
Excerpt from Article 10., Land Development Regulations

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10.1.C. *Development order required.*

1. No development shall occur except pursuant to a development order issued in compliance with the Plan, the LDR and the Code.
2. Where a proposed development is exempt from the development review procedures of this article pursuant to section 10.1.D.2, the applicant shall be required to demonstrate compliance with the Plan, the Code and the LDR prior to the issuance of a development order.

10.1.D. *Applicability.*

1. The provisions of this article shall apply to all development except as specified in paragraph 2. below.
2. The following shall be exempt from sections 10.2 through 10.11 of this article:
 - a. The construction or expansion of a single-family residential dwelling, including any accessory structures, on a lawfully established lot.
 - b. The construction or expansion of one duplex dwelling, including any accessory structures, on a lawfully established lot.
 - c. Development associated with a bona fide agricultural use, as defined in F.S. § 193.461.
 - d. Construction within public rights-of-way.
 - e. Public stormwater management projects approved or funded by the Board of County Commissioners and projects associated with the Indian River Lagoon South Project.
 - f. Development activity on existing, previously approved developments for the sole purpose of complying with F.S. ch. 553, pt. II, Accessibility by Handicapped Persons.
 - g. The addition of landscaping on previously approved development site which is not required by the existing development order.
 - h. The construction of signs.
 - i. Construction activity associated with the connection of approved development to public utilities.
 - j. The relocation of a historic resource within a Community Redevelopment Area. For purposes of this paragraph, "historic resource" shall be as defined in article 4, division 13 of the Land Development Regulations.
 - k. Changes of use within a lawfully established building, except when a biofuel facility is proposed.
 - l. Construction associated with the installation of emergency electric power generators on previously approved development.
 - m. The construction of uninhabitable accessory structures (i.e., dumper enclosures, sheds, etc.) on previously approved development sites.
 - n. Changes to approved site plans and lawfully established uses provided such changes shall:

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- 1) Meet the requirements for a Certificate of Public Facilities Exemption pursuant to subsection 5.32.B.3.f., Land Development Regulations, Martin County Code;
 - 2) Not eliminate a development order condition of approval that is in force and effect at the time a change is proposed;
 - 3) Not involve a biofuel facility.
- o. Elective infrastructure improvements to an existing use such as pervious paving, drainage, pedestrian access, and pervious parking where the proposed improvements have been determined by the County Administrator to have minimal impact to surrounding properties.
 - p. Vehicular or pedestrian interconnectivity between existing developments not to exceed 200 feet in length.
 - q. An addition to an existing building owned and operated by a not for profit homeowners or property owners association located within an existing residential community provided that the building addition is used exclusively for storage and does not exceed ten percent of the square footage of the existing building.
 - r. Improvements to public facilities required by the Federal Aviation Administration or by the US Department of Homeland Security.
 - s. Within CRA areas, the construction or expansion of a principal building and any accessory structures on a lawfully established lot, provided the lot is less than one-half acre.
 - t. Development on Witham Field that has been approved by the Board of County Commissioners through a lease agreement or as a capital project as consistent with the Airport Master Plan.
 - u. Changes to approved documents that are not inconsistent with the approved final site plan or that would require an administrative amendment.
3. The provisions of section 10.1.D.2. shall be read in conjunction with section 10.15.C. If the proposed change is ineligible for administrative approval pursuant to section 10.15.C.4., development shall not be exempt from compliance with sections 10.2 through 10.11 of this article. This provision shall not apply to proposed development within CRA areas.
 4. The provisions of section 10.1.D.2. shall not waive any requirement of the Plan, the LDRs, or the Code other than the procedures for development review set forth in sections 10.2 through 10.11. Compliance with all applicable requirements shall be demonstrated prior to the issuance of any development order.
- 10.1.E. *Consistency required.* No development, including, but not limited to, clearing, excavation of soil, or alteration of vegetation, shall be commenced or undertaken in Martin County that is inconsistent with the Plan, the LDR and the Code.

(Ord. No. 1100, pt. 1(Att. A), 5-21-2019)