

ENVIRONMENTAL FAQs.

These are the most frequently asked questions from residents looking to purchase/build or care for property located in Martin County.

- **If your property is located in one of the municipalities or your community has deed restrictions or by-laws, you may be subject to other rules that apply, please contact your specific governing office or HOA for more information.**

This general information is provided for reference purposes; your site specific conditions may vary and will be evaluated and confirmed by staff upon review of required permits or authorizations.

1. What environmental resources need to be protected for me to build on or develop a property?

County regulations are established to protect the following:

- Areas along navigable shorelines, including mangroves and connected wetlands.
- Isolated freshwater wetlands typically found in inland areas of the county.
- Native upland habitats such as pine flatwoods or native scrub.
- Existing preservation areas established on individual properties or within residential communities.
- Uncleared land, until such time a clearing permit is issued in association with the issuance of a building permit.

2. Protecting shorelines: for waterfront lots on navigable waterways. What are the environmental requirements to build on my property?

All waterfront lots on navigable estuarine waters (including canals) have a shoreline protection zone. Waterfront properties with wetlands (typically mangroves extending landward of the shoreline) also have protected wetland buffers.

The protected area along the shoreline is based upon the size of the lot, and when the lot was created:

- For lots in subdivisions approved after April 1982, the plat* for the subdivision should establish the required Shoreline Protection Zone (SPZ) along the water or the preserve area boundaries in the community. Typically, primary structures, such as buildings, must be built 10 feet away from the SPZ, wetland buffer, or preserve area boundary; secondary structures (pools, decks) shall be built 5 feet away.
- For waterfront lots platted* or existing prior to April 1982, that are 1 acre or less, the SPZ or wetland buffer along the shoreline shall be established at 25' from the shoreline or wetland boundary. There is no required construction setback to the SPZ or wetland buffer.
- For residential waterfront lots platted* or existing prior to April 1982, that are between 1-2 acres, the SPZ or wetland buffer along the shoreline shall be established by submitting an application for environmental waivers. A waiver letter may be issued, based upon site specific criteria, authorizing a reduction of the required 75 foot SPZ. In no case will the SPZ be less than 25 feet.

- For waterfront lots that are over 2 acres, the SPZ or wetland buffer along the shoreline shall be established at 75' from the MHWL or wetland boundary. This requirement also applies to all lots, regardless of size, created after 1982 via lot splits or other means that are not part of an approved subdivision.

View your Plat at: [Martin County Clerk of Court Plat Records](#)

3. What can be built in a buffer or shoreline protection zone on waterfront property?

- Construction is generally limited to provide owners access to the water.
- Residential properties can construct accessways up to 12 feet wide through the SPZ.
- Where mangroves or other wetlands are present along the shoreline, these areas should be avoided. Where these resources cannot be avoided, one single access is allowable, but shall be no greater than 6 feet in width through mangroves or wetlands.

4. How do I know if there are wetlands on undeveloped property?

Unless the undeveloped property is part of an established subdivision with preservation areas it would be rare for wetlands to have been officially identified. Wetlands are typically located through an on-site evaluation of the property:

- Have a wetland delineation performed by a consultant. [Environmental Consultant List](#).
- The consultant will request verification by one of two state agencies:
[Florida Department of Environmental Protection \(FDEP\)](#) or
[South Florida Water Management District \(SFWMD\)](#).
- Whichever state agency has jurisdiction will verify the consultant's data with the State of Florida's approved methodology for wetlands determination.
- The state will provide a "Determination Letter" to confirm the wetland locations on the property. That letter would need to be submitted with your building permit application documents for review by the Environmental Division.

For general information, we do have maps on our website that can assist you in determining the probability of a property having wetlands. Please note, these maps are just a tool, and can over or underestimate actual wetland locations: **they are not an official determination.**

The Martin County [General Map](#) has an Environmental layer that can be turned on by clicking the "Layer" icon on the toolbar  and checking "Environmental". To see other various Martin County Maps that may also assist you, please view our [Map Page](#).

5. What are the Martin County Wetland Protection requirements?

Martin County's Comprehensive Plan protects all wetlands. This provision has been in place since 1982. The following requirements may apply.

- A 50 foot buffer of native vegetation must be preserved around the edge of an isolated freshwater wetland.
- Construction setbacks to preserve areas: Typically primary structures must be built 10 feet away from a preserve area boundary; secondary structures (pools, decks) shall be built 5 feet away. Certain subdivisions with established wetland preserve areas may have a different buffer configuration or setback requirement based upon the rules in effect at the time of approval.
- A 75 foot buffer of native vegetation must be preserved for wetlands within areas designated as a wetland area of special concern by the Comprehensive Growth Management Plan. Similarly, a 75 foot buffer must be preserved along property abutting estuarine or navigable waterways (see #2, above for more information).
- If wetlands or native upland habitat is found on site, a Preserve Area Management Plan (PAMP) will be required as part of any development approval. Twenty-five percent of the site may have to be preserved in upland habitat in addition to any wetland habitat and its required buffer. An environmental consultant* can advise you on both wetlands and uplands preservation and the creation of a PAMP for County review and approval. [View our Environmental Consultant List here](#)

6 Do I need a clearing permit to clear exotic vegetation?

Any land clearing utilizing heavy equipment requires a permit. Land clearing permit information can be found on our website. Please refer to the link below.

Careful removal of exotic vegetation such as Brazilian pepper, Australian pine or melaleuca may occur but no native vegetation may be removed or damaged. No equipment other than hand tools or a chain saw may be used in wetlands. Vegetative debris created must be removed from the wetlands. Care must also be exercised to avoid impacting listed species such as gopher tortoises.

The clearing of exotic vegetation with hand tools does not require a permit, but please notify the Martin County Growth Management Department in writing prior to beginning work. A staff determination should be made that the proposed exotic removal does not constitute clearing and is exempt. You may contact the Environmental Division staff by e-mail at: env@martin.fl.us or in writing to:

Martin County Growth Management Department
2401 SE Monterey Road
Stuart, FL 34996.

For more information please refer to our website: [Land Clearing Procedures and Fees](#)

7. **A member of the public has been sent a violation from the Code Enforcement Division for letting their lot become overgrown. Code Enforcement says they must clear the overgrowth. Do they need a clearing permit?**

No, regardless whether the property is vacant or developed, if it is simply overgrown with grass and weeds, it can be cut at any time. A permit is not needed for a property owner or care taker of a property to conduct general maintenance or to cut grass.

***However**, care must be taken not to cut native upland habitat or wetland habitat that may be temporarily dry. If you are not sure if the property contains these habitats, seek guidance from an environmental professional.

For more information, please consult the [Environmental Division web page](#)