BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA  
ORDINANCE NUMBER 468  

AN ORDINANCE PROVIDING FOR LAND DEVELOPMENT REGULATIONS  
DEALING WITH ZONING DISTRICTS; PROVIDING FOR DELETION OF CERTAIN  
SECTIONS OF CHAPTER 33; PROVIDING FOR DELETION OF CERTAIN SECTIONS  
OF CHAPTER 35; PROVIDING FOR DEFINITIONS; PROVIDING FOR DISTRICTS;  
PROVIDING FOR A ZONING ATLAS AND DISTRICT BOUNDARIES; PROVIDING  
FOR COMPLIANCE WITH DISTRICT REGULATIONS; PROVIDING FOR PERMIT-  
TED USES AND A PERMITTED USE SCHEDULE; PROVIDING FOR SPECIFIC USE  
CONDITIONS; PROVIDING FOR PROPERTY DEVELOPMENT STANDARDS; PRO-  
VIDING FOR SUPPLEMENTARY REGULATIONS; PROVIDING FOR CONFLICTING  
PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABIL-  
ITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, THE DEPART-  
MENT OF COMMUNITY AFFAIRS, AND THE TREASURE COAST REGIONAL PLAN-  
NING COUNCIL; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PEN-  
ALTIES; AND PROVIDING FOR CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida has  
made the following determinations of fact;  
1. This Board is authorized by Section 125.01(1)(h), Florida Statutes (1993)  
and Chapter 61-2466, Laws of Florida, to establish, coordinate and enforce zoning and  
such business regulations as are necessary for the protection of the public.
2. This Board is authorized by Section 125.01(2)(t) to adopt ordinances and  
resolutions necessary for the exercise of its powers and to prescribe fines and penalties  
for the violations of ordinances in accordance with law.
3. The Local Government Comprehensive Planning and Land Development  
Regulations Act (Chapter 163, Part 11, Florida Statutes (1993) requires that the County  
amend or enact land development regulations which are consistent with its adopted  
Comprehensive Plan.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COM-  
MISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:  
PART 1: ADOPTION OF LAND DEVELOPMENT CODE - ZONING DEFINITIONS.  
The Martin County Land Development Code - Zoning Definitions, as set forth in  
Exhibit "A" attached hereto and made a part hereof, is hereby added to the Code of  
Laws and Ordinances of Martin County, Florida.

PART II: ADOPTION OF LAND DEVELOPMENT CODE - ZONING DISTRICT REGU-  
LATIONS.  
The Martin County Land Development Code - Zoning District Regulations, as set  
forth in Exhibit "B" attached hereto and made a part hereof, is hereby added to the  
Code of Laws and Ordinances of Martin County, Florida as Article III of the Land Devel-  
opment Code.

PART III: REPEALS.  
The following sections of Chapter 33 of the Code of Laws and Ordinances of  
Martin County are hereby repealed: Section 33-15 subsections 2-55, 58-96, and Sections  
33-67, 33-68, 33-69, 33-70, 33-85 through 33-570, 33-582 through 33-639, and 33-641  
through 33-666;
The following sections of Chapter 35 of the Code of Laws and Ordinances of Martin County, Florida are hereby repealed: Sections 35-1.1 through 35-2.28, 35-4.2 through 35-5.3, and 35-5.5 through 35.5.8.

**PART IV: 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 superceded by this ordinance to the extent of such conflict.

**PART V: SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance of any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**PART VI: APPLICABILITY OF ORDINANCE.**

This ordinance shall be applicable throughout Martin County’s jurisdiction.

**PART VII: FILING WITH DEPARTMENT OF STATE.**

The Clerk be and hereby is directed forthwith to send a certified copy of this ordinance to the Department of State, Bureau of Administrative Codes, The Elliot Building, 401 S. Monroe Street, Tallahassee, Florida 32399-0250.

**PART VIII: FILING WITH DEPARTMENT OF COMMUNITY AFFAIRS.**

The County Attorney shall send by certified mail a certified copy of this ordinance to the Treasure Coast Regional Planner/DRI Section, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399.

**PART IX: FILING WITH TREASURE COAST REGIONAL PLANNING COUNCIL.**

The County Attorney shall send by certified mail a certified copy of this ordinance to the Treasure Coast Regional Planner/DRI Section, Treasure Coast Regional Planning Council, Post Office Box 1529, Palm City, Florida 34990.

**PART X: EFFECTIVE DATE.**

The effective date of this ordinance shall be December 31, 1995 or upon approval of the official zoning atlas (Section 3.3A), whichever occurs earlier.

**PART XI: PENALTIES.**

Violation of this ordinance is a misdemeanor pursuant to Section 125.69, Florida Statutes, and is punishable under said section by imprisonment for up to sixty (60) days, or a fine of up to $500.00, or both such imprisonment and fine. This ordinance may be enforceable by a Code Enforcement Board created pursuant to Chapter 162, Florida Statutes, and other remedy authorized by law.

**PART XII: CODIFICATION.**

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section","article" or other word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts IV to XII shall not be codified.

DULY PASSED AND ADOPTED THIS _____DAY OF _________ 1995.

**ATTEST:**

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

MARSHA STILLER, CLERK               CHARLENE HOAG, CHAIRMAN
APPROVED AS TO FORM AND CORRECTNESS:

ROBERT D. GUTHRIE
COUNTY ATTORNEY
Definitions

Access Improvements means improvements designed to insure safe and adequate ingress and egress.

Accessory Use or Accessory Structure means a use or structure that is subordinate to and serves a principal use or structure; is subordinate in area, extent and purpose to the principal use or structure served; contributes to the comfort, convenience or necessity of occupants of the principal use or structure served; and is located on the same lot or lots under the same ownership and in the same Land Use District as the principal use or structure. With the exception of single family docks or fences, the principal use must be in place prior to an accessory use.

Address Sign. See Sign, Address.

Adult Business means individually or in combination an adult arcade, adult bookstore, adult dancing establishment, or adult motion picture theater as the terms are defined herein, and any other establishment whose employees display or expose specified anatomical areas as defined herein.

a. Adult arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. Adult bookstore means an establishment including a video store which sells or rents adult materials in any form to the public, the revenues of which represent more than ten percent of the gross revenues of the establishment over the same period, or that comprise more than twenty-five percent of the individual materials displayed within the establishment as its stock-in-trade.

c. Adult business premises means an enclosed building or a portion of an enclosed building which is physically occupied by an adult business.

d. Adult dancing establishment means an establishment whose employees display or expose specified anatomical areas while dancing.

e. Adult materials means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations or recordings which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

f. Adult motion picture theater means an establishment designed to permit the viewing of motion pictures and other film material which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities for observation by the patrons thereof.

g. Adult Business Employee means a person who works or performs in an adult business regardless of compensation or the manner of compensation, specifically including an independent contractor.

h. School means any public or private institution of learning including a day care facility, nursery school, pre-school, kindergarten,
elementary school, middle school, junior high school, senior high school, junior college, college, any special institution of learning under the jurisdiction of the state department of education, and those institutions offering informal instruction in dance, the arts, gymnastics or other similar activities.

i. Specified anatomical areas means the human genitals, pubic region, anus, anal cleft, buttocks, and that portion of the female breast below the top of the areola.

j. Specified sexual activities means any sexual act which is prohibited by law, and acts of sexual intercourse, oral copulation, anal copulation, masturbation, flagellation, and the touching, caressing or fondling of breasts, buttocks, anus or genitals, or the simulation of any of the foregoing.

Advertising Sign. See Sign, Advertising.

Advertising Structure means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any such sign may be placed.

Adjacent Landowner means an owner of land sharing a boundary with another parcel of land.

Adult Congregate Living Facility means a single or multi-family product designed for independent living by the elderly which provides personal services to its residents including but not limited to housekeeping, limited nursing, transportation and food service. See also: Community Residential Home.

Agriculture Processing means initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include packinghouses. Slaughterhouses are specifically excluded from this definition.

Agricultural Use means the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products; packing house; raising livestock, stables, aquaculture or for other agricultural purposes.

Airports means uses which are customarily incidental to airport operations and maintenance, including airport terminal and accessory uses, and take-off facilities for aircraft, such as: runways, taxiways, aprons, and communicative and visual guidance systems.

a. General Aviation Airport means general aviation airports including all public use airports except commercial service airports.

b. Commercial Service Airport means an airport that handles scheduled passenger service by Federal Aviation Administration certified air carriers and chartered service.

c. Private Use Airport means an airport restricted to the use of the owner and invited guest.

d. Public Use Airport means an airport open for use by the general public.

Amusements, Commercial means active or passive commercial recreation services including but not limited to bowling, tennis and other racquet sports, miniature golf, swimming and other water related sports and spectator sports.

Arterial Road means a road which is a main traffic artery carrying generally high traffic volumes for relatively long distances and which connects to the regional roadway system. This classification includes
all roads which function above the level of a collector road. Arter-
ial roads are those shown on the Roadway Classification Map of the
Traffic Circulation Element of the Comprehensive Growth Management
Plan and are generally greater than two (2) lanes in width, and longer
than two (2) miles in length.

**Artificial light source** means any source of light emanating from a
man-made device including, but not limited to, incandescent mercury
vapor, metal halide or sodium lamps, spotlights, street lights, ve-
hicular lights, construction or security lights.

**Bed and Breakfast Inn** means the use of a lot for an owner or manager
occupied single-family residential structure to provide rooms for tem-
porary lodging for transient guests on a paying basis. (Not intended
to include halfway houses or treatment facilities.)

**Boat Dock** – means that physical structure attached to land to which a
boat is tied.

**Boat Slip** means that area of a boat dock set aside for the tying up of
a boat.

**Building** means any structure having a roof supported by columns or
walls, including domes.

**Building Code** means the Martin County Building Code, as may be amended
from time to time.

**Building Height** means the vertical distance between (1) the lowest
permissible elevation above the existing grade which complies with
finished floor elevation requirements as established by flood maps,
HRS, or building code, along the front of a building and (2) either
the highest point of the coping of a flat roof, the deck line of a
mansard roof, or the mean height level between eaves and ridge for
gable, hip and gambrel roofs. For buildings placed along the ocean-
front, the oceanside of the building may be considered the front for
height measurement purposes, provided that any building space below
the required building elevation shall be used only for parking and
storage purposes.

**Building Permit** means a permit for the construction of or addition to
a structure either primary or accessory, the installation of a mobile
home, or a final development order for those improvements to land not
requiring building permits.

**Buffer** means a landscaped area intended to separate and partially ob-
struct the view of two adjacent land uses or properties from one an-
other.

**Board of County Commissioners** means the Board of County Commissioners
of Martin County, Florida.

**Cemetery or Crematorium** means: Human – land used or intended to be
used for the burial of the human dead and dedicated to cemetery pur-
poses, including crematories, mausoleums and mortuaries, if operated
in connection with and within the boundaries of such cemetery; or Pet
– land used or intended to be used for the burial of animals in indi-
vidual burial plots or a mausoleum, and dedicated to cemetery pur-
poses.

**Club, Fraternity or Lodge** means an establishment providing meeting,
recreational, or social facilities for a private or non-profit as-
association, primarily for use by members and guests. Typical uses in-
clude private social clubs and fraternal organizations.
**Collector Road** means a road which carries traffic from local roads to arterial roads. Collector roads have more continuity, carry higher traffic volumes, and may provide less access than local roads. Generally, collector roads are two-lane facilities and generally operate at lower capacity and operating speeds than do arterial roads. Collector roads are classified in accordance with the Roadway Classification Map of the Traffic Circulation Element of the Comprehensive Growth Management Plan.

**Community Residential Home** means a dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, with such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. In this context, "resident" is defined as an aged, physically disabled, handicapped, developmentally disabled, non-dangerous mentally ill person, or a child, all as defined in Florida Statutes. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances and shall be allowed in single-family or multi-family zoning without approval by the local government, provided such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. See also: Foster Home, Group Home, ACLF definitions.

**Composting** means a Solid Waste management technique which utilizes natural processes to convert many organic materials to humus by microorganism activity in an aerobic environment.

**Comprehensive Growth Management Plan** means the Martin County Comprehensive Growth Management Plan, adopted pursuant to Sec. 163.3161, et. seq., Fla. Stat., as amended.

**Construction Industry Trades** means trades typically involved in construction, such as carpenters, plumbers, masons, electricians, tile contractors, etc., which when located in GC shall not include extensive outside storage.

**Construction Sales and Service** means an establishment primarily engaged in construction activities and incidental storage on lots other than construction sites, as well as the retail and wholesale of construction materials with outdoor storage. Typical uses include lumberyards and building contractors, and which when located in GC shall not include extensive outside storage.

**Corner Lot.** See Lot, Corner.

**Correctional Facility** means a use providing housing and care for individuals legally confined for violations of law including Halfway Houses.

**County** means Martin County, Florida.

**Crematorium** means a building used for cremating the dead which operates independently from a funeral home, and does not offer funeral services and facilities.

**Cultural or Civic Use** means a use typically associated with public or not-for-profit private entities for the promotion of a common cultural or civic objective such as literature, science, music, drama, art, sport or similar objectives.

**Day Care Commercial** means a use typically associated with an agency, organization or individual providing day care without living
accommodations for individuals, either children or adults, not related by blood or marriage to, and not the legal wards or foster children of the attendant adult and which use is not operated as a family day care (see definition).

**Day Care, Family** means a residence in which child care is regularly provided for children unrelated to the operator in one of the following groups:

a. up to five preschool children (including those of the operator) and up to five elementary school siblings of the preschool children;

b. When holding a license from the State, up to five preschool children (including those of the operator) and up to three elementary school siblings of the preschool children, and up to two unrelated elementary school children; or

c. when holding a license from the State, up to seven elementary school children from more than one unrelated family with no preschool children in care in the home.

**Density** means the number of dwelling units divided by the gross area of the zoning lot or parcel on which such dwelling units are located, excluding submerged land and any portions of the zoning lot allocated to nonresidential uses. The gross area of a zoning lot or parcel refers to all contiguous land under unified ownership, including land proposed to be dedicated for public or private rights-of-way. (see Sec. 3.7.E)

**District** means zoning district.

**Duplex Dwelling.** See Dwelling, Duplex.

**Dwelling Unit** means a self-sufficient room or combination of rooms which are designed for or used as a residence by a single housekeeping unit, and which includes at least three elements - kitchen facilities, bathroom and living/sleeping area.

**Dwelling Unit, Accessory** means accessory dwelling units shall include guest houses, servant’s quarters, garage apartments, and "granny flats", and shall include at least three elements - kitchen facilities, bathroom, and living/sleeping area.

**Dwelling, Duplex** means the use of a zoning lot for two (2) dwelling units, other than mobile homes, within a single building.

**Dwelling, Multi-Family** means the use of a zoning lot for three (3) or more dwelling units within a single building.

**Dwelling, Single-Family** means the use of a zoning lot for only one (1) detached dwelling unit, other than a mobile home. This use includes manufactured single-family units certified by the Florida Department of Community Affairs to be in compliance with the Florida Factory Built Housing Act of 1971, Part 4, Chapter 553, Florida Statutes.

**Dwelling, Zero Lot Line** means the use of a zoning lot for only one (1) detached dwelling unit, which has one (1) or more walls located on or near one (1) interior side lot line.

**Educational Institution** means an organization either public or private, formed and chartered for instructional purposes on an elementary, secondary, or other level, approved under the regulations of the state.
**Equipment Sales and Service** means an establishment engaged in sales, rental, repair or storage of agricultural and construction equipment or other heavy machinery or heavy equipment.

**Extensive Impact Industry** means heavy manufacturing uses, characterized by the high intensity of the use and impacts generated, which uses require extensive outside storage of raw materials or finished products, where a portion of the manufacturing operation occurs in the open air, or which causes harmful air, water or noise pollution outside of the perimeter of the site, including but not limited to the following:

- Automobile assembly plants
- Auto accessory manufacturing
- Asphalt product manufacturing
- Canneries
- Citrus processing plants
- Chemical manufacturing
- Commercial egg or poultry production
- Concrete and brick product manufacturing
- Fertilizer manufacturing
- Foundries, iron works and metal casting
- Furniture manufacturing
- Mattress manufacturing
- Metal fabricators
- Paint manufacturing
- Paper products manufacturing
- Petroleum storage facilities
- Plastic products manufacturing
- Plating
- Rubber goods manufacturing
- Slaughterhouses
- Tile manufacturing
- Watercraft manufacturing
- Welding shops

**FAA** means the Federal Aviation Administration

**Fish Hatchery** means a device or place where the eggs of fish are incubated for commercial purposes.

**Family** means one or more persons related by blood, marriage or adoption occupying a single dwelling unit as a single housekeeping unit and sharing common facilities. In addition, if the family consists of: 1 person, an additional four persons unrelated to the family shall be permitted; 2 persons, an additional three persons unrelated to the family shall be permitted; 3 persons, an additional two persons unrelated to the family shall be permitted; 4 or more persons, an additional one person unrelated to the family shall be permitted.

The following person or persons shall be considered as related to the family (as opposed to an unrelated person or persons) and counted as family members:

1. A person or persons residing with the family for the purpose of adoption by the family:

2. Any person or persons residing with the family at the direction of a court.

**Flea Market** means a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for use by individuals to sell articles that are either homemade, home grown, hand crafted, used, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.
**Floor Area** or **Gross Floor Area** means the sum of the gross horizontal areas of each story of a building, measured from the outside of exterior walls or from the center line of party walls, excluding enclosed parking or loading areas, airspace above the ground floor of an atrium, and any space where the floor-to-ceiling height is less than six (6) feet.

**Foster Care Facility** means a facility which houses foster residents and provides a family living environment for the residents, 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 foster residents. See also: Community Residential Home.

**Frontage** means all the property abutting on one (1) side of a street measured along the street right-of-way line.

**Funeral Home** means undertaking and funeral services involving the care and preparation of human deceased prior to burial, including crematories which service needs of funeral homes as an accessory use.

**Gas Stations** - See service station.

**Golf Course** means a use providing private or public golf recreation services and support facilities.

**Golf Driving Range** means a public or private recreation area where the principal activity is the practice of hitting golf balls at a target in a limited area.

**Granny Flat** - (see Guest House).

**Group Home** means a facility which 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. Adult Congregate Living Facilities comparable in size to group homes i.e., 7-14 residents are included in this definition. It shall not includerooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, halfway houses, nursing homes, or emergency shelters. See also: Community Residential Homes.

**Guest House** means a dwelling unit separate from or attached to the main residential building on a lot.

**Gun Club and Pistol Range** means an indoor facility used for the discharge of firearms at targets.

**Halfway House** means a licensed home for inmates on release from more restrictive custodial confinement or where inmates are initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections, or the State Judicial System.

**Home Occupation** means a business, profession, occupation or trade conducted within a residential building for financial gain or profit by a resident of the dwelling.

**Horticulture** means the cultivation and sale of flowers, shrubs, trees and plants for wholesale, retail or both, including, but not limited to, plant nurseries and flower and tree farms, as well as provision of related consultative services.
**Hospital** means an institution requiring a certificate of need that (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. A hospital may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories, day care centers for employees, and other related uses.

**Hotel or Motel** means a building or other structure used, maintained or advertised as a place where sleeping accommodations are supplied for short term rent to tenants, in which rooms are furnished for the accommodation of such guests, which may have as an accessory use one or more restaurants. This maximum density for hotel or motel development shall not exceed twenty (20) units per gross acre in the districts that this use is allowed. Hotels and motels in LC district will be limited to twenty (20) units, maximum.

**Kennel, Commercial** means a facility used for the temporary boarding of domestic animals, such as dogs and cats, not owned by the occupants of the premises.

**Limited Impact Industry** means light industrial uses unlikely to generate potentially harmful nuisance impacts on adjacent properties, including, but not limited to, the following:

- Awning & canopy manufacturing
- Bottling plants
- Bottled and bulk gas sales
- Crematorium
- Dry cleaning and laundry plants
- Electronic equipment manufacturing
- Exterminating companies
- Fence companies
- Food processing
- Jewelry manufacturing
- Leather goods manufacturing
- Machine shops
- Medical equipment manufacturing
- Optical equipment manufacturing
- Pharmaceutical products
- Precision instrument manufacturing
- Printers, publishers and bookbinders
- Research and development laboratories
- Sailmakers
- Sign shops
- Taxidermists
- Textile and clothing manufacturing
- Tool manufacturing
- Upholstery and refinishing shops
- Vehicle and other mechanical repairs and services, including those not permitted as commercial zoning activities, such as paint and body shops
- Warehousing

**Local Planning Agency** means the Planning and Zoning Commission.

**Local Road** means a road designated and maintained primarily to provide access to abutting property. A local road is of limited continuity and is not for through traffic. A local road is not considered part of the major road network system.

**Lot** means a legally created unplatted lot of record (an existing lot of record on November 7, 1972, or a parcel created pursuant to an
exemption or legal lot split), or a platted lot which was legally created by virtue of a recorded plat.

**Lot, Corner** means a lot abutting upon two (2) streets at their intersection.

**Lot, Interior** means any lot which is not a corner lot.

**Lot, Through** means any lot having frontage on two (2) parallel or approximately parallel streets or highways.

**Lot Area or Lot Size** means the horizontal area within the boundaries of a lot.

**Marina, Commercial** means a facility for the storage (wet and/or dry), launching and mooring of boats, which may include accessory retail and service uses, which facility is constructed and used for the purpose of sale, lease, or rent. Said commercial marina is not intended to include a private multi-slip residential marina which is constructed for the upland residents of the community for which it is designed.

**Marina, Multi-Slip Residential** means a private facility for the wet storage, launching and mooring of boats, which is constructed to serve the upland owners within the community for which it is designed. This facility will not include any retail uses or service areas.

**Marine Accessories and Limited Convenience Goods and Services** means retail sale of boating and fishing accessories, clothing, baits, beverages and food; charter boats and boat rental, sailing and scuba clubs.

**Mobile Home** means the use of a lot for a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation 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 that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, 42 USC 5401 and 24 CFR 3282 and 3283. This use does not include manufactured units meeting the criteria contained in the definition of a single-family dwelling.

**Mobile Home Subdivision** means a subdivision of land for the sale of lots intended for the placement of mobile homes.

**Mulch Manufacturing** means the use of a lot for cutting tree limbs, brush and other organic material into small pieces for use as mulch. This definition is not intended to include commercial operations that do not chip and grind materials, but only bag the processed material.

**Mulch** means chopped or ground vegetative waste which is generally used as a dressing or ground cover in gardens and flower beds.

**Multi-Family Dwelling.** See Dwelling, Multi-Family.

**Nonresidential Activity** means any activity which occurs in any building, structure, or open area which is not used primarily as a private residence or dwelling.

**Nursing Home** means a use customarily associated with a home for the elderly or infirm in which more than fourteen (14) persons not of the immediate family are received, kept or provided with food, shelter and extended care for compensation. This use shall not include duly state licensed volunteer adult foster care homes (ACLF) or community residential homes in which fourteen (14) or fewer foster adults are placed. Neither does this use include hospitals, clinics or similar
institutions devoted to the diagnosis and treatment of the sick or in-
jured.

Office, Business or Professional means a use which extends services by providing advice, information or consultation of a professional na-
ture, including but not limited to insurance, real estate, banking and financial services, executive management and administrative services, but excluding medical office and excluding as a principal use com-
mercial storage of goods for the purpose of sale.

Office, Medical means the provision of therapeutic, preventive or other corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services on an outpatient basis. This does not include an emergency room operated in conjunction with a hos-
pital.

Open Space means land open and unobstructed from the ground to the sky, excluding areas covered by buildings, sidewalks, patios, parking and loading areas, driveways or other impermeable structures or man-
made surfaces. Where pervious parking is provided only those pervious spaces which are in excess of the number required will qualify as open space.

Place of Worship means a use customarily associated with a building where persons regularly assemble for religious worship and which building, together with its accessory building and uses, is maintained and controlled by a religious body organized to sustain public wor-
ship.

Protective and Emergency Services means fire, law enforcement, emerg-
ency medical transportation and related uses planned and operated for the general welfare of the public.

Recreational Vehicle means a vehicle or portable structure built on a chassis and designed as a dwelling for travel, recreation, or vacation for tenancies of less than six (6) months which has a transportable body width which does not qualify as a mobile home.

Recreational Vehicle Park means the use of a site providing individual spaces for trailered or self-propelled camping vehicles on a daily fee or short term rental basis.

Recycling Drop-off Center means a small collection facility where re-
cyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collec-
tion trucks.

Recycling Plant means a facility designed and used for receiving, separating, storing, converting, baling, or processing of non--hazardous, non-biodegradable recyclable materials that are not in-
tended for disposal. For the purpose of this Code, recycling plants are classified under the general heading "salvage yards."

Residential Drug and Alcohol Treatment and Rehabilitation Facilities — these facilities shall include inpatient treatment facilities which provide care for persons with drug and/or alcohol dependency problems and which may include outpatient follow up care to the facility’s pa-
tients. The facilities shall be nonsecure and shall not be prison, correctional or lockdown facilities. The residents of these facili-
ties shall not include correctional inmates, violent offenders or ha-
bitudinal criminal offenders.

Residential Storage Facility means a freestanding building with small modules adaptive exclusively to the storage of personal household ac-
cessory items of residential clients.
**Restaurant (General)** means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation includes one or more of the following:

A sit-down restaurant where customers, normally provided with an individual menu, are generally served in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed.

A cafeteria or cafeteria type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant building.

**Restaurant (Convenience)** means an establishment where the principal business is the sale of food and beverages to the customer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer’s table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle. This category is not intended to include a takeout delicatessen or sub shop type of operation, which are classified as retail sales.

**Retail Sales and Service (Limited)** means shops and stores limited to retail sales of frequently needed convenience items or services typically needed on a reoccurring basis. This definition includes shops with (1) limited inventory; (2) a household market area in the immediate vicinity; (3) a specialized market with customized service demand; or (4) a tourist oriented market area in the immediate vicinity. This definition includes but is not limited to the following:

- Art Shops
- Bakeries
- Barber & Beauty Shops
- Bike Shops
- Book & Stationery Stores
- Building trade shops with no outside storage
- Candy & Ice Cream Stores
- Clothiers
- Copy Services and duplicating services
- Delicatessen
- Dry cleaning shop in conjunction with a laundromat complying with Class IV and Class V fire code prevention requirements, and drop off center
- Drug Stores and Pharmacies
- Fabric Shops
- Feed Stores
- Florists
- Gift Shops
- Hobby & Handicraft Shops
- Interior Decorators
- Jewelry Stores
- Laundromats
- Neighborhood Grocery and Convenience Stores
- Newsstands
- Novelty & Curio Shops
- Optical Stores
- Photo Supplies and Studios
- Physical fitness centers
- Tailors or Seamstresses
- Tobacco Shops

**Retail Sales and Services (General)** means retail sale or rental from the premises of goods and/or services and highway oriented sales and services that generally cater to a market area in excess of three (3) miles, excluding establishments with significant wholesaling,
warehousing, outside storage and distribution functions. Uses include but are not limited to the following:

- Appliance Stores without major warehousing
- Bars and Cocktail Lounges
- Dry Cleaning establishments complying with Class IV and Class V Fire Code Prevention requirements and using only Class IV Solvents such as perchlorethelene, except for spotting as provided for in Section 9.6(m) of the Fire Protection Code.
- Grocery Stores providing a full inventory of dry goods
- Home Furnishing Stores
- Home Improvement Centers without major storage areas and manufacturing
- Lawn and Garden Supplies
- Large Specialty Shops
- Office Equipment and Supplies
- Passenger Bus Terminals
- Super Markets

**Rifle Range** means an outdoor facility used for the discharge of firearms at targets (including skeet range).

**Runway** means an area on an airport prepared for landing and takeoff of aircraft along its length.

**Salvage Yard** means an establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for re-use in their original forms. Typical uses include automotive wrecking yards, junk yards, paper salvage yards and major recycling transfer stations and recycling plants.

**Screen** means a natural landscape barrier, such as a hedge, or an artificial barrier, such as a fence or wall.

**Service Station** means an establishment for the dispensing of motor fuels and related products at retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items; inspection, servicing or repair of motor vehicles in not more than three (3) enclosed service bays or stalls when located in General Commercial. These services shall not include body repair and painting, frame straightening, or tire recapping or vulcanizing, nor used car or boat sales.

**Setback** means that area at grade between a building and the property line of the lot on which the building or structure is located, unoccupied and unobstructed from the ground upward, except for fences or as otherwise provided in these regulations. In measuring a setback, the minimum horizontal distance between the lot line and the nearest projection of the building to the lot line shall be used.

**Setback, Corner** means a setback between the corner lot line and the nearest part of a structure extending from the front setback to the rear setback, or to the rear lot line where no rear setback is required.

**Setback, Front** means a setback between the front lot line and a building, extending across the full width of a lot.

**Setback, Rear** means a setback between the rear lot line and the nearest part of a building, extending across the full width of the lot.

**Setback, Side** means a setback between a side lot line and the nearest part of a building, extending from the front setback to the rear setback, or to the rear lot line where no rear setback is required.
SFWMD means the South Florida Water Management District.

Shopping Center means a grouping of retail stores erected upon a parcel, lot or contiguous lots.

Sign means any identification, description, illustration, or device illuminated or non-illuminated, which is visible by the public and which directs attention to an institution, business or solicitation.

Solid Waste means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid liquid, semisolids, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Materials not regulated as solid wastes by Florida law include: nuclear source or by-product materials, suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; fluids or wastes associated with natural gas or crude oil exploration or production.

Solid Waste Facilities means structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and including transfer stations, processing plants, recycling plants, and disposal systems. Comprehensive Growth Management Plan, Solid Waste Element, page 12-6)

Solid Waste Disposal Area means the use of land for disposal of solid waste. This does not include waste containers such as dumpsters or trash cans.

Stable means the use of land for the purpose of boarding, training or breeding of horses which use may include an administrative office building.

Story means that part of a building contained between any floor at grade, and the floor or roof next above.

Street means a public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, road and other thoroughfares, except an alley. Driveways which provide access to single-family homes are excluded.

Structure means anything constructed or erected, other than a fence, the use of which requires, more or less, permanent location on the land or attachment to something having a permanent location on the land.

Theater, Indoor means any structure used for showing motion pictures, videos or live performances with a minimum seating capacity of twenty-five (25).

Theater, Outdoor means an establishment for the outdoor viewing of live performances (e.g., an amphitheater).

TIA means Transportation Impact Analysis.

Trades and Skilled Services means shops providing services or repairs requiring skilled labor or craftsmanship, but excluding outside storage. Typical uses include repair of household items, office equipment or appliances, printing, blue printing, carpet sales and service, lawn and maintenance services, radio and television broadcasting, and restaurant equipment and supply sales and services.
Urban Services District, primary means those areas of Martin County which are designated as appropriate for concentrations of higher densities and intensities of development. Primary Urban Service Districts include commercial or industrial uses as well as residential development exceeding a density of two (2) units per gross acre. These areas contain, or are planned to contain, all forms of public facilities at the base levels of service adopted in the Capital Improvement Element.

Freestanding Primary Urban Service Districts are detached, outlying areas which meet the use and/or density criteria of the Primary Urban Service District but are either subject to the waiver provisions contained in the Future Land Use Element or were in existence prior to the adoption of the 1982 Comprehensive Plan. These areas will not receive the same level of urban services as provided for the (contiguous) areas in the main Primary Urban Service District of the County.

Urban Services District, secondary means those areas of the County designed to accommodate low density rural and suburban residential development on the edge of urban development. These uses are associated with densities of one unit per gross acre (Estate Density RE-1A) and one unit per two gross acres (Rural Density). Martin County shall concentrate rural and estate densities not exceeding one unit per gross acre within the Secondary Urban Service Districts where a reduced level of public facility needs are programmed to be available at the base level of service adopted in the Capital Improvements Element.

Freestanding Secondary Urban Service Districts are detached, outlying areas which meet the use and/or density criteria of the Secondary Urban Service District but are either subject to the waiver provisions contained in the Future Land Use Element or were in existence prior to the adoption of the 1982 Comprehensive Plan. These areas will not receive the same level of urban services as provided for the (contiguous) areas in the main Secondary Urban Service District of the County.

Utilities means a use of land customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmission systems; water and wastewater systems; communication; and similar services and facilities.

Vehicle Repair means an establishment providing mechanical repair services for automobiles and other motor vehicles, excluding paint and body shops in not more than three service bays when located in General Commercial.

Vehicle Sales means the sale, storage or rental of vehicles, including boats, trailers and mobile homes and related equipment with incidental services and maintenance.

Vehicular Use Area means any area used for parking, loading, circulation, storage and/or display of any type of vehicle.

Veterinary Medical Services means the provision of animal medical care and treatment by a Florida licensed veterinarian for household pets such as dogs, cats and birds.

Veterinary Services Agriculture means professional care of nonhousehold pets (other than dogs, cats, caged birds, etc.).

Waterfront Resort Commercial means limited retail sales and service uses that specifically cater to marine oriented activities, including but not limited to the following:

- Boat rental and charters
- Commercial or residential wet boat storage (docks)
- Marine fuel sales
- Sail and canvas repair
- Yacht clubs
Waterfront General Commercial means general commercial uses that specifically cater to marine oriented activities, including but not limited to the following:

- Boat engine repair
- Boat sales and repair yards
- Commercial fishing and fish processing
- Marinas
- Marine power sales, service and repair
- Watercraft manufacturing
- Marine fuel sales

Wholesale and Warehousing means the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing and storage activities.
ARTICLE 3
ZONING DISTRICTS

SEC. 3.1 DISTRICTS ESTABLISHED. In order to implement the Comprehensive Growth Management Plan and to carry out the purpose and intent of this article, the following districts are hereby established.

A. Agricultural Districts.
   1. AG General Agricultural District
      2. AR-5A Agricultural Ranchette District

B. Rural District.
   1. RE-2A Rural Estate District

C. Residential Districts.
   1. RE-1A Residential Estate District
   2. RE-½A Residential Estate District
   3. LDR Low Density Residential District
   4. MDR Medium Density Residential District
   5. HDR High Density Residential District
   6. MHS Mobile Home Subdivision District

D. Commercial Districts.
   1. COR Commercial Office/Residential District
   2. LC Limited Commercial District
   3. GC General Commercial District
   4. WRC Waterfront Resort Commercial District
   5. WGC Waterfront General Commercial District

E. Industrial Districts.
   1. LI Limited Industrial District
   2. GI General Industrial District

F. Institutional District.
   1. PS Public Service District
   2. PR Public Recreation
   3. PC Public Conservation

G. Planned Unit Development Districts.
   1. PUD-R Planned Unit Development Residential District
   2. PUD-C Planned Unit Development Commercial District
   3. PUD-I Planned Unit Development Industrial District
   4. PUD-MH Planned Unit Development Mobile Home District

H. Regulations applicable to zoning districts. The uses permitted in each zoning district are specified in the Permitted Use Schedule of Sec. . Special conditions applicable to specific land uses within the districts are referenced on the Permitted Use Schedule and are contained in Sec. . Lot width, lot area, setback, building height and other property development standards applicable to development in each zoning district are specified in the
Property Development Regulations Table of Sec. 3.7.A. Special regulations applicable to the PUD and CR (Community Redevelopment) districts can be found elsewhere in the Code.

SEC. 3.2 DISTRICT PURPOSES

A. **AG General Agricultural District.** The AG district is established to implement Comprehensive Growth Management Plan policies for managing land designated for agricultural development. This designation is intended to protect and preserve areas of agricultural soils for agriculturally related uses. Agricultural lands are not located in the Urban Service Districts. The further intent of the Agricultural District is to protect agricultural land from encroachment by urban or low density development. Residential development in the Agricultural District is restricted to one (1) single family residence per gross twenty (20) acre tract.

B. **AR-5A Agricultural Ranchette District.** The AR-5A district is established to implement Comprehensive Growth Management Plan policies for managing land designated for agricultural ranchette development. This designation is intended to protect and preserve areas of Martin County which are generally located between the fringe of the agricultural heartland and the outer fringe of urban development. This district is also located outside of the Urban Service Districts. Residential development in the Agricultural Ranchette District is restricted to one (1) unit per five (5) gross acres.

C. **RE-2A Rural Estate District.** The RE-2A district is established to implement Comprehensive Growth Management Plan policies for managing land designated for rural development. This designation is intended to protect and preserve the value of rural suburban lands which are located outside of the Primary Urban Service District. Residential development in the rural lands is restricted to one (1) dwelling unit per two (2) acres.

D. **RE-1A Residential Estate District.** The RE-1A district is established to implement Comprehensive Growth Management Plan policies for managing land designated for residential estate development. These areas are generally on the fringe of the Urban Service Districts and generally are not accessible to a full complement of urban services. This district allows for residential development with a maximum density of one (1) unit per gross acre.

E. **RE-½A Residential Estate District.** The RE-½A district is established to implement Comprehensive Growth Management Plan policies for managing land designated for residential estate development. Residential Estate densities are primarily assigned to established stable residential areas, having a density up to two (2) units per gross acre.

F. **LDR Low Density Residential District.** The LDR district is established to implement Comprehensive Growth Management Plan policies for managing land designated for low (up to five (5) upa) density residential development. The LDR district may be utilized for single family and multi-family development.

G. **MDR Medium Density Residential District.** The MDR district is established to implement Comprehensive Growth Management Plan policies for managing land designated for medium (up to eight (8) upa) density residential development. This
district is available for single family or multi-family development.

H. **HDR High Density Residential District.** The HDR district is established to implement Comprehensive Growth Management Plan policies for managing land designated for high (up to ten (10) upa, fifteen (15) with restrictions) density residential development. This district is available for single family development and multi-family development. The density may be increased to fifteen (15) upa provided all requirements of these regulations and the Comprehensive Growth Management Plan are met.

I. **MH Mobile Home District.** The MH district is established to implement Comprehensive Growth Management Plan policies for managing land designated for mobile home development (up to eight (8) upa). The purpose and intent of this district is to accommodate previously existing mobile home subdivisions, condominiums, co-operatives or rental parks, all of which shall be deemed permitted uses as to density, intensity and lot size. New mobile home subdivisions are encouraged to use the PUD-MH district.

J. **COR Commercial Office/Residential District.** The COR district is established to implement Comprehensive Growth Management Plan policies for managing land designated for commercial office/residential (up to ten (10) upa) development. This district provides for development on sites adjacent to major thoroughfares and can also serve as a transitional use separating more intensive commercial uses from residential development.

K. **LC Limited Commercial District.** The LC District is established to implement Comprehensive Growth Management Plan policies for managing land designated for limited commercial development. Limited commercial development is allocated to commercial sites accessible to major thoroughfares near residential neighborhoods. Commercial uses accommodated within limited commercial areas shall have a scale and intensity compatible with adjacent residential neighborhoods. Sites within this designation are intended to accommodate shops with limited inventory or goods, as well as transient lodging facilities.

L. **GC General Commercial District.** The GC district is established to implement Comprehensive Growth Management Plan policies for managing land designated for general commercial development. The General Commercial district accommodates general retail sales and services; highway oriented sales and services; commercial amusement, and trade and warehousing facilities. These districts are principally located on major or minor arterials in the Urban Service District.

M. **WRC Waterfront Resort Commercial District.** The WRC district is established to implement Comprehensive Growth Management Plan policies for managing land designated for marine waterfront commercial development. Generally, the uses allowed in this district are water related as opposed to water dependent.

N. **WGC Waterfront General Commercial District.** The WGC district is established to implement Comprehensive Growth Management Plan policies for managing land designated for marine waterfront commercial development. Generally, the uses allowed in this district are water dependent as opposed to water related.
O. **LI Limited Industrial District.** The LI district is established to implement Comprehensive Growth Management Plan policies for managing land designated for industrial development. All development within the LI district shall be required to connect to potable water and wastewater provided by a regional utility. All development within this district shall be consistent with the potable water ordinance as adopted.

P. **GI General Industrial District.** The GI district is established to implement Comprehensive Growth Management Plan policies for managing land designated for industrial development. All development within the GI district shall be required to connect to potable water and wastewater provided by a regional utility. All development within this district shall be consistent with the potable water ordinance as adopted.

Q. **PS Public Service District.** The PS district is established to implement Comprehensive Growth Management Plan policies for managing land designated for institutional development.

R. **PR Public Recreation District.** The PR District is established to implement Comprehensive Growth Management Plan policies for managing land designated for public recreation development. Public recreational lands are designated for activity-based and resource-based recreation uses. Lands assigned the recreation category may be developed only as public recreation areas. (Examples include Langford Park, Pendarvis Cove Park and J.V. Reed Park, etc.)

S. **PC Public Conservation District.** The PC District is established to implement Comprehensive Growth Management Plan policies for managing land designated for public conservation. The Public Conservation District recognizes those areas designated for conservation uses. (Examples of conservation uses are the Dupuis Preserve in South Martin County and the Savannas in North Martin County.)

**SEC. 3.3 ZONING ATLAS AND DISTRICT BOUNDARIES**

A. **Atlas adoption.** The boundaries of each zoning district are designated as shown on the official zoning atlas for the County. The official zoning atlas is adopted and made part of this article.

B. **Atlas amendment.** No changes or amendments to the official zoning atlas shall be made except in compliance and conformity with all procedures set forth in this article and Article 10. If changes or amendments are made to district boundaries or other subject matter portrayed on the official zoning atlas, such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The Building and Zoning Director shall be responsible for the physical updating and amendment of the official zoning atlas.

C. **Atlas replacement.**

1. In the event that the official zoning atlas becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of County Commissioners may adopt a new official zoning atlas which shall supersede the prior official zoning atlas.

2. The new official zoning atlas may correct drafting and clerical errors or omissions in the prior official
zoning atlas, but no such corrections shall have the effect of amending the article or any subsequent amendment thereto without a duly noticed public hearing as provided herein.

3. Unless the prior official zoning atlas has been lost or totally destroyed, the prior atlas or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

D. **Interpretation of district boundaries.** Where uncertainty exists concerning boundaries of districts as shown on the official zoning atlas, the following guidelines shall be used:

1. **Center lines.** Boundaries indicated as approximately following the center lines of streets, alleys or highways shall be construed as following the right-of-way line.

2. **Lot, section and tract lines.** Boundaries indicated as approximately following platted lot lines, section or tract lines shall be construed as following such lines.

3. **Political boundaries.** Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.

4. **Railroad lines.** Boundaries indicated as following railroad lines shall be construed as following the center line of the railroad right of way.

5. **Shorelines.** Boundaries indicated as approximately following shorelines or centerlines of waterbodies shall be construed as following centerline of such waterway, except for the Atlantic Ocean, where the boundary is construed as following mean high water.

6. **Bisecting lines.** Where boundaries approximately bisect blocks, the boundaries are the median line of such blocks, between the center lines of boundary streets.

7. **Street abandonments.** Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, or alley.

8. **Excluded areas.** Where parcels of land and water areas have been inadvertently excluded from a zoning classification in any manner, said parcels shall be given a classification by the Board of County Commissioners that is consistent with the Comprehensive Growth Management Plan. Such cases shall be processed in the same manner as applications for zoning district changes.

**SEC. 3.4 COMPLIANCE WITH DISTRICT REGULATIONS**

A. **Use regulations.** No building, structure or land use shall be erected, reconstructed or structurally altered, nor shall any building or land or water use be used for a purpose other than a use permitted in the district in which such building or land or water use is located.
B. Property development regulations. No building or land use shall be used so as to produce greater heights, smaller yards, less open space area, or more residential density than hereinafter prescribed for such building for the district in which it is located.

C. Reduction below minimum standards. No lot, which is now or may hereafter be built upon as herein required, shall be so reduced in area that size, width, setbacks or open space will be below the minimum prescribed by this article.

D. Exclusive use. No yard, open space or off-street parking or loading space required in connection with any building by this article, shall be included as part of a yard, open space or parking or loading space similarly required for any other building unless otherwise permitted herein.

SEC. 3.5 PERMITTED USES

A. General requirements. Uses permitted by right or with a conditional use permit in each district shall be determined from the Permitted Use Schedule of Sec. . Uses authorized in the PUD districts are listed elsewhere in the Code. Uses which were established prior to the adoption of this article or its predecessors, but which are now inconsistent with the requirements of this article shall be permitted if such uses meet the requirements of this article for a valid nonconforming use.

B. Similar uses. The list of land use classifications included in the Permitted Use Schedule is intended to classify uses on the basis of common functional characteristics and land use compatibility. Other uses not specifically listed in the Permitted Use Schedule, but exhibiting similar characteristics to a listed use shall be so classified by the interpretation of the Building and Zoning Director. The Building and Zoning Director shall keep a record of all such interpretations. Appeals to the interpretation of the Building and Zoning Director shall follow the appeals section of Article 10.

C. Uses not provided for. In cases where the Building and Zoning Director has determined that a proposed use is not functionally similar to a use listed in the Permitted Use Schedule, which is not otherwise illegal or specifically prohibited, and should be listed in the permitted use schedule, the following procedure will be followed:

1. Within five (5) working days, the Building and Zoning Director shall notify the County Administrator in writing of such determination, requesting that the determination be brought before the Board of County Commissioners within forty-five (45) days of such notification. Such determination shall be processed through the Development Review Committee (DRC), with a final report issued by the DRC to be brought before the Board of County Commissioners.

2. The Board of County Commissioners shall review such determination and, upon concurrence, direct the Building and Zoning Department to prepare an ordinance to amend the Zoning Code within ninety (90) days to include such use in the districts staff deems appropriate.
3. The ordinance shall thereafter be handled in the same manner as prescribed elsewhere in this Code for amendments.

D. Interpretation of permitted use schedule.

NOTE: In addition to the specific site criteria and conditions contained in this article, other portions of these Land Development Regulations may apply to new construction and development.

1. **Uses permitted by-right.** Uses identified with a "P" and those uses identified in the definitions section of this article and shall be permitted by right in such district, subject to any conditions indicated in the "Conditions" (CONDS) column and all other standards of this article. All uses in the PUD districts shall be subject to approval of a preliminary PUD development plan and PUD agreement and shall be permitted only when shown on such plan or specifically authorized by the terms of the PUD agreement.

2. **Uses not allowed.** Uses not identified within the matrix are not allowed in such district unless otherwise expressly permitted under this article. (Also, see Section 3.5B for similar uses.)

3. **Conditions.** A number in the "CONDS" column refers to special conditions applicable to a particular use in one or more of the districts in which such use is allowed. The referenced conditions appear in Sec. . For example, condition number 3 refers to conditions listed in 3.6.B.3.

4. **Buffer types.** The letter in the right-hand "BUFFER" column indicates the classification of the use for the purposes of determining the bufferyard requirements of Sec. 4.15. If no letter appears in the column, the bufferyard requirements of Sec. 4.15 do not apply to the associated use, unless otherwise specifically required by this article.
### E. Permitted use schedule.

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<tr>
<th>USE TYPE</th>
<th>ZONING DISTRICTS</th>
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<td>Club, Fraternity and Lodge</td>
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*P = Specific Use Conditions May Apply in Some Districts*

*Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)*
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**P = Specific Use Conditions May Apply in Some Districts**

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**Transportation, Communication and Utilities**

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**P = Specific Use Conditions May Apply in Some Districts**

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**Industrial and Manufacturing**

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**Note:** Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
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P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
SEC. 3.6 SPECIFIC USE CONDITIONS

A. Applicability. In addition to the other standards of this article, the following requirements shall apply to the uses listed in this section and referenced in the "CONDS" column of the Permitted Use Schedule.

B. Conditions. The conditions listed below apply in all districts in which the specific use is permitted, unless otherwise indicated. In cases where the conditions imposed herein conflict with other provisions of this article, the more restrictive shall apply unless otherwise indicated.

1. Adult Business. Shall comply with the following use conditions:
   a. Adult Business Premises Regulations
      (1) All adult materials shall be located and the activities of employees which include the exposure of specified anatomical areas shall take place within the adult business premises.
      (2) No adult materials or activities of employees which include the exposure of specified anatomical areas shall be visible from the exterior of the adult business premises in any way including but not limited to exterior apertures such as opened doors and unobscured windows.
      (3) No merchandise, advertising or depictions of the activities of an adult business shall be displayed on the exterior of the adult business premises or in any location where they are visible from a public right-of-way.
      (4) No adult business shall display a sign:
         (a) depicting specified anatomical areas or specified sexual activities (as defined herein) or advertising the presentation of any activity prohibited by law; or
         (b) capable of leading a reasonable person to believe that the establishment engages in activity prohibited by law.
      (5) Additional landscaping shall be provided adjacent to public right-of-way and adjacent to private property:
         (a) a landscaped strip at least five feet wide shall be provided along the boundary of adjacent public right-of-way between the right-of-way and all on-site parking areas and other vehicular use areas to consist of one tree for every fifty feet or portion
thereof and a fence, wall or hedge not less than four feet in height at planting, and

\[(b)\] an opaque fence, wall or hedge shall be provided along the boundary of adjacent private property of a height of not less than four feet nor more than eight feet at planting.

### b. Distance Requirements

The following distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed adult business is to be located to the nearest point of the lot, use, right-of-way line or district from which the proposed adult business is to be separated.

1. No adult business shall commence operation within one thousand feet of the following districts:
   - Residential Estate District (RE-1A)
   - Residential Estate District (RE-1/2A)
   - Low Density Residential District (LDR)
   - Medium Density Residential District (MDR)
   - High Density Residential District (HDR)
   - Mobile Home Subdivision District (MHS)
   - Planned Unit Development Residential District (PUD-R)
   - Planned Unit Development Mobile Home District (PUD-MH)
   - Commercial Office/Residential District (COR)

2. No adult business shall commence operation within one thousand feet of any other adult business.

3. No adult business shall commence operation within one thousand feet of a church or school.

### c. Prohibited Activities

1. It shall be unlawful for an employee or any patron of an adult business to engage in specified sexual activities (as defined herein) within or adjacent to adult business premises.

2. It shall be unlawful for an employee of an adult business to physically touch a patron or spectator of an adult business while simultaneously revealing specified anatomical areas (as defined herein).

### 2. Agricultural Processing

Within an AG district, any structure or activity associated with agricultural processing shall be located not less than one hundred (100) feet from any adjacent property line or street right-of-way, provided that sawmills shall be located not less than three hundred (300) feet from any.
adjacent residential property line or street right-of-way. Chemical mixing facilities shall be designed and used in accordance with all Federal, State and Local regulations including, but not limited to, U.S. Department of Agriculture, Soil Conservation Service standards.

3. **Airports, airstrips and helipads.**

a. **General aviation airports and aviation terminals.** General aviation airports and aviation terminals shall be subject to the following specific use conditions.

(1) General aviation airports and aviation terminals must comply with the Martin County Comprehensive Growth Management Plan.

(2) General aviation airports and aviation terminals and aircraft approach and departure patterns shall not be permitted in areas which would create noise levels greater than 70 Ldn on the breeding, nesting or feeding grounds of endangered or threatened fauna identified by the Florida Game and Freshwater Fish Commission or the U.S. Fish and Wildlife Service.

(3) General aviation airports and aviation terminals shall be located in areas where the proposed facility will not adversely impact significant recreational areas, archaeological sites or historical resources. This shall include, but not be limited to, the prohibition of noise levels of 70 Ldn or greater in such areas.

(4) General aviation airport runways shall be located at least three (3) statute miles from any land use that produces significant smoke, glare or other visual hazards.

(5) General aviation airport runways shall be located at least three (3) statute miles from existing or proposed lighting or illumination which is arranged or operated in a manner that is misleading or dangerous to aircraft.

(6) Airport runways shall not be located in an area where the proposed facility or aircraft flight patterns will create noise levels above 64 Ldn on property designated for residential uses in the Comprehensive Growth Management Plan.

(7) Airports shall be located in an area where the airport operator will maintain land within designated airport clear zones under the controlling ownership of the operating entity. The lease of any such land within designated airport clear zones shall

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be restricted exclusively to agricultural and other uses permitted by the FAA.

(8) Airport sites shall be consistent with state airport plans.

(9) Airport sites shall comply with Federal Aviation Authority (FAA) site selection criteria.

(10) Airports shall not be permitted in areas which would adversely impact airspace at any existing public, private or military airport.

b. Private airstrips and helipads. All airports, airstrips, landing strips and heliports or helipads not owned and operated by the State of Florida or Martin County or a hospital shall comply with the following specific use conditions.

(1) **AG district.** In the AG district, only airplane landing strips, airplane hangars and heliports and helipads accessory to a bona fide agricultural use shall be permitted.

(2) **Required plan.** A plan sealed by a registered engineer shall be submitted which indicates landing and take-off corridors and satisfies all FAA requirements, including conformance with appropriate flight hazard criteria which may hereinafter be imposed. The plan shall also include all existing land uses within five thousand (5,000) feet of the proposed airport.

(3) **Airspace analysis and preliminary Airport License Report.** All private airports, landing strips and heliports or helipads shall demonstrate that an airspace analysis has been conducted by the Federal Aviation Administration (FAA), and a preliminary Airport License Report has been prepared by the FDOT. Any alteration in ground facilities or the addition of navigation aids designed to facilitate an instrument approach capability shall require a new application if the original approval was granted for Visual Flying Rules (VFR).

(4) **Minimum required landing area.** Private airports and landing strips shall comply with the minimum required dimensions listed in the FDOT Chapter 14-60, F.A.C. Heliports and helipads shall comply with the Heliport Design Guide as required by the FAA.

(5) **Minimum area.** Heliports and helipads accessory to residential farm use shall be located on parcels containing a minimum of twenty (20) acres. Rural airplane landing
strips and hangars accessory to agricultural use shall be located on parcels containing a minimum of twenty (20) acres.

(6) **Setbacks.** No area used by an aircraft under its own power shall be located within one (100) hundred feet of the boundary line of the airport facility. No runway primary surface, as defined by the FDOT Chapter 14-60, F.A.C., shall be located within three hundred (300) feet of any property line or within one hundred (100) feet of any residential structure. No structure or navigation aid shall be located within fifty (50) feet of any property line.

(7) **Fencing and screening.** To protect the general public, safety fences up to a height of six (6) feet shall be required. Additionally, screening of at least seventy-five (75) percent opacity shall be required if determined necessary to protect neighboring property from potential loss of use or diminishment of land value.

(8) **Within the AR-5A and RR-2A, RE-1A, RE-1/2A, LDR, MDR, HDR, GC and LI districts.** Items (2) through (4) and (6) and (7) must be complied with.

(9) **Within any residential district.** A helipad may be approved in conjunction with a Master Plan or a Final Development Plan for new residential developments provided the helipad is shown on the proposed plan, is no closer than 200 feet of the boundary line of the subdivision or PUD, and complies with Items (2) through (4) and (7), as applicable.

4. **Amusement, Commercial.** Commercial amusement activities shall comply with the following specific use conditions.

a. All activities within the LC district must be fully contained within a building.

b. Commercial amusements adjacent to residential must have a buffer Type 4.

c. When conducted in the open air, such as mini golf, all structures, buildings, mechanical devices, shows or exhibits, shall be set back at least fifty (50) feet from any property line, except from General Commercial.

d. Lighting shall be so designed as to prevent direct lighting from reaching adjacent residential districts or rights-of-way.

5. **Bed and Breakfast Inn.** Bed and breakfast inns shall comply with the following specific use conditions.
a. The owner or manager of the residence must live in and manage the bed and breakfast inn.

b. The outside residential appearance of the building shall be consistent with its use as a residence.

c. Individual guest rooms shall not contain cooking facilities.

d. Meals shall be served only to guests taking lodging in the facility.

e. Such use shall offer only daily rates, maintain a current guest register and the length of stay for any guest shall not exceed fourteen (14) consecutive days.

f. There must be one (1) off-street parking space provided for each guest room plus two (2) spaces for the primary residential unit. Parking areas must be located to the side or rear of the inn and screened by opaque fence or plantings at a minimum height of 5 feet when parking is within 25 feet of residentially zoned property.

g. The maximum number of guest rooms and the number of parking spaces shall be specified in the conditional use permit.

h. Any sign must be non-illuminated and shall not exceed 6 square feet. Wording shall be limited to the name and type of the establishment.

i. When located in a single family area, not more than two guest rooms may be rented unless the lot size criteria of the RE, RR, or AG districts can be met. In such instances the maximum number of guest rooms which can be rented shall be six provided water and sewer are available.

j. The facility must be served with public water and sewer except when located in RE, RR or Ag.

k. When located in a multi-family area, not more than ten (10) guest rooms may be rented.

l. When located in RE, RR or AG districts, the number of guest rooms offered for rent may not exceed six (6).

6. **Cemeteries and Crematories.**

a. Crematories will be permitted in the PS district only as an accessory to a cemetery.

b. Within the LI or GI use districts, a crematory will be permitted as a free-standing use.

7. **Clubs and Lodges.** Clubs, fraternities, and lodges shall comply with the following specific use conditions.

P = Specific Use Conditions May Apply in Some Districts

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a. No building shall be located within fifty (50) feet of any lot line which abuts a residential district.

b. No off-street parking or loading space shall be located within fifty (50) feet of any property line abutting a residential district.

c. When located in a multi-family area or COR, clubs and lodges shall comply with the following specific use conditions:

1. Shall be located on a collector or arterial road;
2. Shall be serviced by water and sewer;
3. Shall be limited to a total membership of 100 persons;
4. Buffers shall be those required by the landscape article of this code.

8. **Community Residential Homes.** Shall be permitted in all districts which permit single and multiple dwellings under the following circumstances:

a. Homes with six (6) or fewer residents shall be permitted in all districts which permit single and multiple family dwellings, however shall not be located within 1,000 feet of another such home, measured building lot to building lot. Further, the homes shall receive no more intense review than any other single family residence.

b. The sponsoring agency or Department of Health and Rehabilitative Services shall notify the local government at the time of home occupancy that the home is licensed by the department.

c. Homes with seven (7) to fourteen (14) residents shall be permitted in the MDR and HDR districts under the following circumstances:

1. The sponsoring agency, department or organization shall notify the Building and Zoning Director in writing of the proposed site, the number of residents, and the community support requirements of the program. The notice shall also contain a statement from the district administrator of the HRS indicating the need for and licensing status of the proposed home, the manner in which the home meets applicable HRS licensing criteria, and the identity of all community residential homes in the district.

2. The Building and Zoning Director shall review the application and (a) Determine that the siting is in accordance with local zoning and approve the siting, at which time the sponsoring agency may establish the home at the site selected; or (b) Fail to respond within 60 days, after which the sponsoring agency may establish the home at the site selected; or (c) Deny the siting of the home, which denial can
only be based on the following: not conform to zoning regulations applicable to other multi-family uses in the area; not meet applicable State licensing criteria; or approval of the site would result in a concentration of these homes. A concentration is defined as being located within a radius of 1,200 feet of another community residential home or within 500 feet of a single family zoning district which would substantially alter the nature and character of the area.

(3) Review shall be subject to the same local laws and ordinances applicable to other non commercial, residential family units in the area in which it is established.

9. **Correctional and Criminal Justice Facilities.** Shall comply with the following site requirements.

   a. Such facilities shall require a minimum three (3) acre site and shall not abut a residential district.

   b. The facilities shall comply with all applicable regulations of the Florida Department of Corrections, as cited in Chapter 33, Florida Administrative Code, and any other relevant requirements.

   c. No main or accessory building shall be located within one hundred (100) feet of any property line.

   d. The applicant shall submit a site development plan reasonably conforming with customary standards for similar facilities. The development plan shall explain:

      (1) Area to be developed by construction phase.

      (2) Adequacy of site to accommodate anticipated facilities, occupants, recreation areas, off-street parking and pedestrian and vehicular circulation on site, including loading, unloading and queuing of occupants.

      (3) Safety and security features of development plan.

      (4) Landscaped areas, especially treatment of property lines abutting other zoning districts.

10. **Cultural or Civic Activities.** Cultural or civic activities shall comply with the following specific use conditions:

   a. When located in the COR or WGC districts:

   P = Specific Use Conditions May Apply in Some Districts

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(1) no building shall be located closer than fifty (50) feet to any lot line which abuts a residential district.

(2) No off-street parking or loading space shall be located closer than twenty-five (25) feet to any property line abutting a residential district.

b. Such uses as sports arenas, auditoriums or convention centers will be permitted only in GC or PS districts.

c. Light shall be so designed as to prevent direct lighting from reaching adjacent residential districts or rights of way.

11. Day Care Commercial. Day care (child and adult) uses shall comply with the following specific use conditions.

a. Such use shall be located on an arterial or collector street as designated on the County’s Comprehensive Growth Management Plan.

b. Such use shall have a minimum lot area of fifteen thousand (15,000) square feet.

c. Special passenger loading and unloading facilities shall be provided on the same lot for vehicles to pick-up or deliver clientele. Such uses shall include driveways that do not require back-up movements to enter or exit the premises.

d. All State regulations that pertain to such use shall be satisfied.

e. A minimum of one hundred fifty (150) square feet of usable outdoor play area per child shall be provided. The area shall provide both sun and shade and be stabilized and maintained with suitable ground cover. Such area shall be enclosed with a minimum four (4) foot fence, have a minimum Type 3 buffer, and be delineated on the site plan submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be developable for active outdoor recreational purposes and shall not include:

   (1) any area covered by building or required off-street parking spaces;

   (2) any area within the limits of the required front yard; or

   (3) more than eighty (80) percent of the required combined total areas of the rear and side yards.

   (4) Play area shall be calculated on number of children using the area at any one time.

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12. **Educational Institution.** Educational institutions shall comply with the following specific use conditions.

a. Such use shall be located on an arterial or major collector street as designated on the Comprehensive Growth Management Plan per the roadway classification map of the Traffic Circulation Element of the Comprehensive Growth Management Plan.

b. The applicant shall submit a description of anticipated service areas and projected enrollment and relate same to a development plan explaining:

   (1) area to be developed by construction phase.

   (2) adequacy of site to accommodate anticipated facilities enrollment, recreation areas, off-street parking and pedestrian and vehicular circulation on site including loading and queuing of school bus traffic.

   (3) safety features of development plan.

   (4) Vocational schools which are similar to uses in the General Commercial, Limited Industrial and General Industrial districts shall only be allowed in those districts.

c. Must be served with public water and sewer

d. No off-street parking area, loading area, building or structure shall be located within twenty-five (25) feet of any property line abutting a residential district.

e. All lighting shall be so designed as to prevent direct lighting from reaching adjacent residential districts or rights-of-way.

f. Areas which abut residential districts and accommodate active recreation, recreational apparatus or related facilities shall provide buffer yards as specified in Section 4.15 for "D" type land uses.

g. The structure must be designed to meet State requirements to serve as an emergency evacuation shelter.

13. **Flea Market.** Flea markets shall comply with the following specific use conditions.

a. Such use shall have a minimum site area of three (3) acres.

b. Such use shall have not less than three hundred (300) feet frontage on an arterial street.

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as designated on the Comprehensive Growth Management Plan.

c. Such use shall not abut a residential district (including COR).

d. The site plan shall provide for off-street parking.

e. The plan shall provide for efficient vehicular circulation and shall provide for controlled ingress and egress to and from the site.

f. No building, structure, or loading area, shall be located within seventy-five (75) feet of a street frontage.

g. Signs may be mounted flush with an individual booth or stall. Such sign shall not exceed two (2) square feet in total sign area per booth or stall.

h. Each permanent booth storage shed or stall shall be required to secure a building permit.


15. Funeral Home. Funeral homes shall comply with the following specific use conditions.

a. Within the COR, LC, PS and GC districts, the following conditions shall be met.

(1) A minimum lot of one (1) net acre is required to accommodate the funeral home and accessory uses.

(2) The site shall be located on an arterial or major collector as designated in the Comprehensive Growth Management Plan.

(3) A site plan shall be submitted at time of application which locates buildings and parking areas to accommodate vehicle procession staging areas within the site. No parking or staging may occur within the rights-of-way.

(4) The Type 2 buffer shall be provided along collector and local residential street rights-of-way adjacent to the site.

(5) The buffer adjacent to residential districts shall be a Type 4 buffer.

(6) No building shall be located within fifty (50) feet of a residential district or within one hundred thirty (130) feet of any existing residential structure.

(7) The internal traffic circulation system and parking areas shall provide for the safe and efficient ingress and egress and
on-site maneuvering of all vehicles in order to ensure that traffic circulation will not adversely affect nearby residential neighborhoods.

(8) Traffic control for funeral processions shall be provided by the operator in a manner that is reviewed and approved by the County Sheriff.

(9) Parking in excess of the required minimum may be stabilized grassed area.

b. Within the PS district, such use shall not be permitted except as an accessory use to a cemetery, crematory operation or columbarium.

16. **Golf Course.** Golf courses shall comply with the following specific use conditions.

a. No cart barn, maintenance facility, or clubhouse, or clubhouse parking shall be located within three hundred (300) feet of any lot line which abuts an off-site adjacent residential district, excluding adjacent rights-of-way.

b. Access ways to the above facilities shall be located a minimum of 100 feet from an off-site adjacent residential district, excluding adjacent rights-of-way.

c. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course due to their characteristically high water demand and heavy nutrient loads.

d. Such use shall comply with the wellfield protection requirements relating to regulated substances as set forth in Article 4.

e. Accessory uses may include, but are not limited to, pro shops, administrative offices, food and beverage service, maintenance/utility facilities, storage areas restrooms, and driving ranges.

f. Design techniques such as berms shall be used to reduce stormwater runoff from fairways and other golf play area into adjacent native upland and wetland areas (see specific criteria in Article 4).

g. Chemical mixing facilities shall be designed and used in accordance with U.S. Department of Agriculture and Natural Resources Conservation Service standards.

h. Golf courses shall be required to utilize irrigation quality water, if available from the utility.
i. Lighting shall be so shielded as to prevent direct light from reaching adjacent residential districts.

17. **Golf driving range: Criteria.** Golf driving ranges shall comply with the following criteria in all use districts:

   a. Lighting shall be so designed as to prevent direct lighting from reaching adjacent residential districts or rights-of-way.

   b. The structures, parking and tee-off area must be located in a commercial or industrial use district, while the landing area can be located in a multi-family district.

18. **Group Home.** See Community Residential Homes.

19. **Guest House or "Granny Flat".** Guest houses shall comply with the following specific use conditions.

   a. Such use shall not exceed fifty (50) percent of the net floor area of the principal structure.

   b. A guest house cannot be rented.

   c. Guest houses shall only be allowed on lots in conjunction with a single family dwelling.

20. **Gun Club or Pistol Range.** In all districts, Gun clubs and pistol ranges shall comply with the following specific use conditions.

   a. Firing ranges shall be located within a completely enclosed building which is safe and soundproof.

   b. A registered engineer shall certify that proposed acoustical and safety features included in the building plans satisfy the performance criteria of this article.

   c. No firing range shall be located within fifty (50) feet.

21. **Halfway House.** Halfway houses shall comply with the following specific use conditions:

   a. The minimum lot size shall be three (3) acres.

   b. The subject parcel shall not abut any low, medium or high density residential land use; nor shall said parcel be separated only by a road from said land use designations.

   c. Such facility shall be limited to a maximum of fifty (50) occupants (not including staff).

   d. Such facility shall not be located within ten (10) miles of another such facility.

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22. **Home Occupation.** Home occupation uses shall comply with the following specific use conditions.

a. Such use shall be conducted entirely within a dwelling unit.

b. Such use shall be clearly incidental and subordinate to the use of a dwelling unit for residential purposes.

c. Such use shall not occupy more than twenty (20) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters.

d. Such use shall not offer products for distribution or sale from the premises.

e. Commercial vehicles shall be subject to Section 3.8, (C.)(3.).

f. Such use shall have no employees on site, other than residents of the premises.

g. There shall be no change in the outside appearance of the building or premises and no visible evidence of the conduct of such use.

h. One (1) non-illuminated sign with a maximum area of one (1) square foot shall be permitted. The permitted sign shall be mounted flat against the wall of the principal building at a position not more than two (2) feet distant from the main entrance to the residence.

i. Such use shall generate no more traffic than would be expected from a single family dwelling in a residential neighborhood.

j. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in a residence.

k. Individual instruction of students, such as art, music or dance classes, shall be permitted as a home occupation use, provided that such uses shall be limited to four (4) students at any one time.

l. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off the premises. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers located off the premises.

m. The fabrication of goods commonly classified as arts and handicrafts shall be deemed a home occupation, provided that no retail sales are made at the home.

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23. **Hotel or Motel.** Hotels and motels shall comply with the following specific use conditions.
   
   a. In any allowed district such use shall not exceed twenty (20) rental units (or pro-rata portion) or guest rooms per acre. However, when located in the LC district, not more than twenty (20) rental rooms will be permitted.
   
   b. Such use shall comply with all applicable State regulations.
   
   c. Such use shall be located on an arterial highway as designated in the Comprehensive Growth Management Plan.
   
   d. Such use shall have available potable water and sewage treatment service as specified by the Comprehensive Growth Management Plan.
   
   e. When designed as a suite concept, each suite may have only one exterior door from the common hallway.

24. **Horticulture.** Within the RE-2A and AR-5A district, horticulture uses shall comply with the following specific use conditions.
   
   a. All lighting emitted from such use shall be effectively screened from any adjacent existing residential use.
   
   b. Stormwater management plans providing adequate on-site retention shall be approved by the County Engineer prior to commencing operation.
   
   c. Certification by the Utilities Director that the wellfield protection standards of Sec. 4.5 have been met shall be instituted prior to final approval.

25. **Housing for farm workers.** Housing for farm workers shall comply with the following specific use conditions.
   
   a. Farms must be productive and have a minimum of sixty (60) acres.
   
   b. The congregate housing and the land on which the housing is located shall be under common ownership with a contiguous producing farm.
   
   c. The housing shall be inhabited solely by families who work on the farm.
   
   d. Structures providing housing for farm workers shall be separated by a minimum distance of twenty-five (25) feet.
   
   e. Structures providing housing for farm workers shall be set back at least fifty (50) feet from all property lines.

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f. Once the agricultural activities on the site have been abandoned, the residential units shall be vacated and demolished or converted to a use conforming to the AG District.

26. Kennel, Commercial. Pens and other structures for the confinement of animals shall comply with the following specific use conditions.

   a. Such use shall not be located within one hundred (100) feet of any property line, unless completely enclosed and soundproofed.

   b. Such use shall be designed and maintained for secure, humane confinement.

   c. When located in commercial districts, outside runs are prohibited.

   d. When located in AG or AR5-A districts, must front a paved road.

27. Limited and Extensive Impact Industry. Limited and extensive impact industries shall comply with the following specific use conditions.

   a. No smoke of a density greater than No. 1, according to Ringelmann’s scale, shall be emitted, except that smoke not in excess of No. 2, Ringelmann’s scale, shall be permitted for not more than six (6) minutes of any one hour.

   b. No particle from any flue or smokestack exceeding two-tenths (0.2) grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit shall be permitted.

   c. Industrial uses shall present detailed plans for the elimination of odors, dust and dirt to the Growth Management Department at time of application for site plan approval. These plans shall document compliance with applicable State and Federal regulations.

   d. No processes which result in the escape of obnoxious gases or fumes in concentrations dangerous to plant or animal life or damaging to property as defined by state and federal regulations shall be permitted.

   e. Interior and exterior lighting shall be designed in a manner which prevents adverse impacts on adjacent properties and roadways.

   f. Where processes involve disposal of industrial sewage wastes, approval of the proposed method of disposal by the Public Health Department shall be secured before a permit shall be issued.

   g. Such uses shall comply with wellfield protection provisions relating to regulated substances as set forth in Sec. 4.5.

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h. Residences for night watchmen or custodians (for security purposes) shall only be permitted as a conditional use. Any watchman’s quarters shall not exceed six hundred (600) square feet in floor area.

28. **Marinas, Commercial and Boat Yards.** Commercial marinas and boat yards shall comply with the following specific use conditions:

a. No buildings, structures or mechanical devices associated with this use shall be located within one hundred (100) feet of any residential district unless said building, structure or device was legally permitted prior to adoption of this code. All Limited Commercial or General Commercial activities shall comply with the district setback requirements.

b. Residences of the owner, operator or a watchman shall be permitted in this category but shall not be subject to the setback restrictions contained in "a" above. The maximum number of residences per site shall be limited to three.

c. Areas for painting, sanding or scraping must be designed to contain contaminants pursuant to E.P.A. regulations and the E.P.A. permit must be submitted to the County prior to construction of the facility. Any conditions contained within the E.P.A. permit shall also be the conditions of any Martin County approval.

d. For those properties that are designated for Marine Waterfront Commercial use the access to the water may extend through the Shoreline Protection Zone. Such extension must be accomplished in a manner that is least disruptive to the environmentally sensitive wetland communities. The access must be accepted by the Growth Management Department and provide for a public benefit. The alterations through the Shoreline Protection Zone should generally not exceed a width of 30 feet. Where the vehicle turn-around and maneuver areas are needed, the area of alteration shall likewise be limited to 30 feet in width as with the approach road, but they may be designed to be contiguous with the accessway. Said access shall comply with all applicable State and Federal Regulations. Boat entry and retrieval facilities shall be allowed.

e. All boat ramps and marinas must provide manatee protection and awareness signs.

f. Pump out facilities are required if not available within one mile of the site.

g. State and Federal permits, as applicable.

29. **Marinas, Multi-Slip Residential.** Multi-slip residential docking facilities shall comply with the following conditions:

P = Specific Use Conditions May Apply in Some Districts

Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
a. Marginal docks shall not occupy more than 50% of the shoreline frontage.

b. One parking space shall be provided for each five boat slips unless pedestrian access is provided.

c. All applicable State and Federal permits shall be required as a condition of any Martin County approval.

30. **Mobile Home.** The following specific use conditions shall apply to the development of mobile home parks or mobile home subdivisions. For regulations affecting mobile home development in the PUD-MH district, see regulations elsewhere in this Code.

a. Any new mobile home development or expansion of any existing mobile home development shall be encouraged to develop in the PUD-MH district. For existing mobile home developments in the MHP and MHS districts, the installation of a mobile home unit shall be subject to conditions (1) and (2). Parcels of land which are designated mobile home land use but are less than ten (10) acres shall be subject to condition (2) only.

   (1) The minimum site area of the mobile home park or mobile home subdivision shall be ten (10) acres.

   (2) There shall be one (1) or more fire-resistant permanent structures that will serve as disaster shelters. The size of the disaster shelters shall be based on the most recent findings of the Treasure Coast Regional Planning Council and the Martin County Public Safety Department. Operational storm shutters shall be provided for all windows in the disaster shelter. Parking shall be provided in a paved parking area at a ratio of one (1) parking space for every five (5) seats of allowed public assembly in the required building area. This building shall be located in the required recreational area and may be used for other uses such as recreation.

   (3) Natural landscaping, including a landscaped berm where appropriate, plant material, and/or an aesthetic wall or fence shall be provided to effectively screen the mobile home development from adjacent residential development in the manner that all residential development is required to be buffered.

b. Within the AG district, the following conditions shall apply to mobile homes.

   (1) Minimum parcel size of twenty (20) acres in single ownership.
(2) The mobile home shall not be located within one hundred (100) feet of property lines.

(3) The mobile home shall be permitted to remain only so long as the principal use of the property is for agricultural purposes.

(4) The mobile home shall be used only for residential purposes.

c. Within the AR-5A district, a mobile home shall be permitted as a temporary residential use while a permanent residential structure is under construction, provided that a removal bond is posted with the Building and Zoning Director and the use of the mobile home is limited to a period of no more than one (1) year.

31. Mulch Manufacturing. Mulch manufacturing uses shall comply with the following specific use conditions.

a. Lot size. The minimum lot size for a mulch manufacturing use in the AG zoning district shall be twenty (20) acres.

b. Setbacks. A mulching, chipping or grinding machine shall be set back a minimum of three hundred (300) feet from any property line. Outdoor material storage piles shall be set back a minimum of one hundred (100) feet from any property line and at least three hundred (300) feet from any property line abutting the AR-5A, the RE-2A and residential zoning districts or use.

c. Access. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site. The access route shall be approved by the County Engineer.

d. Storage. On-site storage of unprocessed material shall be limited to forty-five (45) days and the time frame for storage of processed material shall be limited to no more than forty-five (45) days. The height of storage material piles shall be limited to fifteen (15) feet. Storage areas shall be screened from view. Such screening shall be designed to ensure that storage areas are screened from rights-of-way and any adjacent AR-5A, RE-2A, or residential district.

e. Buffer. The minimum buffer shall be a fifty foot (50') wide Type 4 buffer.

f. Additional regulations. All applicable Federal, State and Local regulations.

g. Supplemental application requirements. The applicant shall provide the following information:

P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
(1) A concept plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, wetlands and uplands and storage piles; and

(2) The hours of operation shall be limited to Monday through Friday, 8:00 AM – 6:00 PM, and Saturday, 8:00 AM – 2:00 PM.

h. **Accessory to nursery.** Mulching shall be permitted as an accessory use to a greenhouse or nursery, subject to the following requirements:

(1) The facility shall be limited to the processing of on site vegetative material which is limited to their operation. Yard trash is composed of vegetative matter resulting from landscape maintenance or landscape clearing operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

(2) A chipping or grinding machine shall be set back a minimum of three hundred (300) feet from any property line abutting a residential district or use. A chipping or grinding machine shall only be operated during week days between the hours of 9:00 AM and 5:00 PM, and Saturday, 9:00 AM to 2:00 PM.

(3) On-site storage of unprocessed material shall be limited to forty-five (45) days and the storage of processed material is limited to forty-five (45) days. The pile height of storage material shall be limited to fifteen (15) feet. Storage areas shall be effectively screened from view. Such screening shall be designed to ensure that storage areas cannot be seen from rights-of-way or adjacent residential districts. Outdoor material storage piles shall be set back a minimum of one hundred (100) feet from any property line and at least one hundred fifty (150) feet from any property line abutting a residential district.

(4) **Buffer.** The minimum buffer shall be a fifty foot (50') wide Type 4 buffer, AR-5A, RE-2A and residential.

(5) **Additional regulations.** All applicable Federal, State and Local regulations.

32. **Compost.**

a. **Lot size.** The minimum lot size in AG shall be sixty (60) acres.

b. **Setbacks.** A mulching, chipping or grinding machine shall be set back a minimum of three hundred (300) feet from any property line.

P = **Specific Use Conditions May Apply in Some Districts**

Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
Outdoor material storage piles shall be set back a minimum of one hundred (100) feet from any property line and at least three hundred (300) feet from any property line abutting the AR-5A, the RE-2A and residential zoning districts or use.

c. **Buffer.** The minimum buffer shall be a fifty foot (50') wide Type 4 buffer.

d. **Additional regulations.** All applicable Federal, State and Local regulations.

e. **Supplemental application requirements.** The applicant shall provide the following information:

   1. A concept plan illustrating how the operation functions including circulation routes and their locations, square footage, height and location of buildings, wetlands and uplands, and storage piles; and

   2. The hours of operation shall be limited to Monday through Friday, 8:00 AM - 6:00 PM, and Saturday, 8:00 AM - 2:00 PM.

f. Access shall be restricted to specific entrances with gates that can be locked and that carry official notice that only authorized persons are allowed on the site.

g. The height of storage material piles shall be limited to twenty (20) feet. Storage areas shall be screened from view. Such screening shall be designed to ensure that storage areas are screened from rights-of-way and any adjacent AR-5A, RE-2A, or residential district.

33. **Nursing Home.** Nursing home shall comply with the following specific use conditions.

   a. No building or structure shall be located within fifty (50) feet of any lot line abutting a residential district.

   b. No off-street parking shall be located within twenty-five (25) feet of any lot line abutting a residential district.

   c. An evacuation plan is to be submitted and approved by Public Safety Department prior to locating in the WRC or WGC districts.

   d. When located in LC, shall be limited to forty (40) patient beds.

   e. When located in residential districts, the total number of beds permitted shall be calculated as follows: Area x Density x 4.

   **P = Specific Use Conditions May Apply in Some Districts**

   **Note:** Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
34. **Parks or Recreation, Public.** Public parks and recreation areas shall comply with the following specific use conditions.

a. No off-street parking area, loading area, building or structure shall be located within twenty-five (25) feet of any property line abutting a residential district.

b. Areas which abut residential districts and accommodate active recreation, buildings, recreational apparatus or related facilities which attract large user groups shall provide bufferyards as specified in Sec. 4.15 for "D" type land uses.

c. Lighting shall be so shielded as to prevent direct light from reaching adjacent residential districts.

35. **Place of Worship.** Places of worship shall comply with the following specific use conditions.

a. In residential districts, the site shall be a minimum of twenty thousand (20,000) square feet, with a minimum width of one hundred (100) feet.

b. Such use shall be located on a collector or arterial as designated in the Comprehensive Growth Management Plan.

c. No building or structure shall be located within thirty (30) feet of any property line abutting a residential district.

d. No off-street parking shall be located within twenty-five (25) feet of any lot line abutting a residential district.

e. Outside of the Primary Urban Service District a place of worship and all ancillary uses (e.g., pre-school, any educational institution, Sunday school, etc.) at total site buildout is limited to potable water demand and on-site sewage disposal of not more than 2,000 gallons per day.

36. **Protective and Emergency Services.** Protective and emergency services shall comply with the following specific use conditions.

a. Such use shall be located on sites easily accessible to an arterial or collector road as indicated on the major thoroughfare map, and access shall not interfere with residential neighborhoods.

b. Minimum lot size requirements may be waived pursuant to Sec 3.7C.2.

c. Lighting shall be so shielded as to prevent direct light from reaching adjacent residential districts.

P = Specific Use Conditions May Apply in Some Districts

Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
4.5. Such uses shall comply with wellfield protection provisions relating to regulated substance as set forth in Sec. 4.5.

37. **Recreational Vehicle Park.** Recreational vehicle parks shall comply with the following specific use conditions.

   a. Each RV site shall be a minimum of 2,000 square feet.

   b. Such use shall be served by public water and sewer.

   c. Each RV site shall provide water and waste water hookups.

   d. At least one waste water pump out station shall be provided within the facility.

   e. Such use shall provide recreational amenities such as, but not limited to, swimming pools, tennis, all purpose fields.

   f. The maximum density shall not exceed ten (10) units per acre.

38. **Recycling Drop-off Center.** Recycling drop-off centers shall comply with the following specific use conditions.

   a. Unmanned centers shall occupy no more than two hundred fifty (250) square feet.

   b. Such use shall employ no mechanical sorting or processing equipment other than reverse vending machines.

   c. Such use shall be maintained free of litter, debris and residue on a daily basis.

   d. Containers shall be durable and covered.

   e. In residential districts, such use shall be enclosed, except for required openings for access, by building walls or a six (6) foot privacy fence or hedge.

   f. Thrift store collection trailers shall be limited to the LC, GC, LI, GI and PUD districts.

   g. The name and phone number of a responsible party shall be clearly posted.

   h. Such use shall comply with wellfield protection provisions relating to regulated substance as set forth in Sec. 4.5.

39. **Rental Housing.** In any district in which rental housing is allowed the following shall apply.

   a. The minimum bedroom size for one occupant shall be 70 square feet excluding closets.

P = Specific Use Conditions May Apply in Some Districts

Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
b. The minimum bedroom size for two occupants shall be 100 square feet.

c. There shall be no more than two occupants per bedroom. based on FHA guidelines

d. A room shall not be considered a bedroom if the only access is through another bedroom to access a bedroom.

e. To be considered a bedroom, a room must have a closet; however the closet area shall not be included in the square foot calculation.

40. **Non-Secure Residential Drug and Alcohol Treatment Facilities.** Drug and Alcohol treatment facilities shall comply with the following specific use conditions.

Non-secure drug and alcohol treatment facilities. Within the PS district.

a. No such facility shall be permitted on an Institutional lot unless it contains a minimum of 15,000 square feet.

b. Such facility shall at no time exceed seventy-five (75) persons receiving inpatient treatment.

c. Such facility shall be constructed and operated in compliance with Chapter 397, Florida Statutes (1993) and Chapter 10E-16, Florida Administrative Code, as may be amended. Martin County shall receive copies of all licenses for the facility.

d. Such facility shall not be located within 1/2 mile of another such facility.

e. No building or structure shall be located closer than fifty (50) feet to any lot line abutting a residential district.

41. **Residential Storage Facility.** Within the COR and LC districts, a residential storage facility shall comply with the following specific use conditions.

a. No buildings and structures shall be located within twenty-five (25) feet of abutting residential property lines.

b. Such use shall be restricted to small modular structures adapted exclusively to store household items of residential tenants. Commercial tenants shall be prohibited.

c. Such use shall be designed to minimize long unbroken facades.

d. Storage of explosives and illegal substances shall be prohibited.

e. Residential storage facilities in the COR district shall be subject to the specific use conditions.

**P = Specific Use Conditions May Apply in Some Districts**

**Note:** Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
42. Residential and Office Development.

a. COR district.

(1) Residential-only developments. Development consisting of residential-only uses shall be permitted in the COR district, subject to a maximum density limitation of ten (10) units per acre.

(2) Office-only developments. Development consisting of office-only uses shall be permitted in the COR district, subject to the following standard:

(a) The site shall have direct access to an arterial street.

(3) Office-residential developments. Development consisting of office and residential uses shall be permitted in the COR district, subject to the following standards.

(a) The proposed office uses shall be separated from established residential uses and residential land use designations on adjacent sites by an on-site buffer.

(4) General Restaurants, retail sale of convenience goods, including but not limited to pharmaceutical, toiletries, tobacco, magazines and flowers, restaurants for employees of the office building and barber and beauty care business shall be permitted as ancillary uses in office-only developments in the COR district, subject to the following conditions.

(a) The accessory commercial activities shall be located within the same building as a permitted principal activity.

(b) The structure containing the principal activity shall have a minimum of ten thousand (10,000) square feet of gross floor area devoted to the principal activity.

(c) The accessory commercial activities shall occupy no more than ten (10) percent of the gross floor area of the overall project.

(d) Signs of ancillary convenience uses shall not exceed twenty (20) square feet and be non-illuminated.

P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
(e) Such ancillary uses shall first be approved by the Planning and Zoning Board after finding that the initial residential or office development has provided an on-site buffer from adjacent properties, with subsequent approval being granted by the Board of County Commissioners.

43. **Restaurant Convenience.**

   a. Restaurant Convenience will only be allowed in General Commercial or General Industrial on a major arterial.

   b. The minimum buffer adjacent to residential shall be fifty feet (50’) wide, Type 4.

   c. All lighting shall be effectively shielded from adjacent residential districts and uses.

44. **Restaurant General**

   a. Restaurant General will only be allowed in General Industrial where located on a major arterial.

   b. When in an Limited Commercial district shall be permitted only on a major arterial roadway and limited to one hundred (100) seats.

   c. When located in COR, See #42(a)(4) above.

45. **Rifle Range.** Rifle ranges shall comply with the following specific use conditions.

   a. Such use shall require a minimum twenty (20) acre site which shall not abut residential property designated for more than one dwelling unit for twenty (20) acres.

   b. An impenetrable berm or barrier, twelve (12) feet or more in height, shall be constructed along the three (3) sides lying in the direction of fire of any authorized firearm discharge area. A moat or ditch shall be constructed along the outside of the entire berm, if necessary to prevent access to the berm from outside the firearm discharge area.

   c. The applicant shall demonstrate compliance with all applicable State regulations and how safety and noise factors have been addressed through the site plan and other special features of the proposed development.

   d. The applicant shall submit a hazardous waste management plan to assure the protection of groundwater from lead, and provide annual monitoring reports, prepared by an independent environmental consultant, to the Growth Management Department. Failure to provide said reports may lead to revocation of the operators license.

**P = Specific Use Conditions May Apply in Some Districts**

**Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)**
46. **Salvage Yard.** Salvage yards shall comply with the following specific use conditions.

   a. **Automobile, junk and mechanical equipment salvage.**

      (1) Such use shall have a minimum site area of not less than ten (10) acres.

      (2) Such use shall be visually screened with a fence or wall of not less than eight (8) feet in height, landscaped on the outside perimeter, which shall be of masonry or wood construction and shall be without openings, except for the entrance and exit. Such openings shall be equipped with gates forming a visual obstruction.

      (3) Inoperative vehicles or any other junk or scrap shall not be located within one hundred (100) feet of any residential district, within fifty (50) feet of the front street property line or within thirty (30) feet of any side or rear property line.

      (4) The storage of inoperative vehicles or any other junk, scrap or mechanical equipment shall not exceed a height of eight (8) feet.

      (5) Such use shall comply with wellfield protection provisions relating to regulated substances as set forth in Sec. 4.5.

   b. **Recycling plant and recycling transfer station.**

      (1) **Minimum lot size.** The minimum lot size for a recycling plants shall be five (5) acres, provided that underlying zoning district lot sizes shall apply to recycling plants that operate completely within enclosed buildings.

      (2) **Setbacks.** Except for a freestanding office, no part of a recycling plant and its accessory ramps, on site circulation system or storage areas, shall be located within fifty (50) feet of any property line. However, if the facility is in an industrial zone and is contiguous to land zoned industrial or designated as industrial by the Comprehensive Plan, the standard setback shall apply. No part of a recycling plant, its accessory ramps, on site circulation system or storage areas shall be located within one hundred (100) feet of a school, park, church, library or residential lot. In no case shall the setback be less than the requirement of the zoning district. No additional setback beyond zoning district setbacks shall apply to recycling plants.

*P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)*
that operate completely in enclosed build-

ings.

(3) **Screening and fencing.** All storage ar-

areas shall be effectively screened from view

by walls, fences or buildings. Such

screening shall be designed and installed

to ensure that no part of a storage area

can be seen from rights-of-way or adjacent

lots. In no case shall the height of recy-

clable or recovered materials, or non-recyclable residue stored in outdoor areas

exceed twelve (12) feet. Said piles shall

be managed in a way which prevents stored

materials from being disturbed by the ele-

ments and becoming airborne.

(4) **Access.** Access shall not be provided by

a local residential street. Access shall

be restricted to specific entrances with

gates which can be locked at all times and

which carry official notice that only au-

thorized persons are allowed on the site.

(5) **Storage areas.** All outdoor storage of

recyclable materials shall be in leak-proof

containers or located on a paved area that

is designed to capture all potential run-

off associated with the stored material and

which meets the setbacks for the district.

Run-off shall be handled in a manner that

is in conformance with local, state and

Federal regulations.

(6) Any process involving fuel and oil removal

shall be conducted in an approved contain-

ment area.

47. **Service Station, Fuel Sales, Vehicle Repair or Car

Washing Stations.** Service stations, vehicle repair or

car washing establishments shall comply with the fol-

lowing specific use conditions.

a. Such use shall have a minimum lot area of ten

thousand (10,000) square feet, a minimum lot

width of one hundred (100) feet and a minimum

lot depth of one hundred (100) feet.

b. Such use shall be located on an arterial as

designated in the Comprehensive Growth Manage-

ment Plan.

c. Where such use abuts a residential zoning dis-

trict or use, or is separated by only a street,

a Type 4 landscape buffer (See Sec. ?) shall be

required.

d. No building or structure, including pumps,
tanks, vents, islands or canopy supports shall

be located within twenty-five (25) feet of any

street right-of-way, 50’ from a residential

district.

P = Specific Use Conditions May Apply in Some Districts

Note: Buffers are Assigned Per Alphabetical Listing (i.e.,

A through G)
e. In cases where such a use is located on site in conjunction with a retail sales establishment such as a neighborhood convenience store, the establishment shall be separated from the fuel pumps and service areas by a minimum distance of ten (10) feet.

f. All receptacles, tanks or facilities for the storage of combustible products in excess of two hundred (200) gallon quantities shall be located underground and shall comply with all required setbacks. Flammable materials shall be stored within the building setback lines and in a manner satisfactory to the Public Health Department and the Department of Environmental Regulations.

g. All hoist, pit, lubrication, washing and repair areas which are not of an emergency or diagnostic nature shall be conducted entirely within a building.

h. All merchandise shall be displayed within an enclosed building, except that motor vehicle oil and tires may be displayed or sold from an appropriate outdoor rack.

i. Storage of inoperative or unregistered vehicles shall not be permitted on premise. However, vehicles which are being serviced may be stored in appropriate areas for a period not to exceed thirty (30) calendar days. Vehicles which have been towed from an accident may be held in storage areas for a period not to exceed four (4) calendar days.

j. All vehicle storage areas, aisles, driveways and other outdoor areas designed for the use of vehicles being serviced or maneuvered shall be interpreted as off-street parking, and as such shall conform to the requirements of Sec. 4.15.

48. **Stable.** Stables shall comply with the following specific use conditions.

a. This use is a permitted agricultural use in the AG, AR, RE and RE1A districts. As such it is exempt from the requirements of site plan review; however when a separate, free standing administrative office building is constructed in conjunction with a stable, the administrative office site will provide paved parking.

49. **Theater, Outdoor.** Outdoor theaters shall comply with the following specific use conditions.

a. Such use shall not abut a residential district.

b. No building, structure or mechanical equipment shall be located within two hundred (200) feet from the centerline of a state highway and not less than one hundred (100) feet from any other public right-of-way or abutting property line.

**P = Specific Use Conditions May Apply in Some Districts**

**Note:** Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
c. Such use shall be located on an arterial or collector as designated by the Comprehensive Growth Management Plan, and primary access shall be from such arterial.

50. Trades and skilled services. Trades and skilled services shall be allowed in the Limited Commercial District, which are limited in scale and impact and compatible with existing permitted uses within the Limited Commercial District. Such uses to be determined by the Building and Zoning Director. No outside storage of equipment or materials will be permitted, when in LC or GC districts.

51. Utilities. Utilities shall comply with the following specific use conditions.

a. General. With the exception of electrical utility substations and standard distribution and collection facilities (i.e., poles, lines, cables and associated equipment), utilities shall comply with the following specific use conditions.

(1) The site plan shall show the proposed utility together with an existing system of which it will be an integral part. A statement shall be submitted which explains the function of the proposed improvement and its consistency with any overall utility system plan as well as the Comprehensive Growth Management Plan.

(2) The proposed location of the utility shall be necessary relative to the other utility sites for effective service to consumers within the utility’s service area.

(3) Such use shall comply with wellfield protection provisions relating to regulated substances as set forth in Sec. 4.

(4) Landscape buffers and screening shall be provided in the same manner prescribed for electric utility substations.

(5) Utility facilities utilizing less than 500 square feet of land or building are exempt from minimum lot size requirements in all districts.

b. Electrical utility substations. Electrical utility substations shall comply with the following specific use conditions.

(1) Utility facilities utilizing land and/or unoccupied building requiring less than five (500) square feet are exempt from the minimum lot size requirements in all zoning districts. All other applicable provisions of this code must be satisfied prior to the issuance of any building permits.

(a) Definitions:

P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
(i) Distribution Line. An electrical facility used for the transport of electric power from neighborhood substations to the customer. Distribution lines operate at voltages below 69 kV.

(ii) Electric Utility Substation. An electrical facility used for the transformation of electric power from one voltage to another so that it can be transported via transmission or distribution lines.

(iii) Terminating Structures. Also known as "pull-off structures", terminating structures are structures similar to utility poles, located within an electric utility substation, whose purpose is to: 1) support the conductor (the wire that carries the electric current) where it makes the connection from the transmission line to the substation equipment and 2) protect the electrical facilities within the substation from damage due to lightning strikes. The height of the terminating structures is determined in accordance with minimum conductor clearance requirements of the National Electrical Safety Code.

(iv) Transmission Line. An electrical facility used for the transport of electric power in bulk quantities from a generating plant to a substation or from substation to substation. Transmission lines operate at voltages of 69 kV and above.

(2) Electric Utility Substations. Electric utility substations shall be permitted within all districts, except, however, electric utility substations shall not be allowed in or contiguous to designated Public Conservation areas, e.g. the Savannas or the Dupuis Reserve. In the location of electric utility substations the following standards and requirements shall be met:

(a) Setbacks. Structures and buildings (not including utility poles) shall be set back 100 feet from any lot line abutting a residential district. Other setbacks shall be in accordance with the schedule outlined in paragraph 35-4.13(b)(2) below.

P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
(b) Landscape Buffers and Screening. To ensure compatibility with surrounding land uses, adequate setbacks, screening and landscape buffers shall be provided according to the standards hereinafter provided. Applicable buffer requirements shall be determined based on the predominant abutting or adjacent existing use, zoning or comprehensive plan land use designation occurring on each side of the substation site. Buffer requirements may, therefore, vary from one side of the substation site to another. Where more than one type of existing use, zoning or land use plan designation occurs on one side of the substation site, but no one type predominates, the most restrictive type of existing use, zoning or land use plan designation shall apply for that side.

If a residential district occurs on two or more sides of the substation site, residential-type landscape buffers shall be required along the road frontage regardless of the abutting or adjacent existing use, zoning or Comprehensive Plan land use designation on that side of the site.

In case of conflicts or differences between the existing use, the Comprehensive Plan land use designation and the zoning of a piece of property, for purposes of determining buffer requirements, the most restrictive buffer shall apply.

All other landscaping provisions of the Martin County Land Development Code not in conflict with the terms and provisions of this ordinance shall apply.

Except in areas designated Agricultural, General Industrial, Major Power Generation Facilities and certain Institutional designations, buffers shall be required on all four sides of a substation site, based on the abutting or adjacent existing use, zoning or land use designation.

When the substation site abuts a road, canal, railroad right-of-way or other similar linear feature, the existing use, zoning or land use designation across the linear feature is considered the adjacent existing use, zoning or land use designation. A buffer is always required along a public road right-of-way. On the sides of the substation where no buffer is required, setback requirements of the
Existing Use, Zoning or Comprehensive Plan
Land Use Designation of Abutting or Adjacent Property:

<table>
<thead>
<tr>
<th>Electric Utility Substation</th>
<th>Setback Width Buffer Type</th>
<th>Minimum Buffer Width Buffer Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agricultural when fronting fronting on public road right-of-way (along public road R-O-W frontage only) ²</td>
<td>50’</td>
</tr>
<tr>
<td>2A</td>
<td>General Industrial, Major Power Generation Facilities, and utility-type Institutional uses, when fronting on public road right-of-way (along public road R-O-W frontage only) ²</td>
<td>50’</td>
</tr>
<tr>
<td>3B</td>
<td>Limited Industrial, rear of developed commercial, vacant Limited Commercial, vacant General Commercial, vacant Waterfront Resort Commercial, vacant Waterfront General Commercial</td>
<td>50’</td>
</tr>
<tr>
<td>2A</td>
<td>The front, side and road frontage of developed Limited Commercial, developed General Commercial, developed Waterfront Resort Commercial, developed Waterfront General Commercial</td>
<td>50’</td>
</tr>
<tr>
<td>3A</td>
<td>Institutional³ (except utility-type Institutional, such as major stormwater facilities and other utility facilities of a similar character to an electric utility substation)</td>
<td>100’</td>
</tr>
<tr>
<td>3B</td>
<td>or</td>
<td></td>
</tr>
<tr>
<td>4A</td>
<td>Institutional³ (except utility-type Institutional, such as major stormwater facilities and other utility facilities of a similar character to an electric utility substation)</td>
<td>50’</td>
</tr>
<tr>
<td>7</td>
<td>Residential (including Commercial</td>
<td></td>
</tr>
</tbody>
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P = Specific Use Conditions May Apply in Some Districts
Note: Buffers are Assigned Per Alphabetical Listing (i.e., A through G)
To determine the abutting or adjacent, zoning or comprehensive plan
land use designation, the applicant shall refer to the most current
adopted Martin County zoning maps and Comprehensive Growth Management
Plan Future Land Use Maps.

To distinguish between General Industrial and Limited Industrial zon-
ing, the applicant shall refer to the Official Zoning Atlas in the
Martin County Zoning Department. For the purposes of determining ap-
propriate buffer types under this ordinance during the interim period
prior to completion of the zoning conformance process, M-1, M-2 and M-
3 zoning, as shown on the Official Zoning Atlas, shall be considered
equivalent to Limited Industrial zoning.

In the event a substation site abuts or is adjacent to vacant property
zoned M-2 or M-3, the applicant shall not be required to install land-
scaping unless or until the property’s zoning is changed to Limited
Industrial. It shall be the responsibility of the substation owner to
install the required landscaping and to provide a contract and finan-
cial security consistent with section 35-4.13(b)(12) of this Ordinance
within 60 days of Board of County Commissioner approval of the adja-
cent property’s rezoning to Limited Industrial.

A buffer is always required when the substation fronts on a public
road right-of-way. In Agricultural, General Industrial, Major Power
Generation Facilities, and certain Institutional designations, a
buffer is required along the public road right-of-way frontage only
based on the existing use, zoning or Comprehensive Plan land use des-
ignation across the road.

The choice of whether to apply Buffer Type 3B or 4A when the abutting
or adjacent existing zoning or land use designation is Institutional
shall be the applicant’s. No buffer shall be required on the side of
the substation abutting or adjacent to an Institutional designation
when the designation coincides with an existing major stormwater fa-
cility or another utility use, such as a water treatment plant, sewage
treatment plant, sewage lift station, garbage processing/incinerator/
transfer station, landfill, airport, gas compressor station, or other
similar utility facility, except, however, if the substation fronts on
a public road right-of-way.

**Buffer Type 1**
- Two trees per 20 lineal feet plus one
  shrub per 5 lineal feet of lot frontage,
  and groundcover (sod, seed, or other native
  vegetative groundcover within the buffer
  area).

**Buffer Type 2A and 2B**
- Two trees per 20 lineal feet plus one
  shrub per 5 lineal feet of buffer, and
  groundcover (sod, seed or other native veg-
  etative groundcover throughout setback
  area).

**Buffer Type 3A and 3B**
- Three trees per 20 lineal feet plus
  one shrub per 5 lineal feet of buffer, and
  groundcover (sod, seed or other native veg-
  etative groundcover throughout setback
  area).
Buffer Type 4A and 4B

Four trees per 20 lineal feet plus three shrubs per 5 lineal feet of buffer, and groundcover (sod, seed, or other native vegetative groundcover throughout setback area).

(c) Access Roads and Paved Turnaround Areas. Except as necessary to cross the buffer to provide a driveway connection from the substation to the adjacent roadway, the access road shall not be allowed to encroach on the buffer. Access roads and paved turnaround areas are allowed within the setback area.

(d) Landscaping Adjacent to Public Road Rights-of-Way. A buffer is required adjacent to all public road rights-of-way per the conditions set forth in 35-4.13(b)(2).

Also, in the event Martin County designates a public road right-of-way for special landscape treatment, landscaping of future electric utility substations adjacent to that public road right-of-way shall conform to the landscape treatment specified by the County subject to the requirements set forth in 35-4.13(b)(2). Trees used in the required landscaping adjacent to a public roadright-of-way shall be selected to maintain the character of the public street.

(e) Landscaping in Transmission Line and Distribution Line Access Corridors. An exception to the buffer landscaping requirements shall be allowed underneath the transmission lines where the lines cross the buffer so that the vegetation does not exceed 14 feet at maturity. An exception to the buffer landscaping requirements shall be allowed underneath the distribution lines where they cross the buffer so that the vegetation does not exceed 10 feet at maturity. The buffer landscaping exception area shall be the area lying underneath the transmission and distribution lines plus 10 feet beyond each of the outside conductors. In addition, the applicant shall be allowed to cut timber that could interfere with the safe, reliable operation of the transmission or distribution line.

(f) Alternative Use of Native Vegetation. Notwithstanding the requirements of Section 35-4.13(b)(2) above, Martin County encourages the use of existing native vegetation to satisfy the landscape buffer requirements, in total or in part. The determination as to whether the use of existing native vegetation satisfies the landscape buffer requirements shall be made by the Growth Management Director. In determining whether native vegetation satisfies the

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buffer requirements, the following shall be considered:

(i) The effectiveness of the visual screening which will be provided;

(ii) The health, size and diversity of the vegetation being used to satisfy the buffer requirement;

(iii) Whether the proposed native buffer makes use of existing native vegetation, including trees. Martin County’s tree credit system, as outlined in Section 23-56(j), Martin County Code, shall be used to determine whether and to what extent additional trees must be planted to meet applicable buffer requirements; however, in no case shall planting be required where visual screening is complete and where healthy endangered native habitat would be negatively affected; and

(iv) Native vegetation may be relocated to the buffer area from areas of the site to be developed.

(g) Impervious Surface. For substation sites bounded on all sides by a residential use, residential zoning district or residential comprehensive plan land use designation, impervious surface shall not exceed 50 percent of the total site area.

(h) Wetlands. The waiver in Section 9--4.A.7.b(7)(e) of the Conservation Element of the Martin County Comprehensive Growth Management Plan, dealing with encroachment into wetlands necessary for the construction and/or maintenance of a public utility, shall not apply to the pad on which the electric utility substation facilities themselves are constructed or parking or other impervious areas or fill areas associated with the substation. The waiver shall continue to apply to electric distribution and transmission lines (including transmission line structure pads and roads accessing the transmission line structure) entering or leaving the substation, including where such facilities access the substation. In addition, all other waivers and exceptions provided for under the Martin County Comprehensive Growth Management Plan, including those for wetland encroachment, shall continue to apply.

(i) Site Plan Review. Electric utility substations shall be required to undergo site plan review in accordance with procedures outlined in the Martin County Land Development Code. An application for site plan

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approval for an electric utility substation shall include the following:

(i) Application materials addressing the requirements for site plan approval.

(ii) A narrative describing the electric utility substation to be constructed, including a description of the service area and need for the substation.

(iii) A site development plan to scale indicating the proposed location of all structures on the site.

(iv) A vegetative analysis prepared by a qualified environmental professional, including a map at the same scale as the site development plan showing the property boundary, soils (using County soil surveys), vegetative communities (wetlands and uplands according to the Florida Land Use and Cover Classification System), and areas and type of exotic infestation, and a narrative describing the soils, acreage of vegetative communities, present condition of wetland and upland vegetative communities, degree of exotic infestation, and presence of, or usage by, endangered or threatened species of flora and fauna or designated species of special concern.

(v) A landscape plan, including a wetland and upland preservation plan, in accordance with 1) the Comprehensive Growth Management Plan and 2) applicable provisions of Martin County’s Landscape Ordinance not in conflict with the provisions of this Ordinance. In cases of conflict between the provisions of this Ordinance and the provisions of the Landscape Ordinance, this ordinance shall prevail.

(vi) Documentation that the proposed substation location complies with the DEP’s Electric and Magnetic Field Regulations.

(j) Exceptions. It is intended that the standards and criteria of this ordinance be strictly followed. The Martin County Board of County Commissioners, by an affirmative vote of four of its members, may grant exceptions to strict application of the standards of this ordinance only after holding a public hearing, noticed in accordance with Section , Martin County Code, and only after it has determined that:

(i) All reasonable efforts have been made to secure a site which would meet the

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strict requirements of this ordinance, and

(ii) There is no reasonable alternative to the proposed location of the substation, and

(iii) Only the minimum exception necessary to allow use of the site as a substation is being sought, and

(iv) The full intent of the ordinance to ensure compatibility with surrounding land uses and to provide appropriate buffers will be met. The Board may require increased buffers, landscaping or other appropriate mitigation of impacts to adjacent properties in conjunction with its decision to grant an exception.

(k) Exemptions. Electric utility substations are exempt from minimum lot size requirements in the Agricultural zoning district.

(l) Maintenance. The owner shall be responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to obtaining a building permit, the applicant shall execute a contract with the County, guaranteeing an 80% survival rate for the required plant materials and providing appropriate financial security for installation and maintenance of the landscaping and irrigation for one year following installation.

(m) Public Information. The application shall make a good faith effort to inform neighboring property owners of plans to construct an electric utility substation on a given site. Such good faith effort shall consist of the following: within 90 days following site acquisition, or at least 60 days prior to the filing of a site plan application for a specific electric utility substation site, whichever is earlier, the applicant shall:

(i) Post a sign on the property indicating that an electric utility substation is proposed to be constructed at the site and including the applicant’s telephone number or address to call or write for further information; and

(ii) Provide a location map and legal description of the proposed electric utility substation site to the Martin County Growth Management and Building & Zoning Departments. The Zoning Department shall note the location of

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the proposed electric utility substation on the Official Zoning Map of Martin County.

(n) Any amendments or expansions of existing electric utility substations requiring Martin County approval shall comply with the terms and provisions of this ordinance to the extent of the amendment or expansion. For purposes of this subsection, existing substations shall mean substations existing at the time of the effective date of this Ordinance or a substation for which an application was submitted prior to September 3, 1992.

(o) Height of Structures. Terminating structures and utility poles located on the substation site will be no higher than necessary to accommodate prudent engineering design and meet safety standards or clearance requirements of the National Electrical Safety Code, Florida Power and Light Company and federal, state or local governmental agencies. Such governmental agencies may include but are not limited to the U.S. Department of Transportation, U.S. Coast Guard, U.S. Army Corps of Engineers, Florida Department of Transportation, South Florida Water Management District, other water control districts and Martin County.

52. **Vehicle Sales.** No storage or display of merchandise or vehicles will be permitted outside of approved storage or parking areas as noted for such use on the approved site plan.

53. **Vehicle Storage.** Within LC, COR and GC districts: parking of vehicles used in conjunction with an LC or COR use when they are either, or a combination of, a passenger car, van, or not larger than a one-ton rated pickup truck; when in the GC districts, in addition to the above vehicles, trucks with not more than one rear axle may be parked or stored on the premises whether or not used in conjunction with the business located on the site.

54. **Veterinary Medical Services.** Within the COR, LC and GC districts, veterinary medical service uses shall comply with the following specific use conditions.

a. Such use shall be conducted within a completely enclosed and soundproofed building, which shall be designed so that the emission of odor or noise will not detrimentally impact property in the immediate vicinity.

b. No storage or boarding of animals outside of the fully enclosed building.

c. Pens and other structures for the confinement of animals shall be designed and maintained for secure, humane confinement.

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55. **Veterinary Services, Agriculture.** Structures for the confinement of animals shall be located not less than one hundred (100) feet from any property line, unless such structure is completely enclosed and sound-proofed.

56. **Waterfront Resort Commercial.** Waterfront resort commercial uses including in-out boat storage shall comply with the following specific use conditions.

   a. No buildings, structures or mechanical devices except for residences, docks, or Limited or General Commercial uses shall be located within fifty (50) feet of the property line of a lot used or zoned for residential purposes.

   b. No repair other than emergency repairs of watercraft or marine accessories shall be permitted when located in WRC district.

   c. All proposed marinas accessing major government-maintained waterways shall provide access channel markers showing speed limits, depth restrictions and other pertinent information concerning the marina, as appropriate.

   d. Reasonable access to water may extend through the Shoreline Protection Zone. Such extension must be accomplished in a manner that is least disruptive to the environmentally sensitive wetland communities.

   e. The access must be approved by Growth Management Department and not be contrary to public interest.

   f. For those properties that are designated for Marine Waterfront Commercial use the access to the water may extend through the Shoreline Protection Zone. Such extension must be accomplished in a manner that is least disruptive to the environmentally sensitive wetland communities. The access must be accepted by the Growth Management Department and provide for a public benefit. The alterations through the Shoreline Protection Zone should generally not exceed a width of 30 feet. Where the vehicle turn-around and maneuver areas are needed, the area of alteration shall likewise be limited to 30 feet in width as with the approach road, but they may be designed to be contiguous with the accessway. Said access shall comply with all applicable State and Federal Regulations. Boat entry and retrieval facilities shall be allowed.

   g. All boat ramps and marinas must provide manatee protection and awareness signs.

   h. Pump out facilities are required.

57. **Watercraft Manufacturing.** When located in the Waterfront General district, said use shall comply with the following specific use conditions:

   P = Specific Use Conditions May Apply in Some Districts

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a. Watercraft manufacturing uses shall be located at least one hundred fifty (150) feet from the property line of any lot used or zoned for residential purposes, and lots used for watercraft manufacturing shall have a minimum lot size of one (1) acre. (If the use was permitted prior to the adoption of these regulations, this clause shall not apply.)

b. No other buildings, structures or mechanical devices associated with this use shall be located within one hundred (100) feet of any residential district unless said building, structure or device was legally permitted prior to adoption of this code.

c. Residences of the owner, operator or a watchman shall be permitted in this category, but not be subject to the setback restrictions contained in "a" above. The maximum number of residences per site shall be limited to three and must have been in existence on the effective date of this code.

d. Areas for painting, sanding or scraping must be designed to contain contaminants pursuant to E.P.A. regulations, and the E.P.A. permit will be submitted to the County prior to construction of facility.

e. Reasonable access to water for water dependent uses may extend through the Shoreline Protection Zone. Such extension must be accomplished in a manner that is least disruptive to the environmentally sensitive wetland communities.

f. The access must be approved by Growth Management Department and not be contrary to public interest.

g. For those properties that are designated for Marine Waterfront Commercial use the access to the water may extend through the Shoreline Protection Zone. Such extension must be accomplished in a manner that is least disruptive to the environmentally sensitive wetland communities. The access must be accepted by the Growth Management Department and provide for a public benefit. The alterations through the Shoreline Protection Zone should generally not exceed a width of 30 feet. Where the vehicle turn-around and maneuver areas are needed, the area of alteration shall likewise be limited to 30 feet in width as with the approach road, but they may be designed to be contiguous with the accessway. Said access shall comply with all applicable State and Federal Regulations. Boat entry and retrieval facilities shall be allowed.

h. All boat ramps and marinas must provide manatee protection and awareness signs.

58. Wholesale and Warehousing. Within the GC district, no wholesale or warehousing use shall involve outside storage.
59. **Zero Lot Line Dwelling.** The following conditions shall apply to a single-family project developed with zero lot lines.

a. Such uses shall have a minimum project site area of two (2) acres.

b. Such uses shall have a minimum lot size of five thousand (5,000) square feet and a minimum lot width of forty (40) feet.

c. Such uses shall provide a minimum front yard setback of fifteen (15) feet and a minimum rear yard setback of ten (10) feet. Corner lots shall provide a minimum side yard adjacent to the street of fifteen (15) feet.

d. A minimum spacing of ten (10) feet shall be provided between structures on adjacent lots.

e. Such use shall have a maximum height of thirty (30) feet.

f. Open space shall be calculated on the over-all development, rather than lot by lot.

### 4SEC. 4.1 PROPERTY DEVELOPMENT STANDARDS

#### A. Property development standards table.** The maximum density, minimum lot area, minimum lot width, minimum building setbacks, minimum open space and maximum building heights for uses in each district shall be determined from the following table. Footnoted items denote special conditions which are specified in Sec. 3.7.B. Property development standards for planned unit developments shall be as specified elsewhere in this code in the PUD agreement. Additional property development regulations and other dimensional requirements are specified in this subsection.

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<td></td>
<td>Area (sf)</td>
<td>Width (ft)</td>
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<td>Rear</td>
<td>Side</td>
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<td>.05</td>
<td>-</td>
<td>50</td>
<td>50</td>
</tr>
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<td>.2</td>
<td>-</td>
<td>40</td>
<td>40</td>
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<td>0.5</td>
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### Notes to property development standards table

The following conditions and special regulations shall apply, as indicated in the property development standards table of Sec. 3.7.B. 1-9.

1. Other regulations may apply and work to require greater setbacks and other standards. See additional wetland and preservation area setback requirements of Sec. 4.

2. In all districts which permit residential uses:

   a. When developed with minimum lot sizes, or as a duplex, triplex, or multi-family product, public water and waste water must be made available to service the project.

   b. When property is serviced by public water only, only single family development shall be permitted, and the minimum lot size shall be one-third acre.

   c. When no public water or waste water is available, only single family development shall be permitted, and the minimum lot size shall be one-half acre.

   d. Where a multi-family project is proposed adjacent to an existing single-family subdivision, and both parcels carry the same land use density, a transition zone shall be established between the two use types which shall be a minimum of seventy-five (75) feet in depth. This transition zone may be utilized for open space or recreational purposes; no parking will be permitted within said zone. As an alternative, the developer of the multi-family

\[ P = \text{Specific Use Conditions May Apply in Some Districts} \]

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3. Rear Setback for 2 stories is 20 feet; 3 stories, 30 feet; 4 stories, 40 feet for other than single family and duplex structures.

4. Side Setback for 3 stories is 20 feet; 4 stories, 30 feet.

5. For individual lots or mobile home spaces. See Sec. 3.6.B.29 for additional requirements.

6. Multi-family development shall be subject to the property development standards of the MDR district.

7. Hotel/motel densities shall not exceed 20 guest rooms per acre.

8. Zero lot line development shall comply with dimensional criteria in 3.6 B-58.

9. In high density residential land use, density up to ten units per gross acre may be approved. In order to receive a density of fifteen (15) units per acre, the following criteria must be met:

   a. Development must commit to rental households meeting the definition of very low, and low income, and complying with criteria studies and adopted by the Board of County Commissioners.

   b. Site shall be located on a major or minor arterial or major collector street as defined in the Traffic Circulation Element of the CGMP.

   c. Site location shall share a common zoning district boundary with commercial, industrial or high density residential land use.

   d. Site location may not share a common zoning district boundary with medium or low density land use parcels.

   e. Full complement of urban services must service the site.

   f. A landscaped berm and landscaping, or an aesthetic wall or fence shall be provided to effectively shield the residential use from any existing or potential adjacent non-residential use.

C. Lot Size. Lot size refers to the horizontal area within the lot lines. No building permit or zoning approval shall be issued for any lot that does not meet the minimum lot size requirement, with the following exceptions.

1. Reduction for public purpose. When an existing lot of record is reduced as a result of dedication and/or conveyance to a federal, state or local government for a public purpose and the remaining lot area is at least ninety (90) percent of the required minimum lot
size for the district in which it is located, then that remaining lot shall be deemed to be in compliance with district lot size regulations, without resort to the Board of Adjustment.

2. **Protective and emergency services.** The minimum lot size for the district protective and emergency services may be waived by the Planning and Zoning Commission according to the procedures established in Sec. 10.4 for approval of conditional uses.

3. **Utility facilities.** Public utility facilities utilizing land and/or an unoccupied building requiring less than eight hundred (800) square feet of site area are exempt from minimum lot size requirements in all zoning districts, provided that all the other applicable provisions of this article are satisfied prior to the issuance of any building permits.

D. **Lot Width.** Lot width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or to the chord thereof.

1. **Measurement.** The minimum lot width shall be measured between the side lot lines along the line that is parallel to the front lot line and located the minimum front setback distance from the front lot line, provided that a lot developed or planned for a single-family dwelling and not meeting the minimum lot width as measured above, shall be deemed to satisfy the minimum lot width requirement if it has a line meeting the criteria of Sec. .

2. **Minimum frontage.** All lots shall have a minimum of 30 ft. of frontage on a public or private right-of-way or a minimum of a thirty (30) foot wide permanent exclusive to the lot it serves access easement to a public or private right-of-way.

3. **Minimum access width.** For that portion of the lot between the front lot line and the closest parallel line that meets the minimum lot width requirement, the lot width shall not be less than thirty (30) feet at any point.

E. **Density.** Density refers to the number of dwelling units divided by the gross area of the zoning lot on which such dwelling units are located.

1. **Gross land area.** Gross land area, for the purposes of density calculations, shall include all contiguous land areas under common ownership, including land to be dedicated for public or private rights-of-way, with the following provisions and exceptions.

a. **Waterbodies.** In cases where land abuts the waters of the Atlantic Ocean, St. Lucie River, Indian River, Loxahatchee River, Intracoastal Waterway, Lake Okeechobee and all tributaries and manmade canals thereof, the boundary of land shall be delineated as established by State Statutes (Chapter 177, Part II, Coastal Mapping as may be amended).
b. **Submerged land areas.** No submerged land areas waterward of the boundary described above shall be included in the calculation of gross site area.

c. **Areas allocated to nonresidential uses.** No land areas proposed to be allocated to non-residential uses shall be included in the calculation of gross residential site area except for contiguous land areas to be used for:

(1) utilities under common ownership and principally supporting the residential use;

(2) recreational facilities for the primary use of on-site residents; and

(3) dedication to the County or other County approved agencies or not-for-profit corporations.

d. **Unity of title.** Unity of title agreements shall be required on all parcels, building sites or lots on which density calculations are made for the purpose of insuring that the parcel, building sites or lots upon which the computation is made are not subsequently subdivided or used in subsequent density calculations for additional structures. Unity of title agreements may also be required for the construction of an accessory use on a lot adjacent to that containing the primary use.

2. **Wetlands Restrictions – Density Transfer.** All property owners shall have the right to transfer density to the upland area on any site which contains functional wetland properties pursuant to the following stipulations:

a. The development must be submitted for review, as either a planned unit development or a clustered multi-family project in one of the multiple family residential zoning districts.

b. In addition, the following equations shall apply:

(1) The resulting residential density of the upland property shall be no greater than 15 units per acre except that for densities in excess of ten (10) dwelling units per acre there shall be a fifty (50) foot native upland transition zone around all wetlands;

(2) The total number of units allowed in any development using this density transfer formula shall be equal to or less than the allowed maximum density for the entire parcel as shown on the Future Land Use Map;

(3) Density transferred must be equal to, or less than the one half (1/2) of the wetland acreage multiplied by gross density; and

(4) For parcels with wetlands that occupy 50 percent or more of the total site, the gross

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residential density of the upland property must be equal to or less than two times the gross residential density of the entire parcel.

c. All performance standards, including upland preservation requirements, shall apply to all upland development.

d. The increase in net residential density created by density transfer may not create unreasonable or adverse environmental impacts on adjacent wetlands or uplands or land use incompatibilities with neighboring adjacent properties unless such impacts are mitigated to the satisfaction of the Board of County Commissioners. All environmental mitigation shall be consistent with the wetland protection policies in this Plan including Policy A.1.a. of this Element. Land use incompatibilities must be mitigated consistent with the policy in Section 4-4.1.5. (Residential Land Use Orderly Transition and Buffering) and the performance standard for Density Allocations and Intensity, Section 4-5.A.2. of the Future Land Use Element.

e. Whenever density transfers are proposed, the provisions in Section 9-4,A.7.(b)(8)(b) notwithstanding, the net buildable residential area of all plans shall include a minimum of 50 percent permeable open space. A golf course may account for no more than 60 percent of the required open space.

(Net buildable density is defined as the allowable number of residential units divided by the net buildable upland area; net buildable upland area is defined as the gross land area less all wetlands.)

F. Minimum Living Area. Minimum living area refers to the floor area of the principal use structure and not to any floor area of secondary use structures. Minimum living area requirements per dwelling unit shall be as follows.

1. Single-family dwelling units. The following minimum living area standards shall apply to all detached single-family and zero lot line dwelling units.

   a. One and two-bedroom: 800 square feet.

   b. Three or more bedrooms: 900 square feet plus 100 square feet for each additional bedroom in excess of three.

2. Other dwelling units. The following minimum living area standards shall apply to all multi-family, and duplex dwelling units.

   a. Efficiency: 400 square feet.

   b. One-bedroom: 525 square feet.

   c. Two-bedroom: 800 square feet.

   d. Three or more bedrooms: 400 square feet plus 200 square feet per bedroom.
G. **Setbacks.** Setback refers to an open space between a structure and the property line of the lot on which the structure is located, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The setback shall be measured as the minimum horizontal distance between the lot line and the furthermost projection of the structure.

1. **Exceptions.** The following structures or objects of natural growth may be located within the required setbacks:
   
   a. trees, shrubbery or other objects of natural growth;
   
   b. fences or walls which do not exceed six (6) feet in height;
   
   c. driveways or sidewalks;
   
   d. docks;
   
   e. wells;
   
   f. signs, as permitted by Sec. 4.16;
   
   g. parking areas, provided that they are not located within ten (10) feet of any public street right-of-way as provided in Sec. ; and
   
   h. utility transmission lines and associated structures, such as power poles.

2. **Allowable encroachments.** In all districts, structural and mechanical overhangs such as roof extensions or cantilevered balconies, sills, gutters, window air conditioners and awnings may extend up to three (3) feet into required setbacks.

3. **Average Setbacks.** Where the average front, side or rear yard setback of all developed lots within the neighborhood is less than the minimum required setback of the district, the average setback shall apply. In such cases, the minimum required setback on such lots shall be the average of existing setbacks in the area.

4. **Front setback (odd-shaped lots).** For lots developed or planned for a single-family dwelling and having less than the minimum required lot width at the minimum front setback distance from the front lot line, the front setback shall be measured from the line which meets the following criteria:
   
   a. the line meets the minimum lot width requirement;
   
   b. the line is parallel to the front lot line;
   
   c. the line is no closer to the front lot line than the minimum front setback prescribed by the zoning district; and
d. the line is the closest of all lines meeting the above criteria to the front lot line.

5. **Lot fronting on more than one street.** In the case of lots which abut more than one (1) street, a front yard shall be required and each front yard shall conform to the front yard requirements of the zoning district in which the lot is located. In the case of a platted lot of record preceding the date of zoning, the front yard setback on the longer lot line shall be the maximum possible that will permit reasonable use of the lot for building purposes. In the case of disagreement, the zoning board of adjustment shall decide.

6. **Street centerline setbacks.** All structures shall be set back from street rights-of-way and center line as follows.

   a. No structure shall be built within fifty (50) feet of the centerline of any public or private street right-of-way designated as a local street or minor collector road in the Traffic Circulation Element (Chapter 5) of the Comprehensive Growth Management Plan.

   b. No structure shall be built within sixty-five (65) feet of the centerline of any public or private street right-of-way designated as a minor arterial or major collector street in the Traffic Circulation Element (Chapter 5) of the Comprehensive Growth Management Plan.

   c. No structure shall be built within one hundred (100) feet of the centerline of any major arterial road, as designated in the Traffic Circulation Element (Chapter 5) of the Comprehensive Growth Management Plan.

7. **Side setbacks.** Side yard setbacks may be reduced by the Building and Zoning Director for nonresidential structures, provided that:

   a. abutting uses are zoned and designated on the future land use map of the Comprehensive Growth Management Plan for nonresidential usage;

   b. emergency vehicle access will not be impeded; and

   c. adjacent property owners consent in writing.

8. **Waterfront setback.** Refer to Section 8-4 Martin County Comprehensive Growth Management Plan. Commercial docking facilities shall have a minimum setback from riparian lines of adjacent properties used, zoned or designated for residential activities shall be fifty (50) feet. Existing docking facilities which were legally permitted prior to 1986 that are located less than 50 feet from adjacent properties used, zoned or designated for residential activities shall not be considered non-conforming and can be replaced or repaired in accordance with their original approval.

**H. Building height.** Building height refers to the vertical distance between (1) the lowest permissible elevation above

**P = Specific Use Conditions May Apply in Some Districts**

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the existing grade which complies with finished floor elevation requirements as established by flood maps, HRS, or building code, along the front of a building, and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for a gable, hip or gambrel roofs. For buildings placed along the oceanfront, the oceanside of the building may be considered the front for height measurement purposes, provided that any building space below the average building elevation shall be used only for parking and storage purposes.

1. **Tall structures.** No structure with habitable floor space over two (2) stories or twenty-five (25) feet shall be permitted unless the applicant has provided assurance of the availability of a fire company equipped to service the structure and an available water supply which satisfies fire flow requirements of the National Fire Protection Association Code, as amended and adopted by Martin County.

2. **Oceanfront structures.** For buildings located on Hutchinson Island, the primary dune structure shall be considered the front for height measurement purposes, provided that any building space below the average building elevation shall be used only for parking and storage purposes. Oceanfront structures must comply with Section 4.4 (Barrier Island).

3. **Exceptions.** The following shall be permitted exceptions to maximum height standards.

   a. Church steeples, spires and belfries may exceed district height limits, provided such structures do not exceed sixty (60) feet in height, are part of a principal building, are not used for human occupancy and approved by the Building and Zoning Director.

   b. Roof structures, including chimneys, parapet walls less than four (4) feet high, elevator or staircase penthouses and air conditioning equipment may exceed district height limits, provided that such structures do not exceed an area equal to ten (10) percent of the roof surface, are not used for human occupancy and do not exceed district height requirements by more than eight (8) feet.

   c. Utility poles and support structures are exempt from height restrictions.

   d. Agricultural structures, communication towers, permanent installations for utilities or industrial processes and protective and emergency service installations may be exempted from district height restrictions subject to the following:

      (1) unmanned structures in conjunction with agricultural and industrial uses may exceed district height limits by up to fifty (50) percent: and

      (2) any use, structure or tower in this category in excess of sixty (60) feet in height must be authorized by

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Planning and Zoning Board following the public hearing and notification requirements for conditional uses pursuant to Article 10, must not be occupied and must comply with Fire Code requirements.

(3) That portion of a structure which is below the natural grade shall not be included in determining building height.

e. Public Park Facilities, lighting structures for Public Park Facilities may extend beyond the 60 ft. height provided a lighting plan which utilizes the latest technology to minimize any spillover impacts has been approved by the Board of County Commissioners.

I. **Open Space.** The percent of open space shall be calculated by dividing the open space by the gross site area. Open space refers to permeable open surfaces open and unobstructed from the ground to the sky, excluding areas covered by buildings, sidewalks, patios, parking and loading areas, driveways or other impermeable structures or surfaces. For residential developments, the calculation of open space may include the following:

1. **Water bodies.** Wetlands and landlocked water bodies may be used in calculating open space as long as a minimum of forty (40) percent of the upland property is comprised of open space.

2. **Golf courses.** Golf courses may be used in calculating open space for residential development as long as thirty (30) percent of the residential area is comprised of open space.

J. **Spacing between structures on same lot.** The following minimum spacing shall be required between primary structures on the same lot: twenty (20) feet for one (1) and two (2) story structures, thirty (30) feet for three (3) story structures and forty (40) feet for four (4) story structures.

SEC. 4.2 **SUPPLEMENTARY REGULATIONS**

A. **Fence and dock hazards prohibited.** No fence, wall, docks or pilings shall be erected, constructed, installed or maintained with broken glass, spikes, nails, barbed wire, electrical elements, or other hazardous material intended or designed to impede or otherwise inflict injury to wildlife or humans, except that in nonresidential areas, a one (1) foot high barbed wire extension may be allowed when the fence or wall is at least six (6) feet in height. The barbed wire and electrical elements prohibition shall not be applicable to agricultural areas.

B. **Model dwelling units.** In any residential district where there is active development of ten (10) or more residential units a developer or his agent may operate a sales office within a model dwelling unit or other temporary facility. All model dwelling units and sales offices shall meet all district requirements and be subject to the following restrictions.

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1. The sales office, if not in a model dwelling unit, may be permitted as an accessory use on the same lot if used solely in connection with the development in which located.

2. Model dwelling units may be used as a means to sell similar homes for a period of up to two (2) years. Extensions may be granted by the Building and Zoning Director, provided that each such extension shall not exceed a period of one (1) year.

3. The sales office, if not in a model unit, may be used as an office for two (2) years and thereafter either be removed or used in accordance with applicable district regulations. Extensions of up to one (1) year each may be granted by the Building and Zoning Director.

4. At least five (5) off-street parking spaces shall be provided on the same or contiguous lot as the sales office or model dwelling unit and shall be maintained as long as the model unit is used or the office is maintained for the sale of homes in the development.

5. Model dwelling units, sales offices and signs shall not be illuminated or used for any business activity later than 9:00 p.m.

6. A landscape buffer as required for limited commercial uses in Sec. 4.15 shall be installed and maintained between any model dwelling unit, sales office, or parking area and any adjacent residentially zoned land, not in the development.

7. A removal bond shall be required for each sales office and accessory structure which is designed for ultimate residential use. The amount of the bond shall be based on the estimated removal cost for such structures.

8. Permits for model dwelling units shall only be issued for developments where the model is indicated on an approved site plan or provided for in a PUD Agreement.

C. Accessory uses and structures.

1. **Authorization.** Accessory uses and structures shall be permitted in any zoning district provided that such accessory uses and structures:
   
a. are subordinate to and serve a principal use or structure;

b. are subordinate in area, extent and purpose to a principal use or structure;

c. contribute to the comfort, convenience or necessity of occupants within the principal use or structure served;

d. are located on the same or contiguous lot, under the same ownership and in the same zoning district as the principal use or structure; and

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e. are subject to all restrictions applicable to wetland and upland preserves and shoreline protection setbacks.

2. **Accessory uses by zoning district.** Accessory uses and structures permitted in the following zoning districts include but are not limited to the following.

a. **All Agricultural and Residential zoning districts.** The following accessory uses and structures shall be permitted in all zoning districts:

   (1) Television and radio receiving dishes;

   (2) Private garages;

   (3) Private docks for the use of residents and non-paying guests only; and a boat shelter not exceeding 500 square feet in area, nor higher than 20 feet above the adjacent access pier or platform, and provided that not less than fifty (50) percent of shoreline frontage shall be unobstructed open space.

   (4) One (1) utility storage structure, incidental to a permitted use, provided that no such structure shall exceed two hundred fifty (250) square feet of floor area. Barns and similar structures shall not be considered utility storage structures.

   (5) Neighborhood Boat Launches - Criteria:

      (a) In all communities, centrally located along community’s riparian lines.

      (b) New ramps in existing communities should not be located on dead end of a canal.

      (c) Manatee awareness and protection signs must be provided.

b. **AG, AR, RE, LDR, MDR, HDR and MH districts.** The following accessory uses and structures shall be permitted in the AG, AR, RE, LDR, MDR, HDR, and MH zoning districts:

   (1) Noncommercial antenna structures serving the residents of the property provided that such structures do not exceed sixty (60) feet in height;

   (2) Child playhouse not to exceed one hundred (100) square feet of gross floor area;

   (3) Disaster shelters;

   (4) Gazebos and similar structures;

   (5) Private swimming pools and cabanas, tennis or basketball courts and other similar outdoor recreational uses, provided that all lighting shall

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be shielded from adjacent properties and streets; and

(6) Boat and vehicle storage areas, providing that such areas are:

(a) part of an approved residential development;

(b) provided for the exclusive use of residents within the development;

(c) not in excess of five (5) percent of the overall development; and

(d) in compliance with the bufferyard requirements for multi-family uses.

(7) Doghouses, pens and other similar structures for the keeping of commonly accepted household pets;

(8) Storage or parking of recreational vehicles, including but not limited to boat, camping and travel trailers, motor homes and horse vans, provided that such equipment shall not be used for living, sleeping or other occupancy and that such equipment over twenty-five (25) feet in length shall not be parked within any side or rear yard setback area, if on a single family lot.

(9) Storage or parking of one (1) commercial vehicle, not to exceed one (1) ton capacity, provided that such vehicle is operated by the resident;

(10) Noncommercial greenhouses; and

(11) Gardens, which may be located in required yards and setback areas, provided that the produce is used for noncommercial purposes.

c. AG, RR and RE districts. The following accessory uses and structures shall be permitted in the AR, RR and RE zoning districts:

(1) Barns and other similar structures;

(2) Stables for boarding horses; and

(3) Roadside stands, provided that any such use shall:

(a) not exceed two hundred (200) square feet in gross floor area;

(b) be used for the sole purpose of selling agricultural products grown on said property;

(c) not be located less than thirty (30) feet from any public street right-of-way or property line;
(d) provide adequate off-street parking and ingress and egress; and

(e) not have more than one (1) sign which shall be wall-mounted.

(4) **Caretaker’s Residences.**

d. **AG and RR-5A districts.** In the AG and RR-5A zoning districts, storage or parking of one (1) owner-operated commercial vehicle or tractor-trailer shall be permitted as an accessory use, provided that such shall:

1. not exceed one (1) ton capacity, in the RR-5A district only;
2. be owned by the property owner;
3. be used for farm related purposes;
4. not be used for the operation of a trucking business; and
5. comply with all applicable zoning district setback requirements.

3. **Special accessory use regulations.** A permitted accessory use or structure shall:

a. not be established before the principal use or structure to which it is accessory has been occupied or established, except for a private dock on a single-family lot, or a fence or wall. In the case of such exceptions no liveaboards shall be permitted.

b. comply with the use limitations of the zoning district in which located;

c. comply with all applicable development standards of the zoning district in which located; and

d. be located so as not to encroach into any required yard setback area, unless elsewhere permitted within this article.

D. **Gasoline storage.** In all residential districts, other than AG, no structures or containers for the storage of more than twenty (20) gallons of gasoline or other motor fuel shall be permitted.

E. **Household pets.** In all residential areas, except for those zoned agricultural, only the usual household pets such as birds, dogs and cats etc., shall be permitted. No commercial kennels of any type shall be allowed except in those districts where such uses are specifically permitted.

F. **Location of mobile homes.** Mobile homes shall not be parked, stored or used for any purpose outside of an officially approved park or subdivision, except as specifically authorized by this article. Camping, boat and fold-up
trailers, travel trailers, motor homes in storage and small utility trailers are excluded from this provision.

G. **Temporary construction office.** A temporary construction office may be erected in connection with the erection of a permanent building, street, utility or other structure. A permit for the erection of any such structure shall first be obtained from the Building and Zoning Director. A temporary construction office may also be used for the housing of tools, equipment and materials. A removal bond shall be required for any such use.

H. **Private covenants.** The provisions of this article shall not interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this article imposes a greater restriction upon the use of buildings and land or requires more open space than is required by other rules or regulations or by easements, covenants or agreements, the provisions of this article shall govern.

I. **Duplex subdivision.** Any duplex structure otherwise conforming to regulations in existence at the time of construction shall not be thereafter considered nonconforming solely because one of the dwelling units, together with its underlying land has been conveyed to a separate owner. Additions or improvements that are otherwise permitted to a duplex structure shall not be subject to side setback restrictions from the common wall lot line. Maintenance and repair of any shared facilities, such as common walls, septic tanks, wells, etc., shall be the joint responsibility of both unit owners unless an agreement between the owners provides otherwise. In the event a duplex structure that has been conveyed in accordance with this section is destroyed, such structure may be rebuilt only in its original location and configuration.

J. **Drainage.** All structures must retain all runoff water on their own property unless otherwise authorized by the County Engineer.