, City of Stuart and the School Board of Martin County. It was signed by the School Board on February 19, 2008, and made effective by Martin County on March 11, 2008.

*Investor-owned public sewage system:* A wastewater treatment facility that is not owned by the government but is regulated by the Florida Public Service Commission.

*Ion exchange:* A reversible chemical process in which ions from an insoluble permanent solid medium (the ion exchanger - usually a resin) are exchanged for ions in a solution or fluid mixture surrounding the insoluble medium. The superficial physical structure of the solid is not affected. Both cation and anion exchange are used for water conditioning. Cation exchange is commonly used for water softening.

*Large multislip docking facility:* A boat facility constructed and used as a private docking area within residential areas. The facility is for the exclusive use of the residents and is not for use by the general public.

*Leap-frog development:* Developments located beyond the fringe of urban development where the planned provision of urban services cannot be assured in a cost-effective manner and where community planning goals would be adversely affected.

*Level of service (LOS):* An indicator of the extent or degree of service provided by, or proposed to be provided by a facility, based on and related to the facility's operational characteristics. Level of service indicates the capacity per unit of demand for a public facility.

*Lime softening:* The use of lime in a chemical precipitation process to remove compounds that contribute to hardness in water. Lime softening enhances the aesthetic quality of potable water.

*Limited access highway:* An expressway; a highway especially planned for high-speed traffic, usually having few if any intersections, limited points of access or exit, and a divider between lanes for traffic moving in opposite directions.

*Linkage fees:* Fees collected from nonresidential and market-rate residential development and placed in a trust fund to be used in building affordable homes for low-wage workers.

*Live-work units:* Buildings or structures used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary place of work.

*Living shorelines:* An environmentally sound practice that uses materials and methods of construction intended to stabilize shorelines and reduce erosion while simultaneously enhancing environmental function by providing habitat for marine organisms, grasses, fish and wildlife.

*Local street:* A street intended to provide access to abutting properties, which tends to accommodate lower traffic volumes and serves to provide mobility within that neighborhood (see also Residential road).

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Local register of historic places:* A listing maintained by the Martin County Historic Preservation Board, of various sites, buildings, structures, objects and districts that are historically significant, as determined by criteria established by local ordinance.

*Material Change:* Any change to the allowable uses, densities or intensities, development standards, extent of development allowances or infrastructure or preservation requirements. deadlines for payment of fees, completion of work or similar substantive matters, or other substantive aspect of development that may increase the impact of the amendment, including those related to financial obligations.

*Mean high water line:* the intersection of the tidal plane of mean high water with the shore as determined in accordance with Chapter 177, Part II, Florida Statutes.

*Metropolitan Planning Organization (MPO):* Mandated by the 1973 Federal Aid Highway Act, the MPO serves as the planning/decision-making body for the Metropolitan Planning Area (MPA) in Martin County. The policy-making board consists of elected officials from Martin County, the City of Stuart, and the Town of Sewall's Point.

*Mixed Use Overlay (MUO):* A land use overlay area as shown on the Future Land Use Map within a designated community redevelopment area where mixed-use projects are authorized and encouraged.

*Mixed-use project (MUP):* A parcel of land, with one or more buildings, containing more than one land use type where the land uses are in close proximity, are planned as a unified, complementary whole and are functionally integrated for the use of shared infrastructure.

*Mobile home:* A structure that is transportable in one or more sections, built on a permanent chassis and designed for use as a single-family residential dwelling when connected to the required utilities. If fabricated after June 15, 1976, each section should bear a U.S. Department of Housing and Urban Development (HUD) label certifying its compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283.

*National Register of Historic Places:* A federal listing maintained by the National Park Service of buildings, sites, structures, objects and districts that are historically significant, as defined by the Historic Preservation Act of 1966 (amended).

*Native Upland Habitat:* Native plant community associations, including canopy, understory and groundcover, or any combination of them that are generally undisturbed and unimproved.

*Natural conditions:* Those wetlands and native upland habitat, in place on a property prior to any man-made alteration to the property, as indicated by generally accepted data sources including, but not limited to, the Soil Survey of Martin County Area (Martin Soil and Water Conservation District: U.S.D.A. Soil Conservation Service, 1981; Florida Division of Forestry, 1981) and aerial photographs.

*Neighborhood Advisory Committee or NAC:* Committee of residents, property owners, business owners or their agents appointed by the Community Redevelopment Agency to act in an advisory capacity to the CRA for a particular community redevelopment area.

*Neighborhood park:* A park servicing an area within a one-mile radius that provides open space and/or organized play structures.

*Nonpublic wastewater systems:* A regional wastewater treatment and disposal plant that serves the public but has less than 15 service connections and regularly serves less than 25 individuals daily on at least 305 days of the year.

*Objective:* A specific, measurable, intermediate end that is achievable and marks progress toward a goal.

*Onsite Sewage Treatment and Disposal Systems (OSTDS):* A sewage treatment and disposal facility which contains a drainfield system and an anaerobic or aerobic treatment systems.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

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

*Overlay zoning districts:* Zoning districts in which additional regulations are imposed as performance standards over and above the standard development regulations of the underlying district.

*Package wastewater treatment plant:* A wastewater treatment plant which accommodates flows greater than 2,000 gallons per day, but less than 500,000 gallons per day, and is not certified as a regional wastewater system.

*Package water treatment plant* means a water treatment plant which accommodates flows greater than 2,000 gallons per day, but less than 500,000 gallons per day, and is not certified as a regional potable water system.

*Passive parkland:* Parks where the natural features of the land are the major attractor.

*Peak hour:* The 60 minutes within a 24-hour period with the highest traffic volume. A peak hour is generally designated for both morning and afternoon traffic conditions.

*Peak population (facility):* The number of permanent residents and seasonal visitors. It is calculated by adding permanent population to seasonal population (facility) to calculate the peak population for level of service planning. This definition includes tourists, migrant farmworkers, prisoners, group home residents, and other short-term and long-term visitors.

*Peak population (housing):* The number of residents living in residential housing units for more than six months of the year, and the number of occupants of residential housing who spend less than six months in Martin County equals peak population (housing). It is calculated by adding permanent population (housing) and the seasonal population (housing) to determine the total demand for residential housing units.

*Percent for Art Ordinance:* An ordinance designed to authorize commitment of a given percentage of public funds from certain public construction and remodeling projects (based on the project size and type) to place art in public places.

*Percolation pond:* An earthen impoundment designed and operated to provide for fluid losses by percolation/seepage in addition to evaporative losses. A percolation pond does not have an impervious liner.

*Permanent population:* The number of residents living in the unincorporated area for more than six months of the year. This includes permanent residents in households as well as prisoners and group homes.

*Permanent population (housing):* The number of residents living in the unincorporated area in residential housing units for more than six months of the year.

*Permanent resident:* A person who resides in Martin County for six months or more of the year (U.S. Census Bureau).

*Permit Ready Industrial Development:* Projects located on lands with an Industrial land use designation or are located within a targeted business zoning district that have satisfied all requirements to be designated a permit ready project as specified in the Land Development Regulations.

*Persons per household (unincorporated Martin County):* The number of permanent residents living in residential housing units (classified by the Census as population in occupied housing) divided by the number of occupied housing units (provided by the US Census or EDR in a given year) to arrive at the persons per household for unincorporated Martin County.

*Planned unit development:* A unified development that is planned, approved and controlled according to provisions of a binding written document negotiated between the developer and the County as a special PUD zoning district and approved at public hearing.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Policy:* The way in which programs and activities are conducted to achieve an identified goal.

*Potable water facilities:* A system of wells, raw (untreated) water mains, treatment plants and water distribution mains that provide a continuous, safe source of high-quality drinking water.

*Prime groundwater recharge areas:* Land or water areas through which groundwater is replenished that are critical to maintaining the water table elevation of the groundwater basin. Such areas are determined by soil conditions that are conducive to the percolation of water from the surface to the water table. The recharge function cannot be preserved with development as an urban use.

*Prime agricultural areas:* Areas having soil and/or water conditions defined in the Federal Register, Volume 49, No. 130, July 1984, providing the Soil Conservation Service, U.S. Department of Agriculture Land Use Policy in Appendix A, Section 401.10.

*Private water systems:* Water systems not under governmental ownership and operation. These systems fall under the rules and regulations of the Florida Public Service Commission.

*Public art:* Any visual work of art displayed for two weeks or more in an open public-owned area, on the exterior of any public-owned facility, within any public-owned facility in areas designated as public area, such as lobbies, or public assembly areas, or on nonpublic property if the work of art is installed or financed either whole or in part with public funds or grants procured by the public.

*Public facility:* The capital improvements and systems of each of the following: airport, coastal, corrections, police and law enforcement, fire rescue, emergency shelters, golf courses, libraries, mass transit, miscellaneous, open space/conservation lands, parks and recreation, pedestrian/bicycle and other multimodal pathways, public buildings, public health, roads, schools, solid waste, water management and utilities. Mandatory public facilities are listed as category A and category C. Nonmandatory public facilities are those facilities listed as category B and category D. Level of service standards are not applied to category E facilities (see also *Category of public facilities* ).

*Public open space:* The term "public open space" shall be used to describe lands purchased for public access and public benefit. It shall include resource-based parks and land preserved for conservation or aesthetic reasons. It shall not be confused with the definition of "open space" as permeable, unobstructed portions of a site, as used in the County Land Development Regulations and in Chapter 4, Future Land Use.

*Public urban facilities and services:* Regional water supply and wastewater treatment/disposal systems, solid waste collection services, acceptable response times for sheriff and emergency services, reasonably accessible community park and related recreational facilities, schools and the transportation network.

*Public use airport:* A publicly owned or privately owned airport that is open to the public without advance permission.

*Public water supply:* Water that is withdrawn, treated, transmitted and distributed as potable or reclaimed water.

*Pump station or lift station:* A wet well (holding tank) with pumps from which sewage is pumped into a force main or gravity sewer system for transport to a wastewater treatment plant.

*Recharge:* The addition of water, typically by rainfall, to the Surficial aquifer, thereby replenishing the supply of water.

*Reclaimed water:* Water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility (Source: Rule 62-610.200 Florida Administrative Code).

*Recreational airport:* A general aviation airport handling smaller aircraft that provides access to recreational facilities that are either on-site or in the immediate area. The recreational facilities may or may not be aviation related.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Regional Long Range Transportation Plan (RLRTP):* A long-range transportation plan developed by the Metropolitan Planning Organization that identifies critical transportation needs and recommended roadway improvements. The RLRTP, on file with the Martin MPO, includes a Needs Plan and a Cost Feasible Plan.

*Regional park:* A park servicing a countywide area that may have the following: athletic facilities, open space, and passive features.

*Regional sewage systems:* A government-owned or investor-owned public sewage system that treats wastewater for a fee for specific geographic regions. Such a system has a capacity of at least 0.5 million gallons per day as rated by the Florida Department of Environmental Protection (FDEP). It is designed and located to offer service to a relatively large area. This term is not intended to designate a single, county-wide wastewater system.

*Regional water systems:* Either government-owned or investor-owned potable water facilities that provide water, for a fee, to specific geographic areas in Martin County. These systems have a capacity equal to or greater than 0.1 million gallons per day, as rated by the Florida Department of Environmental Protection (FDEP). These systems are designed and located to serve a relatively large area.

*Residential development tracking system:* The system which tracks all residential development with master plan approval or with final site plan or final plat approval through the approval and construction process.

*Residential road:* A street intended to provide access to abutting properties. It tends to accommodate lower traffic volumes and provides mobility within that neighborhood (see also Local street).

*Resource airport:* A publicly owned airport identified by the State of Florida as an important aviation asset that must be preserved to handle future needs. Resource airports typically provide aviation access to areas of the State where scheduled air service does not exist.

*Resource-based park:* A recreation site that primarily provides public access to a natural resource (i.e., beach) or to a recreational facility that depends on a specific natural resource (i.e., boat ramp, fishing access).

*Reverse osmosis:* A membrane process for desalting water using applied pressure to drive the feed water (source water) through a semipermeable membrane (Source: SFWMD, Consolidated Water Supply Plan Support Document).

*Roadway functional classification:* The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories (see definition of "collector road").

*Roadway link/segment:* A length of roadway being evaluated, usually the distance from one signalized intersection to the next.

*Rural area:* Areas of sparse population (less than 1,000 persons per square mile) generally located in the western portion of the County beyond the turnpike in the north, and I-95 in the central and south County.

*Saltwater intrusion:* The inland encroachment of saltwater into an aquifer in coastal areas due to lowering of the freshwater head in the aquifer.

*School Concurrency Review Report:* A report providing the County with a determination on whether there is school capacity sufficient to accommodate a new development. It is produced by the School District staff and submitted to the County.

*Schools Technical Advisory Committee (TAC):* A five-member committee appointed by the County, School Board, and City of Stuart whose main purpose is to evaluate school siting needs. The Interlocal Agreement for School Facilities Planning and Siting provides details on the TAC.

## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Scrivener's error:* A mistake in an ordinance or other document adopted by the Board that is the result of a clerical error and which is not a reflection of the Board's actual intent.

*Seagrass beds:* Long-term, persistent, viable habitat characterized by rhizome development and growth.

*Seasonal population (facility):* The number of people in the unincorporated area defined as seasonal population (housing) plus part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents. This includes tourists, migrant farmworkers, and other short-term and long-term visitors, (adapted from Section 163.3164(41) F.S.)

*Seasonal population (housing):* The number of residents living in residential housing units who spend less than six months in Martin County. The seasonal population in terms of the demand for residential housing units is calculated by multiplying the persons per household, unincorporated area, by the "vacant seasonal housing units" as classified by the US Census and defined in this chapter.

*Secondary treatment:* Advanced treatment using aeration and biological decomposition of waste materials. This process, regulated by the Florida Department of Environmental Protection, is widely used for safe wastewater treatment.

*Septage mixture of biosolids:* Fatty materials, human feces and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors.

*Site-related improvements:* Road improvements generally defined as direct site access, driveways and turn lanes for traffic entering and exiting the site, project signalization or other improvements directly required for and benefiting the proposed development.

*Standard housing:* Housing that is in satisfactory condition, provides safe and adequate shelter, is not in need of any obvious structural repairs and has been adequately maintained.

*Stormwater:* The flow of water resulting from rainfall.

*Stormwater management system:* A system that collects, channels, or diverts the movement of stormwater.

*Substandard housing:* As defined by Section 420.0004, Florida Statutes:

- A unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;
- A unit in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or
- A unit that has been declared unfit for human habitation but could be rehabilitated for less than 50 percent of the property value.

*Surficial Aquifer:* A relatively shallow, unconfined aquifer, one of two sources of potable water in Martin County.

*Targeted businesses:* Uses identified on the State of Florida Targeted Industries List as produced and as updated by Enterprise Florida, Inc., and/or other entities designated by the State of Florida for economic development (which may be amended periodically). Targeted businesses typically include manufacturing facilities; finance and insurance services; wholesale trade; information industries; professional, scientific and technical services; management services; and administrative and support services.

*TND (Traditional Neighborhood Development):* New neighborhood planning guided by the sensible and desirable attributes of "traditional neighborhoods," providing a full range of housing types, commercial and office opportunities.



## Chapter 2 OVERALL GOALS AND DEFINITIONS

*Traffic analysis zones:* The basic geographical entity or area delineated for transportation analysis, generally corresponding with one or more units designated by the Census Bureau for data collection (i.e., block group, enumeration district or census tract).

*Traffic Congestion Mitigation Program (TCMP):* A program of actions designed to maintain and improve the capacity of roadway links in heavily congested areas. A TCMP may be developed by government and/or private sector interests to address link/intersection deficiencies and improve overall traffic flows. The TCMP may also include:

- Parallel roadway improvements in the corridor or area;
- Improved traffic flow through implementation of road marking and signing, access control measures, intersection redesigns, connectivity, or turn lane additions;
- Ride sharing program;
- Preferential treatment for high-occupancy vehicles on congested links; and
- Staggered or flexible work hours.

The TCMP must describe in detail a program of improvements to the transportation system and/or trip reduction measures that provide additional capacity on congested links and at problem intersections. Professionally prepared traffic engineering studies acceptable to the County must be provided in advance of approval to demonstrate the anticipated impacts of the program. The TCMP must specify a secure and dedicated source of funding for the proposed improvements and must include a monitoring component to ensure that the program achieves the anticipated effects.

*Transportation concurrency exception area (TCEA):* Delineated urban area where infill and redevelopment are encouraged and exceptions to the transportation concurrency requirement are made, providing that alternative modes of transportation, land uses, mixes, urban design, connectivity, and funding are addressed.

*Transportation Concurrency Management Area:* A designated geographically compact area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. The designated area may have an established area-wide level of service standard based on analysis that justifies the area-wide level of service, identifies how urban infill development or redevelopment will be promoted, and describes how mobility will be accomplished.

*Transportation disadvantaged:* Individuals who - because of physical or mental disability, income status or age - are unable to transport themselves or to purchase transportation and must depend on others for access to services.

*Transportation Improvement Program (TIP):* A compilation of the five-year schedule of capital transportation projects within the Metropolitan Planning Area, including projects proposed by the State, the County and all municipalities. The program begins with year one, the existing fiscal year, and includes five additional years of projected costs beginning with the upcoming fiscal year.

*Undeveloped beachfront:* A publicly owned beach access site with no improvements.

*Unhardened shoreline:* A shoreline that has not been hardened by legally permitted riprap or seawalls.

*Urbanized/urban area:* An area containing a city (or twin cities) of 50,000 or more population, with a density of 1,000 persons per square mile. The boundary of this area is described and adopted by the Martin County Metropolitan Planning Organization (MPO) and approved by the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA).

*Urban sprawl:* A development pattern requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

## - COMPREHENSIVE GROWTH MANAGEMENT PLAN

### Chapter 2 OVERALL GOALS AND DEFINITIONS

*Urban development:* Commercial and industrial uses and densities in excess of two units per acre or lot sizes one-half acre or smaller.

*Utility service area:* A defined area in which water and/or wastewater service is provided by a regional utility.

*Vacant seasonal housing units:* The decennial Census count for residential housing units that are occupied, but for less than six months of the year. This definition excludes the following vacant categories used by the U.S. Census: For Rent; Rented, not occupied; For sale only: Sold, not occupied; For migrant workers.

*Viewshed:* a designated area along the side of a property that provides an unobstructed view from any public right-of-way to waters of the State or their tributary systems including canals used for the purpose of navigation.

*Volume:* The number of persons, bicycles or vehicles passing a point on a lane, roadway or other trafficway during some time interval, often one hour.

*Wastewater Master Plan:* A facilities planning report assembled to predict future wastewater treatment needs based on historical sewage loads and population growth projections.

*Water dependent uses:* Land uses for which location is dependent on proximity to the water resource (i.e., commercial marinas, boatyards, industrial boat repair and manufacturing, and water sports recreational use).

*Water Master Plan:* A facilities planning report assembled to predict future water supply and treatment needs based on historical consumption and population growth projections.

*Water recharge areas:* Land or water areas through which groundwater is replenished.

*Water related uses:* Land uses for which association with the water resource is required (i.e., commercial trailered boat sales, bait/tackle shops, recreational resorts and institutional or educational research centers).

*Water table:* The upper surface of the saturated zone in an unconfined aquifer.

*Well:* An excavation constructed to conduct groundwater from an aquifer to the ground surface by pumping or artesian flow.

*Zones of influence:* The area surrounding a pumping well in which the water table has been lowered due to groundwater withdrawal.

Chapter 8 COASTAL MANAGEMENT ELEMENT

**Chapter 8 COASTAL MANAGEMENT ELEMENT**

Adopted:	February 20, 1990	By Ordinance No. 373
Amended:	July 9, 1991	By Ordinance No. 400
Amended:	October 27, 1992	By Ordinance No. 419
Amended:	October 26, 1993	By Ordinance No. 430
Amended:	September 13, 1994	By Ordinance No. 448
Amended:	September 12, 1995	By Ordinance No. 477
Amended:	December 15, 1998	By Ordinance No. 537
Amended:	August 22, 2000	By Ordinance No. 577
Amended:	December 5, 2000	By Ordinance No. 584
Amended:	December 11, 2001	By Ordinance No. 606
Amended:	December 10, 2002	By Ordinance No. 627
Amended:	May 27, 2003	By Ordinance No. 630
Amended:	December 7, 2004	By Ordinance No. 660
Amended:	September 6, 2005	By Ordinance No. 677
Amended:	December 11, 2007	By Ordinance No. 780
Amended:	December 16, 2009	By Ordinance No. 849
Amended:	July 10, 2012	By Ordinance No. 913
Amended:	July 10, 2012	By Ordinance No. 915

- COMPREHENSIVE GROWTH MANAGEMENT PLAN

Chapter 8 COASTAL MANAGEMENT ELEMENT

Amended:	December 10, 2013	By Ordinance No. 945
Amended:	February 27, 2018	By Ordinance No. 1054

**Acronyms used in this chapter:**

CGMP	Comprehensive Growth Management Plan
FDEP	Florida Department of Environmental Protection
FFWCC	Florida Fish and Wildlife Conservation Commission
PAMP	Preserve area management plan
SFWMD	South Florida Water Management District
SLOSH	Sea, lake and overland surges from hurricanes (computer model)

[Section 8.1. Background](#)

[Section 8.2. Existing Conditions](#)

[Section 8.3. Future Needs](#)

[Section 8.4. Goals, Objectives and Policies](#)

**Section 8.1. Background**

8.1.A. *Coastal resources.* Martin County is rich in water-related coastal resources. The County's shoreline property is even more extensive than some other coastal counties due to the presence of the Indian River Lagoon, Intracoastal Waterway, St. Lucie River (both north and south forks), Manatee Pocket and Loxahatchee River (north and northwest forks). The County contains more than 135 miles of shoreline. Historically the population has always been situated along water bodies, though the concentrated settlement pattern dates only from the late 1970s and 1980s.

Protection of natural resources and planning for water-related and water-dependent uses has been a concern of Martin County centered around the Comprehensive Plan adopted in 1982. A more recent issue is adequate protection of the health of natural systems and integrating the concept of resiliency into planning efforts.

## Chapter 8 COASTAL MANAGEMENT ELEMENT

8.1.B. *Purpose and intent.* The Coastal Management Element aims to provide for understandable and predictable planning and regulation of coastal, natural systems. This element is a tool for managing the forces affecting the coastal environment. Martin County believes that prudent management policies that protect, enhance and expand the quality of the environmental treasures in our coastal zone will preserve the best of Martin County, instilling pride in its residents. This element also identifies measures that Martin County will take to avoid loss of life and minimize property damage in the event of hurricanes, tropical storms or other natural disasters and integrate resiliency planning into County initiatives.

### Section 8.2. Existing Conditions

8.2.A. *Land use.* The Atlantic shoreline of Martin County consists of two barrier islands: the southern end of Hutchinson Island, extending from the north border of the County approximately seven miles south to the St. Lucie Inlet, and the northern end of Jupiter Island, extending from the St. Lucie Inlet approximately 14 miles south to the south border of the County. The predominant land use along the shoreline is residential. While the water enhances land use, it is important to leave sufficient land for uses that are water-dependent, water-related, in a Community Redevelopment Area, or in a preferred marina siting location. Commercial and sport fishing and seasonal residents (tourism) are extremely important to the Martin County economy. In many instances, only redevelopment will allow water-dependent and water-related uses to recapture the shoreline from the more successful competition of residential land use. The shoreline has a finite capacity, and balancing competing uses for waterfront property can be extremely difficult.

Though much of Martin County's shoreline is already preempted by residential uses and other uses not dependent on or related to the water, the south fork of the St. Lucie River and the St. Lucie Canal are exceptions. The amount of shoreline available for any urban use is further limited by the presence of sensitive environmental resources and stringent environmental protection programs. It is therefore essential to identify suitable sites for redevelopment and expansion of existing water-dependent and water-related uses, defined as follows:

1. *Water-dependent uses* are those requiring proximity to the water (e.g., commercial marinas, boat yards, industrial boat repair and manufacturing, and water sports recreational uses).
2. *Water-related uses* are those requiring association with the water (e.g., commercial trailered boat sales, bait/tackle shops, recreational resorts and institutional or educational research centers).

8.2.B. *Hurricanes and tropical storms.* Historically, hurricanes have caused significant property damage and loss of life in south Florida. Great storms in the late 1940s caused widespread damage and flooding in a much different Martin County than exists today. Significant development has since taken place in the coastal area. Local efforts now focus on identifying and outlining measures that Martin County should consider to avoid loss of life and minimize property damage in a hurricane or other major storm.

The County has identified five evacuation zones (Category A through E) based on Storm Surge Models provided by the National Hurricane Center and shown on Figure 8-7. The maximum potential storm surge for a particular location depends on a number of different factors including; storm intensity, forward speed, angle of approach to the coast, central pressure, and the shape and characteristics of coastal features such as bays and estuaries. A hurricane with landfall at 90 degrees to the coastline would have a considerably higher storm surge than either a paralleling or crossing hurricane. Emergency Management will issue evacuation orders based on Storm Surge Warnings issued by the National Hurricane Center.

*Category A & B Storm Surge Zones.* Residents within this designated evacuation zone will be included in the Evacuation Order, as well as all barrier islands. In addition all residents of mobile/manufactured homes in the County are ordered to seek more secure shelter.

## Chapter 8 COASTAL MANAGEMENT ELEMENT

**Category C & D Storm Surge Zones.** All areas ordered to evacuate in a Category A & B storm are included in the evacuation of Category C & D zones. Residents within this designated evacuation zone will be included in the Evacuation Order.

**Category E Storm Surge Zones.** Residents within all designated evacuation zones will be included in the Evacuation Order. Evacuation routes are shown on Figure 8-4. For the most part, evacuees are routed to the Florida Turnpike or Interstate 95. Access to interstate 95 is via Port St. Lucie Boulevard, SR 713 (Palm City), SR 714 (Palm City), SR 76 (Tropical Farms) and CR 708 (Hobe Sound). The only evacuation traffic in Martin County routed to the Florida Turnpike via the Jupiter exit is generated from areas south of Jonathan Dickinson State Park and from Jupiter Island south of Bridge Road by way of Indiantown Road (SR 706) in Palm Beach County.

Population estimates for 2016 indicate the County grew by 8.1 percent since the 2010 Census. Tables 8-1 and 8-2 provide an estimate of the number of people expected to be jeopardized by hurricane storm surge events.

**Table 8-1**  
Vulnerable Population Requiring Evacuation  
in Martin County

Level of Threat (Storm Classification)	Number of People
Evacuation Zone A and B	10,720
Evacuation Zone C and D	12,038
Evacuation Zone E 24,576	

Note: Vulnerable population determined using Statewide Regional Evacuation Study Program behavioral data and county provided evacuation zones. Vulnerable population numbers are not inclusive, meaning population numbers listed for a higher zone are not included in the lower zone. For example, vulnerable population listed for Evacuation Zone B does not include vulnerable population listed for Evacuation Zone A.

Source: Vulnerable Population in the Treasure Coast Region for 2015, Florida Statewide Regional Evacuation Study Program Treasure Coast Hurricane Evacuation Study - updated June 2016.

**Table 8-2**  
Shelter Demand by Base Scenario

Level of Threat (Storm Classification)	Number of People

Chapter 8 COASTAL MANAGEMENT ELEMENT

Evacuation Zone A	2,771
Evacuation Zone B	3,239
Evacuation Zone C	3,639
Evacuation Zone D	4,529
Evacuation Zone E	5,731

Note: Shelter demand is the population in each county who will seek public shelter during their evacuation, either at an in-county shelter or an out-of-county shelter.

Source: Statewide Regional Evacuation Study Program - Treasure Coast Hurricane Evacuation Study — updated June 2016.

**Editor's note**— Figures 8-4 and 8-7 are on file in the office of the Martin County Growth Management Department.

The time needed for evacuation can vary significantly, depending on ambient weather conditions (e.g., wind, rain, tide level), number of evacuating vehicles, response rate of area residents and roadway capacity. Evacuation of the barrier islands is a primary concern since they are potentially at greatest risk from a hurricane.

Table 8-3 indicates evacuation times for Martin County, by level of storm surge.

**Table 8-3**  
**Evacuating Population by Base Scenario for 2015**  
**Treasure Coast Hurricane Evacuation Study**  
**Transportation Analysis**

	Evacuation Level A	Evacuation Level B	Evacuation Level C	Evacuation Level D	Evacuation Level E
Clearance Time to Shelter (In hours)					
Martin	12.5	12.5	13.0	14.0	18.0
In-County Clearance Time (In hours)					
Martin	13.5	13.5	16.0	20.5	27.5

Chapter 8 COASTAL MANAGEMENT ELEMENT

Out of County Clearance Time (In hours)					
Martin	14.0	15.0	17.5	22.0	30.5

*Florida Statewide Regional Evacuation Study Program, Hurricane Evacuation Clearance Times Transportation Analysis Overview, Treasure Coast Hurricane Evacuation Study Update updated June 2016.*

The U.S. Army Corps of Engineers Evacuation Study suggests the County could reduce flooding on the evacuation routes by elevating the roadways. This could be done whenever the roadway is reconstructed or widened. The County will undertake a study to define roadway sections that are subject to flooding; and determine who is responsible for correcting the deficiency. Once completed, the roadway improvements will be integrated into the Martin County Capital Improvements Element. Continued removal of potential obstructions from the rights-of-way of evacuation routes, especially Australian pines, is another measure that will help to assure a safe and quick evacuation.

The problem of evacuating Hutchinson Island is further compounded because the Jensen Beach Causeway is used by residents of both Martin County and St. Lucie County. In fact, a larger proportion of evacuation trips across the Jensen Beach Causeway would be generated by residents of condominiums in St. Lucie County than from Martin County residents. St. Lucie County traffic leaving the island via the Jensen Beach Causeway has been incorporated into the 2016 Transportation Analysis Overview.

### Section 8.3. Future Needs

Population estimates and projections have been developed by the Martin County Growth Management Department. The Census count for April 1, 2010, found 146,318 permanent residents countywide. The projected population for 2025 is 164,293 permanent residents (Source: Population Technical Bulletin July 2017). Given the lack of undeveloped waterfront property in the County, it is essential to identify suitable sites for redevelopment and expansion of existing water-dependent and water-related uses.

**8.3.A. Need for natural resource protection.** The progressive loss of seagrass beds in the St. Lucie and Indian River lagoon system from continued residential and commercial development is a potentially significant impact on the natural resources of Martin County's coastal zone. Seagrasses, oysters, and coastal reefs are extremely sensitive to degradation of water quality from nonpoint source pollution. Martin County recognizes the importance of protecting food sources for endangered species, which include seagrass and oyster beds used by manatees and turtles. They are an irreplaceable natural resource within the County. Loss of these seagrass, oyster, and coastal reefs is an unseen and unnoticed effect of pollution and development. The purpose of discussing water quality and biological resources in this element of the plan is to acquaint citizens and other interested parties with the nature, location and value of these living resources, and to demonstrate how their protection and preservation can be weighted in terms of other possibly conflicting land uses. Discussion of land uses within this element will identify water-dependent and water-related uses.

Every effort should be made to limit increases in volume and degradation of water quality in runoff to the estuary and through the St. Lucie Inlet into the marine ecosystem. The degree to which land in the coastal zone can be used depends largely on the available infrastructure. The key components of infrastructure are roadways, sewage treatment systems, potable water systems and manmade drainage systems, which are discussed in this element only as they pertain to coastal zone management. Public



Chapter 8 COASTAL MANAGEMENT ELEMENT

access to beaches and other waterways in the County is also discussed. A more complete analysis of public access is presented in the Recreation Element.

Primary concerns of Martin County are protection of (1) the beach and dune systems, (2) the natural vegetation that holds the dune and (3) nearshore reefs, as well as beach renourishment programs. This element identifies those measures that Martin County will take to avoid loss of life and to minimize property damage in the event of a hurricane, tropical storm and other natural disasters.

8.3.B. *Need for marina and boat ramp siting criteria.* Boat registrations in Martin County from 2004 to 2008 are shown in Table 8-4.

**Table 8-4**  
**Boat Registrations in Martin County: 2012—2016**

Year	2012	2013	2014	2015	2016
Boats	15,702	15,606	16,050	16,836	17,548

*Source: Department of Motor Vehicles, Alphabetical Vessel Statistics by County.*

#### **Section 8.4. Goals, Objectives and Policies**

**Goal 8.1.** To effectively manage, conserve, preserve and protect Martin County's coastal natural resources, giving consideration to an equitable balance of public and private property rights; by developing and implementing programs and procedures, limiting coastal development activities and providing for mitigation of development impacts.

*Objective 8.1A.* To protect and enhance wildlife and fish populations and habitat in coastal areas.

*Policy 8.1A.1. Manatee protection measures: Boat Facility Siting Plan.* In accordance with Section 379.2431(2)(t)(4) of the Florida Statutes, Protection of Manatees or Sea Cows, the Boat Facility Siting Plan adopted by Martin County on March 5, 2002 and approved by the Florida Fish and Wildlife Conservation Commission (FFWCC) on June 27, 2002 is hereby incorporated into the Martin County Comprehensive Growth Management Plan (CGMP). All development orders regarding boat facilities and all development of boat facilities shall be consistent with the Plan.

*Policy 8.1A.2. Manatee protective measures: Manatee Protection Plan.*

- (1) Martin County shall work with the FFWCC to ensure adequate sign posting of speed zones throughout all applicable areas of the County. The waters in and around marinas and/or boat ramps shall be designated as a no-wake or idle speed zone, as determined by the FFWCC. Martin County shall work with the FFWCC, Martin County Sheriff's Office and other law enforcement agencies to ensure the availability of adequate resources and personnel to enforce the speed restrictions, present and future.
- (2) Martin County shall establish boater speed zones as permitted by state law. The County shall develop a procedure for ensuring these zones are adequately marked, and the signage is maintained. Interlocal agreements with other governmental agencies engaged in waterway sign management will be explored as a means of maintaining navigation signs.

Chapter 8 COASTAL MANAGEMENT ELEMENT

- (3) The Board of County Commissioners shall establish a Manatee Protection Advisory Committee. The Committee's primary responsibility will be to assess the progress and success of implementation of the Manatee Protection Plan and the Boat Facility Siting Plan by reviewing and analyzing new manatee and boating data, discussing manatee protection issues, evaluating enforcement efforts and making recommendations to the County for improving manatee protection in local waterways. The Boat Facility Siting Plan adopted in 2002 shall be updated as required by state statutes. The revised Plan shall be adopted, by reference, into the CGMP in the next available amendment cycle.
- (4) Martin County, through MPAC, shall work cooperatively with the FFWCC to monitor manatee mortality caused by collisions with watercraft in County waterways. If the annual rate of mortality shows an increasing or decreasing trend, speed zones will be reviewed for changes. The Manatee Protection Plan shall be reviewed; not less than every seven years with the County's CGMP as part of the Evaluation and Appraisal Report cycle and updated and modified as necessary.
- (5) Martin County shall work with the Florida Department of Environmental Protection (FDEP), U.S. Army Corps of Engineers, United States Fish and Wildlife Service and South Florida Water Management District (SFWMD) to enhance seagrass restoration. The purpose of the program is to enhance estuarine natural resources, Improve water quality and provide additional foraging habitat for manatees. Consideration will be given to creating a river bottom conducive to the natural recruitment of seagrasses. The County shall advocate to maintain established salinity envelopes for estuarine areas to protect seagrass and oyster beds by providing input to the Army Corps of Engineers on Lake Okeechobee operations.
- (6) Martin County shall dedicate the level of funding and staff necessary to implement the goals and policies of the Manatee Protection Plan. Martin County shall fund this initiative through competitive grants, grants from the FFWCC and other sources as appropriate.

*Policy 8.1A.3. Protection of sea turtles.* Martin County shall continue to enforce existing provisions regulating activities disruptive to sea turtles and their nests and eggs. These provisions include:

- (1) Prohibition of horseback riding and campfires on or seaward of the primary dune during sea turtle nesting season, extending to all areas landward of the primary dune where sea turtles are known to nest;
- (2) Prohibition of disturbing, touching, harassing, killing or taking of any sea turtle, hatchling, egg or part of the same;
- (3) Submission of a sea turtle protection plan for Martin County approval, in consultation with the FDEP, for any development that involves coastal construction;
- (4) Standards for coastal construction to eliminate or minimize impacts on sea turtles and their nests and eggs;
- (5) Procedures for protection and/or mitigation;
- (6) Standards for site development that protect sea turtles;
- (7) Restrictions and standards on nighttime lighting for new and existing development, and additional restrictions during nesting season;
- (8) Standards for existing beach access points;
- (9) Standards for beach/dune preservation stabilization and/or restoration and standards for mechanical beach cleaning.

*Objective 8.1B.* To continue to support and participate in the Indian River Lagoon portion of the Comprehensive Everglades Restoration Plan. Water quality of the estuarine waters of Martin County is currently monitored by the SFWMD, Harbor Branch Oceanographic Institute, and the Ocean

Chapter 8 COASTAL MANAGEMENT ELEMENT

Research Conservation Association. A water quality monitoring program for marine waters proximal to coral reefs will be implemented by the FDEP beginning in 2017. In addition, Martin County shall continue to undertake the following efforts to improve estuarine water quality.

*Policy 8.1B.1. Drainage system retrofit.* When building, expanding or planning for new facilities the County shall consider engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. Substandard public drainage systems shall be retrofitted during repair, expansion or redevelopment activities. This policy is intended to address water quality problems resulting from inadequately maintained systems or systems constructed prior to a complete understanding of the negative effects of stormwater runoff on the marine environment. The County's stormwater program shall assure a new benefit to the estuary in terms of enhanced water quality and the rate, volume and timing of inflows, in accordance with policies in Chapter 13, Drainage and Natural Groundwater Aquifer Recharge.

*Policy 8.1B.2. Surface and stormwater management regulations.* The County shall continue to actively enforce established surface and stormwater management regulations so as to eliminate inadequately maintained or designed systems that are degrading water quality, in accordance with Chapter 13.

*Policy 8.1B.3. Interagency cooperation for water release.* The County shall continue to cooperate with the U.S. Army Corps of Engineers and the SFWMD in monitoring and minimizing the impacts to the St. Lucie Estuary from release of waters from Lake Okeechobee and surrounding agricultural areas.

*Policy 8.1B.4. Intergovernmental cooperation for water quality.* The County shall participate with surrounding local governments to improve water quality in the drainage basins in the County and assist in improving water quality in other shared drainage basins in adjacent counties, such as the C-23 and C-24 canals.

*Policy 8.1B.5. Drainage basin plans.* Drainage basin plans and the Stormwater Master Plan shall continue to be updated consistent with policies in Chapter 13, as new data becomes available.

*Policy 8.1B.6. Protection of local estuaries.* Martin County shall cooperate and coordinate with other local governments in protecting local estuaries. This cooperation and coordination shall aim to assist agencies responsible for protecting and managing local estuarine systems.

*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.

Chapter 8 COASTAL MANAGEMENT ELEMENT

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. Water access shall be designed to minimize impacts to mangroves in the shoreline protection zone.

- 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,

Chapter 8 COASTAL MANAGEMENT ELEMENT

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 (SPZ), no permits shall be required for maintenance of existing uses, legally established non-conforming structures, or ~~of other~~ uses permitted by this section.
- 1) Existing facilities within the shoreline protection zone may be maintained, rebuilt or reconstructed within the existing foot print. Existing impervious surfaces and non-conforming structures may be enlarged vertically or horizontally, reconfigured, relocated, or redeveloped provided that such enlargement, reconstruction or redevelopment shall not result in further encroachment into the SPZ.
  - 2) 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.
  - 3) 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

Chapter 8 COASTAL MANAGEMENT ELEMENT

plantings. Such alterations must be documented; and must not have been required for remedial purposes or as part of any prior development approval.

- 4) Removal of exotic vegetation or planting of appropriate native vegetation shall be allowed.
- 5) 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.
- 6) Existing lots of record (April 1, 1982) may conduct the following uses that require a building permit.
  - [a] For lots with filled areas landward from existing legally constructed seawalls, retaining walls, or other shoreline protection structures, a maximum of forty percent of the shoreline protection zone may be utilized for pervious horizontal

Chapter 8 COASTAL MANAGEMENT ELEMENT

improvements including, but not limited to, slotted decking and sand-set pavers. Imperious materials such as a concrete slab overlaid with pavers are prohibited. Areas utilized for water access as defined in Policy 8.1.C.1(3)(c) shall be included as part of the forty percent area calculation. The approval of permitted horizontal improvements shall require the establishment of a no-mow zone within the remainder of the shoreline protection zone. The no-mow zone shall be a minimum of ten feet in width located landward and established parallel to the entire length of the existing shoreline protection structure. Turf grass, fertilizer and any structure shall be prohibited within the no-mow zone. The no-mow zone shall be stabilized with pervious landscaping materials, such as mulch, rocks, sand, or pebbles, and native plants suitable for coastal shorelines.

7) Existing lots of record (April 1, 1982) may conduct the following uses that do not require a building permit.

[a] Accessory uses and structures including those listed below are allowed to be within the SPZ provided they are ancillary, in connection with, and incidental to, the principal use or structure uses. In all cases of improvements and uses allowed, existing shoreline slopes shall be maintained, and all existing native shoreline vegetation shall be protected, including mangroves. The ancillary uses authorized under this section shall not require structural review for compliance under the Florida Building Code. Chickee huts shall be limited to a maximum of 100 square feet in area. All zoning requirements for open space shall be met.

1.) Landscape materials: living material including trees, shrubs, turf grass, and ground cover; landscape water features; and, nonliving durable material commonly used in landscaping, including mulch, decorative walls and fencing, rocks, pebbles, sand, and earthen mounds. The design and combination of these materials shall not create an impervious surface within the shoreline protection zone.

2.) Recreational uses such as playground equipment and furniture, including benches, and tables and chairs and open-sided chickee hut structures.

(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

Chapter 8 COASTAL MANAGEMENT ELEMENT

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.~~
- 94) 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.~~



Chapter 8 COASTAL MANAGEMENT ELEMENT

~~[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.~~

445) 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 8.1C.2. Construction activity in estuarine systems and vegetation requirements.* Hardening of the shoreline shall not be allowed without a clear demonstration that there is continuing erosion that causes a significant threat to property. Hardening shall be a last resort where it can be demonstrated that other options which maintain natural vegetation and a sloped shoreline will not provide protection. The circumstances under which shoreline protection measures shall be permitted shall be established by the County Engineer and the Growth Management Director and approved by the Board of County Commissioners. Any criteria and standards must incorporate the following:

- (1) Shorelines shall be stabilized using appropriate native wetland and/or transitional upland vegetation, wherever practicable.
- (2) Except as provided in Policy 8.1C.2.(3), shoreline hardening shall be allowed only when there is a clear demonstration that there is continuing erosion that causes a serious (significant) threat to life or property in light of the circumstances listed below, except as provided in Policy 8.1C.1.(3)(c)2) regarding boat entry/retrieval facilities and boat ramps. Native plant revegetation in combination with riprap materials, pervious interlocking brick systems, filter mats and other similar stabilization methods shall be used in lieu of vertical seawalls.

Chapter 8 COASTAL MANAGEMENT ELEMENT

Vertical seawalls may be allowed to stabilize or harden a shoreline only when the Martin County Engineering Department, in coordination with the Martin County Growth Management Department, determines that significant erosion exists, or demonstrated ongoing tidal flooding is occurring, and no other protection method is suitable to the specific and unique conditions of the site. An example would be a significantly eroding shoreline that drops so sharply that no suitable bank exists for placement of native plants, riprap or other materials used in similar stabilization methods. Another example would be persistent seasonal tidal flooding that impacts or poses a risk to the property. The lack of a suitable alternative to vertical seawalls must be field checked, reviewed and verified by Martin County prior to issuance of a building permit for construction of a vertical seawall.

- (3) Bulkheads or vertical seawalls may be allowed under the following circumstances:
  - (a) The lot was a residential lot of record as of April 1, 1982; and
  - (b) The lot fronts on a manmade canal created prior to April 1, 1982; and
  - (c) At least 75 percent of the canal lots of the subdivision or plat have permitted bulkheads or vertical seawalls that existed as of January 1, 2000; and
  - (d) The lot was undeveloped as of January 1, 2000.
- ~~(4)~~ (5) Shoreline hardening may be approved following extreme storm events that damage the estuarine shoreline. Where storm surge, wave action, freshwater runoff or some combination of impacts causes serious (significant) threat to life or property, the County Engineer may approve shoreline hardening, regardless of the presence of a shoreline protection zone identified on a site plan or a recorded Plat. The amount of shoreline hardening shall be based upon the best available data at the time, given consideration to environmental solutions, and the documented loss of shoreline.
- ~~(4)~~ (5) In drafting the appropriate criteria and standards noted in Policy 8.1C.2(2) the above requirements must be met. In addition, the following factors, if applicable, shall be taken into consideration:
  - (a) Existing shoreline protection trends as established within the immediate area where the shoreline protection measure is proposed;
  - (b) Special problems and opportunities associated with existing manmade canals;
  - (c) Invasion and domination of the native shoreline vegetation by undesirable exotic vegetation, including Australian Pine, Melaleuca and Brazilian Pepper, and
  - (d) Unique water-dependent requirements of existing and proposed marine waterfront commercial uses.
- ~~(5)~~ (6) Native indigenous vegetation shall be preserved within and adjacent to the estuary, including mangrove and upland vegetation, especially on slopes and bluffs. Such vegetation contributes to marine productivity and water quality; offers protection from erosion and flooding; and contributes to the natural soil building process. Vegetative and landscaping requirements should emphasize the importance of planting indigenous coastal vegetation to minimize irrigation.
- ~~(6)~~ (7) All new development requiring submission of plats or site plans shall include sufficient preservation area to protect natural banks and prevent the necessity for future shoreline hardening. Where banks have been previously cleared or filled and are not sufficiently stabilized, they shall be resloped (if necessary) and revegetated with appropriate native vegetation. Living shorelines (which can include upland and submerged vegetation along with oyster recruitment material) have been shown to aid shoreline stabilization, enhance

Chapter 8 COASTAL MANAGEMENT ELEMENT

environmental function, and are responsive to sea level rise. The efficacy of living shorelines as an aid to shoreline stabilization should be evaluated.

- ~~(7)~~ (8) In all cases where shoreline hardening is allowed, revegetation (including consideration of incorporating living shorelines) shall be required with native shoreline vegetation appropriate to tidal and upland sections of the shoreline. This vegetation shall be protected and maintained in accordance with a PAMP approved by the Martin County Growth Management Department. This requirement is intended to provide scenic buffering along the waterway and to improve and/or maintain the biological functions of the shoreline projection zone.
- ~~(8)~~ (9) For residential lots of record, retaining walls for construction of primary or accessory structures located landward of the shoreline protection zone (Policy 8.1C.1(1)) can be placed up to five feet waterward of the shoreline protection zone line. if The slopes waterward of the retaining wall are to shall be maintained and the transition zone remainder of the shoreline protection zone shall be is replanted in native vegetation compatible with elevations and proximity to water; and, provided that all zoning district setback criteria are met.

*Policy 8.1C.3. Alterations to natural tidal flushing patterns and circulation of estuarine waters.* Martin County shall not permit significant alteration of tidal flushing and circulation patterns by development without demonstrated proof by the applicant that such alteration will not have a negative impact on the natural environment.

The phrase "significant alteration of tidal flushing and circulation patterns" is defined as an alteration that would:

- (1) Reduce water quality;
- (2) Cause erosion;
- (3) Reduce nutrient input into estuarine system (mangrove detrital matter);
- (4) Cause potential for saltwater intrusion into groundwater;
- (5) Cause siltation or shoaling;
- (6) Prevent or restrict tidal flushing.

*Policy 8.1C.4. Prohibition of canals.* Martin County shall prohibit the construction of canals, as defined in Chapter 2, Definitions.

*Policy 8.1C.5. Coordination of development along the estuarine shoreline.* Martin County shall coordinate review of estuarine shoreline development with appropriate federal, state, regional and local agencies to prevent irreparable or irretrievable loss of natural coastal resources. Intergovernmental coordination shall also provide cost-effective use of experts in marine biology, coastal engineering and soil conservation. To this end, as appropriate, the County shall coordinate with public agencies, including the U.S. Department of the Interior, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, National Oceanic and Atmospheric Administration, U.S. Soil Conservation Service and U.S. Fish and Wildlife Service, the FDEP and Florida Fish and Wildlife Conservation Commission, the SFWMD, Treasure Coast Regional Planning Council, and potentially affected local governments.

*Policy 8.1C.6. Technical assistance on estuary issues.* Martin County shall make environmental education and management an integral part of park and recreation policies and programs. The County shall provide general information and referral services to citizens interested in the impacts of Martin County's physical development on natural resources and resource conservation. To this

Chapter 8 COASTAL MANAGEMENT ELEMENT

end, the Board of County Commissioners shall encourage the continued operation and maintenance of the Jensen Beach Environmental Studies Center and other similar facilities.

*Policy 8.1C.7. Use of innovative techniques to preserve estuary functions.* The County shall monitor new and effective growth management techniques suitable to local conditions for preserving the value and function of the estuary system. The County shall evaluate the impact of growth management techniques on public and private property rights to assure equitable treatment of these rights. Effective new techniques shall be adopted and included in the County's implementation program for managing the estuary system as such techniques are identified and found cost-effective for local adaptation. Innovative management techniques such as transfer of development rights, tax incentives, public purchase or lease of development rights, or other innovative land and water management techniques shall be considered as approaches for resolving property rights issues equitably.

*Policy 8.1C.8. Marine grassbeds and tidal marsh areas.* Marine grassbeds and tidal marsh areas shall not be modified, except as permitted by local, state and federal regulations. Since these areas are sensitive to increased turbidity and other forms of pollution, water runoff and the introduction of nutrients shall be consistent with the historic requirements of the natural system. Any additions of contaminants, including excessive nutrients, shall be minimized, and the cumulative impact of proposed alterations shall be monitored through continued effective water quality management.

Access walkways may be permitted provided they are constructed and located so as to allow for continued propagation and expansion of existing seagrass beds.

*Policy 8.1C.9. Mangrove protection.* The County shall continue to actively enforce regulations to protect mangroves. Any modification to existing regulations must effectively address minimum criteria, standards and any adverse environmental impacts.

*Objective 8.1D.* To develop and implement criteria for prioritizing water-dependent and water-related land use activities within the most appropriate identified waterfront land use areas, recognizing that public-use boat ramps and marinas provide a significant public benefit by allowing the citizens of Martin County to have adequate access to public waters.

*Policy 8.1D.1. Priority of waterfront land uses.* The priority ranking of waterfront land use activities shall be:

- (1) Public boat ramps and public use marinas;
- (2) Other water-oriented recreation, including the development of public access to the water through county owned conservation lands;
- (3) Commercial fishing and sport fishing;
- (4) Water-dependent industries or utilities;
- (5) Targeted businesses that are water-dependent or water-related;
- (6) Water-related uses; and
- (7) Residential with marinas or other water-oriented recreation uses.

*Policy 8.1D.2. Siting criteria for commercial marinas and multi-slip docking facilities.* The following criteria shall be used by Martin County in reviewing site plans for all commercial marina projects and in reviewing site plans for multi-slip docking facilities with more than 15 boat slips. These criteria shall be evaluated prior to the adoption of any new or revised Land Development Regulations.

Chapter 8 COASTAL MANAGEMENT ELEMENT

- (1) *Proximity and access to population centers and navigable water bodies.* Preference shall be given to facilities that are within reasonable traveling distance of significant populations of commercial marina users. Preference shall also be given to sites on large navigable water bodies that require minimal site alterations. And, preference shall be given where access can be obtained from existing or proposed major roadways,
- (2) *Land use (existing and permitted).*
  - (a) *Existing zoning:* Marinas shall not be sited in areas where Martin County zoning regulations specifically prohibit such use.
  - (b) *Comprehensive plan:* Commercial marinas shall be located in areas designated in the approved CGMP for waterfront commercial land uses. Large multislip docking facilities may be located in areas of residential development in accordance with the locational criteria in this element.
  - (c) *Existing use:* Preference shall be given to sites that have already been legally disturbed over sites requiring clearing of sensitive natural coastal habitat.
  - (d) *Surrounding land use or zoning:* Preference shall be given to sites that do not conflict with the permitted land uses or zoning of adjacent properties.
- (3) *Support services (utilities and public facilities).*
  - (a) *Adequate upland and access:* Commercial marinas proposed on publicly owned submerged lands must demonstrate they have sufficient upland area to accommodate all needed and proposed utilities and commercial marina support facilities. If necessary, on-site utilities are not to be provided (i.e., sewage, electricity, etc.), and adequate access to such utilities must be demonstrated. The utilities/treatment requirements, off-site or on-site, must be consistent with the provisions of Chapter 10, Sanitary Sewer Services, and Chapter 11, Potable Water Services/Water Supply Plan Elements.
  - (b) *Adequate traffic capacity:* Applicants must demonstrate that proposed on-site driveways and parking areas are consistent with the applicable Land Development Regulations. The County shall encourage the development of standards for pervious parking areas within the Land Development Regulations.
  - (c) *Sewage capacity:* All applicants for new or expanded commercial marina construction permits must provide adequate sewage handling capacity in accordance with state and County statutes for their projected number of clients. Sewage handling capacity may be in the form of on-site pump-out or connection to a public treatment plant. All commercial marinas with fueling facilities must provide pump-out facilities at each fueling dock or location. Commercial marinas that provide for live-aboard or overnight transient traffic must provide sewage treatment facilities adequate to comply with requirements for sanitation facilities.
  - (d) *Spill containment and hazardous waste handling procedures:* All applicants for site plan approval shall provide a documented plan in conjunction with submittal materials detailing their capacity to mitigate spills of petroleum products or other hazardous waste materials found within the boundaries of their property. The mitigation shall involve construction practices and/or the ability to rapidly respond to, clean up and dispose of any spills. The applicant shall submit a plan for approval that documents how he or she plans to valve off, secure, close down and/or remove any hazardous materials from the site prior to the landfall of a hurricane, and to secure these materials in a reasonably secure environment.

Applicants must make every effort to construct the site to limit storm damage linked to spills and hazardous waste. Regarding fueling, sewerage pump-out and any other

Chapter 8 COASTAL MANAGEMENT ELEMENT

hazardous chemical systems and infrastructure, these efforts shall include hardening, moving to the landward extent or constructing below the area of erosion/scour probabilities. The applicant must also provide an approved plan for storing, handling and eventual disposal of all hazardous or toxic chemicals or waste products (such as oil sludge, paints, fiberglass resins, thinners and cleaners) that may accumulate in the normal operation of the commercial marina. Lists of chemical compounds and waste products considered hazardous or toxic by Martin County may be obtained from the Martin County Solid Waste Department and should be supplemented by review of lists of such chemicals and products from the FDEP and U.S. Environmental Protection Agency.

(4) *Environmental constraints.*

(a) *Sensitive areas:*

- 1) Marinas, public or private, shall not be allowed in portions of the Loxahatchee River federally designated as wild and scenic.
- 2) Any applicant seeking a development order for a commercial marina or multislip docking facility in one of the following water bodies shall demonstrate to the satisfaction of Martin County that the proposal is not contrary to the public interest and would have no significant adverse environmental impacts on water bodies containing one of the following designation(s):
  - [a] Aquatic preserves;
  - [b] Outstanding Florida waters;
  - [c] Class 1 waters;
  - [d] Marine sanctuaries;
  - [e] Estuarine sanctuaries;
  - [f] Manatee sanctuaries or areas of critical manatee habitat;
  - [g] Areas approved by the FDEP for shellfish harvesting;
  - [h] Other highly productive or unique coastal habitats as determined by the FDEP based on vegetative communities or wildlife species present;
  - [i] Areas designated by the Florida Fish and Wildlife Conservation Commission as most sensitive to oil spills on the Environmental Sensitivity Index Maps; and
  - [j] Nonchannelized areas of the south fork of the St. Lucie River that have been selected for further study by the County.

(b) *Water quality:* Maintenance of water quality standards provided in Florida Statutes Chapter 403 shall be a condition of approval of any new marina facility or expansion of any existing marina facility. To ensure compliance, the applicant shall maintain a water monitoring program approved by the FDEP or SFWMD and the County shall be copied on all correspondence related to water quality.

(c) *Water depth:* Marina facilities shall only be approved in areas having adequate water depth to accommodate the proposed boat use. A minimum water depth of four feet mean low water shall be required. Greater depths shall be required for facilities proposing to accommodate vessels having drafts of greater than three feet. These depths will also be required in all natural or created navigation channels connecting the proposed facilities to major, federally maintained navigation channels, inlets or deep water areas.

Chapter 8 COASTAL MANAGEMENT ELEMENT

- (d) *Access dredging:* Proposed marina or docking facilities that require minimal or no dredging shall be given preferential treatment. In instances where dredging is required to create or maintain access channels, the applicant shall develop a plan that will minimize both the initial dredging and any subsequent maintenance dredging required. This section does not restrict maintenance dredging by the U.S. Army Corps of Engineers or any other entity required to maintain improvement in any existing navigable or residential channels.
- (e) *Erosion prevention:* On sites historically prone to erosion along the St. Lucie canal, marina applicants shall be required to (1) adequately stabilize the shoreline within the bounds of their property and (2) demonstrate that the projected increase in boat traffic for their marina will be managed so as to avoid aggravating existing problems along the waterway. These requirements do not allow the construction of vertical seawalls, except where necessary to allow access for trailers, forklifts or travelifts at access points to the water.
- (f) *Environmental restoration:* In cases where environmental degradation occurs for any reason, an applicant shall develop a restoration or mitigation plan under Florida Statutes Chapter 403 and Martin County's mangrove and estuarine protection requirements. This plan shall be considered along with the application for development approval. Such mitigation and restoration plans shall be reviewed by Martin County in terms of the following criteria:
  - 1) Type of unavoidable environmental or resource degradation involved;
  - 2) Suitability of the proposed plan to compensate for the anticipated public resource loss;
  - 3) Adequacy of existing and proposed restoration technology to accomplish the stated objectives of the plan; and
  - 4) Time-frame in which the restored habitat will reach a functional parity with the habitat to be sacrificed.

In certain cases where the applicant has not developed a mitigation or restoration plan as part of the permit application and the degradation of public resources appears likely, a restoration or mitigation plan may be developed by appropriate local and state agencies and made a requirement for issuance of the requested permit.

- (g) *Impacts on archaeological or historic resources:* Marina facilities shall be approved only after the applicant has demonstrated they will not result in any adverse effect on any archaeological or historical resource, as defined by the Martin County CGMP and the Florida Department of State. In the event a previously undiscovered historical or archaeological site is discovered during construction of a marina project, construction will stop until knowledgeable experts can be brought in to evaluate the discovered resource and make provisions for its removal or preservation in accordance with the policies in Section 16.4 of the CGMP.
- (h) *Hurricane evacuation and protection:* Applicants for permits for new or expanded marina facilities shall document sufficient capacity to provide maximum practicable protection from the effects of hurricane winds, wave action and associated water surge for the contents and property of their proposed clients while they are on the premises. All proposed structures shall meet the coastal zone construction standards of Martin County and the State of Florida.
- (i) *Access markers:* As determined by the FFWCC, all proposed marinas accessing major government-maintained waterways shall provide access channel markers showing speed limits, depth restrictions and other pertinent information where appropriate.

Chapter 8 COASTAL MANAGEMENT ELEMENT

- (j) *Public access:* Preference shall be given to marina applications in which all proposed facilities, docks, restaurants, shops, etc., will be open to the general public on a first-come, first-served basis.
- (k) *Flushing:* Proposed marina waters shall have good flushing characteristics with adjacent water bodies in accordance with state and federal permitting standards.
- (l) *Critical species protection:* Rare, threatened or endangered flora and fauna shall not be adversely affected by a potential marina use.
- (m) *Vegetative cover:* A proposed marina use shall not adversely affect specific critical habitat supporting rare, threatened or endangered species of special concern.
- (n) *Seagrass beds:* Commercial marinas and multislip docking facilities shall not be permitted to be constructed over seagrass beds, except for access walkways to the dock(s). The access walkways shall be constructed and located so as to allow for continued propagation and expansion of seagrass beds.

~~*Policy 8.1D.3. City/County coordination.* Martin County shall cooperate and coordinate with the City of Stuart on marina siting criteria so that the County and the City have effective, consistent criteria in their development and site plan procedures for marina projects.~~

*Policy 8.1D.3. City/County coordination.* Martin County shall cooperate and coordinate with the City of Stuart on marina siting criteria so that the County and the City have effective, consistent criteria in their development and site plan procedures for marina projects.

*Policy 8.1D.4. Boat ramp siting criteria.* Martin County shall use the following criteria in reviewing developments and site plans for all boat ramp projects:

- (1) *Utilization and public demand.* The size and location of boat ramps throughout Martin County should be determined based on population centers and projected needs. Proposed boat ramps should be near significant population centers and offer access to large navigable bodies of water.
- (2) *Land use (existing and permitted).*
  - (a) *Comprehensive plan:* Public boat ramps shall be located in areas delineated for institutional use on the future land use maps of the CGMP. Private boat ramps may be located within other land use designations if a need for such facilities can be demonstrated.
  - (b) *Existing use:* Preference shall be given to sites that have already been legally disturbed.
- (3) *Support facilities.*
  - (a) *Non-water-related facilities:* All boat ramp facilities, such as restrooms, trash bins, pump-out stations and parking, shall be located in upland areas and shall comply with all applicable CGMP policies.
  - (b) *Adequate traffic capacity:* Boat ramps shall require public road access adequate for their intended capacity, and adequate upland areas for all required facilities associated with the proposed ramp.
  - (c) *Sewage capacity:* Larger regional boat ramp facilities shall provide adequate sewage disposal. Such facilities shall consist of restrooms, pump-out facilities and dumping stations, where appropriate.
- (4) *Environmental constraints.*



Chapter 8 COASTAL MANAGEMENT ELEMENT

- (a) *Sensitive areas:*
  - 1) Boat ramps shall not be allowed in portions of the Loxahatchee River federally designated as wild and scenic.
  - 2) In the following sensitive areas, the applicant shall be required to demonstrate to the satisfaction of Martin County that the proposed boat ramp is not contrary to the public interest, does not have any significant adverse environmental impacts and that a more suitable site is not available:
    - [a] Aquatic preserves;
    - [b] Outstanding Florida waterways;
    - [c] Marine sanctuaries;
    - [d] Estuarine sanctuaries;
    - [e] Manatee sanctuaries or areas of critical manatee habitat; and
    - [f] Other highly productive or unique habitats.
- (b) *Water depth:* Boat ramps shall be approved only in areas having sufficient water depths to accommodate the type of boats projected to be used at the site. Water depth restrictions shall be clearly posted at all boat ramps.
- (c) *Access dredging:* Preference shall be given to sites where no dredging is required. Boat ramps may be permitted in locations requiring only maintenance dredging.
- (d) *Erosion prevention:* Boat ramps located in areas historically prone to shoreline erosion may require a shoreline stabilization plan as part of their permitting procedure. Such plans will be aimed at ensuring that erosion is not aggravated either by the boat ramp or by the anticipated increase in boating it causes.
- (e) *Access markers:* As authorized by the FFWCC, channel markers showing the locations and depth limits of all County-maintained boat ramps and connecting channels shall be placed along the major adjacent waterway.
- (f) *Surface water drainage:* Surface water drainage in the area of boat ramps should be designed to prevent siltation and poor quality runoff.

*Policy 8.1D.5. Siting criteria for non-commercial and multi-slip docking facilities.* Martin County shall review docking facilities with less than 16 boat slips for compliance with policies for water access through the landward extent of the SPZ. The siting and permitting for docking facilities with less than 16 boat slips, including and their associated appurtenances, on submerged lands below mean high water are subject to review and approval by the state, and not by Martin County.

*Objective 8.1E.* To develop procedures and standards to protect, enhance and restore beach and dune systems and minimize construction-related impacts on the Atlantic Coast.

*Policy 8.1E.1. Barrier island restrictions.* The County shall continue to actively enforce development restrictions on the barrier island (Hutchinson Island) through:

- (1) Density limitations that restrict development on vacant uncommitted properties to single-family units;
- (2) Beach/dune protection provisions that prohibit development in the dune preservation zone except for approved shore protection, beach restoration, dune crossovers or activities related to beach safety; and
- (3) Site plan design standards applying to all developments that require site plan approval and that specify provisions for open space, buffer areas, minimum building separations,

## Chapter 8 COASTAL MANAGEMENT ELEMENT

maximum height of structures and requirements for setbacks, park and recreation, transportation, public safety and stormwater systems.

*Policy 8.1E.2. Coastal construction code.* The County shall examine any changes to the Florida Department of Economic Opportunity's Model Coastal Construction Code and modify regulations on coastal construction, where necessary, to be consistent with established state requirement.

*Policy 8.1E.3. Enforcement of existing regulations.* Martin County shall enforce existing regulations regarding protection of sea turtles and the beach dune environment in accordance with the special barrier island component of the Land Development Regulations.

*Policy 8.1E.4. Cumulative impacts on beach/dune systems.* Land use decisions shall consider the specific and cumulative efforts of development and redevelopment activities on beach and dune systems. Existing barrier island regulations shall guide developments affecting beach and dune systems, as specified in Coastal Management Policies 8.1E.1 and 8.1E.3.

*Policy 8.1E.5. Shoreline preservation and restoration.* In collaboration with the U.S. Army Corps of Engineers, FDEP and other interested parties, the County shall continue to monitor and evaluate major factors, including sea level rise, causing shoreline erosion and measures to prevent erosion and preserve and restore shorelines.

*Policy 8.1E.6. Erosion control structures.* Martin County shall stabilize the shoreline by protecting, enhancing and preserving indigenous vegetation that contributes to natural dune building. Therefore, shoreline erosion control measures shall be limited to techniques that do not interfere with natural beach and dune systems and do not adversely affect adjacent properties; sea turtle nesting and hatching activities; or coastal natural resources such as Sabellariid worm reefs. Structural means (i.e., permabags, seawalls, etc.) may be used only if:

- (1) Nonstructural means are not suitable to the specific and unique conditions of the site; and
- (2) Structural means do not negatively affect adjacent properties by creating more erosion potential or deteriorating land values.
- (3) Existing erosion control structures that are damaged or destroyed may be repaired or replaced only with structures that are compatible with this policy and found to be necessary to protect existing, previously approved structures.

*Policy 8.1E.7. Beach and dune protection.* Motorized vehicles shall be prohibited from operating on the beach and primary dune system, except in an emergency or as approved by special permit from the FDEP and the Martin County Board of Commissioners.

*Policy 8.1E.8. Landscaping materials permitted on primary dune.* All landscaping material used on the primary dune system shall be native plants adapted to the site's soil and climatic conditions. Native plants selected must also function to stabilize the dune and trap wind-blown sand. On other portions of barrier islands at least half of all landscaped areas shall be planted with native or drought-tolerant plants adapted to the site's soil and climatic conditions. To the maximum extent feasible, compliance with these requirements should be achieved by preserving existing native plant material.

*Policy 8.1E.9. Clearing restrictions.* Martin County shall restrict the clearing of beach and dune vegetation and excavation of dune materials in the dune preservation zone.

*Policy 8.1E.10. Floodproofing of sanitary sewer systems.* New sanitary sewer facilities in the hurricane vulnerability zone shall be floodproofed to prevent raw sewage from leaking into sanitary sewer during floods. New septic tanks shall be fitted with backflow preventers.

Chapter 8 COASTAL MANAGEMENT ELEMENT

*Policy 8.1E.11. Designation of the St. Lucie near-shore reef as a national marine sanctuary.* Martin County shall coordinate with the FDEP, Federal Marine Sanctuary Program and Treasure Coast Regional Planning Council to evaluate the designation of the St. Lucie near-shore reefs, located at Bathtub Reef Park, as a national marine sanctuary. Evaluation of the designation should include the maintenance of a protective dune to safeguard MacArthur Boulevard as an emergency evacuation route, underground utilities extending into Sailfish Point, park infrastructure and continued reasonable use of Bathtub Reef Park.

*Policy 8.1E.12. Beach renourishment.* The County shall coordinate all applications for beach renourishment with applicable federal, state and regional agencies. It shall also cooperate with other local sponsors in a review and comment function for beach renourishment proposals that may have an effect on the resources of Martin County.

*Policy 8.1E.13. Beach renourishment impacts.* The County shall only undertake a beach renourishment project where it is documented that the project will not (1) diminish the extent and quality of sea turtle nesting habitat or (2) result in excessive turbidity and sedimentation in the near-shore reef formations.

*Policy 8.1E.14. Beach renourishment project standards.* Beach renourishment projects shall meet the following level-of-service standards to the maximum extent practicable:

- (1) Beach fill must include a protective berm high enough to prevent flooding by a 10-year storm; and
- (2) Beach renourishment projects shall have a design life of at least five years or as feasible based on environmental conditions.

*Objective 8.1F.* To acquire and maintain sufficient beach and shoreline access areas to meet projected public need in Martin County.

*Policy 8.1F.1. Cove Road Park.* The County has established a small park at the eastern terminus of Cove Road. Additional improvements to the site that would facilitate access to St. Lucie Inlet State Park are subject to approval by the Board of County Commissioners.

*Policy 8.1F.2. Parking, support facilities and maintenance.* Access, parking and support facilities shall be developed and maintained for all County-owned shoreline recreation areas. Maintenance shall include regular trash collection and beach cleanup.

*Policy 8.1F.3. Shoreline improvement projects.* Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach/dune walkovers, parking lots, restrooms and trash collection.

*Policy 8.1F.4. Enforcement of public access provisions.* Martin County shall continue to enforce the public access provisions of the 1985 Coastal Zone Protection Act. A development may alter an access point only if:

- (1) The alteration is of similar quality and convenience;
- (2) The alteration is consistent with this element and all other applicable regulations of the Martin County Code of Ordinances and elements of the CGMP; and
- (3) The alteration is approved by the local government.

*Policy 8.1F.5. Acquisition of waterfront parcels.* The County shall continue the program of acquiring and developing waterfront resource-based parcels with public access through the Martin County Land Acquisition Selection Program in conjunction with other federal, state and

## Chapter 8 COASTAL MANAGEMENT ELEMENT

regional agencies; specifically, the Federal Bureau of Land Management's Land and Water Conservation Funds Grants, the SFWMD's State Land Acquisition Program and the Florida Inland Navigation District.

*Policy 8.1F.6. Public access acquisition.* When considering parcels for acquisition along the ocean or on estuarine waters, parcels with public road right-of-way access shall be ranked higher than parcels without public road right-of-way access.

*Policy 8.1F.7. Beach access in Southern Martin County.* Martin County shall continue to support programs and activities to increase beach access south of the St. Lucie Inlet. Martin County shall continue to work with the FDEP and the staff with the St. Lucie Inlet State Park to increase access to the State Park.

*Objective 8.1G.* To prevent loss of historic resources on County-owned property and protect, preserve or use historic resources on private property in a manner that will allow their continued existence, in accordance with Chapter 16, Arts, Culture and Historic Preservation.

**Goal 8.2.** To protect human life and capital facilities from the destructive effects of hurricanes and other natural disasters by limiting public expenditures and development activities in identified coastal high-hazard areas, providing for safe and effective emergency evacuation and establishing procedures for post-disaster redevelopment.

Storm surge evacuation zones A thru E were introduced in Section 8.2 of this chapter as an improved method of describing storm impacts and issuing evacuation orders. Storm surge is not directly proportional to the storm's Saffir-Simpson hurricane wind scale. The evacuation zones A-E more accurately describe the areas requiring evacuation based on storm surge models provided by the National Hurricane Center. Objective 8.2C will reference storm surge evacuation zones A-E. However, Chapter 163.3178(2)(h), Florida Statutes, continues to require plan policies based on storm events measured on the Saffir-Simpson hurricane wind scale, Categories 1-5.

Category 1, Hurricane. Sustained winds 74-95 miles per hour or 119-153 kilometers per hour. Very dangerous winds will produce some damage: Well-constructed frame homes could have damage to roof, shingles, vinyl siding and gutters. Large branches of trees will snap and shallowly rooted trees may be toppled. Extensive damage to power lines and poles likely will result in power outages that could last a few to several days.

Category 2, Hurricane. Sustained winds 96-110 miles per hour or 154-177 kilometers per hour. Extremely dangerous winds will cause extensive damage: Well-constructed frame homes could sustain major roof and siding damage. Many shallowly rooted trees will be snapped or uprooted and block numerous roads. Near-total power loss is expected with outages that could last from several days to weeks.

Category 3, Hurricane. Sustained winds 111-129 miles per hour or 178-208 kilometers per hour. Devastating damage will occur: Well-built framed homes may incur major damage or removal of roof decking and gable ends. Many trees will be snapped or uprooted, blocking numerous roads. Electricity and water will be unavailable for several days to weeks after the storm passes.

Category 4, Hurricane. Sustained winds 130-156 miles per hour or 209-251 kilometers per hour. Catastrophic damage will occur: Well-built framed homes can sustain severe damage with loss of most of the roof structure and/or some exterior walls. Most trees will be snapped or uprooted and power poles downed. Fallen trees and power poles will isolate residential areas. Power outages will last weeks to possibly months. Most of the area will be uninhabitable for weeks or months.

Category 5, Hurricane. Sustained winds 157 miles per hour or higher. Sustained winds 252 kilometers per hour or higher, Catastrophic damage will occur: A high percentage of framed homes will be destroyed, with

Chapter 8 COASTAL MANAGEMENT ELEMENT

total roof failure and wall collapse. Fallen trees and power poles will isolate residential areas. Power outages will last for weeks to possibly months. Most of the area will be uninhabitable for weeks or months.

*Objective 8.2A.* To limit public expenditures in the designated coastal high-hazard area to necessary public services.

*Policy 8.2A.1. Coastal high-hazard area.* The County shall use best practices to reduce flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise. The Florida coastal high-hazard area is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The Flood Insurance Rate Maps (FIRM) depiction of the coastal high-hazard area (also known as the VE Zone) is the area subject to high velocity water including waves and is mapped with base flood elevations that reflect the combined influence of stillwater flood elevations, primary frontal dunes and wave effects 3 feet or greater. All development will be subject to review using both the SLOSH coastal high-hazard area and the FIRM coastal high-hazard area methodologies, with the most restrictive measures from both methodologies prevailing, Martin County shall:

- (1) Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
- (2) Reduce losses due to flooding and claims made under flood insurance policies issued in the county.
- (3) Participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

*Policy 8.2A.2. Limitation of public expenditures.* To limit public expenditures in the coastal high-hazard area, Martin County shall:

- (1) Continue to approve only detached single-family development in residentially designated parts of the Hutchinson Island area, not exceeding two units per gross upland acre;
- (2) Supply water and/or sanitary sewer services necessary to correct deficient systems that are polluting the Indian River Lagoon or other environmentally sensitive water bodies. Septic tanks shall only be approved on lots one-third acre (14,520 square feet) or larger, provided they are served by central water and comply with Florida Administrative Code requirements for septic tanks;
- (3) Provide services necessary to ensure public access to beaches and/or other public waterfront recreation/conservation areas;
- (4) Provide services needed to minimize evacuation times during emergencies as specified in Goal 8.2; and/or
- (5) Provide services that restore or enhance natural resources.

*Policy 8.2A.3. Public services.* Necessary public services are defined as:

- (1) Water and/or sanitary sewer services necessary to correct deficient systems that are polluting the Indian River Lagoon or other environmentally sensitive water bodies;
- (2) Services necessary to ensure public access to beaches and/or other public waterfront recreation/conservation areas;
- (3) Services needed to minimize evacuation times during emergencies; and/or
- (4) Services that restore or enhance natural resources.

Chapter 8 COASTAL MANAGEMENT ELEMENT

*Policy 8.2A.4. Infrastructure or service expansion restrictions.* Public funds shall not be used for infrastructure or service expansion or improvements to areas designated as coastal high-hazard areas unless such funds are necessary to provide:

- (1) Services to existing subdivisions (structures approved for development prior to the adoption of this policy);
- (2) Adequate evacuation in the event of an emergency;
- (3) Recreational needs and other appropriate water-dependent and water-related uses;
- (4) Support to public and private land development specifically designed to minimize storm hazards as deemed necessary for such public facilities by the Land Development Regulations.

*Policy 8.2A.5. Expansion of Barrier Island Ordinance.* Martin County may investigate using development restrictions in other parts of the coastal high-hazard area just as the barrier island regulations restrict development on Hutchinson Island.

*Policy 8.2A.6. Relocation of infrastructure.* Martin County shall consider relocating infrastructure outside the coastal high-hazard area when funding opportunities occur. No such relocation shall reduce the level-of-service standard for existing residents.

*Objective 8.2B.* To encourage low-density land uses in the coastal high-hazard area in order to direct population concentrations away from this area.

*Policy 8.2B.1. Coordination of Land Development Regulations and infrastructure improvements.* Land Development Regulations and limits on urban infrastructure improvements shall both be used to limit development on coastal barrier islands and other high-hazard coastal areas to prevent a concentration of population or excessive expenditure of public and private funds.

*Policy 8.2B.2. Barrier island development regulations.* Martin County shall continue to enforce the barrier island development regulations, which address, at a minimum:

- (1) Maximum residential densities;
- (2) Wetland preservation;
- (3) Shoreline protection;
- (4) Flood damage prevention;
- (5) Endangered species habitat protection;
- (6) Potable water and wastewater requirements;
- (7) Site design standards;
- (8) Recreation and open space standards;
- (9) Transportation standards;
- (10) Public safety standards; and
- (11) Stormwater quality standards.

*Policy 8.2B.3. Acquisition of coastal high-hazard area lands.* Martin County shall identify funding sources for buying land in the Category 1, 2 and 3 hurricane surge areas (as established by the most recent application of the SLOSH model) for public access, conservation or open space.

## Chapter 8 COASTAL MANAGEMENT ELEMENT

*Policy 8.2B.4. Construction restrictions in hurricane surge areas.* Martin County shall continue its existing limits on construction in the Category 1, 2 and 3 hurricane surge areas as established by the most recent application of the SLOSH model.

*Objective 8.2C. Hurricane evacuation.* To protect the public safety during emergency evacuation by maintaining or reducing emergency evacuation clearance time and maintaining an adequate emergency evacuation roadway system.

*Policy 8.2C.1. Emergency evacuation plan.* Martin County shall maintain an in-County emergency evacuation clearance time of 13 hours for a Category 5 hurricane as documented in the Treasure Coast Regional Hurricane Evacuation Study Update 2016.

*Policy 8.2C.2. New development evacuation plans.* All new development proposed within the Category 1, 3 and 5 storm surge areas shall include detailed plans and procedures for evacuation in the event of a hurricane. Hurricane storm surge areas shall be mapped and updated using the most recent application of the SLOSH model.

*Policy 8.2C.3. Emergency evacuation mitigation requirements.* All new developments projected to increase emergency evacuation clearance times above the County's adopted emergency evacuation clearance time shall mitigate their impacts fully prior to issuance of certificates of occupancy.

*Policy 8.2C.4. Emergency shelter space requirements.* All residential developments vulnerable to coastal flooding shall provide emergency shelter space to accommodate the 25 percent of development residents who are expected to seek shelter locally, or as technical studies find appropriate. The requirement to provide emergency shelter space is in addition to the emergency evacuation mitigation requirements of Policy 8.2C.3. Emergency shelter space shall be allocated at 20 square feet per person, or as recommended by the guidelines for hurricane evacuation shelter selection (ARC 4496) and the State of Florida Model Hurricane Evacuation Shelter Selection guidelines.

New mobile/manufactured home developments outside areas vulnerable to flooding shall provide shelter space as required above that meets established requirements for wind load, cyclical load and impact resistance in the Florida Building Codes. Shelter space may be established either on-site or off-site, provided this space is located, equipped and stocked with provisions and maintained and retained in accordance with the specifications provided by the Martin County Fire Rescue Emergency Management Director. No emergency storm shelters shall be approved on the barrier islands.

The on-site shelter space option shall not be available to developments that lie in areas vulnerable to surge as identified on Figure 8-5 of this element.

**Editor's note**— Figure 8-5 is on file in the office of the Martin County Growth Management Department.

No certificates of occupancy shall be issued for any units until the developer can verify, through an inspection by the Martin County Fire Rescue Emergency Management Agency, that emergency shelter space is available to accommodate the needs generated by the development. Emergency shelter space, once verified by the developer and the Martin County Fire Rescue Emergency Management Agency, shall not be modified, changed or used in any manner that would render it unusable as a shelter. This requirement shall be imposed on successor owners or operators of the property so designated as a shelter.

Chapter 8 COASTAL MANAGEMENT ELEMENT

*Policy 8.2C.5. Emergency evacuation road improvements.* As part of the 2016 Statewide Regional Evacuation Study, Martin County shall examine emergency evacuation routes to determine those that may be inadequate. Inadequate roadway links are those that (1) have insufficient traffic capacity as determined by level of service and (2) are subject to flooding and prone to blockage by fallen trees in high winds. The study will determine responsibility for the costs of improvements. Roadway links this study finds inadequate will be given priority in the Capital Improvements Element. Roadway links that are insufficient due to the probability of tree fall shall be corrected by the County's ongoing tree trimming and/or removal program.

*Policy 8.2C.6. Hazardous tree fall program.* An ongoing program to be administered by the Martin County Road Department shall remove Australian pines and other trees prone to wind damage along identified emergency evacuation routes to eliminate hazardous tree falls along these routes.

*Policy 8.2C.7. County/City cooperation.* Martin County, the City of Stuart and all other inter-County municipalities shall coordinate hurricane evacuation plans. As part of that coordination, Martin County shall request the participation of the City of Stuart in determining what emergency evacuation routes may be inadequate.

*Policy 8.2C.8. Density limitations on Hutchinson Island.* New development on Hutchinson Island that is not vested (vacant uncommitted parcels) shall continue to be limited to single-family residences.

*Policy 8.2C.9. Emergency technical data updates.* Technical data reports and plans used in managing hurricanes, floods, nuclear power plant emergencies and other emergencies should be updated annually to reflect changes in population size and distribution, location of high-risk populations, adequacy of transportation systems and shelters, changes in sea level rise predictions and the latest scientific findings affecting emergency management.

*Policy 8.2C.10. Public information responsibilities.* The Emergency Management Director shall continue to develop and disseminate data on who should evacuate, how to evacuate and what services are available for the population in a hurricane.

*Objective 8.2D. Post-disaster redevelopment.* To establish, maintain and update a Post-Disaster Redevelopment Plan.

*Policy 8.2D.1. Post-Disaster Recovery Task Force.* Martin County shall convene a Post-Disaster Recovery Task Force including, at a minimum, the Building Department Director, Emergency Management Director, Engineering Department Director and Growth Management Director, along with other members at the discretion of the County Administrator. Staff shall be provided by the departments whose directors sit on the task force.

*Policy 8.2D.2. Post-disaster procedures.* The Post-Disaster Recovery Task Force shall adhere to the procedures of the Comprehensive Emergency Management Plan.

*Policy 8.2D.3. Cleanup and repair priorities.* Immediate cleanup and repair actions needed to protect the public health and safety shall receive first priority (within two weeks of the storm) in emergency permitting decisions. These actions include the following:

- (1) Repairs to potable water, wastewater and power facilities;
- (2) Removal of debris and inspection for hazardous materials;
- (3) Stabilization or removal of structures about to collapse;
- (4) Minimal repairs to make dwellings habitable; and
- (5) An environmental assessment by the Martin County Environmental Health Unit.



Chapter 8 COASTAL MANAGEMENT ELEMENT

*Policy 8.2D.4. Redevelopment activities.* Long-term redevelopment activities shall be postponed until the task force has completed its work. Then Martin County shall encourage activities consistent with the Comprehensive Emergency Management Plan and specific redevelopment plans developed by the task force.

*Policy 8.2D.5. Streamlined development approvals.* Martin County shall develop procedures to streamline the post-disaster development approval and building permit approval process for property owners who meet all conditions for rebuilding within coastal areas, as described in Policies 8.2D.6 through 8.2D.11.

*Policy 8.2D.6. Redevelopment of parcels.* After a hurricane or other declared natural disaster, parcels that have been damaged may be redeveloped, provided the new development does not exceed the density and/or intensity of use of the previous development.

*Policy 8.2D.7. Rebuilt structures.* Structures that suffer cumulative damages in excess of 50 percent of their appraised value within any five-year period shall be rebuilt to meet all current building code requirements, including those enacted since construction of the structure.

*Policy 8.2D.8. Structures with repetitive damage.* Structures that suffer repeated damage to pilings, foundations or load-bearing walls shall be required to rebuild landward of their current location or to modify the structure to delete the areas most prone to damage. Water-dependent uses shall be exempt from the requirement to rebuild landward of their current location if, when rebuilt, the structure is modified to minimize future damages.

*Policy 8.2D.9. Repair of seawalls.* Repair or reconstruction of seawalls will be permitted only if it meets the provisions of Policy 8.1C.2.

*Policy 8.2D.10. Coordination on hurricane technical report update.* The County should coordinate with the Treasure Coast Regional Planning Council in updating the hurricane technical report to ensure a unified local mitigation strategy for the Category 1, 2 and 3 hurricane surge area as established by the most recent application of the SLOSH model. The strategy should involve:

- (1) Identifying structures within the Category 1, 2 and 3 hurricane surge areas;
- (2) Inventorying assessed value of these structures;
- (3) Judging the utility of the land for public access; and
- (4) Making recommendations for acquisition when post-disaster opportunities arise.

*Policy 8.2D.11. Hutchinson Island development order restrictions.* Development shall be limited both before and after a natural disaster on Hutchinson Island by enforcing the following Hutchinson Island development restrictions:

- (1) Prior to a hurricane or other declared natural disaster, Martin County shall limit development on Hutchinson Island by continuing to enforce the barrier island development restrictions.

*Objective 8.2E. Coastal infrastructure.* To maintain established levels of service and phased and maintained infrastructure to assure that adequate public facilities and services are available to existing and projected residents and visitors to the coastal high-hazard area.

*Policy 8.2E.1. Level-of-service standards.* The level-of-service standards adopted for public facilities in Chapter 14, Capital Improvements Element, and the additional standards under this objective shall be applied by the Martin County Growth Management Department whenever development orders or permits are requested.

*Policy 8.2E.2. Level-of-service guidelines for new development.* The Martin County Growth Management Department shall require all applicants for development permits in the coastal high-

## Chapter 8 COASTAL MANAGEMENT ELEMENT

hazard area to demonstrate that the project will comply with the adopted levels of service for necessary public facilities as stated in the Capital Improvements Element.

*Policy 8.2E.3. Infrastructure.* The County shall ensure concurrency in the coastal high-hazard area as required in the Capital Improvements Element for all levels of service, including evacuation clearance time specified in Policy 8.2C.1.

*Policy 8.2E.4. Road improvements.* Evacuation routes shall have a high priority when ranking road improvement projects are ranked in the annual update to the Capital Improvements Element.

*Policy 8.2E.5. Natural disaster.* The Martin County Emergency Services Department and Emergency Management Agency shall review developments in areas of potential natural and manmade disasters for safety factors such as adequacy of shelter for residents and ability of internal and surrounding roads to accommodate emergency traffic.

*Policy 8.2E.6. Wastewater treatment.* Public and private wastewater treatment facilities that have a history of malfunctioning should be repaired immediately or replaced by the responsible governmental entity or private operator.

*Policy 8.2E.7. Public utility hookup guidelines.* All new and existing developments using septic tank and package sewage treatment facilities shall comply with the requirements of Chapter 10, Sanitary Sewer Services.

*Policy 8.2E.8. Storm or surface water runoff.* Any surface water or stormwater runoff into coastal water shall comply with the requirements of Chapter 13, Drainage and Natural Groundwater Aquifer Recharge.

**Goal 8.3** To protect human life by preparing and defending public and private property against recurring events such as: extreme drought, fire, high-tide, saltwater intrusion, storm surge, extreme rain events, inland flooding or, some combination of events.

*Objective 8.3A. Resiliency Planning.* The County shall develop principals, strategies, and environmental and engineering solutions that respond to recurring events such as extreme drought, fire, extreme high-tide events, storm surge, flash floods, and other related impacts associated with sea-level rise for coastal areas.

*Policy 8.3A.1. Vulnerability Analysis and Resiliency Plan.* The County shall complete a Vulnerability Analysis with Resiliency Plan that will include identification of areas projected to be impacted by future sea level rise in 2030, 2060 and 2100.

*Policy 8.3A.2. Resiliency Planning Implementation.* The County shall consider further Comprehensive Plan, Code and policy recommendations, as recommended by the Vulnerability Analysis with Resiliency Plan.

*Policy 8.3A.3. County Resiliency Planning Coordination.* The County shall seek opportunities to enhance the multiple benefits of resiliency planning by developing nature-based and built environment strategies that can be implemented through County policies related to floodplain, emergency and natural systems management.

*Policy 8.3A.4. Interagency Resiliency Initiatives.* The County will maintain and enhance relationships with State and Federal agencies on resiliency planning including, but not limited to, FEMA's Community Rating System, the South Florida Water Management District, Department of Environmental Protection, Florida Department of Agriculture and Consumer Services, State of Florida Chief Science Office, State of Florida Chief Resilience Officer, U.S. Army Corps of

- COMPREHENSIVE GROWTH MANAGEMENT PLAN

Chapter 8 COASTAL MANAGEMENT ELEMENT

Engineers, National Oceanic and Atmospheric Administration, United States Geological Survey and other local governments.

Data and Analysis  
CPA 19-12,  
Shoreline Protection  
Zone

# 2013

## Martin County Shoreline Inventory and Analysis



## Contents

Introduction .....	2
Analysis Area Extents .....	4
Methodology.....	6
Shoreline Parcel Inventory in Analysis Area .....	7
Commercial Parcels by Use.....	10
Shoreline Hardening in Analysis Area .....	12
Permits for Shoreline Hardening .....	14
Waivers to Shoreline Protection Zone .....	14
Shoreline by Community Redevelopment Area .....	16

### Introduction

Martin County has provided shoreline protection measures since the adoption of its first Comprehensive Plan in 1982. The intent is to protect estuarine waters, to minimize activities that degrade, destroy, or otherwise negatively impact estuarine systems, and where appropriate, to reestablish and restore natural habitat. Development on the waterfront is controlled by policies in the Comprehensive Growth Management Plan (CGMP) and Land Development Regulations (LDRs); specifically the policies found in Chapter 8, Coastal Management Element; Chapter 9, Conservation and Open Space, CGMP; and Article 4, Site Development Standards, LDR's.

The CGMP provides for a shoreline protection zone for all waterfront development. The shoreline protection zone extends 75 feet laterally upland from the mean high water for all properties on estuarine waters within the county. Estuarine waters is defined as all surface waters of the State that are both hydrologically connected (to the estuarine waters) and navigable. In addition, county code requires a 10-foot construction setback to a primary structure or a 5-foot setback to an accessory structure (such as a pool) from the shoreline protection zone. Shoreline protection policies prohibit the creation of canals and significantly limits hardening of the shoreline. There are policies that prohibit the destruction of mangroves, and require restoration or replanting of native habitat.

Since its enactment in 1982, the County has strengthened its shoreline protection requirements within the Comprehensive Plan, but over the course of years, particularly in 1990, and 1997, a number of exceptions were added to the policies and regulations. Exceptions exist for lots of record that were platted prior to 1982 and are 1-acre or less. Chapter 8, Coastal Management Element provides the following exceptions to the 75 foot shoreline protection zone:

8.1C.1.(3) (h) Exceptions. The following exceptions to Policy 8.1C.1(1) above are to be recognized:

- 1) For lots of record with an upland area of one acre or less, the landward extent of the shoreline protection zone shall be reduced to 25 feet.
- 2) The minimum shoreline protection zone shall be 20 feet from mean high water for properties, including Community Redevelopment Area properties, with legally hardened shorelines (i.e., seawalls, riprap, retaining walls and/or interlocking brick) that do not contain a predominance of native wetland or upland vegetation. Protection of adjacent water quality through stormwater control shall be required as set forth in Policy 8.1C.1(3)(h)5).
- 3) For legal, single-family residential lots of record as of April 1, 1982 that have hardened shorelines, the shoreline protection zone may be reduced to a minimum of 15 feet by the Growth Management Director upon a determination that special and unique circumstances exist that have created a hardship for the property

owner. Protection of adjacent water quality through stormwater control shall be required as set forth in Policy 8.1C.1(3)(h)5).

- 4) For properties located on manmade canals and basins with unhardened shorelines that existed on the date the plan was adopted, the landward extent of the shoreline protection zone (Policy 8.1C.1(1)) may be reduced to a minimum of 25 feet. The first 20 feet from mean high water shall be restored with native vegetation to stabilize the shoreline.

In addition to defining a shoreline protection zone, the CGMP specifies when shoreline hardening may take place. Prior to 1982, it was permissible to dig man-made canals (and harden the shoreline) as a part of residential development. The 1990 Plan provided increased regulations for shoreline protection and the current CGMP prohibits altogether the construction of canals for access to surface waters of the State or its tributary systems. Current policies allow shoreline hardening only when erosion is causing a serious (significant) threat to life or property. Vertical seawalls are allowed to stabilize or harden a shoreline only when it is determined that significant erosion exists and no other protection method is suitable to the specific and unique conditions of the site.

The CGMP provides for a number of exceptions to allowable seawall construction. Chapter 8, Coastal Management Element provides the following exceptions to construction of a vertical seawall:

8.1C.2.(3) Bulkheads or vertical seawalls may be allowed under the following circumstances:

- (a) The lot was a residential lot of record as of April 1, 1982; and
- (b) The lot fronts on a manmade canal created prior to April 1, 1982; and
- (c) At least 75 percent of the canal lots of the subdivision or plat have permitted bulkheads or vertical seawalls that existed as of January 1, 2000; and
- (d) The lot was undeveloped as of January 1, 2000.

During the presentation of this report to the Local Planning Agency (Agency), members requested additional analysis on some of the data provided in the report. Agency members requested further details on permits for shoreline hardening and waivers to the shoreline protection zone. Agency members also asked for additional information on the existing uses on commercial waterfront properties. The additional analysis requested by the Local Planning Agency is included in this report.

The purpose of this report is to provide data and analysis on the composition of the shoreline and status of parcels fronting on the water within the study area. The maps and data herein are intended for use in the planning process to guide in policy creation and decision making.



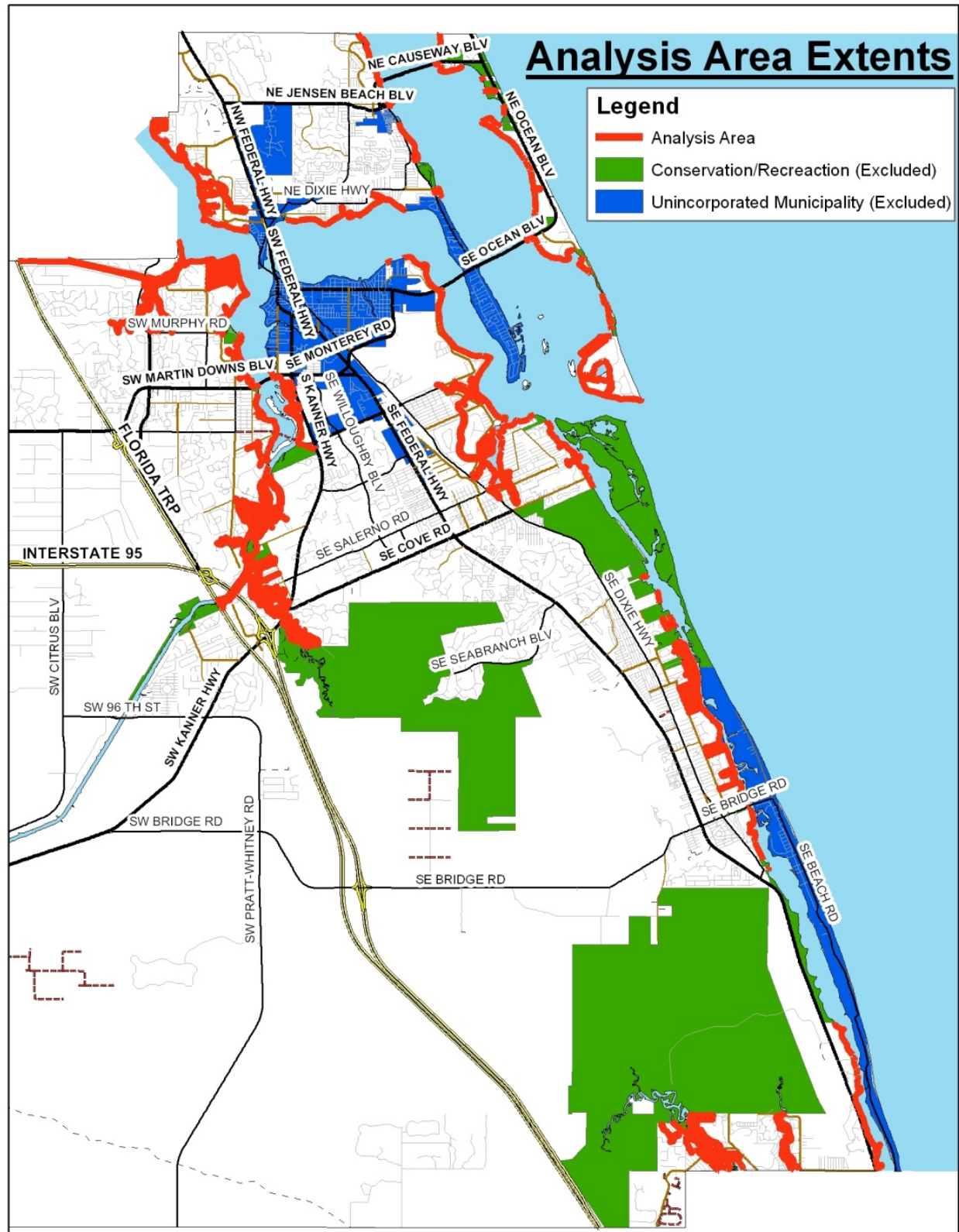
### Analysis Area Extents

The analysis area for this report (minus excluded areas as discussed below) includes all navigable waters hydrologically connected to estuarine waters of the St. Lucie River, Indian River Lagoon, Loxahatchee River, and all navigable tributaries and canals.

The analysis area extent ends at the locks on the St. Lucie Canal, and the drainage weir on the C-24 canal located just west of Bessey Creek. All of the analysis in this report takes place on the tidal waters east of Florida's Turnpike.

The analysis is further confined to the unincorporated areas of the county and specifically excludes the municipalities of City of Stuart, Town of Jupiter Island, Sewall's Point and Ocean Breeze Park.

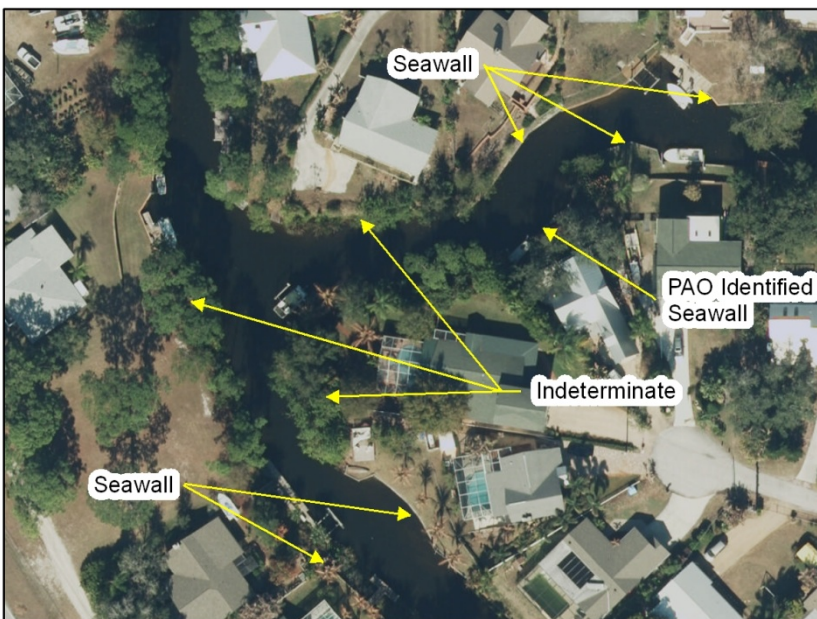
In addition, the analysis takes place only on *residential* and *commercial lands* and purposely excludes Conservation, Recreational, and Institutional land use lands that as a general rule are limited in potential for shoreline hardening. The excluded lands include the Conservation and Recreational lands on Jupiter Island and Jonathan Dickinson Park as well as the numerous Recreational/Conservation parcels that line the waterways of the county. The Atlantic Ocean side of Hutchinson Island is excluded from the analysis area because very little shoreline hardening exists and what does exist is difficult to spot on aerial photographs. All analysis and the subsequent shoreline inventory has taken place on the areas described above. See *Analysis Area Extents* map below to view the limits of the analysis area.



### Methodology

To perform the analysis, staff created two data sources in the county's Geographic Information Systems (GIS) mapping system: a "Shoreline Hardening Inventory" and a "Shoreline Parcel Inventory". The Shoreline Hardening Inventory was created using heads-up digitizing from aerial photography to visually identify shoreline that has been hardened with either seawalls and/or rip rap. The Shoreline Parcel Inventory, was created using GIS tools and techniques to link various county databases together to create a cohesive dataset of parcel data that contains information on land use, zoning, year platted, PAO DOR codes and other information pertinent to the analysis. These databases are a "snapshot-in-time" and reflect conditions that were in place at the time of the creation of the databases.

The Shoreline Hardening Inventory was created using GIS aerial photography to identify the makeup of the shoreline. The advantage of creating a seawall inventory by this method is that it is reasonably quick and cost effective. A more precise, but far more costly and time-consuming way to conduct an inventory, would be to do a visual inventory by boat. The drawback to an inventory by aerial photography is that in instances of heavy tree cover or vegetation it can be difficult or impossible to classify the shoreline.

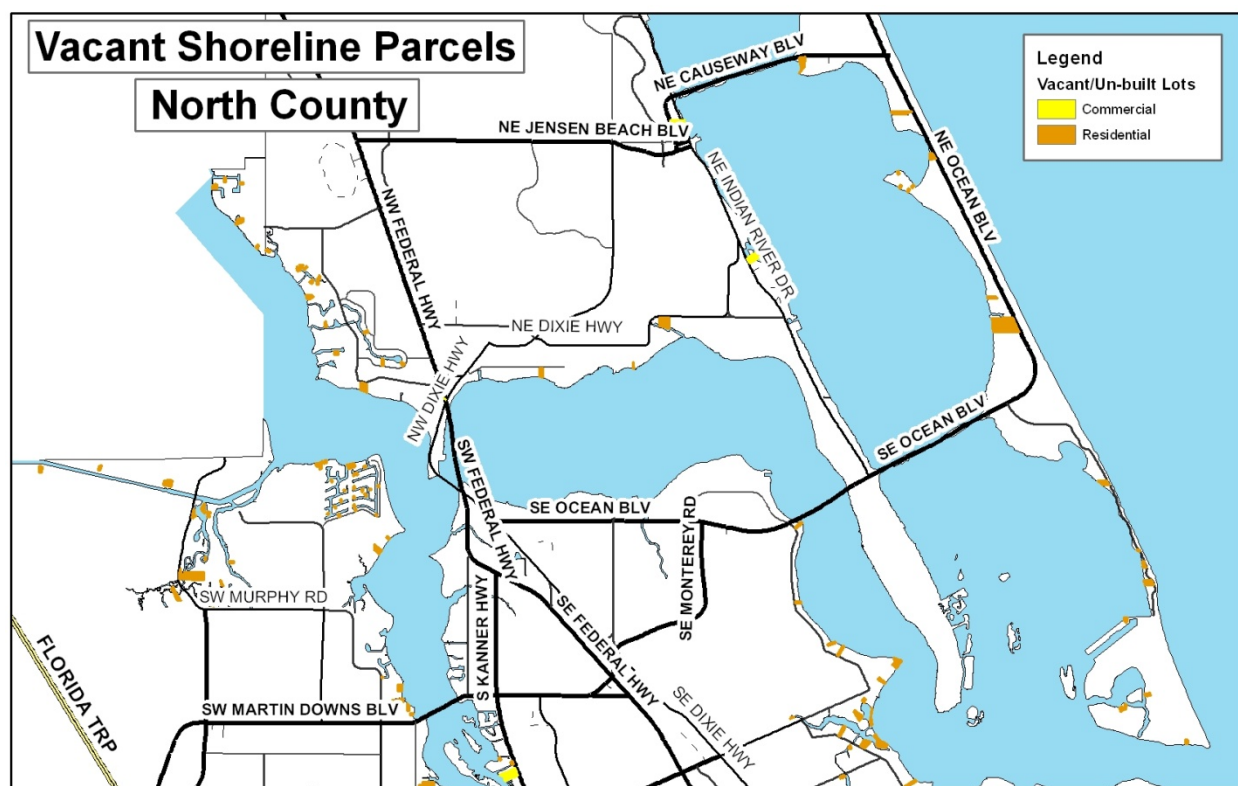


Staff was unable to identify seawalls when there is heavy tree canopy in the way. The picture above illustrates some of the difficulty in determining shoreline features from aerial photography in areas of heavy vegetation.

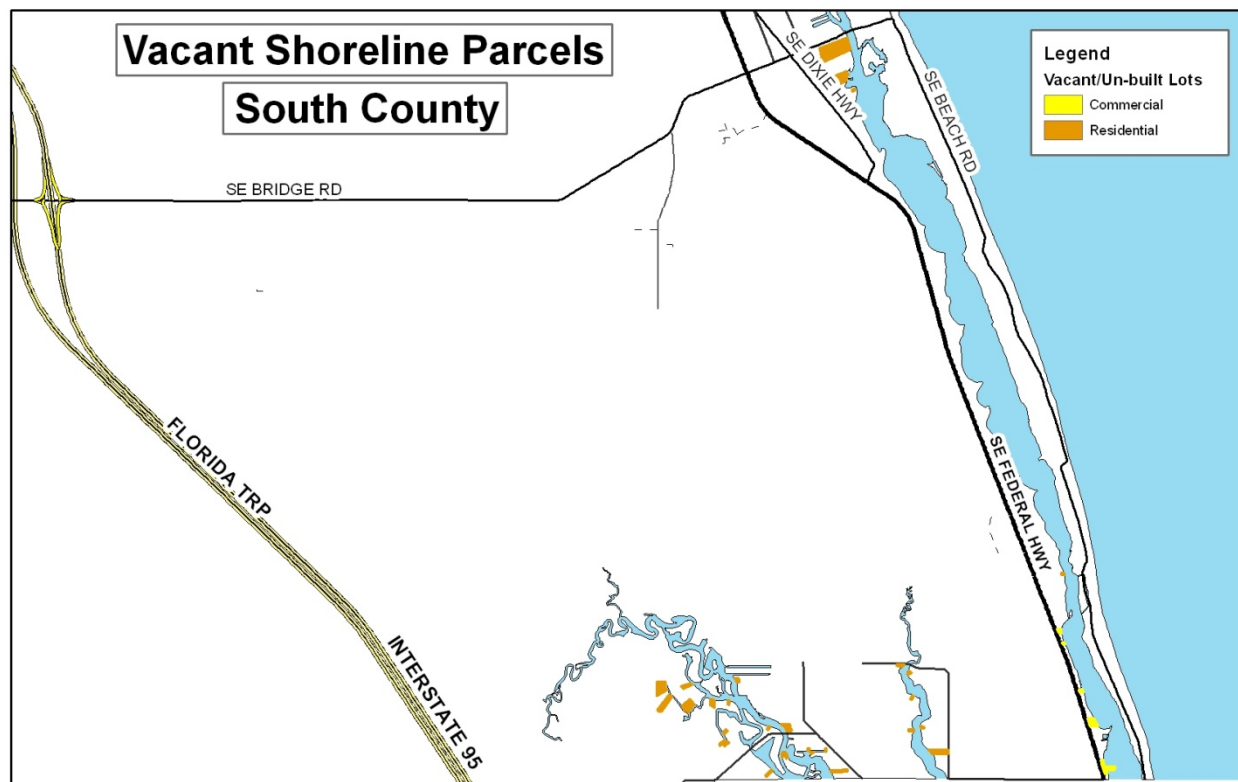
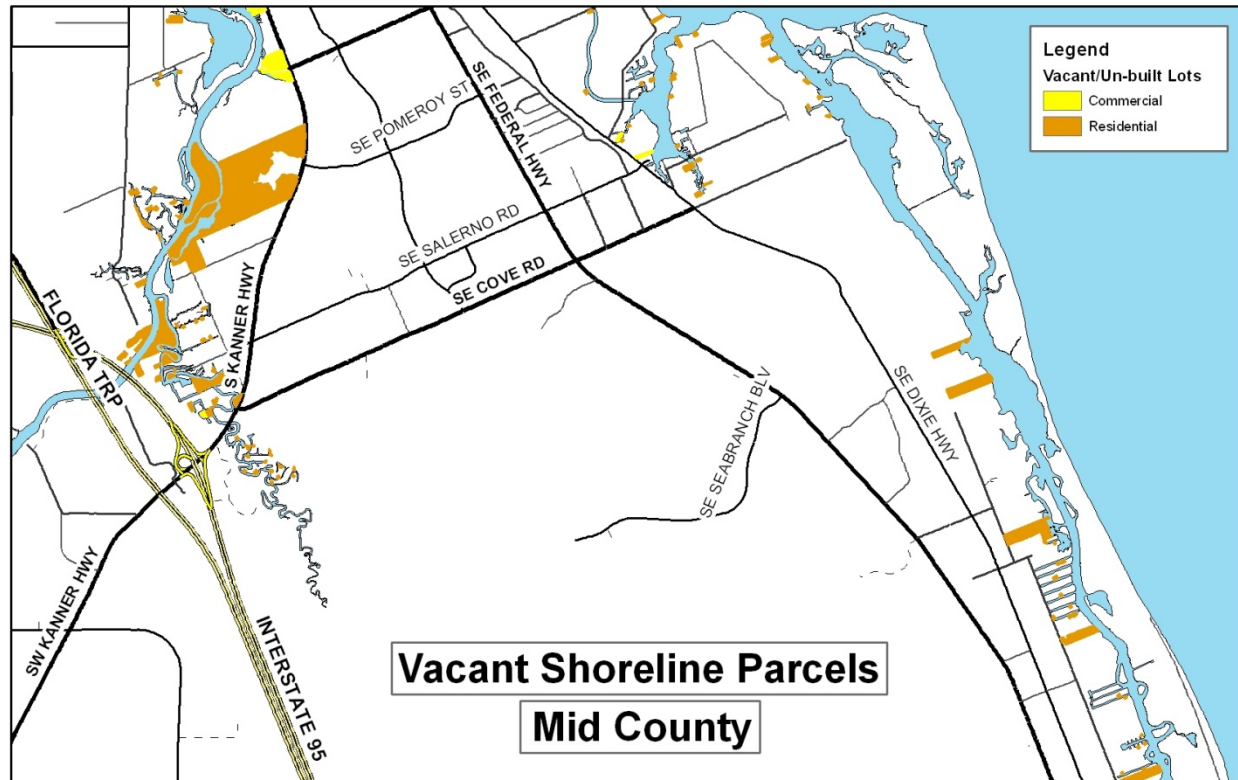
The shoreline inventory was further refined by comparing visual findings with seawall inventory data provided by the Property Appraisers Office (PAO). The Property Appraisers Office states that it is only over the past three years or so that they have started tracking properties with seawalls and therefore they do not have a comprehensive list of all properties with seawalls. The PAO database was used to double check and augment the visual inventory findings.

## Shoreline Parcel Inventory in Analysis Area

The GIS Shoreline Parcel Inventory provides data on waterfront parcels for future land use designation, year platted, acres, current use, and whether vacant or developed. As described in the Analysis Area section, the analysis looks at residential and commercial lands and specifically excludes Conservation, Recreational, and Institutional future land uses that as a general rule are limited in potential for shoreline hardening. Staff has generalized waterfront parcels as either *residential* or *commercial*. The residential category includes all residential future land uses including Agricultural and Mobile Home. The commercial category includes all commercial and industrial future land uses including the Commercial Office/Residential designation. For the purpose of this analysis, staff has defined the Commercial Office/Residential future land use as commercial use even though it allows both residential and/or commercial uses. (Note: There are no waterfront Industrial parcels within the analysis area.) The figures below show the location of vacant waterfront parcels.







## Martin County Shoreline Inventory and Analysis

The data shows that Martin County has 4,820 waterfront lots within the analysis area. Broken down by land use, Martin County has 4,571 waterfront residential lots and 249 waterfront commercial lots. 316 of the residential lots are vacant/un-built and 21 of the commercial lots are vacant/un-built.

TOTAL WATERFRONT PARCELS BY USE				
Total Waterfront Lots	Total Residential Waterfront Lots	Vacant Residential Waterfront Lots	Total Commercial Waterfront Lots	Vacant Commercial Waterfront Lots
4,820	4,571 (95%)	316	249 (5%)	21

ALL WATERFRONT PARCELS BY LAND USE				
Land Use	Total Number of Lots	% of Total	Number of Vacant Lots	% of Land Use
AG. RANCHETTE	2	0.04%	0	0.00%
COMM. GENERAL	6	0.12%	1	16.7%
COMM. LIMITED	42	0.87%	1	2.4%
COMM. WATERFRONT	155	3.22%	14	9.0%
COMM/OFF/RES	46	0.95%	5	10.9%
ESTATE DENSITY 1UPA	24	0.50%	15	62.5%
ESTATE DENSITY 2UPA	2,077	43.1%	138	6.6%
HIGH DENSITY	29	0.60%	2	6.9%
LOW DENSITY	1,991	41.3%	127	6.4%
MEDIUM DENSITY	154	3.20%	11	7.1%
MOBILE HOME	169	3.51%	13	7.7%
RURAL DENSITY	111	2.30%	9	8.1%
RURAL HERITAGE	6	0.12%	1	16.7%

Martin County has 4,820 waterfront lots within the analysis area of which 3,514 (73%) were platted prior to 1982 and are less than 1-acre. Section 4.5.A.2. Land Developments Regulations provides the following shoreline protection zone reduction for lots of record less than 1-acre:

*4.5.A. Waivers for certain lots of record.* The Shoreline Protection Zone and setbacks may be altered on certain lots of record to provide reasonable use of such lots of record under the following circumstances. It is not the intent of this section (4.5.) that this subsection A. be used in conjunction with a division of a lot of record into more than one lot.

## Martin County Shoreline Inventory and Analysis

2. For lots of record so existing on 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. No waiver application needs to be submitted however, all shoreline performance standards remain applicable and a berm or swale described in section 4.5.A.3., shall be required.

The 3,514 waterfront lots noted above are eligible for a reduced shoreline protection zone of 25 feet. Residential lots of record may be eligible for further reduction to 20 feet upon meeting additional requirements. Out of the total 4,820 waterfront lots, 335 lots (7%) are vacant/un-built, of which 197 lots are lots of record less than 1-acre and qualify for a reduced shoreline protection zone of 25 feet.

TOTAL NUMBER OF WATERFRONT PARCELS				
Total Waterfront Lots	Platted Prior to 1982	Platted After 1982	Platted Prior to 1982 and Less Than 1-acre	Platted Prior to 1982 and More Than 1-acre
4,820 lots	4,006 lots (83%)	814 lots (17%)	3,514 lots (73%)	492 lots (10%)

VACANT WATERFRONT PARCELS				
Total Vacant Waterfront Lots	Platted Prior to 1982	Platted After 1982	Platted Prior to 1982 and Less Than 1-acre	Vacant Lots Greater Than 1-acre
335 lots	268 lots (80%)	67 lots (20%)	197 lots (59%)	71 lots (21%)

### Commercial Parcels by Use

The Local Planning Agency asked for additional information on the existing uses of commercial waterfront parcels to better understand the makeup of the waterfront. Commercial waterfront property is defined herein to include all commercial land use designations. (Eg.: Commercial Waterfront, Commercial Office/Residential, Commercial Limited, Commercial General) There are no waterfront properties with the Industrial future land use designation within the analysis area. The County's 249 commercial waterfront lots consist of the following land use designations on the Future Land Use Map:

COMMERCIAL WATERFRONT PARCELS BY FUTURE LAND USE DESIGNATION	
Future Land Use Designation	Total Number of Parcels
COMMERCIAL GENERAL	6 parcels
COMMERCIAL LIMITED	42 parcels
COMMERCIAL OFFICE/RESIDENTIAL	46 parcels
COMMERCIAL WATERFRONT	155 parcels
TOTAL	249 parcels

## Martin County Shoreline Inventory and Analysis

In the below analysis, commercial property has been grouped by its current use into one of the following categories: County-owned, Retail, Office, Restaurant, Hotel/Motel, Residential, Vacant, or Marina. The following table provides a breakdown of the acres of actual use on commercial waterfront property as well as the percentage of parcels platted prior to April 1, 1982.

<b>COMMERCIAL WATERFRONT PARCELS BY USE</b>				
Current Use	Total Acres	Percent of Total Acres	Total Number of Parcels	Percent of Total Parcels Platted Prior to 1982
COUNTY	5.8 acres	1.8%	9 parcels	67%
RETAIL	5.9 acres	1.8%	9 parcels	100%
OFFICE	5.9 acres	1.8%	12 parcels	100%
RESTAURANT	7.1 acres	2.2%	5 parcels	100%
HOTEL/MOTEL	12.9 acres	4.0%	8 parcels	88%
RESIDENTIAL	72.1 acres	22.4%	138 parcels	70%
VACANT	98.1 acres	30.5%	21 parcels	100%
MARINA	113.9 acres	35.4%	47 parcels	87%
<b>TOTAL</b>	<b>321.5 acres</b>		<b>249 parcels</b>	

The above data reveals that the majority of waterfront commercial lots (206-lots/284-acres) are being used as either Residential, Vacant, or Marina. The remainder (43-lots/37.6-acres) are either County-owned, Retail, Office, Restaurant, or Hotel/Motel. One-half of the Residential lots and almost all of the Marina lots have the Commercial Waterfront land use. Two-thirds of the Vacant lots have the Commercial Waterfront land use. The following table provides a breakdown of the future land use designations and number of parcels for each of the three majority existing uses.

<b>COMMERCIAL WATERFRONT PARCELS BY FUTURE LAND USE DESIGNATION</b>			
CURRENT USE	LAND USE	TOTAL PARCELS	TOTAL ACRES
RESIDENTIAL	Commercial Waterfront	71 parcels	47.9 acres
	Comm. Office/Residential	32 parcels	11.6 acres
	Commercial Limited	33 parcels	12.1 acres
	Commercial General	2 parcels	0.5 acres
	<b>TOTAL</b>	<b>138 parcels</b>	<b>72.1 acres</b>
VACANT	Commercial Waterfront	14 parcels	71.4 acres
	Comm. Office/Residential	5 parcels	24.1 acres
	Commercial Limited	1 parcels	0.1 acres



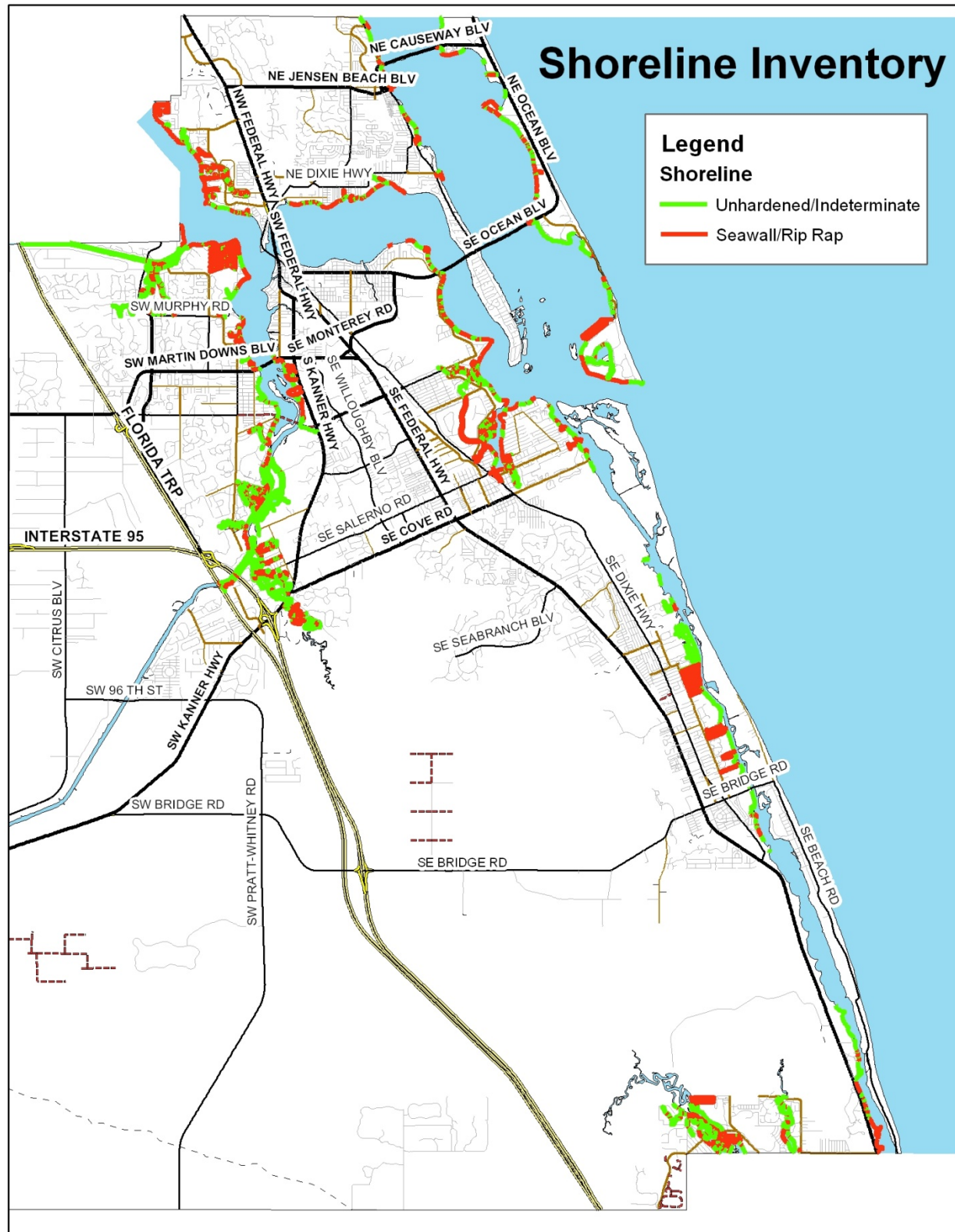
	Commercial General	1 parcel	2.5 acres
	TOTAL	21 parcels	98.1 acres
MARINA	Commercial Waterfront	45 parcels	113.2 acres
	Commercial Limited	1 parcel	0.4 acres
	Commercial General	1 parcel	0.3 acres
	TOTAL	47 parcels	113.9 acres

### Shoreline Hardening in Analysis Area

The visible shoreline is classified into one of five categories depending on how it looked on aerial photographs: Unhardened shoreline; Vegetation; Indeterminate; Rip Rap; and Seawall. The “Unhardened shoreline” category was given to shoreline that displayed a predominance of sandy shoreline. “Vegetation” was assigned to shoreline where it could be determine with some confidence that no shoreline hardening was hidden beneath the vegetation. The “Indeterminate” category was given to shoreline where shoreline hardening was visible in the general area but it could not be specifically determine what was located under overhanging vegetation. “Rip Rap” was assigned to shoreline where rip rap was visible. “Seawall” was assigned to shoreline where the seawall was visible or the database provided by the Property Appraisers Office listed the property as having a bulkhead wall.

In summary, the analysis area contains a total of a 161 miles of shoreline that consists of 84 miles of unhardened shoreline, vegetation or indeterminate-vegetation and 77 miles of shoreline hardening. The numbers of course are approximate and represent only what can be visually determined on aerial photography. Hidden in the 17-miles of indeterminate-vegetation could be some length of shoreline hardening. Only a visual inspection by boat could provide a more precise inventory of the shoreline.

SHORELINE HARDENING SUMMARY		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	30,389.4	5.8
Vegetation	322,388.4	61.1
Indeterminate	91,507.6	17.3
Rip Rap	42,754.9	8.1
Seawall	363,605.0	68.9
Total	850,645.4	161.1



## Permits for Shoreline Hardening

Permits are issued for structural shoreline hardening whenever erosion is causing a serious (significant) threat to life or property that cannot be remedied through bank stabilization with native vegetation, in accordance with the CGMP, and the LDR's. A separate Shoreline Hardening permit is reviewed and issued by Engineering and Growth Management Departments for new all new structures, including riprap. In addition, state permitting may be required. Lastly, a Building permit is issued for structures inspected under the FL Building Code, such as walls but not riprap. Most repairs to shoreline structures are issued exclusively under a Building permit, unless new riprap is added to the face of the repaired wall or existing riprap is repaired and enhanced.

The data for shoreline hardening permits and waivers to the shoreline protection zone was downloaded from the County's Kiva system and reflects the total number of applications contained within the system. The analysis on permits and waivers includes the additional analysis requested by the LPA. To perform the following analysis staff investigated each individual application to reveal what action was taken on the application.

In the analysis below, applications are categorized as approved for new construction, approved for repairs to existing construction, or application denied. For the years 2005 through 2012 the county processed a total of fifty-eight applications for shoreline hardening. Twenty-nine applications were approved for new shoreline hardening and twenty-four applications were approved for repairs to existing shoreline hardening. Five applications were denied.

PERMITS FOR SHORELINE HARDENING				
Year	Total Number of Applications	Approved for Repair of Existing Seawall/Rip Rap	Approved New Seawall/Rip Rap	Application Denied
FY 2005	1	0	1	0
FY 2006	7	4	2	1
FY 2007	11	2	8	1
FY 2008	5	2	1	2
FY 2009	5	3	2	0
FY 2010	6	4	2	0
FY 2011	9	5	4	0
FY 2012	14	4	9	1
<b>TOTAL</b>	<b>58</b>	<b>24</b>	<b>29</b>	<b>5</b>

## Waivers to Shoreline Protection Zone

The shoreline protection zone extends 75 feet laterally upland from the mean high water line. Additional policies require a 10-foot construction setback to a primary structure or a 5-foot setback to an accessory structure (such as a pool) from the shoreline protection zone.

Exceptions to the 75 foot shoreline protection zone are contained in both the CGMP and LDR's. Waivers for a reduction to the shoreline protection zone are provided to lots of record that existed on April 1, 1982, that have an upland area of one acre or less. Additional reductions can be granted for special and unique circumstances provided compliance with all additional criteria and shoreline performance standards including buffer and construction setbacks. When considering special and unique circumstances staff looks at the existing view corridor, neighborhood pattern, hardships, existing native vegetation, and existing conditions. Waivers for reduction in shoreline protection zone setbacks are generally sought for such items as construction of a pool, home, or a retaining wall.

For the years 2004 through 2012 the county processed a total of 135 applications for waivers to the shoreline protection zone. The data show that the majority of waivers (89 out of 135 applications) were granted for a reduction in the shoreline protection zone to 20-feet from the mean high water line. The data in the table below is categorized as waivers equal to 20-feet, waivers to less than 20-feet, or waivers to more than 20-feet.

<b>WAIVERS FOR REDUCTION IN SHORELINE PROTECTION ZONE</b>				
Year	Total Number of Applications	Waiver granted to <u>less than</u> 20-foot SPZ	Waiver granted to 20-foot SPZ	Waiver granted to <u>more than</u> 20-foot SPZ
FY 2004	9	0	6	3
FY 2005	38	1	25	12
FY 2006	35	0	18	17
FY 2007	12	1	7	4
FY 2008	11	0	7	4
FY 2009	5	0	3	2
FY 2010	12	0	10	2
FY 2011	4	0	4	0
FY 2012	9	0	9	0
<b>TOTAL</b>	<b>135</b>	<b>2</b>	<b>89</b>	<b>44</b>

## Shoreline by Community Redevelopment Area

There are seven Community Redevelopment Areas (CRA) in Martin County and all except the Indiantown CRA are within the analysis area for this report. The six CRA's within the analysis area contain a total of 63,789 feet (12.1 miles) of shoreline. Of that, 25,954 feet (4.9 miles) is hardened and 37,835 feet (7.2 miles) contains unhardened shoreline, vegetation, or indeterminate-vegetation. There are a total of 34 vacant waterfront lots for a total of approximately 34.9 vacant acres within the CRA's. An analysis by CRA area follows.

VACANT WATERFRONT ACREAGE			
Total Vacant Waterfront Acres	# of Vacant Waterfront Lots	Total Vacant CRA Waterfront Acres	# of Vacant CRA Waterfront Lots
719.5 acres	335 lots	34.9 acres	34 lots

### Jensen Beach CRA:

The Jensen Beach CRA borders the St. Lucie estuary to the east and the Town of Ocean Breeze to the south. The Jensen Beach CRA contains a total of 4,129 feet of shoreline that consists of 2,656.5 feet of shoreline hardening and 1,472.8 feet of unhardened shoreline, vegetation, and indeterminate-vegetation. There are two vacant waterfront commercial lots for a total of approximately 8.5 vacant acres within the Jensen CRA. The south parcel has a seawall.



JENSEN BEACH CRA SHORELINE SUMMARY		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	558.5	0.1
Vegetation	762.0	0.1
Indeterminate	152.3	0.0
Rip Rap	359.8	0.1
Seawall	2,296.7	0.4
Total	4,129.3	0.8



## Rio CRA:

The Rio CRA borders the St. Lucie estuary to the south and contains a total of 19,751.3 feet of shoreline that consists of 13,870.7 feet of shoreline hardening and 5,880.6 feet of unhardened shoreline, vegetation, and indeterminate-vegetation. There are two vacant waterfront residential lots for a total of approximately 6.4 vacant acres within the Rio CRA.



RIO CRA SHORELINE SUMMARY		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	2,900.4	0.5
Vegetation	1,155.8	0.2
Indeterminate	1,824.3	0.3
Rip Rap	3,019.1	0.6
Seawall	10,851.6	2.1
Total	19,751.3	3.7

## Golden Gate CRA:

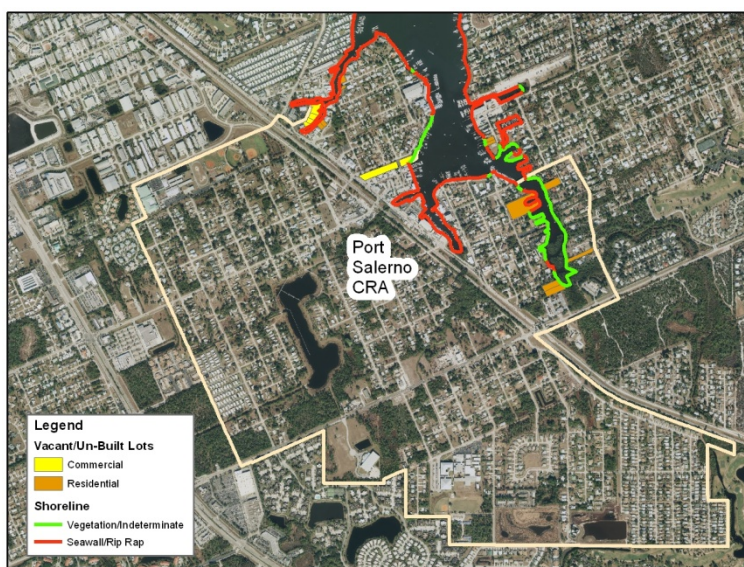
The Golden Gate CRA is delimited on its north-east boundary by the West Lake tributary which connects to the St. Lucie estuary. The Golden Gate CRA contains a total of 1,829.4 feet of shoreline that consists of 447.7 feet of shoreline hardening and 1,381.8 feet of unhardened shoreline, vegetation, and indeterminate-vegetation. There is one 0.2-acre vacant waterfront residential lot within the Golden Gate CRA.



GOLDEN GATE CRA SHORELINE SUMMARY		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	0.0	0.0
Vegetation	898.3	0.2
Indeterminate	483.5	0.1
Rip Rap	0.0	0.0
Seawall	447.7	0.1
Total	1,829.4	0.3

### Port Salerno CRA:

The Port Salerno CRA borders on southern portion of the Manatee Pocket and contains a total of 16,569.0 feet of shoreline that consists of 11,451.5 feet of shoreline hardening and 5,117.5 feet of unhardened shoreline, vegetation, and indeterminate-vegetation. There are ten vacant waterfront residential lots for a total of approximately 5.5-acres and five vacant waterfront commercial lots for a total of approximately 3.0-acres within the Port Salerno CRA.



PORT SALERNO CRA SHORELINE SUMMARY		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	68.8	0.0
Vegetation	3,318.3	0.6
Indeterminate	1,730.5	0.3
Rip Rap	177.1	0.0
Seawall	11,274.3	2.1
Total	16,569.0	3.1



### Hobe Sound CRA:

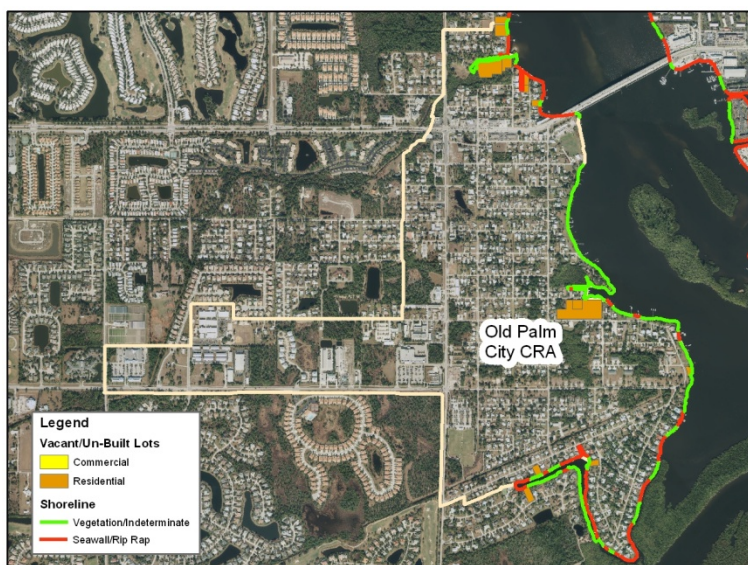
2,800 feet of the Hobe Sound CRA borders on the intra-coastal waterway. The remainder of the CRA lies in-land. None of Hobe Sound's residential developments on man-made canals are contained within the CRA boundary. The Hobe Sound CRA contains a total of 2,804.2 feet of shoreline that consists of 1503.2 feet of shoreline hardening and 1,300.9 feet of unhardened shoreline, vegetation, and indeterminate-vegetation. There are three vacant waterfront residential lots for a total of approximately 1.3 vacant residential acres within the Hobe Sound CRA.



HOBE SOUND CRA SHORELINE SUMMARY		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	0.0	0.0
Vegetation	624.0	0.1
Indeterminate	677.0	0.1
Rip Rap	468.5	0.1
Seawall	1,034.7	0.2
Total	2,804.2	0.5

### Old Palm City CRA:

The Palm City CRA borders the south fork of the St. Lucie River and contains a total of 18,705.7 feet of shoreline that consists of 7905.0 feet of shoreline hardening and 10,800.7 feet of unhardened shoreline, vegetation, and indeterminate-vegetation. There are eleven vacant waterfront residential lots for a total of approximately 10-acres vacant residential within the Old Palm City CRA.





<b>PALM CITY CRA SHORELINE SUMMARY</b>		
Shoreline Classification	Total Length Feet	Total Length Miles
Unhardened shoreline	0.0	0.0
Vegetation	7,370.1	1.4
Indeterminate	3,430.5	0.6
Rip Rap	237.5	0.0
Seawall	7,667.6	1.5
Total	18,705.7	3.5

Chapter 67 ENVIRONMENTAL CONTROL

**Chapter 67 ENVIRONMENTAL CONTROL [11](#)**

ARTICLE 1. - IN GENERAL

ARTICLE 2. - ENVIRONMENTAL CONTROL ACT

ARTICLE 3. - ENVIRONMENTAL CONTROL ORDINANCE

ARTICLE 4. - MOSQUITO, ARTHROPODS OF PUBLIC HEALTH IMPORTANCE AND AFRICANIZED HONEY BEE CONTROL

ARTICLE 5. - LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT

ARTICLE 6. - BEACH EROSION

ARTICLE 7. - NUISANCE ABATEMENT

ARTICLE 8. - VESSEL CONTROL, WATER SAFETY AND MANATEE PROTECTION

ARTICLE 9. - LOXAHATCHEE RIVER PRESERVATION

ARTICLE 10. - NOISE

ARTICLE 11. - GRAFFITI

ARTICLE 12. - HAZARDOUS MATERIALS INCIDENTS COST RECOVERY

ARTICLE 13. - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

**ARTICLE 14. - FERTILIZER USE**

ARTICLE 15. - OIL AND GAS RELATED HIGH PRESSURE WELL STIMULATION AND STORAGE AND DISPOSAL OF ASSOCIATED WASTES PROHIBITED.

**ARTICLE 14. FERTILIZER USE**

[Sec. 67.430. Purpose and intent.](#)

[Sec. 67.431. Definitions.](#)

[Sec. 67.432. Application.](#)

[Sec. 67.433. Training and licensing of commercial applicators.](#)

[Sec. 67.434. Best management practices for home owners/tenants, commercial businesses and institutional landscapers.](#)

[Sec. 67.435. Exemptions to landscaping best management practices.](#)

[Sec. 67.436. Commercial and institutional applicator requirements.](#)

[Sec. 67.437. Soil test information.](#)

Chapter 67 ENVIRONMENTAL CONTROL

[Sec. 67.438. Agriculture and scientific research.](#)

[Sec. 67.439. Notice to consumers.](#)

[Sec. 67.440. Enforcement and penalty.](#)

**Sec. 67.430. Purpose and intent.**

The purpose and intent of this article is to provide for the regulation of landscape management practices and the application of fertilizers containing nitrogen and/or phosphorus and to provide specific guidelines for landscaping and fertilization in order to meet Federal and State mandated water quality standards and to minimize the negative environmental effects said fertilizers have in and on Martin County's lakes, canals, estuaries, interior freshwater wetlands, the St. Lucie Estuary, Indian River Lagoon, Loxahatchee River and near shore waters of the Atlantic Ocean. Collectively these waterbodies are a natural asset, which are critical to the environmental, recreational, cultural and economic wellbeing of Martin County and the surrounding areas and contribute to the general health and welfare of the public. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, entering the waterbodies in and around Martin County is a crucial step towards improving and maintaining water and habitat quality.

(Ord. No. 895, pt. 1, 7-26-2011)

**Sec. 67.431. Definitions.**

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* means the Martin County Administrator, or an administrative official of the County designated by the County Administrator to administer and enforce the provisions of this Article.

*Application* or *apply* means the actual physical deposit of fertilizer to turf or landscape plants.

*Applicator* means any person who applies fertilizer on turf and/or landscape plants in the County.

*Best management practices (BMPs)* means turf and landscape practices or combination of practices based on research, field-testing and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

*Code Enforcement Officer, Official, or Inspector* means any designated employee or agent of the County whose duty it is to enforce codes and ordinances enacted by the County.

*Commercial applicator*, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

*Commercial applicator business* means any person, sole proprietor, partnership, corporation, business trust, joint venture, or other legal entity that engages in the business of providing lawn fertilizer application in exchange for money, goods, services or other valuable consideration.

*County* means Martin County.

*County Approved Best Management Practices Training Program* means a training program approved per F.S. § 403.9338, or any more stringent requirements set forth in this article that includes the Florida

Chapter 67 ENVIRONMENTAL CONTROL

Department of Environmental Protection's "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries."

*Fertilize, fertilizing or fertilization* means the act of applying fertilizer to turf, specialized turf or landscape plants.

*Fertilizer* means any substance that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

*Guaranteed analysis* means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

*Impervious surfaces* means a constructed surface, such as sidewalks, roads, parking lots or driveways, covered by water-impenetrable materials such as asphalt, concrete, brick, pavers, stone and/or highly compacted soils.

*Institutional applicator* means any person, other than a noncommercial or a commercial applicator (unless such definitions also apply under the circumstances) that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners and managers, caretakers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

*Landscape plant* means any native or exotic tree, shrub or groundcover (excluding turf).

*Lawn care and maintenance or landscaping* shall include, but not be limited to, mowing, trimming, pruning, edging, liming, fertilizing, mulching, seeding and aerating of turf and/or landscaping plants.

*Noncommercial applicator* means any person other than a commercial or institutional applicator who performs lawn care and maintenance on turf and/or landscape plants in Martin County, such as an individual owner or tenant of a single-family residential unit.

*Person* means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization and/or any group of people acting as an organized entity.

*Saturated soil* means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

*Slow release, controlled release, timed release, slowly available or water insoluble nitrogen* means a fertilizer containing a plant nutrient in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant significantly longer than a referenced "rapidly available nutrient fertilizer" such as ammonium nitrate or urea, ammonium phosphate or potassium chloride.

*Specialized turf* means areas of grass used for athletic fields, activity fields, parks, golf course practice and play areas, cemeteries and other similar areas.

*Specialized turf manager* means a person responsible for fertilizer or directing the fertilization of "specialized turf" as defined above.

*Turf, sod or lawn* means a piece of grass-covered soil held together by the roots of the grass.

*Urban landscape* means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as in F.S. § 570.02.

*Water body or water bodies* means any visible, standing or open body of water. This shall include, but not be limited to: municipal or private storm sewer systems (including inlets, conveyances and structures), ditches, swales, canals, creeks, rivers, streams, tidal waters, lakes, ponds, ponded water, standing water, marshes, swamps or any other body of permanent or temporary standing or visible water

Chapter 67 ENVIRONMENTAL CONTROL

whether or not the water body is natural or manmade or contained by impervious surfaces on the bottom or sides and all wetlands and other surface waters as defined by Chapter 62-348, F.A.C.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Sec. 67.432. Application.**

This article shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within unincorporated Martin County, unless such applicator is specifically exempted by the terms of this article from the regulatory provisions of this article. This article shall be prospective only, and shall not impair any existing contracts.

(Ord. No. 895, pt. 1, 7-26-2011)

**Sec. 67.433. Training and licensing of commercial applicators.**

- A. All commercial, and institutional applicators within the unincorporated area of Martin County, shall abide by and successfully complete training and continuing education requirements in the " *Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries*, " offered by the Florida Department of Environmental Protection through the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) "Florida-friendly Landscapes" program, prior to obtaining a local business tax certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants.
- B. All commercial applicators within the unincorporated area of Martin County shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.
- C. All businesses applying fertilizer to turf and/or landscape plants including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties must ensure that at least one employee has a "Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate.
- D. The County in cooperation with University of Florida, Martin County Extension Service Urban Horticulture and Natural Resource Educators or other Martin County Extension Service approved organizations will schedule and conduct all training.
- E. It is the certificate holder's responsibility to seek any state required renewals. The County is not obligated to furnish the certificate holder with a reminder notice that renewal is necessary.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Sec. 67.434. Best management practices for home owners/tenants, commercial businesses and institutional landscapers.**

- A. *Fertilizer content and application rate.*
  - 1. *Phosphorus and nitrogen content.*
    - a. No fertilizers containing phosphorus shall be applied to turf or landscape plants in unincorporated Martin County unless a soil or plant tissue deficiency of "low" or "very low" is verified by a UF/IFAS approved testing methodology. When a deficiency has been verified,

Chapter 67 ENVIRONMENTAL CONTROL

the application of fertilizer containing phosphorus shall be in accordance with the rates and directions for the Southern Region of Florida as provided by Rule 5E-1.003, Florida Administrative Code. Deficiency verification shall be no more than two years old. However, when compost, manure, or top soil has been applied within 90 days more recent testing to verify current deficiencies shall be required. A "very low" designation for phosphorus set forth in the UF/IFAS Extension Soil Testing Laboratory Analytical Procedures Training Manual shall mean phosphorus levels below ten parts per million. A "low" designation for phosphorus shall mean phosphorus levels below 25 parts per million.

- b. Fertilizers containing nitrogen applied to turf and/or landscaping plants within unincorporated Martin County shall contain no less than 50 percent slow release nitrogen per guaranteed analysis label.
- 2. *Application rate.*
  - a. Fertilizers containing nitrogen or phosphorus should be applied to turf and/or landscape plants at the lowest amount or rate necessary to correct or prevent nutrient deficiencies without exceeding the maximum per application rate specified on the label. Fertilizer shall not be applied at a rate greater than requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers. All commercial and institutional applicators shall be responsible for maintaining a record of the pounds of nitrogen and phosphorus expressed as pounds per 1,000 square feet of land applied to each site during the year.
  - b. Unless otherwise specified in this article, fertilizers applied to turf within Martin County shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003, Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.
  - c. Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevention plan for that site.
  - d. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during prohibited application periods, or to saturated soils.
- 3. *Prohibited application period.* No fertilizer containing nitrogen or phosphorus shall be applied between June 1 and September 30. Additionally, no fertilizer shall be applied during a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning, as issued by the National Weather Service, or if heavy rains (in excess of two inches in 24 hours) are expected.
- B. *Total yearly applications.* While single fertilizer applications in the fall and spring will often suffice, fertilizers shall not be applied more than the fertilization guidelines for the southern region of Florida under the Florida Department of Agriculture and Consumer Services rule (5E-1.003 F.A.C.) during any one calendar year to a single area.
- C. *Impervious surface.* Fertilizer shall not be applied, spilled or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- D. *Fertilizer free zone.* No fertilizer shall be applied in or within 25 feet from the edge of any water body or sea wall or in any designated wetland or within 25 feet of any wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340 F.A.C.). Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if needed to allow the plants to become well-established. Caution shall be used to prevent direct input of nutrients into the water.

Chapter 67 ENVIRONMENTAL CONTROL

- E. *Mode of application.* Spreader deflector shields are required when fertilizing by use of any broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zone, buffer zone, and waterbodies, including wetlands.
- F. *No-mow zone.* A voluntary ten foot no-mow zone is strongly recommended, but not mandated, from the water's edge of any pond, stream, water body, lake, canal, wetland or from the top of a seawall. This zone may receive periodic maintenance to remove or control invasive or exotic species. No vegetative material shall be deposited or left remaining in this zone or deposited in adjacent waters. Care should be taken to prevent the over-spray of aquatic weed products in this zone.
- G. *Management of grass clippings and vegetative material.* In no case shall grass clippings and/or vegetative material, either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, roadways, or other impervious surfaces. Grass clippings should be blown back onto the lawn areas or removed.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Sec. 67.435. Exemptions to landscaping best management practices.**

- A. The timing of applications, application rate provisions and other provisions set forth above in section 67.434 of this article shall not apply to:
  - 1. Vegetable gardens, provided they are not within ten feet of any waterbody and/or wetland;
  - 2. Yard waste compost, mulches or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil; or
  - 3. Reclaimed, or irrigation quality (IQ) water used for irrigation (which may contain substantial amounts of nitrogen and phosphorus).
- B. All golf courses shall assure that landscaping is done within the provisions of the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses." These provisions shall be followed when applying fertilizer to golf course practice and play areas.
- C. For all other specialized turf areas the managers shall use their best professional judgment to apply the concepts and principles embodied in the Florida Green BMPs, while maintaining the health and function of their specialized turf areas.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Sec. 67.436. Commercial and institutional applicator requirements.**

- A. If applying fertilizer in accordance with section 67.434, commercial applicators, commercial applicator businesses and institutional applicators shall maintain documentation to support said exemption(s). If applying fertilizer in accordance with section 67.434, commercial applicators, commercial applicator businesses and institutional applicators shall also possess a record of the soil test indicating the amount of phosphorus present. Said records shall be kept in the commercial applicators, commercial applicator businesses and institutional applicator's possession or vehicle(s) and available for inspection by County staff during all business hours or while applicator is working onsite.
- B. Commercial applicators, commercial applicator businesses and institutional applicators shall allow the County to obtain a sample of any fertilizer applied or to be applied within the County upon request. If the sample analysis shows that nitrogen and/or phosphorus content does not comply with the levels

Chapter 67 ENVIRONMENTAL CONTROL

permitted by section 67.434, enforcement action may be taken in accordance with section 67.440, and the cost of analyzing fertilizer samples shall be remitted to the County within 30 days after invoicing.

(Ord. No. 963, pt. 1, 10-7-2014)

**Editor's note**— Ord. No. 963, pt. 1, adopted Oct. 7, 2014, renumbered the former §§ 67.436 and 67.437 as §§ 67.437 and 67.438 and enacted a new § 67.436 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

**Sec. 67.437. Soil test information.**

The UF-IFAS Extension Soil Testing Laboratory in Gainesville, Florida, offers a variety of tests for mineral soils, container media and irrigation water. The "Landscape and Vegetable Garden Producer Test" is recommended for both private and commercial clients fertilizing plants on the landscape, primarily home horticulture.

A soil sampling bag, one bag for each soil sample, and a shipping box in which to send samples to the US-IFAS Extension Soil Testing Laboratory can be obtained free of charge from the Martin County Cooperative Extension Service Office, 2614 SE Dixie Hwy, Stuart, Florida 34996 (772-288-5654). To determine the availability and cost of soil fertility tests contact the Martin County Cooperative Extension Service Office. A PDF version of the landscape and vegetable garden test submission form can be obtained at <http://soilslab.ifas.ufl.edu/>.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Note**— See the editor's note to § 67.436.

**Sec. 67.438. Agriculture and scientific research.**

Nothing in this article shall be construed to regulate or limit fertilizing for:

- A. Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14;
- B. Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock; or
- C. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Editor's note**— Ord. No. 963, pt. 1, adopted Oct. 7, 2014, renumbered the former § 67.438 as § 67.440. The historical notation has been retained with the amended provisions for reference purposes. See also the editor's note to § 67.436.

**Sec. 67.439. Notice to consumers.**

- A. Any business that sells fertilizer shall post a notice provided by the County stating that the use of lawn and landscape fertilizers in unincorporated Martin County is restricted in accordance with this chapter.



Chapter 67 ENVIRONMENTAL CONTROL

(Ord. No. 963, pt. 1, 10-7-2014)

**Sec. 67.440. Enforcement and penalty.**

- A. Violations of this article may be prosecuted and punished as misdemeanors pursuant to F.S. § 125.69.
- B. This article may be enforced in accordance with F.S. ch. 162 and Chapter 1, Article 4, of the Martin County Code of Ordinances.
- C. Notwithstanding any other provision of this article, the County may also enforce this article by actions at law or in equity for damages and injunctive relief. In the event the County prevails in any such action, the County shall be entitled to an award of costs and attorney's fees.

(Ord. No. 895, pt. 1, 7-26-2011; Ord. No. 963, pt. 1, 10-7-2014)

**Note**— See the editor's note to § 67.438.

# Application Materials

## CPA 19-12,

### Shoreline Protection

### Zone

Prepared By:  
Irene A.Szedlmayer  
Martin County  
Growth Management Department  
2401 S.E. Monterey Road  
Stuart, FL 34996

---

[space above line provided for recording data]

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](http://www.martin.fl.us/accessibility-feedback)

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

**RESOLUTION NUMBER 19-2.43**

**A RESOLUTION OF MARTIN COUNTY, FLORIDA, TO INITIATE TEXT  
AMENDMENTS REGARDING SHORELINE PROTECTION POLICIES.**

**WHEREAS**, the Board of County Commissioners of Martin County, Florida adopted the Comprehensive Growth Management Plan on February 20, 1990; and

**WHEREAS**, the Martin County Comprehensive Growth Management Plan, Section 1-11, Amendment Procedures, states that the Martin County Board of County Commissioners may, by resolution, initiate a request to amend, modify, add to, or change the Comprehensive Growth Management Plan.

**WHEREAS**, Martin County's shoreline includes the Indian River Lagoon, Intracoastal Waterway, St. Lucie River (both north and south forks), Manatee Pocket and Loxahatchee River (north and northwest forks) and their navigable canals and tributaries; whereas historically the population has always been situated along waterbodies; and whereas protection of natural and water resources and planning for water-related and water-dependent uses has been a concern of the Martin County since adoption of its first Comprehensive Plan in 1982.

**WHEREAS**, the 2013 Martin County Shoreline Inventory and Analysis reported that 95% of the waterfront lots in Martin County are residential; 92% of the waterfront lots in Martin County that permit commercial development are developed; and 93% of the waterfront lots that permit residential development are developed.

**WHEREAS**, the Comprehensive Growth Management Plan establishes a Shoreline Protection Zone.

**WHEREAS**, in the context of CPA 18-10, CRA Text Amendment, initiated by the Board of County Commissioners in December 2017, a review of shoreline protection policies as applicable within the County's Community Redevelopment Areas is underway.

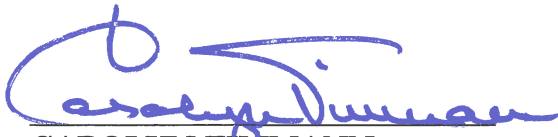
**WHEREAS**, the Board of County Commissioners has determined that some Comprehensive Growth Management Plan policies regarding the shoreline protection zone should be reviewed and possibly amended as they apply county-wide.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:** A Comprehensive Growth Management Plan text amendment is hereby initiated to review and possibly modify Comprehensive Growth Management Plan policies regarding the shoreline protection zone and shoreline hardening throughout Martin County.

**DULY PASSED AND ADOPTED THIS 26<sup>th</sup> DAY OF FEBRUARY, 2019.**

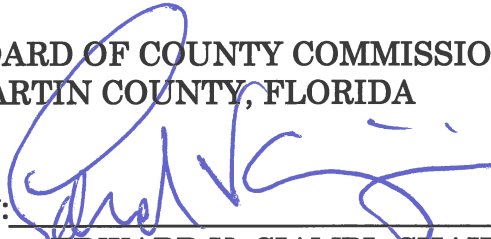
**ATTEST:**

**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:**



**KRISTA A. STOREY,  
ACTING COUNTY ATTORNEY**



## BOARD OF COUNTY COMMISSIONERS

### ACTION SUMMARY 2/26/19 9:00AM

**BOCC MEETING AGENDA COMMISSION CHAMBERS  
2401 SE MONTEREY ROAD, STUART, FLORIDA 34996**

---

#### **COUNTY COMMISSIONERS**

*Edward V. Ciampi, Chairman  
Harold E. Jenkins II, Vice Chairman  
Doug Smith  
Stacey Hetherington  
Sarah Heard*

*Taryn Kryzda, County Administrator  
Krista A. Storey, Acting County Attorney  
Carolyn Timmann, Clerk of the Circuit  
Court and Comptroller*

---

#### **PRESETS**

- 9:05 AM** - Public Comment  
**1:30 PM** - CRA Code Project Update by Treasure Coast Regional Planning Council  
**1:45 PM** - Discussion of CPA 18-10, CRA Text Amendments  
**2:30 PM** - Update on Harbor Branch Oceanographics Institute (HBOI): Florida Center for Coastal and Human Health and Related Activities  
**5:05 PM** - Public Comment

#### **CALL TO ORDER AT 9:05 AM**

- 1. INVOCATION** - Moment of Silence
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADDITIONAL ITEMS** – The Additional Items of CNST-12, CNST-13, and DEPT-5 were added to the Agenda.
- 4. APPROVAL OF AGENDA** – The Agenda was approved.
- 5. APPROVAL OF CONSENT AGENDA** – The Consent Agenda was approved minus CNST-13.

Consent Agenda items are considered routine and are enacted by one motion and will have no action noted, but the "Recommendation" as it appears on the Board item is the approved action.

#### **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

##### **PROC-1 ACKNOWLEDGE THOSE CITIZENS WHO HAVE PARTICIPATED IN CLASS 57 OF THE MARTIN CARES PROGRAM**

Class 57 brings the number of residents to experience the Citizens' Academy to just over 2,500. The Martin CARES program is offered two times per fiscal year. This is the first class for FY19. The next class begins on February 28, 2019.

Agenda Item: 19-0273

ACTION TAKEN: The Board acknowledged those citizens who participated in Class 57 of the CARES Program. 108

## **GROWTH MANAGEMENT**

### **DEPT-2 DISCUSSION OF CPA 18-10, CRA TEXT AMENDMENTS**

On December 12, 2017, the Board of County Commissioners adopted Resolution 17-12.3, initiating a Comprehensive Growth Management Plan (CGMP) text amendment to strengthen Goals, Policies and Objectives that encourage in-fill development and redevelopment in the Community Redevelopment Areas. Today's staff update on its initial work is designed to obtain further input and direction from the Board prior to finalizing its analysis and recommendations and scheduling public hearings on the proposed amendments to the CGMP.

Agenda Item: 19-0292

**RESOLUTION NO. 19-2.43**

**ACTION TAKEN:** The Board heard the presentation and directed staff to bring back a residential transition discussion Agenda Item with additional options. The Board adopted a resolution regarding shoreline protection and asked staff to move forward with policies that affect areas within and outside the CRAs.

### **DEPT-3 2019 RESIDENTIAL CAPACITY PLANNING ANALYSIS**

On February 13, 2018 the Board directed staff to begin a planning analysis in accordance with Policy 4.1D.6. and other applicable policies of the Comprehensive Growth Management Plan. The 2019 Residential Capacity Planning Analysis will be presented to the Board of County Commissioners.

Agenda Item: 19-0329 **2 Supplemental Memos**

**ACTION TAKEN:** The Board asked staff to return with an Agenda Item on what they feel is the most appropriate method, incorporating best management practices, so there is an accurate count on buildable lots.

## **PUBLIC WORKS**

### **DEPT-4 REQUEST APPROVAL AND ADOPTION OF A RESOLUTION ACCEPTING DRAINAGE EASEMENTS FOR A DRAINAGE IMPROVEMENT PROJECT FROM SW FEROE AVENUE TO SW REILLEY AVENUE AND BETWEEN SW 34TH TERRACE AND SW 35TH STREET, OLD PALM CITY**

Staff is requesting that the Board approve and adopt a resolution accepting 10' drainage easements from property owners for a drainage project that will run from SW Feroe Avenue to SW Reilley Avenue and between SW 34th Terrace and SW 35th Street in Old Palm City.

Agenda Item: 19-0291

**RESOLUTION NO. 19-2.47**

**ACTION TAKEN:** The Board adopted the Resolution accepting and approving ten-foot Drainage Easements from property owner from SW Feroe Avenue to and SW Reilley Avenue between SW 34<sup>th</sup> Terrace and SW 35<sup>th</sup> Street.

**PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.**

## **ADJOURNED AT 6:05 PM**

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](http://www.martin.fl.us/accessibility-feedback).

# Example of Proposed Policy 8.1C.1(3).e.6.



**MARTIN COUNTY  
COMPREHENSIVE PLAN**

**April 1, 1982**



[2526/56s]  
[2550/57s]

## MARTIN COUNTY COMPREHENSIVE PLAN

Adopted: April 1, 1982, Ord. 189  
Revised: June, 1982  
Amended: May 10, 1983, Ord. 211  
Amended: August 23, 1983, Ord. 220  
Amended: April 3, 1984, Ord. 231  
Amended: August 28, 1984, Ord. 243  
Amended: April 9, 1985, Ord. 260  
Amended: May 14, 1985, Ord. 256  
Amended: July 23, 1985, Ord. 264  
Amended by  
Evaluation and  
Appraisal Report: October 15, 1985 (Articles I-IV), Ord. 273  
Amended: June 23, 1987, Ord. 330  
Amended: June 30, 1987, Ord. 328  
Amended: December 22, 1987, Ord. 341  
Amended: August 9, 1988, Ord. 351  
Amended: November 8, 1988, Ord. 355

#### E. Fish, Vegetation, and Wildlife Conservation Objectives.

1. Promote Optimum Population of All Native Species of Fish, Vegetation, and Wildlife and Preservation of Habitats. Native fish, vegetation, and wildlife populations and suitable habitats are important natural resources, especially within the St. Lucie River and Indian River estuaries. Recreational fishing provide a significant contribution to tourism, fishing and the marine industries within Martin County and commercial fishing is important to the County's economic base and economic diversification. All endangered native species of fish, vegetation, and wildlife and their respective natural habitats shall be protected from adverse development impacts.
2. Promote Efficient Fish, Vegetation, and Wildlife Management Principles and Practices. The study and application of efficient fish and wildlife management principles and practices shall be included in the overall planning process in the coastal area when considering the impacts of various land uses upon the fish and wildlife resources within Martin County.
3. Encourage Preservation of Unique or Endangered Fish, Vegetation, and Wildlife Species and Their Habitats. Coastal management planning shall apply to management principles and practices for preserving unique or endangered fish, vegetation, and wildlife and shall study new state-of-the-art concepts.

#### 8-2 Implementing Programs for Conservation and Coastal Management.

The following programs shall be the basis for carrying out the goals and objectives of the conservation and coastal management element. Development orders shall be reviewed for consistency with these policies.

#### A. Programs Related to the Ocean System.

1. Enforce Special Development Requirements for Barrier Island Construction. Martin County shall continue to enforce special requirements regarding development on the barrier island pursuant to the Martin County Code of Laws and Ordinances (as exists or as may be hereinafter amended) which established setback requirements for buildings and structures, minimum elevations, dune protection standards, and bulkhead regulations. Construction shall also comply with the County's flood damage prevention ordinance (Chapter 14 of the Martin County Code of Laws and Ordinances, as exists or as may be hereinafter amended). Similarly, the County shall continue to prohibit vehicular traffic on or over the dune and on the beach. Public pedestrian access over the dune to the beach shall be restricted to controlled access points. Construction of appropriately designed elevated dune walkways shall be required at all new or improved points of access.

2. Enforce the Coastal Construction Control Line. The Martin County Board of County Commissioners shall exercise a strict interpretation of the County and State laws regulating the coastal construction control line in order to ensure maximum future protection of life and property from the massive destructive tendencies of hurricane and other coastal storm conditions. Also, the County acknowledges that non-structural environmental management techniques for shoreline stabilization are preferable to structural plans designed to harden and reinforce the shore to mitigate erosion. The latter structural proposals generally exert erosive tendencies on adjacent properties and intensify long term erosion by altering natural defenses against erosion.

The County shall periodically reevaluate coastal shoreline construction regulations in order to remain responsive to changing problems and issues, advances in the state-of-the art, and changes in the State's coastal construction legislation, administrative rules, and policy guidelines. The latter State policies are anticipated to become more restrictive based on continuing research in coastal construction techniques directed toward minimizing destructive tendencies of wind, wave, and erosion associated with hurricanes and other storm conditions. The County shall work jointly with the State in enforcing locally applicable provisions of the State coastal construction control line.

Any building or structure located seaward of the local and/or State coastal construction control line (as it exists or as it may hereinafter be amended) shall be displaced and removed at the owner's expense if the building or structure is destroyed or damaged to an extent greater than fifty percent subject to Section 23-122 and 33-72 of the Martin County Code of Laws and Ordinances as exists or as hereinafter may be amended. The requirement for removal may be waived by the Board of County Commissioners upon a showing that rebuilding will not:

- a) Render the property subject to further damage through flooding or erosion;
- b) Interfere with preservation and enhancement of the dune system; and
- c) Adversely affect adjacent properties and structures.

Whenever any beachfront building has been seriously damaged by hurricane flooding the Federal Emergency Management Agency shall be encouraged to purchase the land for open space under the Federal Flood Insurance Program.

3. Undertake Programs to Combat Beach Erosion and to Stabilize the Dune System. The County shall coordinate with the State and appropriate Federal agencies in achieving this objective. The County shall

encourage study of those shoreline areas where erosion is most intensive to determine major factors underlying erosion. The County shall monitor and evaluate jointly with other public and private interests desirable preventive measures for abating beach erosion and preserving and restoring the beach.

The stability of the shoreline shall be protected and enhanced through preservation of indigenous vegetation, including coastal mangroves and upland vegetation, especially on slopes, shoreline and bluffs. Such vegetation contributes to marine productivity and water quality; offers protection from erosion and flooding; contributes to natural dune building and shoreline stabilization.

4. Acquire Major Undeveloped Privately Owned Land Holdings on Hutchinson Island. Martin County shall consider alternative means for acquiring privately owned land for which the respective landowners have no current County approved development plan (approximately 4,600 linear feet of beach frontage property). This acquisition program will preserve environmentally sensitive floodprone lands on the barrier island, prevent development of these lands, and provide additional beachfront recreation sites.

#### B. Programs Related to the Estuary System

1. Enforce Shoreline Performance Standards in Review of Estuarine Development Proposals. Martin County shall protect the estuarine shoreline zone as herein defined in order to protect the stability of the estuary and to enhance water quality. The shoreline protection zone shall include all estuarine waters within Martin County, including those lands contiguous to said waters where fringe mangrove communities occur and where estuarine and freshwater wetlands abut the section of the Northwest Fork of the Loxahatchee River which lies within the jurisdiction of the adopted Management Plan for the Loxahatchee National Wild and Scenic River. In order to maintain the functional integrity of the estuarine shoreline zone including the mangrove communities, the interior boundary of the shoreline protection zone is established at a line extending fifty (50) feet laterally upland from the mean high water (MHW) and fifty (50) feet laterally upland from the landward limit of the shoreline mangroves. The shoreline mangroves shall include communities which contain red (*Rhizophora mangle*), black (*Avicennia germinans*), white (*Laguncularia racemosa*) and Buttonwood mangroves. Those mangrove or wetland vegetative communities which are isolated inland and separated from open water areas by non-wetland natural vegetation communities shall be preserved but shall not be subject to the restrictions within the shoreline protection zone.

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 Plan.

(Revised 7/23/85, Ord. #264)

- a) Within the estuarine shoreline zone defined above in Subsection 8-2 (B)(1), no development shall be permitted, except to provide the property owner reasonable access to the water. Such development shall be restricted to accessways running perpendicular to the shoreline and shall be no greater than twelve (12) feet in width. For those properties that are designated for Marine Waterfront Commercial use on the Comprehensive Plan future land use maps and when such properties are used for marine waterfront commercial purposes the water accessways running perpendicular to the shoreline shall be no greater than thirty (30) feet in width. For those properties that are designated for Institutional use on the Comprehensive Plan future land use maps, and when such properties are used for public boat ramps, docking, fishing piers and related facilities providing public benefits which exceed those lost as a result of Shoreline Protection Zone alterations, an accessway running generally perpendicular to the shoreline shall be no greater than 150 feet in width at its maximum dimension. The Community Development Director (or designee) shall approve any such request for clearance only after receiving a satisfactory plan of the proposed development which shall demonstrate the need for access and shall designate the property boundaries to scale, for shoreline zone, the reason for the development, and other information as may be required by the Martin County Code of Laws and Ordinances. The decision of the Community Development Director may be appealed to the Board of County Commissioners. The Board of County Commissioners may approve the subject request upon a finding of need together with a finding that the plan presented represents the minimum reasonable mangrove destruction needed for access.
- b) No structure other than docks (waterward of the mangrove line), boat ramps and elevated walkways, limited to those necessary for the personal use and enjoyment of the shoreline property owner and County approved public utilities, shall be permitted within the shoreline protection zone.
- c) Within the fifty (50) foot upland transition zone of the shoreline protection zone no permits shall be required for maintenance of existing uses or maintenance of uses permitted by this section.

The Land Development Code shall specify procedures under which fill may be allowed in the transition zone of the shoreline protection zone. Where filling is allowed under the Land Development Code, standards shall assure:

- 1) No wetlands are filled.
- 2) There is no adverse impact to the estuary or mangrove and other wetland communities.
- 3) Preservation of native indigenous vegetation is maximized.

(Revised 7/23/85, Ord. #264)  
(Revised 11/8/88, Ord. #355)

- 4) Fill is minimum necessary to assure that the owner is not denied reasonable use of his property.
- d) All waivers within this Section shall be subject to the restrictions of Section 4-3.
- e) The following exceptions to Section 8-2 B.1 above are to be recognized:
  - 1) For lots of record (as described in Section 4-3A) with an upland area of one (1) acre or less the shoreline protection zone shall be reduced from fifty (50) feet to twenty-five (25) feet.
  - 2) Legally filled areas landward from legally constructed bulkheads, retaining walls or other shoreline protection structures.
  - 3) Shoreline protection structures consistent with Section 8-2 B.2 and approved by the County Engineer or the Community Development Director as appropriate.
  - 4) Areas within the shoreline protection zone that have been voluntarily altered after the effective date of the Comprehensive Plan by the planting of 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.
  - 5) Removal of exotic vegetation or planting of appropriate native vegetation when approved in writing by the Community Development Director and when the affected shoreline zone, where exotic vegetation has been removed, is replanted with appropriate native species to the extent necessary to stabilize the shoreline and meet the requirement of this Article.
2. Manage the Location of Construction Activity Near Estuarine Systems and Enforce Appropriate Vegetation and Landscaping Requirements. No new construction shall be permitted to threaten the stability of the estuary. The County shall coordinate with the State in managing development and conservation decisions in a way which protects the values and functions of wetlands, spoil islands, and submerged lands. Shoreline stabilization shall be accomplished by the establishment of appropriate native wetland vegetation. Hardening of the shoreline shall be allowed only when erosion is causing a serious (significant) threat to life or property in light of the circumstances listed below. Rip-Rap materials, pervious interlocking brick systems, filter mats and other similar stabilization methods shall be used in lieu of vertical seawalls whenever feasible.

(Revised 7/23/85, Ord. #264)

Public Notice  
CPA 19-12,  
Shoreline Protection  
Zone



# Accused driver in armed robbery jailed

Will Greenlee  
Treasure Coast Newspapers  
USA TODAY NETWORK – FLORIDA

MARTIN COUNTY – A 24-year-old man accused of participating in an armed robbery in which another man reported being beaten has been arrested, according to documents released Tuesday.



Rodriguez

Jorge Luis McMullin Rodriguez Jr., of the 1200 block of Southwest Sunshine Street in Stuart, was arrested Sept. 28 and charged with robbery with a deadly weapon in connection with an incident that happened about two weeks earlier.

Martin County sheriff's dispatchers were called about 3:45

a.m. on Sept. 15 and were told of a robbery near Southeast Iris Street and Southeast Ferndale Avenue in the Golden Gate community.

A man told deputies he was walking home and saw a parked silver sedan. He said three to four men dressed in black with handguns approached him out of the shadows.

He said one of the men hit him in the face with a handgun, and another assailant punched him in the chest and face. He said the men took his iPhone, valued at \$800, and his wallet that had about \$400 and his identification in it.

The accused attackers left in the silver vehicle. Another man stayed in the driver's seat during the incident.

Within minutes of the robbery, a silver vehicle with a male driver and four other men arrived at the Wawa store in the 900 block of Southeast

U.S. 1 in Stuart.

All went in and bought items, leaving the store about 3:59 a.m., records said. Four minutes later, a man ran into Wawa and said those men just robbed him.

Sgt. Brian Bossio, Stuart police spokesman, said Tuesday the victim in that case did not wish to cooperate with authorities.

Sheriff's officials got video surveillance from Wawa, and put out a bulletin. A Stuart police detective and a sheriff's corrections deputy identified the driver as Rodriguez.

The man attacked in the robbery near Southeast Iris Street and Southeast Ferndale Avenue picked Rodriguez's photo from a lineup, records showed.

Rodriguez was held Tuesday in the Martin County Jail on \$500,000 bond, a jail official said.

Some business decisions are based on your gut.

Smart local marketing that gets results.

**LOCALiQ**  
PART OF THE USA TODAY NETWORK  
Learn more at [localiq.com/sayhello](http://localiq.com/sayhello)

Some business decisions are based on your gut.

Marketing shouldn't be one of them.

Smart local marketing that gets results.

**LOCALiQ**

PART OF THE USA TODAY NETWORK  
Learn more at [localiq.com/sayhello](http://localiq.com/sayhello)

## NOTICE OF PUBLIC HEARINGS

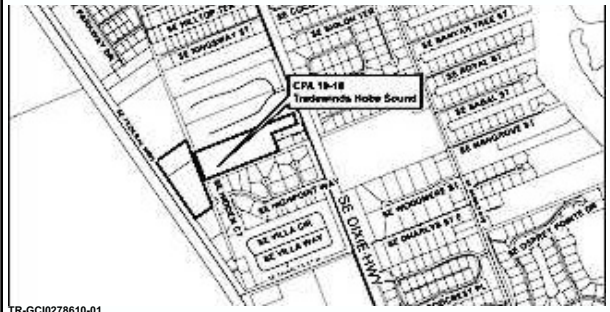
Notice is hereby given that the Martin County Local Planning Agency will conduct public hearings on October 17, 2019 beginning at 7:00 P.M., or as soon thereafter as the items may be heard, to review the following items:

1. Application CPA 19-18, Tradewinds at Hobe Sound: A Future Land Use Map change from Medium Density Residential (allowing eight units per acre), Commercial Office/Residential (allowing 10 units per acre) and Limited Commercial to High Density Residential (allowing 10 units per acre) on 13.66 acres, located approximately two miles north of Bridge Road on the east side of SE Federal Hwy.
2. Application for re-zoning from RM-6, (Medium Density Residential District), COR-2 (Commercial Office/Residential District) and LC (Limited Commercial District) to RM-10 (High Density Residential District) or the most appropriate zoning district regarding Comprehensive Plan Amendment 19-18, Tradewinds at Hobe Sound.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be sent to: Nicki van Vonno, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the items will be available from the Growth Management Department. For more information, contact the Growth Management Department at (772) 288-5495.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.



TR-GC19278610-01

## NOTICE OF PUBLIC HEARINGS

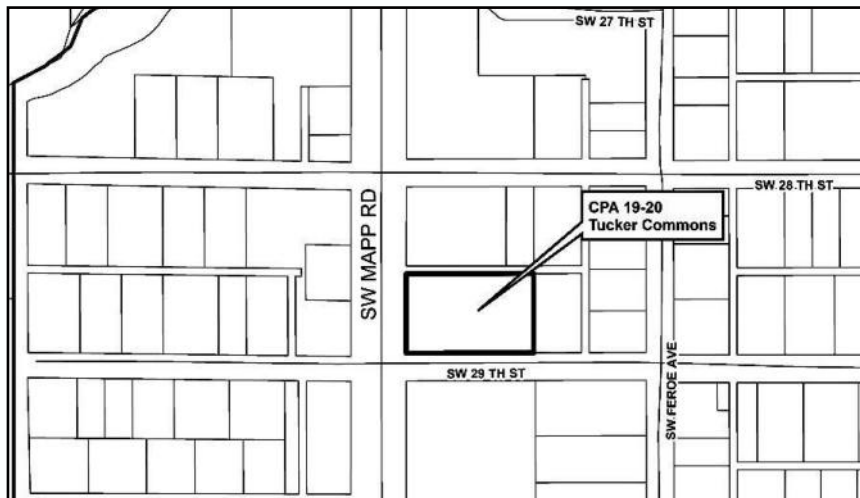
Notice is hereby given that the Martin County Local Planning Agency will conduct public hearings on October 17, 2019 beginning at 7:00 P.M., or as soon thereafter as the items may be heard, to review the following items:

1. Application CPA 19-20, Tucker Commons: A Future Land Use Map change from Commercial Office/Residential (allowing 10 units per acre) and Low Density Residential (allowing five units per acre) to General Commercial on 0.755 acres, located at the NE corner of SW Mapp Road and SW 29th Street, in Palm City (see location map below).
2. Application for re-zoning from R-3A (Liberal Multiple-Family) and R-2B (Single-family Residential) to GC (General Commercial) or the most appropriate zoning district regarding Comprehensive Plan Amendment 19-20, Tucker Commons (see location map below). The application also seeks to amend the Zoning Atlas to expand the Old Palm City Town Center Zoning Overlay to include Lot 13, Block N, Cleveland Addition.
3. Application CPA 19-12, Shoreline Protection Zone Policies: A proposed text amendment to Chapter 8, Coastal Management Element, and Chapter 2, Overall Goals and Definitions, of the Comprehensive Growth Management Plan (CGMP). Amendments to other chapters of the CGMP may be identified to insure internal consistency with the proposed changes.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be sent to: Nicki van Vonno, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the items will be available from the Growth Management Department. For more information, contact the Growth Management Department at (772) 288-5495.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.



TR-GC19278610-01

**Jason Nazzaro sings Sinatra**

**October 5**  
Dinner: 7:30 p.m.  
Show: 8:00 p.m.  
3 course meal & show  
\$33 + tax and gratuity

**2661 SE Ocean Blvd.**  
Stuart, FL  
772-221-1815  
[EastOceanBistro.net](http://EastOceanBistro.net)

48-hour cancellation policy  
One drink minimum  
**Make your reservation today:**

**EAST OCEAN BISTRO**

TR-SCN0005841-01

**PROBATE & TRUST LITIGATION**

Attorney  
**James L. S. Bowdish**  
Board Certified in Civil Trial Law  
**Will and Trust Contests, Undue Influence  
Power of Attorney Abuse**  
**287-2600**  
Stuart  
**CRARY BUCHANAN**

TR-SCN0005834-02