



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

MERIDIAN MARINA

EIGHTIETH AMENDMENT TO THE MARTIN DOWNS PUD, INCLUDING REVISED PHASE I, II, & IV MASTER SITE PLAN WITH PHASE II & PHASE IV REVISED FINAL SITE PLAN

Applicant/Property Owner:	AC Meridian Marina LLC
Agent for the Applicant:	Brian Nolan, Lucido & Associates
County Project Coordinator:	John Sinnott, Senior Planner
Growth Management Director:	Paul Schilling
Project Number:	M035-217
Record Number:	DEV2023100015
Report Number:	2024_0301_M035-217_Staff_Report_Final
Application Received:	11/15/2023
Transmitted:	11/27/2023
Date of Report:	03/01/2024

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B. Project description and analysis

This is a request by Lucido & Associates on behalf of AC Meridian Marina, LLC, for approval of the 80th Amendment to the Martin Downs PUD Zoning Agreement, including revised master and final site plan to modify the size of the proposed restaurant and operations/retail/office area, and remove the previously approved accessory dwelling units from Phase IV. The subject property, a portion of Martin Downs PUD Parcel 29, consists of approximately 10 acres and is located at 1400 SW Chapman Way, east of the intersection of SW Mapp Road and SW Chapman Way, in Palm City. Included is a request for a Certificate of Public Facilities Reservation.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comp Planning Review	John Sinnott	772-320-3047	Non-Comply
G	Site Design Review	John Sinnott	772-320-3047	Non-Comply
H	Community Redevelopment Review	John Sinnott	772-320-3047	N/A
H	Commercial Design Review	John Sinnott	772-320-3047	Non-Comply
I	Property Mgmt Review	Ellen MacArthur	772-221-1334	N/A
J	Environmental Review	Shawn McCarthy	772-288-5508	Comply
J	Landscaping Review	Lindy Cerar	772-320-3055	Comply
K	Transportation Review	Lukas Lambert	772-221-2300	Comply
L	County Surveyor Review	Tom Walker	772-288-5928	Non-Comply
M	Engineering Services Review	Stephanie Piche	772-223-4858	Non-Comply
N	Addressing Review	Emily Kohler	772-288-5400	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5400	Comply
O	Wellfield Review	James Christ	772-320-3034	Comply
O	Water and Wastewater Review	James Christ	772-320-3034	Comply
P	Emergency Mgmt Review	Jeffrey Childs	772-419-2756	Non-Comply
P	Fire Prevention Review	Doug Killane	772-419-5396	Comply
Q	ADA Review	Stephanie Piche	772-223-4858	Non-Comply
R	Health Review	Nick Clifton	772-221-4090	N/A
R	School Board Review	Mark Sechrist	772-219-1200	N/A
S	County Attorney Review	Elysse Elder	772-288-5925	Ongoing
T	Adequate Public Facilities Review	John Sinnott	772-320-3047	Pending

D. Review Board action

This application meets the threshold requirements for processing as a PUD Zoning Agreement and PUD Master and Final Site Plan that does not exceed the threshold for minor changes. As such, final action on this request will be taken by the Board of County Commissioners (BCC) in a public meeting pursuant to MARTIN COUNTY, FLA., LDR, §10.5.F.9 (2023).

Pursuant to Sections 10.1.E. and 10.2.B.2., Land Development Regulations, Martin County, Fla. (2019), it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

The applicant is required to re-submit materials in response to the non-compliance findings within this report. Upon receipt, the re-submitted materials will be transmitted for review to the appropriate review agencies and individuals that participate in the County's review process. A revised staff report will be created once the next review cycle has been completed.

E. Location and site information

Parcel numbers: 07-38-41-015-000-00010-0, 07-38-41-000-000-00010-7, & 07-38-41-015-000-00001-1

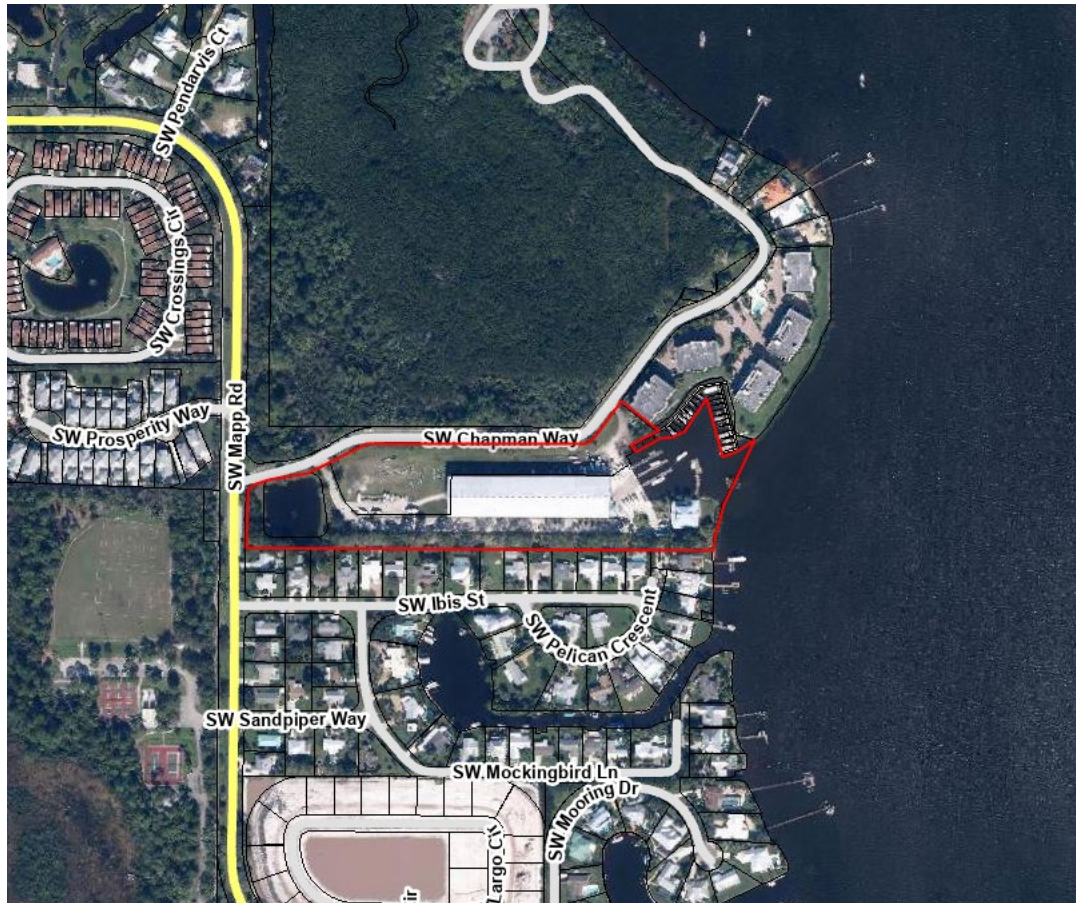
Address: 1400 SW Chapman Way, Palm City

Existing Zoning: PUD-R (Martin Downs PUD)

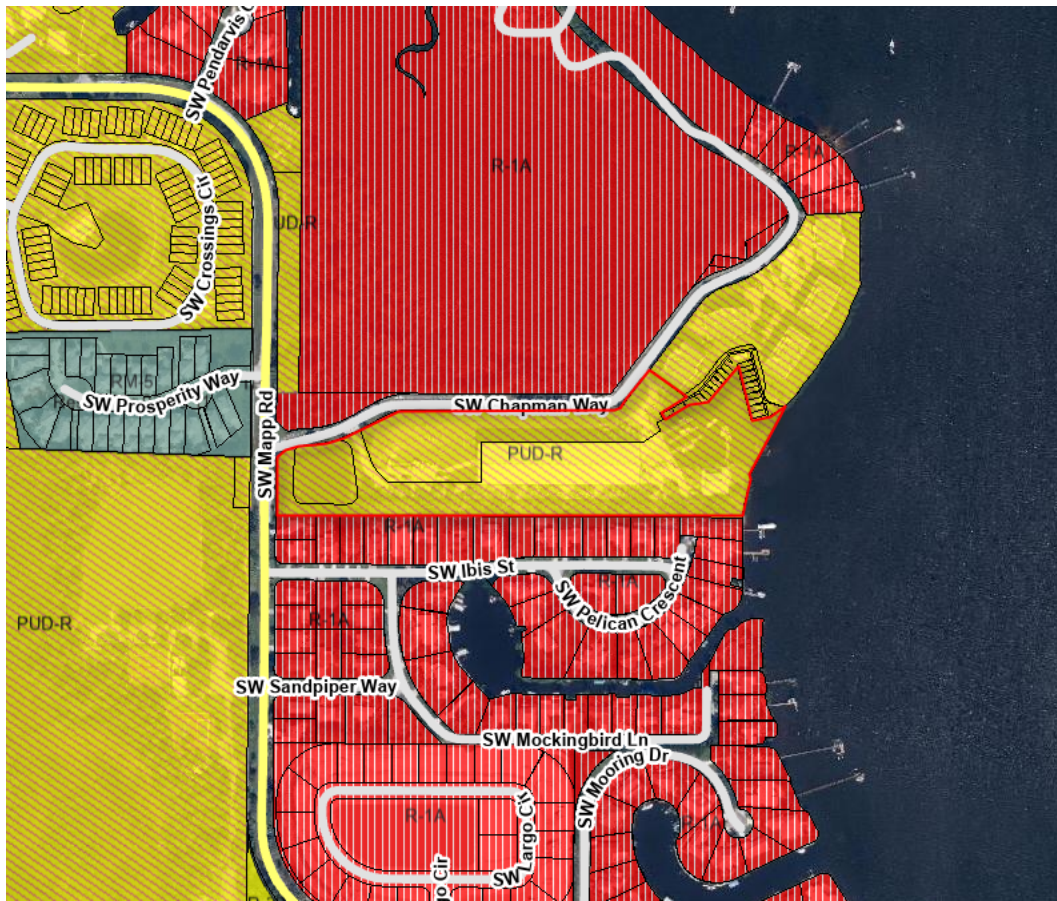
Future Land use: Commercial Waterfront

Gross area of site: 10.05 acres

**Figure I:
Location Map**

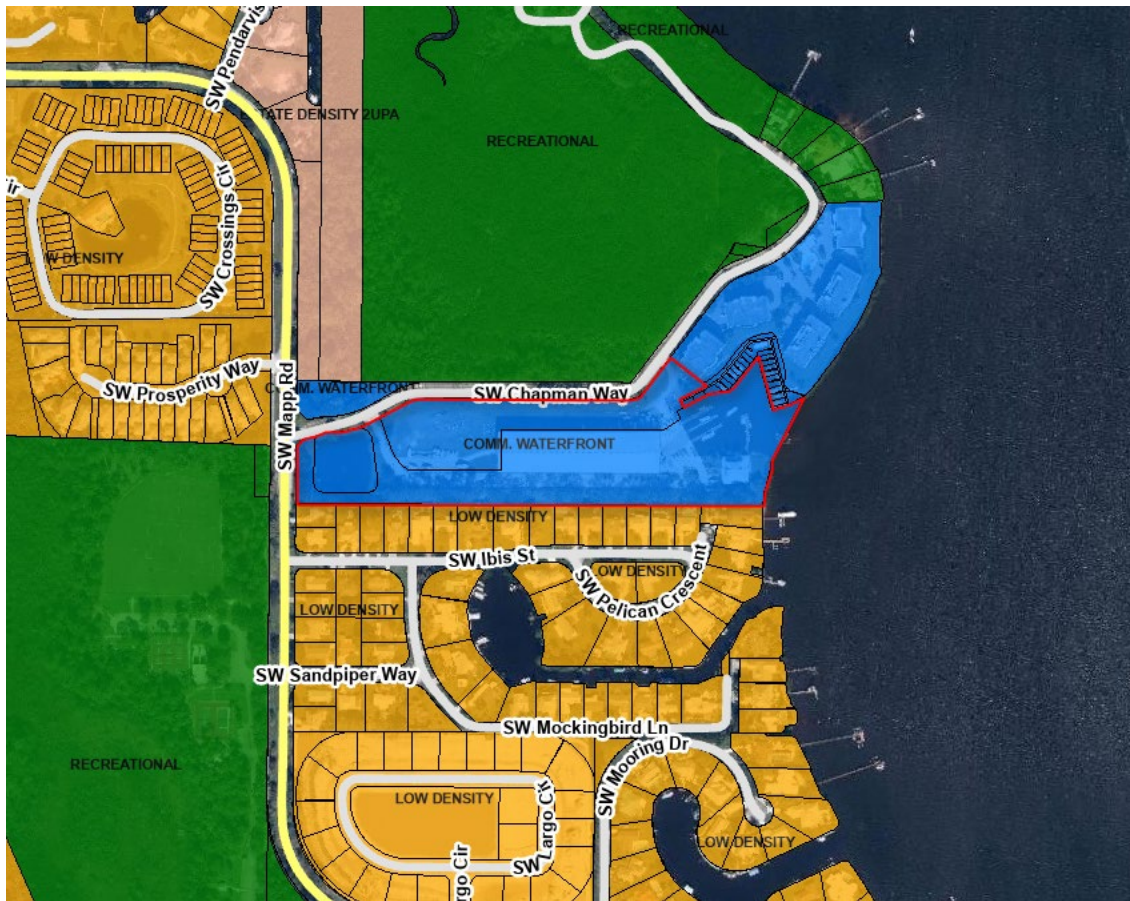


**Figure II:
Zoning Map**



Property to the North: PUD-R (Martin Downs PUD), R-1A
Property to the West: PUD-R (Martin Downs PUD), RM-5
Property to the South: R-1A

**Figure III:
Future Land Use Map**



Property to the North: Commercial Waterfront, Recreational

Property to the West: Low Density, Recreational

Property to the South: Low Density

***F. Determination of compliance with Comprehensive Growth Management Plan requirements -
Growth Management Department***

Unresolved Issues:

Item #1:

Generic Comp Plan Compliance:

This application cannot be deemed to be in compliance with the Martin County Comprehensive Growth Management Plan (CGMP) until the issues identified in this report have been satisfactorily resolved.
Martin County, Fla., CGMP, § 1.3

G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Unresolved Issues:

Item #1:

General

1. Please rename the architectural plans and constructions plans with a consistent naming convention – “Martin Downs PUD, Meridian Marina.”
2. Please update the narrative and the PUD amendment language to reflect the proposed revised master/final site plan.
3. Consider a more general square footage for the proposed uses in the PUD amendment to reduce future conflicts with exact building footprint at the time of building permit application.
4. Within the PUD amendment language, paragraph 2.1:
 - a. “From the frontage of SW Chapman’s Way to the existing waterfront building,” appears to be a carryover from the language of the 79th Amendment. This language should be removed.

Item #2:

Site Plan

1. Please update the title to “Phase I, II, & IV Revised Master/Phasing Plan & Phase II/Phase IV Revised Final Site Plan.”
2. Please include a dumpster enclosure detail for the Phase II dumpsters. Additional sheets may be added to the plan if needed.
3. Please provide updated architectural elevations for the Phase II boat storage building which depict the dumpster location. In addition, please see Item 8 below in Section H – Commercial Design.
4. As the building design is changing from the August 2022 approved revised master/final site plan, please remove “Approved” from the Phase II boat storage building description in the graphic.
5. Please provide a detail for the 6’ tall privacy fence on the south side of the Phase IV building.
6. Site data:
 - a. The marina basin size on the August 2022 approved Revised Master / Phasing Plan & Phase II Revised Final Site Plan is 1.48 acres. On the proposed master/final site plan, the marina basin size is 0.62 acres. Please explain this change.
 - b. Remove “Accessory Dwellings” from the existing approved use.
7. Building data:
 - a. The amount of dry boat storage in the approved column should be 540, as approved in the previous master/final site plan.
8. Open Space Calculations
 - a. Artificial turf should be counted towards impervious area.
 - b. The paved area on the previously approved master/final site plan is 141,467 square feet. The paved area on the proposed master/final site plan is 133,920 square feet. Please explain

- this change.
- c. The shoreline protection zone (SPZ) area on the previously approved master/final site plan is 7,597 square feet. The SPZ area on the proposed master/final site plan is 5,889 square feet. Please explain this change.
 - d. The landscape area on the previously approved master/final site plan is 109,636 square feet. The landscape area on the proposed master/final site plan is 116,804 square feet. Please explain this change. A revised landscaping plan may be required.
- 9. Include additional data (i.e, phasing breakdown) as shown on the previously approved master/final site plan.
 - 10. The previously approved master/final site plan depicts a 20' wide ingress/easement to be abandoned to the north of the existing boat storage building. The proposed master/final site plan is no longer depicting this easement. If this easement has been release/abandoned, please provide the recording information.
 - 11. The overall building height exceeds the maximum allowable height of 40'. The Slippery Fish tower portion of the structure does not fit within the height exception criteria of Martin County LDR, Section 3.14.B(2).

H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department

Community Redevelopment

N/A - The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application.

Commercial Design

The commercial design standards of Martin County LDR, Article 4, Division 20 were updated with the adoption of Ordinance No. 1205 in September 2023. A copy of this ordinance is attached in Section Z of this report.

Unresolved Issues:

Item #1

Primary Façades

- 1. Identify the primary façades on the elevation drawings for the proposed Phase IV waterfront building. The primary façades for this building are the north and west.

Item #2

Minimum Design Elements

Please note, the design elements have been modified in the updated Ordinance.

1. Please provide a table or notes on the architectural plans demonstrating that each of the primary façades has the required minimum design elements.

Item #3

Limitations on Blank Wall Areas

1. It appears that portions of the west façade may exceed this requirement. Please provide relevant dimensions to demonstrate compliance, or incorporate the design features of §4.872.B.3(a) where appropriate. Please update the west façade architectural elevation to depict the dumpster enclosure and fuel storage.

Item #4

Façade Transparency

At least 40 percent of the ground-level floor of primary facades of commercial buildings and street facing facades of multifamily buildings shall be occupied by windows or doorways with non-mirrored glass. [MARTIN COUNTY, FLA., LDR §4.872.B.5(a) (2023)]

Remedy/Suggestion/Clarification:

Please demonstrate that the west façade meets this requirement.

Item #5

Flat Roofs

Flat roofs shall:

- a. Have a parapet of at least 12 inches in height along any primary facade and shall have at least two changes in height of a minimum of two feet along each primary facade.
- b. Provide a three-dimensional cornice treatment along the entire length of the primary facade. The cornice treatments shall be a minimum of 12 inches in height and have a minimum of three reliefs.

[MARTIN COUNTY, FLA., LDR §4.872.G.2 (2023)]

Remedy/Suggestion/Clarification:

The marina sales and retail portion of the structure appears to have a flat roof. Please demonstrate that this portion of the west façade complies with this requirement. Please also provide the height of the flat roof. The changes in height stipulation in note (a) above appears to be met.

Item #6

Peaked Roofs

Peaked roofs shall:

Have an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to an average slope of one foot of vertical rise for every one foot of horizontal run.

[MARTIN COUNTY, FLA., LDR §4.872.G.3 (2023)]

Remedy/Suggestion/Clarification:

Please demonstrate compliance with this requirement.

Item #7

Materials and Color

1. Please provide finishing schedule for the primary façades.

Item #8

Bicycle and Pedestrian Amenities

1. Based on the square footage of the Phase IV building, one bike rack is required. Please depict the bike rack location on the site plan and provide a bike rack detail.

Item #9

Dumpster Location

Ground mounted mechanical equipment, including air conditioning units, dumpster enclosures, generators, shall be located in the rear or side of a development site and not between the building and a street.

[MARTIN COUNTY, FLA., LDR §4.873.D.2 (2023)]

Remedy/Suggestion/Clarification:

The proposed location of the dumpsters in Phase II conflicts with this requirement.

I. Determination of compliance with the property management requirements – Engineering Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

Environmental

Finding of Compliance:

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations.

Landscaping

Findings of Compliance:

The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations regarding landscaping. The applicant has proposed construction of a boat storage building and restaurant within an existing marina development. The applicant has submitted landscape plans that provide 3.52 acres of landscape area which equates to 37% of the 410,553 square feet of development area to document compliance with Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013). Pursuant to this regulation a minimum of 20% of the total development area shall be landscaped.

Section 4.663.A.3.b. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential developments provide at least one tree per 2,500 sq. ft. of site area: a total of 164 trees for this project. To demonstrate compliance the applicant has proposed the planting of at least 195 trees for this 410,553 square-foot site.

Section 4.663.A.4.a. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential developments provide a ten-foot wide strip of landscaping around the perimeter of vehicular use areas that includes one tree for every 30 linear feet or one tree for 300 square feet of landscape area (31 trees). To demonstrate compliance the applicant has proposed the planting of 31 trees for this perimeter of 925 feet.

Section 4.663.A.4.b. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential developments provide one 500-square-foot planting area for every 5,000 feet of vehicular use area. 6,945 square feet will be planted for the 64,543 square feet of vehicular use area.

Section 4.663.B Land Development Regulations, Martin County, Fla. (2013) requires bufferyards be established between differing land uses. The adjacent land use to the south is single-family residential. The existing Type 4 Bufferyard will be restored and extended by 300 feet. 1,360 shrubs and 40 trees are required and 45 trees and 1,417 shrubs will be added. A Type 3 Bufferyard will be provided for the adjacent multifamily development to the northeast. 10 trees and 340 shrubs are required and will be provided.

Alterations cannot be made to the plans after final site plan approval. Any alteration may require an application to amend the affected approved plans. The applicant is cautioned to consider the placement of utilities and any underground or above ground site improvement that could cause a conflict with the landscaping and possibly cause a change or amendment. As-built landscape plans submitted prior to the release of a certificate of occupancy will be checked against the approved drawings. Inconsistencies may block the issuance of the certificate of occupancy and cause the applicant to begin the application process for a change or an amendment to the development order.

K. Determination of compliance with transportation requirements - Engineering Department

Traffic

Findings of Compliance:

The Traffic Division of the Public Works Department finds this application in compliance.

Compliance with Adequate Public Facilities Ordinance:

Staff has determined that the site's maximum impact is assumed to be 79 directional trips during the PM peak hour over the previously approved Final Site Plan. Staff finds that SW Mapp Road is the recipient of a majority of the generated trips. The generalized service capacity of SW Mapp Road is 750. The project impact is 10.53% of the maximum volume of that roadway. SW Mapp Road is currently operating at a level of service C; it is anticipated to operate at level of service C at buildout (year 2026).

L. Determination of compliance with county surveyor - Engineering Department

Unresolved Issues:

Any surveyor and mapper undertaking to establish a local tidal datum and to determine the location of the mean high-water line or the mean low-water line shall submit a copy of the results thereof to the department within 90 days if the same is to be recorded or submitted to any agency of state or local government. Chapter 177.37, Florida Statutes.

Remedy/Suggestion/Clarification:

The survey should meet all Tidal Water Survey Guidelines and should include a MHW File No. provided by FDEP. If the survey was recently filed and does not have a MHW File Number, include a copy of the Notice of Tidal Water Survey Filing and a Tidal Water Survey Procedural Approval form.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Services Division

Engineering

Unresolved Issues:

Signed and Sealed Construction Plan

1. Revise Final Site Plan and Construction Plans to differentiate what is being proposed with this application versus what was previously approved.
2. Provide additional proposed grading details (including cross sections) for proposed development area demonstrating how stormwater runoff will be directed and contained.

Development Order Condition:

1. Hauling is not permitted. The Owner is not authorized to haul fill off the site and must coordinate with the County Engineer regarding the routes and timing of any fill to be hauled to the site. The Owner must comply with all County excavation and fill regulations.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments

Electronic Files

Findings of Compliance:

Both the AutoCAD dwg file of the site plan and boundary survey were found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2024).

Addressing

Findings of Compliance:

The application has been reviewed for compliance with Division 17, Addressing, of the Martin County Land Development Regulations. Staff finds that the proposed site plan / plat complies with applicable addressing regulations. All street names are in compliance. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2024).

O. Determination of compliance with utilities requirements - Utilities Department

Water and Wastewater

Findings of Compliance:

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service. [Martin County, Fla., LDR, Article 4, Division 6 and 7, (2016)]

Wellfield Protection

Findings of Compliance:

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

Fire Rescue

Finding of Compliance:

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

Emergency Management

Unresolved Issues:

Item #1

Evacuation Plan Requirements

If the property is located within a Hurricane Surge Zone a submitted evacuation plan must be submitted documenting the agreement or evidence that the owner or manager has the ability to:

- a. Distribute timely notices to evacuate the area if an evacuation order has been issued to all residents and commercial lease owners.
- b. Annually distribute information to residents of the location of local shelters.
- c. Provide all residents with Special Needs the information available to register for the Special Needs Shelter.
- d. Distribute annual public emergency preparedness information including information about emergency evacuation routes.
- e. Provide direction to residents and tenants to secure outside equipment and furniture, if any, in the case of high winds.
- f. Prepare rooms, outside areas, windows and guest facilities to minimize possible injury and/or damage.

Remedy/Suggestion/Clarification:

- a. This needs to be addressed in an updated HAPG and can be addressed by providing information on who, how, and when the commercial tenants are notified of an evacuation order.
- b. N/A
- c. N/A
- d. This can be requested from the Martin County Emergency Management Agency.
- e. This needs to be addressed in an updated HAPG and can be addressed by providing information on who, how, and when the commercial tenants will be provided this information.
- f. Item #4 of the submitted Hurricane Action Plan Guidance document addresses tie down but does not address what is tied down and the other items such as how they will prepare windows, guest facilities, or what happens with items that are outside.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

ADA

Unresolved Issues:

1. Provide additional grading details for the proposed ADA parking stalls demonstrating a 2% max slope is not exceeded.

R. Determination of compliance with Martin County Health Department and Martin County School Board

Martin County Health Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

Martin County School Board

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

S. Determination of compliance with legal requirements - County Attorney's Office

Review Ongoing

T. Determination of compliance with the adequate public facilities requirements - responsible departments.

The following is a summary of the review for compliance with the standards contained in Article 5.32.D of the Adequate Public Facilities LDR for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider – Martin County Utilities

Findings – Positive Evaluation

Source - Martin County Utilities

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Positive Evaluation

Source - Martin County Utilities

Reference - see Section O of this staff report

Solid waste facilities

Findings – In Place

Source - Growth Management Department

Stormwater management facilities

Findings – Pending Evaluation

Source - Engineering Services Department

Reference - see Section N of this staff report

Community park facilities

Findings – In Place

Source - Growth Management Department

Roads facilities

Findings – Pending Evaluation

Source - Engineering Services Department

Reference - see Section M of this staff report

Mass transit facilities

Findings – Positive Evaluation

Source - Engineering Services Department

Reference - see Section K of this staff report

Public safety facilities

Findings – In Place

Source - Growth Management Department

Reference - see Section P of this staff report

U. Post-approval requirements

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet and in electronic pdf format (on disk or flash drive) with the documents arranged in the order shown in the list below. The 24" x 36" plans should be submitted rolled and in separate sets as itemized below.

Item	Description	Requirement
1.	Response to Post Approval Requirements List	The applicant will submit a response memo addressing the items on the Post Approval Requirements List.
2.	Post Approval Fees	The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.
3.	Recording Costs	The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.
4.	Warranty Deed	One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.
5.	Construction Plans	One (1) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida.
6.	Approved PUD Amendment	Original and one (1) copy of the executed approved PUD amendment.
7.	Approved Revised Master/Final Site Plan	One (1) copy 24" x 36" of the approved revised master/final site plan.
8.	Approved Elevations	One (1) copy 24" x 36" of the approved elevations signed and sealed by a licensed architect.
9.	Digital Copy of Site Plan	One (1) digital copy of the site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

Item	Description	Requirement
10.	Engineer's Design Certification	One (1) original of the Engineer's Design Certification, on the County format, which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida shall be submitted as part of the post-approval process in accordance with Section 10.11, Land Development Regulations, Martin County, Florida.
11.	Water & Wastewater Service Agreement	Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.
12.	Flash/Thumb Drive	One (1) blank flash/ thumb drive for digital file recording.

V. Local, State, and Federal Permits

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits to Martin County prior to scheduling the pre-construction meeting.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public meeting. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$13,800.00	\$13,800.00	\$0.00
Inspection fees:	\$4,000.00	\$0.00	\$4,000.00
Advertising fees*:	\$0.00	\$0.00	\$0.00
Recording fees**:	\$0.00	\$0.00	\$0.00
Impact fees***:	\$0.00	\$0.00	\$0.00

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

***Impact fees are required at building permit.

X. General application information

Applicant/Owner: AC Meridian Marina LLC
P.O. Box 1713
Palm City, FL 34994
Austin Cameron
817-291-9609
austin@vipmarinas.com

Agent: Lucido & Associates
701 SE Ocean Boulevard
Stuart, FL 34994
Brian Nolan, AICP, ASLA
772-220-2100
bnolan@lucidodesign.com

Engineer of Record: Stephen Cooper, P.E., & Associates, Inc.
7450 South Federal Highway
Port St. Lucie, FL 34952
Stephen Cooper, P.E.
scooper@scpeinc.com

Y. Acronyms

ADA..... Americans with Disability Act
AHJ..... Authority Having Jurisdiction
ARDP..... Active Residential Development Preference
BCC..... Board of County Commissioners
CGMP..... Comprehensive Growth Management Plan
CIE..... Capital Improvements Element
CIP..... Capital Improvements Plan
FACBC..... Florida Accessibility Code for Building Construction
FDEP..... Florida Department of Environmental Protection
FDOT..... Florida Department of Transportation
LDR..... Land Development Regulations
LPA..... Local Planning Agency
MCC..... Martin County Code
MCHD..... Martin County Health Department
NFPA..... National Fire Protection Association
SFWMD..... South Florida Water Management District
W/WWSA.... Water/Waste Water Service Agreement

Z. Attachments

**Attachment I
Ordinance No. 1205**

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

ORDINANCE NO. 1205

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA AMENDING SECTIONS 4.871, IN GENERAL, 4.872, ARCHITECTURAL DESIGN STANDARDS, AND 4.873, SITE DESIGN STANDARDS, DIVISION 20, COMMERCIAL DESIGN, ARTICLE 4, SITE DEVELOPMENT STANDARDS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, REGARDING ARCHITECTURAL AND SITE DESIGN CRITERIA FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT AND MODIFICATIONS TO THE DESIGN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE; AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida (Board) is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

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

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

WHEREAS, Article 4, Division 20 contains architectural and site design requirements for commercial buildings in certain Future Land Uses and for certain industrial uses; and

WHEREAS, revisions to Article 4 are proposed to introduce architectural and site design standards for multifamily residential uses and to modify existing requirements for commercial and industrial uses; and

WHEREAS, this proposed amendment to Article 4 of the Land Development

Regulations, Martin County Code, has received public hearings before the Local Planning Agency and the Board of County Commissioners; and

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

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

PART I. AMENDMENT OF DIVISION 20– COMMERCIAL DESIGN, ARTICLE 4, SITE DEVELOPMENT STANDARDS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE.

DIVISION 20. COMMERCIAL, MULTIFAMILY, AND INDUSTRIAL DESIGN

Sec. 4.871. In general.

4.871.A. *Purpose and intent.* The purpose of this division 20 is to regulate the architectural features, form and arrangement of buildings, and site design of commercial, multifamily, and industrial developments, ~~including other types of development that are closely associated with commercial development~~. Massive or generic developments that do not contribute to, nor integrate with, the community in a positive manner can be detrimental to the community's image and sense of place. The goal of this division 20 is to create and maintain a strong community image by providing for architectural and site design standards which will enhance the visual appearance and function of ~~commercial~~ development in Martin County.

4.871.B. *Applicability.*

1. *Scope of regulations.* The provisions of this division 20 shall apply to the following:
 - a. Any nonresidential development conducted in the General Commercial, Limited Commercial, Commercial Office/Residential or Waterfront Commercial Future Land Use designations.
 - b. Any residential multifamily development outside of the Community Redevelopment Agency areas.
 - ~~b.c.~~ Except as provided for in subparagraph e.d., below, any development within an Industrial or Institutional Future Land Use designation, on lots abutting a minor or major arterial street or an expressway, or parkway, as defined in section 4.842, Roadway Design, of the Land Development Regulations, but specifically

excluding buildings and structures that are set back more than 600 feet from such ~~minor or major arterial~~ streets. Where any portion of a building lies within 600 feet of a minor or major arterial street, parkway, or an expressway, the entire building shall comply with the provisions of this division 20.

- e.d. Any development on the Witham Field airport property, excluding Fixed Base Operators and other uses directly related to aviation, but only until such time as the Board of County Commissioners has approved architectural design standards for Witham Field.
2. Developments lawfully established prior to the effective date of this division 20 which do not conform to the requirements of this division 20 shall be required to comply upon occurrence of any of the following:
- a. *Change of use.* Any change from one permitted use category, as set forth in article 3, Zoning Districts, to another permitted use category, as set forth in article 3, Zoning Districts, or any change in the use of a lot that increases the demand for parking, creates additional impervious area, or increases the traffic generating capacity of the development.
 - b. *Substantial improvement.* Any repair, reconstruction, extension or other improvement to a building or structure, including such work conducted over a period of time, the cost of which equals or exceeds 50 percent of the assessed value of such building or structure either before the improvement is commenced or, if the property has been damaged and is being restored, before the damage occurred. For purposes of this definition, assessed value shall mean the assessed value of a structure for the current year as determined by the Martin County Property Appraiser.
 - c. *Substantial renovation of building exterior.* A substantial renovation of the building exterior is one in which the appearance of the building materially changes, such as by the installation or modification of facade features, but not painting or cleaning that is simply intended to restore the exterior to its previous condition. The replacement of roofing material, even if it changes the appearance of the building, shall not be considered a substantial renovation of the building exterior provided that the new roofing material is not otherwise prohibited by section 4.872.F.
 - d. *Discontinuation of use.* A discontinuation of use occurs when the building or buildings on a lot have remained unoccupied for a period of 365 consecutive days. Evidence of discontinuation of a use may include, but is not limited to, failure to maintain required occupational or other licenses required by any government entity, the discontinuation of utility services, or removal of machinery or equipment normally associated with the use. This provision shall not apply to lots containing more than one principal use, such as a multitenant commercial center or industrial park. Where the requirements of this division 20 have been deemed to apply by virtue of this paragraph d., the applicant may appeal such decision to the County Administrator. The County Administrator

may set aside the finding that a discontinuation of use has occurred upon a demonstration by the applicant that the costs of complying with the requirements of this division 20 will make the parcel unmarketable.

4.871.C. *Determination of compliance.*

1. No final site plan or building permit shall be approved unless the application demonstrates compliance with the requirements of this division 20. ~~For final site plans, only a conceptual representation of proposed architectural features is required to demonstrate compliance with this division 20.~~
2. All elevation drawings used to demonstrate compliance with the requirements of this division 20; ~~including conceptual drawings;~~ shall be prepared under the direction of an architect licensed pursuant to F.S. ch. 481.

4.871.D. ~~—— Glossary. For purposes of this division 20 the following words, terms and phrases shall have the meanings as set forth below:~~

~~*Large commercial development.* Any commercial development of 100,000 square feet in gross floor area or greater. In the case of multiple buildings within the same commercial development, including Planned Unit Developments, phased developments and outparcels in different ownership than the primary parcel, the total square footage of all buildings shall comprise the gross floor area. When making a determination as to whether or not a particular development constitutes a large commercial development, the decision maker shall consider the design of facilities and site components which are likely to be shared with the development of other properties, including but not limited to parking, drainage, vehicular access, pedestrian access, preserve areas and common areas.~~

~~*Primary facade.* Any building elevation that is:~~

1. ~~Visible from a public street, excluding alleys designed primarily for service vehicles;~~
~~or~~
2. ~~Which provides a customer entrance to a commercial or institutional use~~

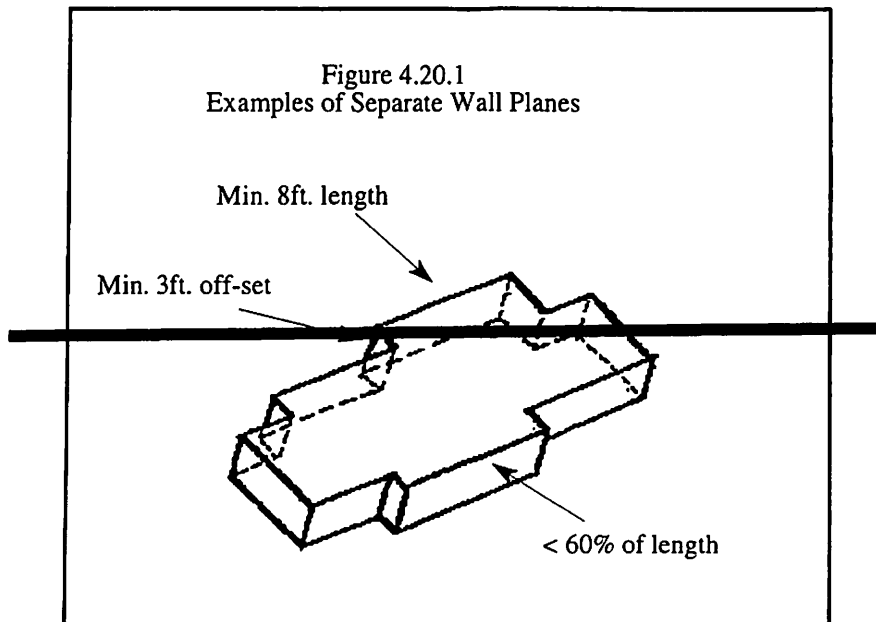
~~*Secondary facade.* Any building elevation that is not a primary facade.~~

(Ord. No. 617, pt. 1, § 4.20.1, 7-9-2002)

Sec. 4.872. Architectural design standards.

- 4.872.A. *Purpose and intent.* All commercial, multifamily and industrial buildings and structures should be designed to maintain and enhance the attractiveness of the streetscape and the existing architectural design of the community. Buildings and structures should have architectural features and patterns that reflect human scale and proportions, reduce massing and recognize local character. Facades should be designed to reduce the mass or scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale.

4.872.B. *Control of building mass.* On the ground floor of any primary facade, no continuous wall plane shall exceed 100 linear feet, nor shall any single wall plane constitute more than 60 percent of a building's total length. A wall plane shall be off set a minimum of three feet from the adjacent wall plane and be a minimum of eight feet in length to be considered a separate wall plane. However, any portion of a wall plane having a pedestrian arcade extending a minimum of eight feet out from such wall, shall be considered a separate wall plane, provided that such arcade does not extend uninterrupted farther than 120 linear feet.



Separate Wall Planes

4.872.C. *Primary facades.*

1. Primary façade shall mean any building elevation that is:

- a. Visible from a public street, excluding alleys designed primarily for service vehicles; or
- b. Which provides a primary resident entrance or a customer entrance to a commercial or institutional use

1.2. *Consistent architectural style.* The primary facades of all buildings and structures shall be designed with consistent architectural style, detail and trim features.

2.3. *Minimum design elements.* All primary facades on the ground floor shall have at least four of the enumerated design features ~~along a minimum of 50 percent of their horizontal length.~~

a. Commercial and Multifamily Buildings and Structures:

-
- i. ~~a.~~ Awnings, located over windows or doors, in increments of ten feet or less in length.
 - ii. Porches with decorative railings and/or stairs or covered stoops.
 - iii. ~~b.~~ Overhanging eaves, extending out from the wall at least three feet, with a minimum eight-inch fascia.
 - iv. ~~c.~~ Pedestrian arcades, a minimum of eight feet in width and length.
 - v. ~~d.~~ Raised parapet over a customer or primary residential entrance.
 - vi. ~~e.~~ Peaked or mansard roof forms.
~~f.~~ Windows.
 - vii. ~~g.~~ Decorative light fixtures.
 - viii. One or more bay windows projecting at least twelve inches from the facade plane.
~~h.~~ Clock or bell towers.
 - ix. ~~i.~~ Artwork, such as but not limited to sculpture, mosaic, glass block, opaque art glass, or relief work.
 - x. ~~j.~~ Architectural details other than those listed above, which are integrated into the building and overall design. Examples of architectural details include, but are not limited to, relief and reveal work, ~~tile mosaic~~, decorative columns, or pilasters or sculpture. Architectural details do not include: paint changes; signage; construction joints, scoring, or projections less than three inches in height, width, or depth.
- b. Industrial Buildings and Structures
- i. A defined customer entrance including a raised parapet or other prominent architectural feature that is unique to overall building design.
 - ii. Artwork, including ~~such as~~ but not limited to sculpture, mosaic, glass block, opaque art glass, or relief work.
 - iii. Decorative light fixtures.
 - iv. Faux windows which is designed to the standard of true windows per subsection 4.872.B.6.
 - v. Changes in color and material/texture at least every 50 lineal feet to break up massing.
 - vi. Architectural details other than those listed above, which are integrated into the building and overall design. Examples of architectural details include, but are not limited to, relief and reveal work, decorative columns, or pilasters. Architectural details do not include: paint changes; signage; construction joints, scoring, or projections less than three inches in height, width, or depth.

~~3.4.~~ *Limitations on blank wall areas.* Blank wall areas shall not exceed ten feet in vertical direction and 20 feet in horizontal direction on any primary facade. Control and expansion joints shall be considered blank wall area unless used as a decorative pattern and a minimum of three inches in depth, width or height. Wall areas that are adorned using at least one of the design features set forth in paragraph 23., above, with the exception of decorative light fixtures, shall not be considered blank wall areas. Walls that are ~~adjacent~~ incorporated with ~~to~~ a pedestrian arcade shall not be considered blank wall areas.

5. Transparency/Fenestration.

a. Commercial and Multifamily. At least 40 percent of the ground-level floor of primary facades of commercial buildings and street facing facades of multifamily buildings shall be occupied by windows or doorways with non-mirrored glass.

b. Industrial. At least 20 percent of the ground-level floor of primary facades of commercial buildings and street facing facades of multifamily buildings shall be occupied by windows or doorways with non-mirrored glass.

c. Street facing facades of the ground-level floor shall not include service bay entrances, overhead doors, or similar type of doors.

4.6. Windows. Windows shall include visually prominent sills, shutters, stucco reliefs, awnings or other such forms of framing.

7. Upper-story balconies located within 100 feet of a single-family dwelling shall be oriented or configured to prevent direct views into the single-family dwelling's rear yard.

~~5. Major intersections.~~ In addition to all other requirements of this subsection 4.872.C., ~~developments located at an intersection of two or more arterial or collector streets shall provide a prominent architectural feature such as, but not limited to a monument, sculpture or clock tower, to emphasize their location as gateways and transition points within the community.~~

~~6. Artwork for large commercial developments.~~ In addition to all other requirements of this subsection 4.872.C., ~~large commercial developments shall provide a public display of artwork, such as but not limited to sculpture, mural, or tile mosaic. The artwork may be placed on any outdoor portion of the site which is available for public viewing. Developers providing artwork in accordance with this paragraph are encouraged to coordinate with the Public Art Advisory Board.~~

4.872.DC. *Secondary facades.* Although the design standards of subsection 4.872.C., above, do not apply to secondary facades, the secondary facades of each building shall be consistent with the primary facade in terms of the exterior finish and colors used. For example, if the dominant exterior finish of the primary facade is stucco with beige paint and white trim, the secondary facades of the building shall include a similar stucco finish, beige paint and white trim.

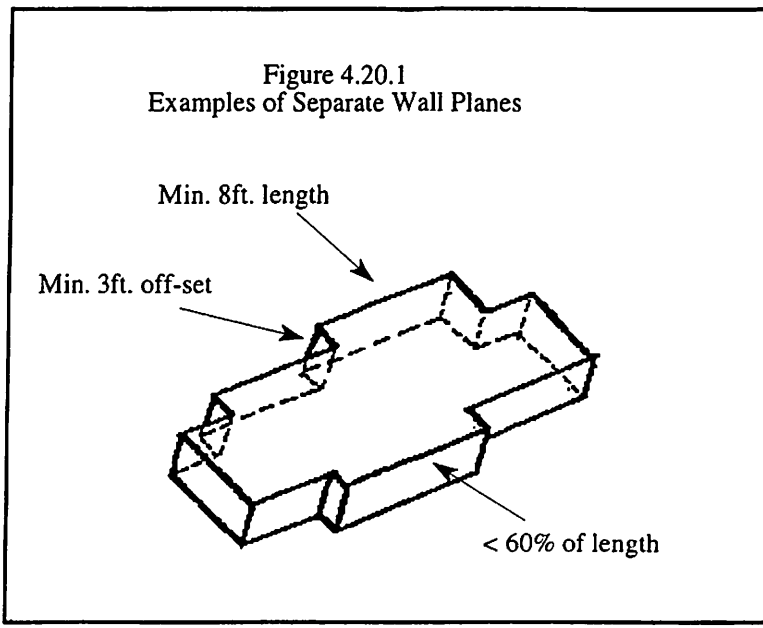
4.872.D. Building Orientation and Massing

1. Multi-Building Development. Developments over 5 acres with one or more buildings totaling 50,000 or more square feet of floor area shall be configured to:

- a. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes;
- b. For commercial developments, frame the corner of an adjacent street intersection or entry point to the development with a building or civic open space;
- c. To the maximum extent possible, outparcels and their buildings shall be configured and located to define street edges and development entry points. Areas between outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces and not just serve as parking lots or vehicular accessways.

2. Control of building mass.

- a. Commercial and industrial: On the ground floor of any primary façade, no continuous wall plane shall exceed 100 linear feet, nor shall any single wall plane constitute more than 60 percent of a building's total length. A wall plane shall be off-set a minimum of three feet from the adjacent wall plane and be a minimum of eight feet in length to be considered a separate wall plane. However, any portion of a wall plane having a pedestrian arcade extending a minimum of eight feet out from such wall, shall be considered a separate wall plane, provided that such arcade does not extend uninterrupted farther than 120 linear feet.



Separate Wall Planes

- b. Residential Ground Floor: On the ground floor of any primary façade, the wall plane shall be staggered by recesses and projections every two (2) units or 50 feet

whichever is less, a minimum of 3 feet deep and minimum five (5) feet width in length in order to create variation.

3. Horizontal Form. For commercial and multi-family buildings which are three or four stories, the building shall have a horizontal separation between the base and upper floors as well as material differences that clearly distinguish a recognizable base and top.

4.872.E Civic Open Space and Public Features

1. Major intersections. In addition to all other requirements of Section 4.872.B., developments located at an intersection of two or more arterial, parkway, or collector streets shall provide a prominent architectural or site feature including, but not limited to, a monument, sculpture, wall or ground mounted art feature, or mural to emphasize their location as gateways and transition points within the community.
2. Artwork for large developments. In addition to all other requirements of Section 4.872.B., large developments which are over 100,000 sf or 100 units shall provide a public display of artwork, including, but not limited to, sculpture, mural, or tile mosaic. The artwork may be placed on any outdoor portion of the site which is available for public viewing. Developers providing artwork in accordance with this paragraph are encouraged to coordinate with the Public Art Advisory Board.
3. Civic Open Space.
 - a. Developments in commercial or industrial future land uses that are ten (10) acres or greater shall design a civic open space area that may contain a display of public art, shaded refuge for pedestrians, or a space otherwise designed to be integrated into the surrounding community and is open to the general public. The civic open space shall be privately owned and maintained.
 - b. The civic open space shall not contain vehicular parking or access ways, mechanical equipment, dumpsters, service areas, or be directly adjacent to loading areas or trash pickup.
 - c. The minimum size of one area of required civic open space shall be 1,000 SF.
 - d. The space shall contain three of the following features or elements:
 - i. Pedestrian level lighting.
 - ii. Benches or seating areas that are shaded.
 - iii. Shall be designed to incorporate existing protected trees when practicable.
 - iv. Shall provide vegetative or structural shading.
 - v. Artwork as described in section 4.872.E.2
 - vi. Fountain or water feature
 - vii. Features other than those listed above, which are integrated into the overall design

4.872.EF. ~~Parking structures.~~ *The parking requirements shall reduce the visual impact of parking uses, avoid conflicts between vehicles and pedestrians, and enhance pedestrian activity throughout the County.*

1. Parking Structures: All new parking structures shall comply with the following standards:

- a. A minimum of 60 percent of any primary facade of a parking structure shall have at least one of the following:
 - i. ~~a.~~Decorative metal grill-work or similar detailing which provides texture and partially covers the parking structure opening(s); or
 - ii. ~~b.~~Vertical trellises extending a minimum of 20 feet in height or to the top of the parking structure, whichever is less, covering at least 50 percent of the primary facade).
 - iii. Wherever possible, circulation ramps shall be internalized to avoid visibility of the ramps from the street or public areas.
- b. ~~2.~~When a parking structure is an accessory structure within a larger development, the facades of such parking structure shall be consistent with the primary facades of other buildings within the development in terms of the exterior finish and colors used. For example, if the dominant exterior finish of the primary facades of the other buildings is stucco with beige paint and white trim, the facades of the parking structure shall include a similar stucco finish, beige paint and white trim.

2. Surface Parking Lots. All new surface parking lots shall be primarily at the rear or side of the building. In the case of a corner lot, parking shall be located along the rear or interior side property line when possible. One drive aisle with parking on either side may be included between the building and the street.

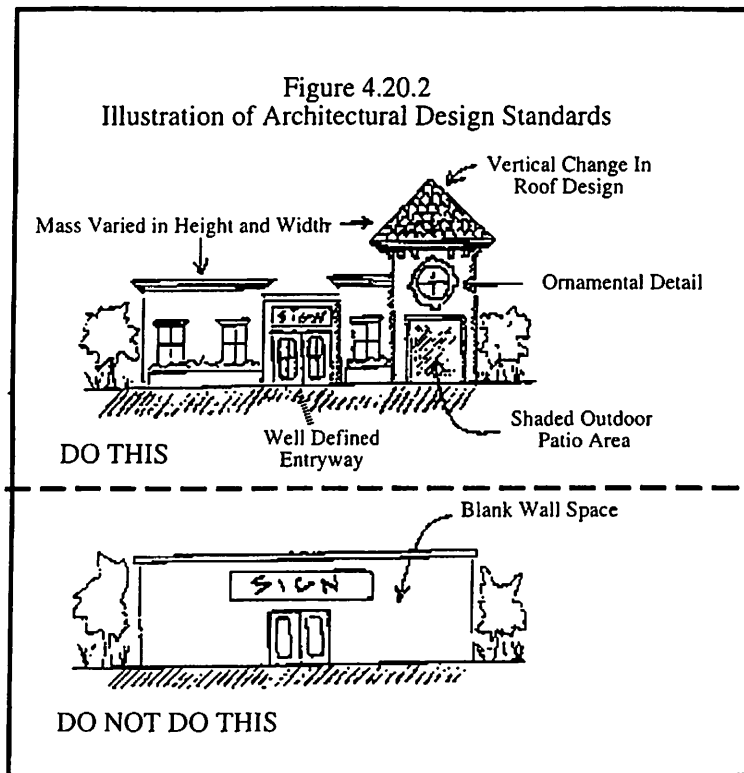
3. Whenever feasible, required vehicular cross access shall be provided at the rear of the development.

4. Drive-through uses. Drive-through uses shall be designed so that the drive-through window faces internally to the site in order for the primary façade to present itself as a storefront.

4.872.FG. Roofs.

1. Generally. Variations in roof lines shall be used to add interest to and reduce the massing of buildings (see figure 4.20.2 for examples). Roof features should be in scale with building mass and should complement the character of adjoining or adjacent buildings and neighborhoods wherever possible. Roofing material should be constructed of durable high quality materials in order to enhance the appearance and attractiveness of the community.
2. Flat roofs shall:
 - a. Have a parapet of at least 12 inches in height along any primary facade and shall have at least two changes in height of a minimum of two feet along each primary facade.

- b. Provide a three-dimensional cornice treatment along the entire length of the primary facade. The cornice treatments shall be a minimum of 12 inches in height and have a minimum of three reliefs.
 3. Peaked roofs shall:
 - a. Provide at least two roof slope planes per primary facade, where the primary facade is less than 40 feet in horizontal length, or at least three roof slope planes where the primary facade is 40 feet or longer in horizontal length.
 - b. Not exceed the average height of the supporting walls.
 - c. Have an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to an average slope of one foot of vertical rise for every one foot of horizontal run.
 4. Asphalt shingles shall be prohibited, except for 320 pound, 30-year architectural grade or better shingles which otherwise meet all requirements of the Florida Building Code.



Architectural Design Standards

4.872.GH. Customer and resident entrances.

1. All detached ~~commercial~~ buildings ~~should~~ shall have clearly defined, highly visible customer entryways (see figure 4.20.2 for examples). Entryway design elements and variations should give protection from the sun and adverse weather conditions. These

elements shall be integrated into a comprehensive design style for the commercial development.

- ~~2. Commercial buildings of more than 10,000 square feet in gross floor area shall provide an outdoor patio area adjacent to the customer entryway of a minimum of 200 square feet in area.~~

~~This patio area may be incorporated into a pedestrian arcade that is otherwise in compliance with the requirements of this division 20.~~

4.872.HI. *Materials and color.*

1. The following shall not be used as a wall covering on a primary facade:
 - a. Reflective or back-lit panels made of plastic, vinyl, fiberglass or similar materials.
 - b. Unfinished concrete block (i.e., without stucco finish), specifically excepting split-faced block.
 - c. Corrugated or other non-insulated metal panels where such material will cover more than 50 percent of the primary facade area.
2. The following shall not be used on any primary facade:
 - a. Black or florescent colors.
 - b. Back-lit awnings.
 - c. Unshielded florescent lights applied so as to accent the architectural features of a building or structure.

(Ord. No. 617, pt. 1, § 4.20.2, 7-9-2002; Ord. No. 930, pt. 3, 6-11-2013)

Sec. 4.873. Site design standards.

4.873.A. *Bicycle and pedestrian access.*

1. All commercial and multifamily development ~~should~~ shall be designed to provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle ways and to provide safe passage from public rights-of-way to the building(s) within the ~~commercial~~ development, between adjoining developments, and between alternative modes of transportation. Wherever possible, pedestrian ways should be constructed of paver blocks, stamped or colored concrete or similar materials that clearly distinguish them from vehicular use areas and promote traffic calming.
2. Structural or vegetative shading shall be provided along pedestrian ways at intervals of no greater than ~~70~~ 50 feet. Trees shall be a minimum of 16 feet in height. Along public sidewalks, including along the perimeter of the site, shade trees shall be installed at the back of sidewalk. Appropriate root barrier systems shall be installed when applicable.

4.873.B. *Bicycle and pedestrian amenities.* Bicycle and pedestrian amenities shall be provided as determined by the square footage of buildings or number of units on the site as indicated in the table below. These amenities may be incorporated into a pedestrian arcade or similar feature that otherwise meets the requirements of this division 20. Bicycle racks shall be provided within 50 feet of any customer entrance or main entrance to a multifamily building. The design of all amenities shall be of durable, long-lasting materials, ~~consistent with the design of the principal structures on site and principles found in Bicycle Facilities Planning and Design Handbook (State of Florida, Department of Transportation, 1997).~~ Benches shall not be less than six feet in length Seating areas shall provide a minimum of six linear feet of seating area and shall have either structural or vegetative shading. Required bike racks shall be the inverted "U" type or similar design and shall be designed to store a minimum of six bicycles each. Amenities including benches that are provided within civic open space shall count towards this requirement.

a. Commercial Development

Gross Floor Area of Commercial Development	Required Bicycle or Pedestrian Amenity
0—9,999 square feet	1 bike rack
10,000—50,000 square feet	1 bike rack, 1 bench <u>or equivalent seating area</u>
50,001—100,000 square feet	2 bike racks, 2 benches <u>or equivalent seating area</u>
100,001+ square feet	4 bike racks, 4 benches <u>or equivalent seating area</u> , outdoor water fountain

b. Multifamily Development. 1 bike rack and 1 bench or equivalent seating area for every 25 units.

4.873.C. *Lighting.* A photometric plan shall be provided for all projects and include light pole and fixture detail. Lighting fixtures shall be a maximum of ~~30~~ 20 feet in height within a parking lot and shall be a maximum of ~~20~~ 15 feet in height within nonvehicular pedestrian areas. Pedestrian sidewalks internal to the site and customer/residential entrances shall be lit with a minimum of 0.6 footcandle as measured one foot above the sidewalk. Light fixtures shall be shielded from adjacent properties and natural areas including preserves. Public sidewalks shall be lit by the County approved standard pedestrian scale lighting, with light poles at the back of sidewalk in private property whenever feasible. Light poles shall be placed within the rights-of-way at the discretion of the County Engineer; any light poles in the County ROW shall be subject to a right-of-way use permit and a maintenance agreement.

4.873.D. *Screening of mechanical equipment.*

1. The required screening of roof-mounted mechanical equipment, including air conditioning units and duct work shall be as follows: when located on a flat roof, roof shall provide full parapet coverage a minimum of four feet in height, or to the highest point of the mechanical equipment, whichever is lower.

2. Ground mounted mechanical equipment, including air conditioning units, dumpster enclosures, generators, shall be located in the rear or side of a development site and not between the building and a street.

2.3. All mechanical equipment shall comply with the provisions of article XI, Noise, of chapter 12, Environmental Control, of the Code of Laws and Ordinances.

4.873.E. *Public transit stops.* Any development providing more than 200 parking spaces and located adjacent to any ~~arterial or collector~~ public street shall designate a minimum ~~100~~ 200 square foot area on the site plan as a future public transit stop easement area. For developments adjacent to an existing route or route which will be implemented within two years, the developer shall construct a bus shelter with lighting, a bicycle rack and a trash can. The future public transit stop or bus shelter shall be located immediately adjacent to the right-of-way line of the ~~arterial or collector~~ street. The A future transit stop easement area may be landscaped or used for overflow parking but shall not be used to comply with the minimum landscape, buffer, open space or similar requirements. The landowner shall execute an easement authorizing the County to construct and maintain a transit stop at that location.

(Ord. No. 617, pt. 1, § 4.20.3, 7-9-2002; Ord. No. 930, pt. 3, 6-11-2013)

Sec. 4.874. Alternative compliance.

4.874.A. *Generally.* The decision-maker for a particular development application, as determined by article 10, Development Review Procedures, may approve a design plan that varies from the standards set forth in this division 20 in order to accommodate unique site features or to provide a more innovative design, provided that the decision-maker finds that the alternative plan generally fulfills the purpose and intent as set forth in section 4.871 or complies to the maximum extent practicable considering the configuration of the development that existed prior to the effective date of this division 20.

(Ord. No. 617, pt. 1, § 4.20.4, 7-9-2002; Ord. No. 930, pt. 3, 6-11-2013)

Secs. 4.875—4.910. Reserved.

PART III. CONFLICTING PROVISIONS.

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

PART IV. SEVERABILITY.

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

PART V. APPLICABILITY OF ORDINANCE.

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

PART VI. FILING WITH DEPARTMENT OF STATE.

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

PART VII. EFFECTIVE DATE.

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

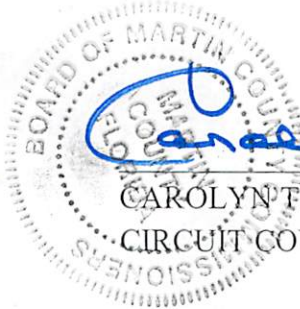
PART VIII. CODIFICATION.


Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts III through VIII shall not be codified. The word “ordinance” may be changed to “article,” “section,” or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS 26TH DAY OF SEPTEMBER , 2023.

ATTEST:


BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA




CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER


EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELYSSE A. ELDER,
DEPUTY COUNTY ATTORNEY

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 6, 2023

Carolyn Timmann
Clerk of the Circuit Court
Martin County
P.O. Box 9016
Stuart, FL 34995

Dear Carolyn Timmann,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1205, which was filed in this office on October 5, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

Ad Number: GC11101612-01

Insertion Number: N/A

Size: 2 Col x 10 in

Color Type: N/A

Advertiser:

Agency:

Section-Page-Zone(s):

Description:

Martin County - Growth Management

N/A

A-16-All

4 Multi-Family LPA a

Wednesday, September 6, 2023

NOTICE OF PUBLIC HEARINGS

The Martin County Local Planning Agency and the Board of County Commissioners will conduct public hearings on the following item:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA AMENDING SECTIONS 4.871, IN GENERAL, 4.872, ARCHITECTURAL DESIGN STANDARDS, AND 4.873, SITE DESIGN STANDARDS, DIVISION 20, COMMERCIAL DESIGN, ARTICLE 4, SITE DEVELOPMENT STANDARDS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, REGARDING ARCHITECTURAL AND SITE DESIGN CRITERIA FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT AND MODIFICATIONS TO THE DESIGN REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE; AND CODIFICATION.

Public Hearing: Local Planning Agency
Date: Thursday, September 21, 2023
Time: 7 PM or as soon thereafter as the item may be heard

Public Hearing: Board of County Commissioners
Date: Tuesday, September 26, 2023
Time: 9 AM or as soon thereafter as the item may be heard

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be mailed to: Paul Schilling, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the items will be available from the Growth Management Department. For more information, contact, Planner, Growth Management Department at (772) 288-5495.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

TR-0015 (09/24)

NOTICE OF PUBLIC HEARING

The Martin County Local Planning Agency and the Board of County Commissioners will conduct public hearings on the following item:

Application CPA 22-09, Chapter 18, Chapter 4 and Chapter 2: A request to amend the text of Chapter 18, Community Redevelopment Element, Chapter 4, Future Land Use Element and Chapter 2, Overall Goals and Definitions Comprehensive Growth Management Plan.

Public Hearing: Local Planning Agency
Date: Thursday, September 21, 2023
Time: 7 PM or as soon thereafter as the item may be heard

Public Hearing: Board of County Commissioners
Date: Tuesday, September 26, 2023
Time: 9 AM or as soon thereafter as the item may be heard

The Martin County Board of County Commissioners has initiated an amendment to Chapter 18, Community Redevelopment Element, and other Comprehensive Plan chapters as necessary. Changes provided improve clarity and internal consistency regarding density language and revise language referring to open space, accessory dwelling units and preserve requirements.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be mailed to: Paul Schilling, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. For further information, including copies of the original agenda items, contact Peter Walden, AICP, CNUA, Deputy Growth Management Director, Growth Management Department at (772) 288-5495.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

TR-0015 (09/24)

Teen shooting victim nearly hits Stuart Police Department building

Lindsey Leake
Treasure Coast Newspapers
USA TODAY NETWORK - FLORIDA

A teenage driver who had been shot while behind the wheel late Sunday afternoon nearly crashed into the nearby Stuart Police Department headquarters, seeking medical attention.

Around 5 p.m., in the 300 block of Southeast Martin Luther King Jr. Boulevard, an unidentified suspect fired a gun from a moving vehicle toward the victim's car, police said in a statement.

The injured 17-year-old boy then managed to drive himself roughly half a mile east, right up to the police department entrance at 830 S.E. Martin Luther King Jr. Blvd.

Stuart police posted to Facebook a photo of a white Chevrolet Cruze abutting the building's front doors. The sedan's rear windshield bore what appeared to be a bullet hole on the driver's side.

Police indicated the teen shot was treated and discharged from an undisclosed hospital.

On Tuesday, Stuart Police Chief Joseph Tumminelli said detectives continue to follow up on leads in the case, but he declined to elaborate.

"For the integrity of the case, we can't release any other information until we've exhausted everything," he said.

Anonymous tipsters may reach Stuart police at 772-600-1248.

Melissa E. Holsman contributed to this report.



A white Chevrolet Cruze, whose rear windshield appears to bear a bullet hole, is pictured in front of the Stuart Police Department on Sunday. Police said a teenage driver had been shot nearby, around 5 p.m. and nearly crashed his car into the building shortly after, seeking medical attention. Police indicated the teen was treated and discharged from a hospital. PROVIDED BY STUART POLICE DEPARTMENT

Prosecutions of threats are on the rise this year

Federal officials react to increase in attacks on public officials

Will Carlless
USA TODAY

Last month, Abigail Jo Shry, 43, of Alvin, Texas, was arrested by federal agents and charged with threatening to kill a federal judge overseeing the prosecution of former President Donald Trump.

A week before that, Craig Robertson, 75, of Provo, Utah, was shot and killed by FBI agents who were trying to arrest him on charges of making social media threats against President Joe Biden and the Manhattan district attorney who has brought charges against Trump.

A month before that, Adam Bies, 47, of Mercer, Pennsylvania, pleaded guilty to 14 counts of making threats online against federal officers. Bies was arrested after an armed standoff with FBI agents at his home last August; he faces 10 years in prison.

The number of people being federally prosecuted for threats has skyrocketed in recent years.



A man holds a flag as law enforcement officers investigate the home of Craig Robertson in Provo, Utah, on Aug. 9. CHRIS SAMUELSON/MP FILE

Last year, federal officials charged more people over public threats – against elected officials, law enforcement and judicial officials, educators and health care workers – than in any of the previous 10 years, according to research from the National Counterterrorism Innovation, Technology, and Education Center at the University of Nebraska, Omaha.

This year the trend has continued, said Seamus Hughes, a senior researcher on the team.

"We're on track to meet, if not surpass, the number of federal arrests when it comes to communicating threats against public officials this year," Hughes said. "Trend lines are going up – violent rhetoric is on the rise – and is unfortunately becoming normalized, and that's concerning."

A year ago August, the FBI and the Department of Homeland Security issued a joint warning about rising threats against law enforcement officials. The warning came days after FBI agents searched Trump's Mar-a-Lago, looking for classified documents over which Trump has since been indicted.

Trump, who is seeking the GOP nomination to run again in 2024, also faces another federal indictment in Washington, D.C., and local indictments in New York and Georgia. After the Georgia indictment, material circulated on right-wing sites purporting to be photos or home addresses of the grand jurors in the case, along with discussions of threats against them.

In this charged political environment – where a presidential front-runner also may be on trial – experts warn, threatening rhetoric is only likely to increase.

The University of Nebraska data is a snapshot of a broader trend; it captures only prosecutions by the federal government. Many more threats are investigated each year by local law enforcement, and even more are never reported, said Mark Pitcavage, a senior research fellow at the Anti-Defamation League's Center on Extremism.

"All sorts of agencies have reported increases in threats," Pitcavage said. "There are a lot of people out there using language to get people angry."

Once that anger kindles a threat, it can lead to encounters with law enforcement. By that time, no matter whether the original threat seemed realistic, danger often becomes a reality.

Federal law contains provisions that outlaw threats in various forms: against federal officials or their families, federal employees, federal agencies, witnesses and voters.

The law also broadly prohibits any communication containing a threat if it crosses state or country lines in any way – a scenario that often applies to communication on a phone network or the internet.

People often act under the assumption that their speech is always protected by the First Amendment, Hughes said.

But not all speech is protected, and the more specific the threat that is made, the more likely it is for prosecutors to take action, he said.

TR-0015 (09/24)