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

**ORDINANCE NUMBER \_\_\_\_**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY, TO PROVIDE FOR REVISED DEVELOPMENT STANDARDS AND SETBACKS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

WHEREAS, this proposed amendment to amend Article 3, Zoning Districts, of the Land Development Regulations, Martin County Code, has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds the proposed amendment 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: AMENDMENT TO ARTICLE 3 ZONING DISTRICTS, DIVISION 2.  
TABLE 3.12.1 DEVELOPMENT STANDARDS**

Division 2, Zoning Districts, Table 3.12.1 Development Standards, is hereby amended as follows (new language is underlined, deleted language struck through)

**TABLE 3.12.1  
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	AG-20A	20 ac.	300	0.05	—	—	30	50	—
A	AR-5A	5 ac.	300	0.20	—	—	30	50	—
A	AR-10A	10 ac.	300	0.10	—	—	30	50	—
A	RE-2A	2 ac.	175	0.50	—	—	30	50	—
A	RE-1A	1 ac.	150	1.00	—	—	30	50	—
A	RE-½A	21,780	100	2.00	—	—	30	50	—
A	RS-3	15,000	60	3.00	—	—	30	50	—
A	RS-BR3	10,000	75	3.00	—	30	35	50	—
A	RS-4	10,000	60	4.00	—	—	30	50	—
A	RS-5	7,500	60	5.00	—	—	30	50	—
A	RS-6	7,500	50	6.00	—	—	40	50	—
A	RS-8	5,500	50	8.00	—	—	40	50	—
A	RS-10	4,500	40	10.00	—	—	40	50	—
A	RM-3	15,000(h)	60(h)	3.00	—	—	40	50	—
A	RM-4	10,000(h)	60(h)	4.00	—	—	40	50	—
A	RM-5	8,500(h)	60(h)	5.00	—	—	40	50	—
A	RM-6	7,500(h)	50(h)	6.00	—	—	40	50	—
A	RM-8	5,500(h)	50(h)	8.00 (d)	—	—	40	50	—
A	RM-10	4,500(h)	40(h)	10.00(g)	—	—	40	50	—
A	MH-P	10 ac.(e)	—	8.00	—	—	<del>20/1-25/2</del>	50	—
A	MH-S	5,500	50	8.00	—	—	<del>20/1-25/2</del>	50	(i)
A	CO	10,000	80	—	—	40	30	40	—
A	COR-1	10,000(h)	80(h)	5.00	10.00	40	30	40	—
A	COR-2	10,000(h)	80(h)	10.00	20.00	40	30	40	—
A	LC	10,000	80	10.00	20.00	50	30	30	—
A	CC	10,000	80	—	20.00	50	30	30	—
A	GC	10,000	80	—	20.00	60	40	20	—
A	WRC	10,000(h)	80 (h)	10.00	20.00	50	30	30	—
A	WGC	10,000	80	—	20.00	50	40	30	—
A	LI-1	—	—	—	—	—	—	—	—
A	LI	15,000	100	—	20	40	30(l)	20	—
A	GI	30,000	125	—	20	50	40	20	—
A	HI	1 ac.	125	—	—	60	40	20	—
A	PR	—	—	—	—	45	40	40	—
A	PC	—	—	—	—	45	30	40	—
A	PS-1	10,000	80	—	—	45	40	40	—
A	PS-2	10,000	80	—	—	45	40	40	—
A	PAF	—	—	—	—	—	—	50	—
B	HR-1	10,000	100	(a)	—	—	35	30	—

B	HR-1A	12,000	100	(a)	—	—	35	30	—
B	R-1	15,000	100	(a)	—	<u>25-35</u>	30/3	50	—
B	R-1A	10,000	85	(a)	—	<u>25-35</u>	30/3	30	<del>(d)</del>
B	R-1B	8,200	75	(a)	—	—	35	30	—
B	R1-C	15,000	100	(a)	—	<u>25-35</u>	25/2	50	—
B	R-2	7,500	60	(a)	—	35	30/3	30	—
B	R-2B	7,500	60	(a)	—	35	30/3	30	—
B	R-2C	5,000	50	(a)	—	—	35	30	—
B	R-2T	7,500	60	(a)	—	35	30/3	30	—
B	RT	5,500(f)	50	(a)	—	—	<u>20/1-25/2</u>	30	(b), (i)
B	TP	10 ac.	—	(k)	—	—	<u>20/1-25/2</u>	—	(c), (j)
B	E	43,560	—	(a)	—	—	30/3	50	—
B	E-1	30,000	150	(a)	—	<u>25-35</u>	30/3	50	—
B	WE-1	30,000	100	(a)	—	<u>25-35</u>	<u>25/30/2</u>	50	—

**NOTES:**

- (a) Maximum residential density shall be one single-family residential dwelling unit per lawfully established lot.
- (b) In the RT district:
  - (1) Mobile home subdivisions shall be surrounded by a landscaped buffer strip at least 25 feet in depth on all sides. Buffers shall be unoccupied, except for underground utilities, canals, ditches, landscaping and entrance ornamentation.
  - (2) A minimum of five percent of the gross land area shall be required for recreation area.
  - (3) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- (c) In the TP district:
  - (1) A minimum of five percent of the gross land area shall be required for recreation area.
  - (2) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.
- ~~(d) In the R-1A district, waterfront lots shall have a minimum of width of 60 feet along the street frontage and 100 feet in width along the waterway.~~
- (d) The maximum density for the RM-8 district is 10 units per acre for sites meeting the affordable housing criteria set forth in Policy 4.13A.7.(4) of the Comprehensive Growth Management Plan.
- (e) In the MH-P district, each mobile home shall have a site area of at least 5,500 square feet.
- (f) Each mobile home subdivision shall have a site area of at least ten acres.
- (g) The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in Policy 4.13A.7.(5) of the Comprehensive Growth Management Plan.
- (h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.
- (i) In the RT and MH-S districts, single-family detached dwellings (site-built dwellings) shall also comply with the provisions of Section 3.98.
- (j) In the TP zoning district, mobile homes, modular homes and single-family detached dwellings (site-built dwellings) shall be limited to a foot print approved by the owner of the property (e.g., president

of a condominium association or cooperative). Verification of the location and foot print by the property owner shall be provided with the building permit application. Primary structures and attached accessory structures, regardless of construction type, shall maintain a ten foot separation from other primary structures and attached accessory structures. Also, single-family detached dwellings (site-built dwellings) shall comply with the provisions of Section 3.98.

- (k) In the TP zoning district the maximum residential density shall not exceed that density established on the parcel on April 1, 1982. New mobile home park development, requiring final site plan approval, in the TP zoning district shall not exceed eight units per acre.
- (l) The maximum building height shall be 40 feet for all commercial and business uses permitted in the LI zoning district as set forth in Table 3.11.2.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1131, pt. I(Exh. A), 5-5-2020)

Division 2 Zoning Districts, Table 3.12.2 Structure Setbacks is hereby amended as follows (new language is underlined, deleted language struck through)

**TABLE 3.12.2.  
STRUCTURE SETBACKS**

C A T	Zoning District	Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
		1	2	3	4	1	2	3	4	1	2	3	4
A	AG-20A	50	50	50	50	50	50	50	50	50	50	50	50
A	AR-5A	40	40	40	40	40	40	40	40	40	40	40	40
A	AR-10A	40	40	40	40	40	40	40	40	40	40	40	40
A	RE-2A	30	30	30	30	30	30	30	30	30	30	30	30
A	RE-1A	25	25	25	25	15	15	15	15	15	15	15	15
A	RE-½A	25	25	25	25	15	15	15	15	15	15	15	15
A	RS-3	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-BR3	25(l)	25(l)	25(l)	25(l)	15(j)	15(j)	15(j)	15(j)	10(k)	10(k)	10(k)	10(k)
A	RS-4	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-5	25	25	25	25	10	10	10	10	10	10	10	10
A	RS-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RS-8	25	25	25	25	10	20	20	30	5	5	10	20
A	RS-10	25	25	25	25	10	20	20	30	5	5	10	10
A	RM-3	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-4	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-5	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-6	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-8	25	25	25	25	10	20	30	40	10	10	20	30
A	RM-10	25	25	25	25	10	20	30	40	10	10	20	30
A	MH-P	20	20	20	20	6	6	6	6	6	6	6	6
A	MH-S	20	20	20	20	6	6	6	6	6	6	6	6
A	CO	25	35	35	35	20	30	30	30	10	20	30	30
A	COR-1	25	25	25	25	20	20	30(h)	30(h)	10	10	30	30
A	COR-2	25	35	35	35	20	30	30	30	10	20	30	30
A	LC	25	25	25	25	20	20	30	40	10	10	20	
A	CC	25	25	25	25	20	20	30	40	10	10	20	30

Strikethrough passages are deleted; underline passages are added.

A	GC	25	25	25	25	20	20	30	40	10	10	20	30
A	WRC	25	25	25	25	20	20	20	20	10	10	10	10
A	WGC	25	25	25	25	20	20	20	20	10	10	10	10
A	LI-1	—	—	—	—	—	—	—	—	—	—	—	—
A	LI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	GI	15(c)	15(c)	15(c)	15(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)	10(c)
A	HI	40	40	40	40	40	40	40	40	40	40	40	40
A	PR	25	25	25	25	20	20	30	40	10	10	20	30
A	PC	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-1	25	25	25	25	20	20	30	40	10	10	20	30
A	PS-2	25	25	25	25	20	20	30	40	10	10	20	30
A	PAF	—	—	—	—	—	—	—	—	—	—	—	—
B	HR-1	<del>35(d)</del> 25	<del>35(d)</del> 25	<del>35(d)</del> 25	<del>35(d)</del> 25	25(d)	25(d)	25(d)	25(d)	15(a)	15(a)	15(a)	15(a)
B	HR-1A	35	35	35	35	25	25	25	25	15(a)	15(a)	15(a)	15(a)
B	R-1	20(e)-	20(e)	20(e)	20(e)	6(e)	8(e)	10(e)	10(e)	6(e)	8(e)	10(e)	10(e)
B	R-1A	20	20	20	20	6	8	10	10	6	8	10	10
B	R-1B	<del>30</del> 20(f)	<del>30</del> 20(f)	<del>30</del> 20(f)	<del>30</del> 20(f)	6(f)	6(f)	6(f)	6(f)	10(df)	10(df)	10(df)	10(df)
B	R1-C	30	30	—	—	20	20	—	—	10	10	—	—
B	R-2	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2B	20	20	20	—	6	8	10	—	6	8	10	—
B	R-2C	20	20	20	20	6	8	10	10	6	8	10	10
B	R-2T	20	20	20	20	6	8	10	10	6	8	10	10
B	RT	20	—	—	—	6	—	—	—	6	—	—	—
B	TP	15(i)	—	—	—	5(i)	—	—	—	5(i)	—	—	—
B	E	35	35	35	35	6	8	8	8	6	8	8	8
B	E-1	40	40	40	—	20	25	30	—	20	25	30	—
B	WE-1	<del>50</del> 35(g)	<del>50</del> 35(g)	—	—	<del>25</del> 50(g)	<del>25</del> 50(g)	—	—	15	15	—	—

**NOTES:**

Additional setback specifications are contained in division 3 (standards for specific uses) and division 4 (miscellaneous development standards) of this article 3.

- (a) Side setback for nonconforming lots is 7.5 feet.
- (b) Side setback for nonconforming lots is 6.5 feet.
- (c) Where the real property boundary abuts an RE, RS, MH, RM, HR-1, HR-1A, R-1, R-1A, R-1B, R-1C, R-2, R-2B, R-2C, R-2T, RT, TP, E, E-1, WE-1 zoning district, a residential use in a PUD, or the real property boundary of a public school, these increased setbacks shall apply:

Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)				
1	2	3	4	1	2	3	4	1	2	3	4	Corner
25	25	25	25	20	20	30	40	15	20	20	30	25

- (d) ~~In the HR-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 35-foot setback from the mean high water line and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C. Reserved.~~
- (e) ~~In the R-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 205-foot setback from the mean high water line, and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~

- (f) In the R-1B district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum ~~30~~25-foot setback from the mean high water line, ~~and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~
- (g) In the WE-1 district, wherever the lot abuts the Atlantic Ocean, the river or a man-made waterway, there shall be a minimum 50-foot setback from the mean high water line, ~~and the front setback shall be governed by the street centerline setbacks as set forth in subsection 3.16.C.~~ Where existing principal residences on adjacent lots are set back more than 50 feet from the mean high water line, the minimum setback from the mean high water line shall be the mean setback of the nearest principal residences on adjacent lots, or, where there is no principal residence within 1,000 feet, the minimum setback from the mean high water line shall be 50 feet. Accessory structures which are not roofed or enclosed by walls or screening shall only be subject to the minimum 50-foot setback from the mean high water line.
- (h) The minimum rear setback for single-family detached residences and duplex dwellings shall be 20 feet.
- (i) Setbacks shown for the TP zoning district are from property lines, i.e. the mobile home park boundary. The setbacks are not applicable between structures.
- (j) For enclosed storage structures, greenhouses, child's playhouse and gazebos, this dimension may be reduced to five feet.
- (k) The side/corner minimum setback shall be 20 feet.
- (l) For lots that have frontage on ingress/egress or access easements and not on platted road rights-of-way the front setbacks shall be measured from the easement line.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 727, pt. 1, 10-24-2006; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1014, pt. 2, 12-6-2016)

## **PART 2: APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

## **PART 3: CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, 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 either adoption or amendment of the Comprehensive Plan.

## **PART 4: 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 5: FILING WITH THE DEPARTMENT OF STATE.**

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

**PART 6: CODIFICATION.**

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations, except that Parts 4 through 8 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

**PART 7: EFFECTIVE DATE.**

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

**PASSED AND DULY ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_, 2021.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS,  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN,  
CLERK OF THE CIRCUIT  
COURT AND COMPTROLLER

BY: \_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

BY \_\_\_\_\_  
SARAH W. WOODS  
COUNTY ATTORNEY