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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA
ORDINANCE NUMBER _____**

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING EXCAVATING, FILLING AND MINING; AMENDING ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 8, EXCAVATION, FILLING AND MINING; DIVISION 1, WETLANDS AND SHORELINE PROTECTION; AND DIVISION 9, STORMWATER MANAGEMENT, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; AMENDING ARTICLE 5, ADEQUATE PUBLIC FACILITY STANDARDS, DIVISION 2, ADEQUATE PUBLIC FACILITIES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; AND AMENDING ARTICLE 10, DEVELOPMENT REVIEW PROCEDURES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Land Development Regulations currently include regulations regarding excavating, filling, and mining; and

WHEREAS, pursuant to a request from an applicant to amend the existing regulations, staff determined that in addition to addressing the applicant's request, revisions to the Land Development Regulations to clarify and consolidate the existing regulations were warranted and in the best interest of the public; and

WHEREAS, the Local Planning Agency and the Board of County Commissioners have provided for full public participation in the review of the proposed amendments of the Land Development Regulations; and

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

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

PART 1. ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 8, EXCAVATION, FILLING AND MINING, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY is amended as set forth in Exhibit A, attached hereto and incorporated by reference.

PART 2. ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 1, WETLANDS AND SHORELINE PROTECTION; SECTION 4.2. WETLAND PROTECTION STANDARDS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY is amended as set forth in Exhibit B, attached hereto and incorporated by reference.

PART 3. ARTICLE 4, SITE DEVELOPMENT STANDARDS; DIVISION 9, STORMWATER MANAGEMENT, SECTION 4.385. STANDARDS FOR REVIEW, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY is amended as set forth in Exhibit C, attached hereto and incorporated by reference.

PART 4. ARTICLE 5, ADEQUATE PUBLIC FACILITY STANDARDS, DIVISION 2, ADEQUATE PUBLIC FACILITIES, SECTION 5.32. REGULATORY PROGRAM TO ENSURE ADEQUATE PUBLIC FACILITIES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY is amended as set forth in Exhibit D, attached hereto and incorporated by reference.

PART 5. ARTICLE 10, DEVELOPMENT REVIEW PROCEDURES, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY is amended as set forth in Exhibit E, attached hereto and incorporated by reference.

PART 6. APPLICABILITY OF ORDINANCE

This ordinance shall be applicable in the unincorporated area of Martin County.

PART 7. CONFLICTING PROVISIONS

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict, except for ordinances concerning the adoption or amendment of the Comprehensive Plan.

PART 8. SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or

circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART 9. FILING WITH DEPARTMENT OF STATE

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

PART 10. CODIFICATION

Provisions of this ordinance shall be incorporated in the County Code, except parts 6 through 11 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

PART 11. EFFECTIVE DATE

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

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT
AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

KRISTA A. STOREY, SENIOR
ASSISTANT COUNTY ATTORNEY