



Sec. 5.07.10.G.8. Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

5.08.00. RESOURCE PROTECTION REGULATIONS ADOPTED BY REFERENCE

Sec. 5.08.01. Martin County Wellfield Protection Ordinance.

The Martin County Wellfield Protection Ordinance (# 949, February 26, 2014), or subsequent amendments thereto, is hereby adopted by reference as part of this Code. Copies of this document shall be made available to the public at the office of the city clerk or Martin County's website.

5.09.00. HISTORIC PRESERVATION

Sec. 5.09.01. Thirty-day waiting period before demolishing a historic structure.

- A. A permit to demolish a historic structure shall not be issued within 30 days of the date of the filing of a completed application, including the payment of any required fee, during which the city shall explore with the owner/applicant the possibility of:
 1. Preserving the structure;
 2. Relocating the structure on the existing site;
 3. Donating the structure to the city or other preservation organization for the purpose of relocating it to another site.
- B. The city recognizes the list in subsection A. above, in rank order, preferring that preservation be considered prior to relocation on site, and before the structure is donated to an off-site location.



- C. During the 30-day waiting period described above, and in addition to the permit application for demolition, the applicant shall address each of the priorities above with the city development director or designee, and shall indicate the efforts made and the outcome of each priority. If during the 30-day waiting period it is determined that the structure is not historically significant, a demolition permit may be issued.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.02. Ninety-day waiting period before demolishing a historic structure.

For other than R-1 and R1-A-zoned property, a permit to demolish a historic structure shall not be issued within 90 days of the date of the filing of a completed application, including the payment of any required fee, during which the city shall explore with the owner/applicant the preservation options set forth in section 5.09.01. If a permit for new development is issued before the end of the 90-day period, a demolition permit shall be granted at the same time. If during the 90-day waiting period it is determined that the structure is not historically significant, a demolition permit may be issued.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.03. Risk to the public's health, safety and welfare.

Upon a determination by the building official that a historic structure poses an immediate or imminent risk to the public's health, safety and welfare, the required waiting period and additional limitation on demolishing a historic structure may be waived by the city manager, in the public interest.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.04. Demolition by neglect; prohibited.

- A. On or after December 11, 2006, every owner of an historic structure shall maintain and keep in good repair: 1) All of the exterior portions of such buildings or structures; and 2) All interior portions thereof, including structural, electrical, plumbing, and mechanical (HVAC) systems which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise fall into a state of disrepair. Failure to so maintain a historic structure shall be a violation of this chapter.
- B. The building official or designee shall make a determination of demolition by neglect based upon an evaluation of a historic structure that determines neglect and lack of maintenance to be the most significant causative factors for the overall deterioration of the structure, but also considering the effects of wear and tear caused by natural elements, such as oxidation and weather. Upon a determination of demolition by neglect, the city may remedy the violation as otherwise provided by law, including but not limited to code enforcement, repairs performed by or on behalf of the city, and the recording of all appropriate liens in the public records.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.05. Tax exemptions for certain historic structures.



Upon confirmation that a historic structure within the city has qualified for a ten-year ad valorem tax exemption for the assessed value of improvements resulting from restoration, or rehabilitation made to the structure in accordance with a certificate of appropriateness issued by the Martin County Historic Preservation Board on or after January 1, 2003, a like exemption shall be granted by the city commission.
(Ord. No. 2091-06, § 2, 12-11-06)

Sec 5.09.06. Hearing; provided.

In the event that 1) an application for demolition permit is denied by the city, or 2) that an applicant disputes a development order made by the city regarding a historic structure, the applicant shall have 30 days from written rendition of the denial or other development order within which to appeal said decision by seeking a hearing before the city commission. Such request must be in writing, filed with the city clerk, and must specify the basis upon which the denial or development order is being challenged.
(Ord. No. 2091-06, § 2, 12-11-06)

5.10.00. CLUSTERING OF DEVELOPMENT

Sec. 5.10.01. Generally.

Pursuant to section 5.04.04, development activities shall be limited to uses and activities that are presumed to have an insignificant adverse effect on an environmentally sensitive area. The density or intensity of a use that would have been allowed on a site designated as an environmentally sensitive area, in the absence of the application of this Code, may be used by clustering the development in areas within the project site that are not environmentally sensitive. New development may be clustered on upland portions of a development site, which are not otherwise environmentally sensitive lands. Development densities and intensities may be transferred out of the environmentally sensitive area on a one-for-one basis, provided however, the development density and intensity in the non-environmentally sensitive portion of the site shall not exceed 150 percent of the maximum density and intensity otherwise allowed for the non-environmentally sensitive portion.
(Ord. No. 1878-02, § 1, 7-22-02)

Sec. 5.10.02. Clustering.

Development on parcels containing an environmentally sensitive area may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those non-environmentally sensitive portions of the site, provided however, the density or intensity of the site shall not exceed 150 percent of the maximum density or intensity allowed in section 2.03.00 of this Code for the non-environmentally sensitive portion of the site.
(Ord. No. 1878-02, § 1, 7-22-02)