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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA
ORDINANCE NO. 26-**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, AMENDING ARTICLE 3, ZONING DISTRICTS, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE, UPDATING THE TERMS, PERMITTED USES AND DEVELOPMENT STANDARDS REGARDING ACCESSORY DWELLING UNITS; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; CODIFICATION; AND EFFECTIVE DATE.

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

WHEREAS, the 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, revisions to the procedural requirements will allow for clarity and consistency of the development review process; and

WHEREAS, on December 4, 2025, the Local Planning Agency considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, on _____, 2026, 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. LAND DEVELOPMENT REGULATIONS AMENDMENT 25-03, ACCESSORY DWELLING UNITS

Land Development Regulations (LDR) Amendment, LDR 25-03, Accessory Dwelling Units, is hereby adopted as follows: Text amendments to Section 3.3 (Glossary of terms); Section 3.11 (Permitted uses); Section 3.51 (Accessory Dwelling Units); Section 3.201 (Accessory uses and structures); and Section 3.403 (Terms defined); Article 3, Zoning Districts, LDR, Martin County Code, as set forth in Exhibit A, attached hereto and incorporated by reference.

PART II. CONFLICTING PROVISIONS.

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of Martin County, County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Growth Management Plan.

PART III. 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 IV. APPLICABILITY OF ORDINANCE.

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

PART V. 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 VI. CODIFICATION.

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

PART VII. EFFECTIVE DATE.

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

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ELYSSE A. ELDER,
COUNTY ATTORNEY

- LAND DEVELOPMENT REGULATIONS
ARTICLE 3 - ZONING DISTRICTS
DIVISION 1. GENERAL PROVISIONS

EXHIBIT A

Text proposed for deletion is shown ~~stricken~~ and text proposed for addition is shown underlined.

Section 3.3. Glossary of terms.

Dwelling, duplex. Two dwelling units, whether side-by-side or stacked, within one building located on a single lot but specifically excluding mobile homes as defined in this section (3.3).

Dwelling, multifamily. Three or more dwelling units within one building located on a single lot.

Dwelling, single-family detached. A dwelling unit that is not physically attached to any other dwelling by any means, which is surrounded by open space on all sides and which is the only dwelling unit on a lot. This definition specifically excludes mobile homes as defined in this section (3.3). Two or more single-family detached dwelling units placed on a single lot shall be considered a duplex or multifamily dwelling use, depending on the number of dwelling units involved.

Dwelling, townhouse. A single-family dwelling unit which is physically connected to another dwelling unit on at least one side, in which each individual dwelling unit extends from ground to roof and has a separate entrance from the outside.

Dwelling unit. A building comprised of one or more rooms providing cooking, sleeping, and sanitary facilities, designed for the exclusive use of a single-family.

~~*Dwelling unit, accessory.* A dwelling unit of any physical type (e.g., a single-family detached dwelling, a duplex dwelling, or a townhouse dwelling) except a mobile home, located on a lot developed for nonresidential purposes, and which is designed and used exclusively by the landowner as either a personal residence (for the landowner and his family) or for the use of any employee (along with the family of the employee) of any nonresidential establishment on the lot.~~

Dwelling unit, accessory. Accessory Dwelling Units (ADUs), also referred to as guest houses, accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the primary dwelling unit.

Dwelling unit, employee. An Employee Dwelling Unit (EDU) is a dwelling unit of any physical type (e.g., a single-family detached dwelling, a duplex dwelling, or a townhouse dwelling, etc.) excluding mobile homes, located on a lot developed for nonresidential purposes, which is designed and used exclusively as a personal residence of the owner and/or any employee (and their families).

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Dwelling, zero lot line single-family dwelling. A single-family dwelling unit which has one or more walls located on or close to one interior side lot line or shares a party wall with another such unit on an adjacent lot.

Educational institution. Public or private organizations authorized by the Florida Statutes to provide instructional services. Organizations providing instructional services which are not authorized by Florida Statutes shall be considered business and professional offices.

Exotic wildlife sanctuary. A public or private, nonprofit facility established for the protection, permanent care and/or rehabilitation of exotic Class I, Class II or Class III wild animals as defined by the Florida Fish and Wildlife Conservation Commission. Accessory uses to such facilities may include veterinary labs and services, directly related to the sanctuary, administration offices, conference rooms, maintenance facilities, a caretaker residence, indoor and outdoor wildlife enclosures, other related support facilities and infrastructure improvements as determined appropriate by the Board of County Commissioners.

Extensive impact industry. (See: Industry, extensive impact.)

Family:

1. One or more persons related by blood, marriage, adoption, or guardianship occupying a single residential dwelling unit as a single housekeeping unit and sharing common facilities; or
2. Any group of up to five persons occupying a single dwelling unit as a single housekeeping unit and sharing common facilities.

Family day care. (See: Day care, family.)

Farmer's market. An establishment providing for the retail sale of agricultural products, primarily involving the sale of fresh produce, such as fruits and vegetables, but also including such products and services that are customarily provided in rural or agricultural areas.

Feed lot. A plot of land on which livestock is confined and fattened.

Financial institution. A use which provides banking, or other financial services, including information, advice or consultation of a professional nature.

Fishing and hunting camps. Recreational facilities established for the purpose of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides and other customary accessory uses and facilities as set forth in Section 3.76.1.

Flea market. Any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar

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merchandise, objects, or equipment, in small quantities, in broken lots, not in bulk, for use or consumption by the immediate purchaser, in open air or partly enclosed booths or stalls which may or may not be within a wholly enclosed building.

Funeral homes. Undertaking and funeral services involving the care and preparation of deceased humans prior to burial but specifically excluding cemeteries, crematory operations and columbaria.

General restaurant. (See: Restaurant, general.)

General retail sales and services. (See: Retail sales and services, general.)

Golf course. A public or private establishment which allows use of golf facilities for a fee.

Gross floor area. The sum of the horizontal areas of each story of a building, measured from the outside of exterior walls or from the center line of party walls, excluding enclosed parking or loading areas and any space where the floor-to-ceiling height is less than six feet.

~~*Guest house.* A set of living quarters on the same lot as a single-family detached dwelling, having sanitary and/or cooking facilities separate from the principal dwelling, which is intended for temporary occupancy by guests of family members of the principal household.~~

Halfway house. A licensed home for inmates on release from more restrictive custodial confinement or where inmates are initially placed in lieu of more restrictive custodial confinement, and where supervision, rehabilitation, and counseling are provided to prepare residents for a return to society, enabling them to live independently. Such placement is pursuant to the authority of the Florida Department of Corrections, or the state judicial system.

Home occupation. Any for-profit activity carried out within, or on the same lot as a residential dwelling unit, by a resident of such dwelling unit.

Hospital. An institution requiring a certificate of need that:

1. Offers services more intensive than those required for room, board, personal services and general nursing care;
2. Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and
3. Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery, obstetrical care, or other definitive medical treatment of similar extent.

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DIVISION 2. STANDARD ZONING DISTRICTS

Section 3.11. Permitted uses.

Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Tables 3.11.1, 3.11.2 and 3.11.3. A "P" indicates that the use is permitted within that zoning district provided that the use can be developed in accordance with the requirements set forth in Divisions 3 and 4 and all other applicable requirements of this Article and the LDR.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002)

**TABLE 3.11.1
PERMITTED USES - CATEGORY "A" AGRICULTURAL AND RESIDENTIAL DISTRICTS**

USE CATEGORY	A G 2 0 A	A R 5 A	A R 1 0 A	R E 2 A	R E 1 A	R E 1 ½ A	R S 3	R S B R 3	R S 4	R S 5	R S 6	R S 8	R S 1 0	R M 3	R M 4	R M 5	R M 6	R M 8	R M 1 0	M H P	M H S
<i>Residential Uses</i>																					
Accessory dwelling units	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Apartment hotels																					
<u>Employee dwelling units</u>																					
Mobile homes	P																			P	P
Modular homes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multifamily dwellings														P	P	P	P	P	P		
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P

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TABLE 3.11.2
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS

USE CATEGORY	C O	C O R 1	C O R 2	L C	C C	G C	W R C	W G C	L I	G I	H I	P R	P C	P S 1	P S 2
<i>Residential Uses</i>															
Accessory dwelling units		P	P				P	P	P	P	P				
Apartment hotels			P	P	P	P	P	P							
<u>Employee dwelling units</u>		P	P				P	P	P	P	P				
Mobile homes															
Modular homes		P	P				P								
Multifamily dwellings		P	P				P								
Single-family detached dwellings		P	P				P								
Single-family detached dwellings, if established prior to the effective date of this ordinance															
Townhouse dwellings		P	P				P								
Duplex dwellings		P	P				P								
Zero lot line single-family dwellings		P	P				P								

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**TABLE 3.11.3
PERMITTED USES - CATEGORY "B" DISTRICTS**

USE CATEGORY	H R 1	H R 1 A	R 1	R 1 A	R 1 B	R 1 C	R 2	R 2 B	R 2 C	R 2 T	R T	T P	E	E 1	W E 1
<i>Residential Uses</i>															
Accessory dwelling units	P	P	P	P	P	P	P	P	P	P			P	P	P
Apartment hotels															
<u>Employee dwelling units</u>															
Mobile homes											P	P			
Modular homes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multifamily dwellings															
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Single-family detached dwellings, if established prior to the effective date of this ordinance															
Townhouse dwellings															
Duplex dwellings															
Zero lot line single-family dwellings															

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DIVISION 3. - STANDARDS FOR SPECIFIC USES

Section 3.51. - Accessory and employee dwelling units.

3.51.A. Accessory Dwelling Units (ADUs).

1. One ADU shall be permitted as an accessory structure to a single-family dwelling in compliance with the Florida Building Code and shall not be permitted on a lot on which a duplex or a mobile home is located.
2. An ADU shall not exceed more than one-half of the square footage of the primary dwelling, excluding any uninhabitable area such as, but not limited to, garages and porches.
3. An ADU shall not count as a separate unit for the purpose of density calculations.
4. Neither the ADU nor the land it occupies shall be sold or conveyed separately from the primary dwelling.
5. Construction of an ADU on a lot adjacent to the lot containing a primary dwelling shall require recordation of a Unity of Title binding the two lots together and prohibiting the conveyance of the ADU separate from the primary dwelling.
6. An ADU may be the second floor of a garage, a freestanding dwelling, or physically attached to the primary dwelling.

~~3.51.A. Accessory dwelling units shall be established only as part of a nonresidential development such as, but not limited to, a marina, residential storage facility, or manufacturing use.~~

~~3.51.B. Accessory dwelling units shall be counted as dwelling units pursuant to the density calculation requirements set forth in Division 2 but in no case shall more than three accessory dwelling units be established on a single lot.~~

3.51.B. Employee Dwelling Units (EDUs).

1. EDUs shall be permitted, in accordance with the permitted use tables of Section 3.11, only as part of a nonresidential development such as, but not limited to, a marina, residential storage facility, or manufacturing use.
2. EDUs shall be counted as dwelling units in accordance with the maximum residential density calculation requirements set forth in Division 2 but in no case shall more than three units be established on a single lot.

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ARTICLE 3 - ZONING DISTRICTS
DIVISION 4. - MISCELLANEOUS DEVELOPMENT STANDARDS

Section 3.201. Accessory uses and structures.

3.201.C. *Accessory uses by zoning district.* The following uses and structures shall only be permitted in the zoning district(s) as herein enumerated:

1. *In all zoning districts:*
 - a. One utility storage structure, incidental to a permitted use, provided no such structure shall exceed 250 square feet in floor area.
 - b. Television, radio, etc., receiving dishes provided that such structures comply with the applicable district regulations for setbacks from adjacent properties.
 - c. Private garages.
 - d. Docks incidental to a permitted use, provided no boat shelter associated with a docking facility is greater than 500 square feet in area and no greater than 20 feet in height above the adjacent pier or platform and not less than 50 percent of the shoreline shall be unobstructed open space.
 - e. Solar energy systems.
 - f. Notwithstanding other restrictions on the use of recreational vehicles, after the declaration of a local state of emergency, recreational vehicles may be temporarily used for living, sleeping or other occupancy where a dwelling on the same property is uninhabitable. Such temporary use is subject to compliance with the following requirements:
 - (1) The temporary use of the recreational vehicle shall be limited to the time period during which the dwelling is being reconstructed or repaired but shall not exceed one year from the date the dwelling becomes uninhabitable;
 - (2) The recreational vehicle manufacturers specifications shall be followed regarding setup and stabilization of the vehicle and all electrical, potable water and sewage connections; and
 - (3) Use of the recreational vehicle shall comply with all applicable requirements of the Martin County Health Department.
2. *In all Category "A," "B," "C" districts, the following shall be permitted as an accessory to residential uses:*
 - a. Antenna structures for television and radio, but not microwave relay or transmission structures provided that such structures shall not exceed 60 feet in height.
 - b. Children's playhouse not to exceed 100 square feet of gross floor area.
 - c. Disaster shelters.

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ARTICLE 3 - ZONING DISTRICTS
DIVISION 4. - MISCELLANEOUS DEVELOPMENT STANDARDS

- d. Gazebos and similar structures.
- e. Private swimming pools and cabanas, tennis, basketball or volleyball court and other similar private outdoor recreational uses.
- f. Boat and vehicle storage areas subject to the following limitations:
 - (1) Such areas must be a part of an approved residential project or subdivision,
 - (2) Such areas must be created for the exclusive use of the residents in the affected project or subdivision,
 - (3) Such areas shall not exceed five percent of the overall affected project or subdivision,
- g. Doghouses, pens and other similar structures for the keeping of commonly accepted household pets.
- h. Storage or parking of recreational vehicles, including, but not limited to, boat trailers, camping trailers, travel trailers, motorized dwellings, tent trailers, and horse vans, provided that such equipment shall not be used for living, sleeping, or other occupancy when parked and provided that such equipment over 25 feet in length shall not be parked or stored within any side or rear setback area.
- i. Storage or parking of one commercial vehicle or commercial trailer, not to exceed one-ton cargo capacity, is allowed, provided:
 - (1) That such vehicle or trailer is owned or operated by the resident of the property; and
 - (2) That such vehicle or trailer is garaged or otherwise screened from view of adjoining properties and any adjoining street.
 - (3) The restrictions in subparagraph (2) shall not apply to public service agency vehicles such as law enforcement and those providing emergency response services.
- j. Noncommercial greenhouses.
- k. Home occupation, provided such use shall comply with F.S. § 559.955.
- ~~l. Guest houses, provided that:~~
 - ~~(1) The following shall apply to Category "A" districts:~~
 - ~~(a) The gross floor area of a guest house shall not exceed 50 percent of the gross floor area of the principal dwelling unit.~~
 - ~~(b) A guest house cannot be rented.~~

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ARTICLE 3 - ZONING DISTRICTS
DIVISION 4. - MISCELLANEOUS DEVELOPMENT STANDARDS

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

~~(2) The following shall apply to Category "B" districts:~~

~~(a) Guest houses shall only be allowed in the following Category "B" districts: HR-1, R-1, R-1A, R-1C, R-2, R-2A, R-2B, HR-2, E, E-1 and WE-1.~~

~~(b) When not attached to the principal dwelling, no more than one guest house shall be allowed on a single lot.~~

~~(c) The total gross floor area of all guest houses on a lot shall be no more than 50 percent of the gross floor area of the principal dwelling.~~

I. Accessory Dwelling Units (ADUs) shall be permitted in Category "A" and "B" districts in accordance with the permitted use tables in Section 3.11. and in the following Category "C" districts: HR-2, HR-2A, R-2A, R-3, R-3A, R-3B, R-4, R-5, A-1A, A-1, A-2, HB-1A and HB-1AA. ADUs shall comply with the requirements of Section 3.51.A.

3. *In the AG and AR districts and in the A-1A, A-1, and A-2 districts:*

a. The storage or parking of one owner-operator commercial vehicle or tractor-trailer exceeding one-ton rated capacity, provided that:

(1) The commercial vehicle or tractor-trailer is owned by the owner of the lot and is used for farm related purposes.

(2) The commercial vehicle or tractor-trailer is not used for the operation of a trucking business.

(3) The commercial vehicle or tractor-trailer is stored or parked in compliance with the setback requirements of the applicable district.

- LAND DEVELOPMENT REGULATIONS
ARTICLE 3 - ZONING DISTRICTS
DIVISION 7. - CATEGORY "C" ZONING DISTRICT STANDARDS

Section 3.403. Terms defined.

Drive-in business: Any place of business or premise which serves, sells or otherwise makes available its services to patrons situated in automobiles.

Drive-in theatre: A place of outdoor assembly used for the showing of plays, operas, motion pictures and similar forms of entertainment, in which the viewing audience views the performance from self-propelled vehicles parked within the theatre enclosure.

Dwelling unit, accessory. Accessory Dwelling Units (ADUs), also referred to as guest houses, accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the primary dwelling unit.

Dwelling, multiple: A building or portion thereof designed as a residence for three or more families living independently or each other.

Dwelling, single-family: A detached building designed for or occupied exclusively by one family.

Dwelling, two-family (duplex): A detached building designed for or occupied exclusively by two families living independently of each other.

Excavations: Removal of earth material for purposes other than that incidental to and on the site of authorized construction.

Family: Any number of individuals related by blood, marriage or legal adoption, and not more than ~~four~~ five persons not so related living together as a single housekeeping unit.

Filling station: Same as "service station."

Fishing and hunting camps. Recreational facilities established for the purpose of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides and other customary accessory uses and facilities as set forth in section 3.412.A.

Frontage: All the property abutting on one side of a street between two intersecting streets measured along the street line.

Funeral home: A premises, structure or site used as a commercial establishment for the preparation of deceased humans for burial and/or for the conduction of funeral services prior to burial or other disposition of deceased human remains. Such a premises, structure or site shall not be used for the burial, prolonged storage or permanent disposition of deceased human remains.

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DIVISION 7. - CATEGORY "C" ZONING DISTRICT STANDARDS

Garage, mechanical: Any enclosed structure used for the storage, care, repair, refinishing or equipping for operation of motor vehicles, or where automotive mechanical service is provided.

Garage, private: A structure solely for the private use of the owner or occupant of the principal building on a lot or his family or domestic employees, for the storage of noncommercial motor vehicles and which has no public shop or mechanical service in connection therewith.

Garage, public: Any building, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, storage: Any building or premises, other than a public or private garage, used exclusively for the parking or storage of motor vehicles.

Gasoline station: Same as "service station."

~~*Guesthouse:* A single family dwelling located on the same lot as a principal residence, but not exceeding in area 50 percent of the area of the principal residence and which is not occupied year round except by members of the family, but which is used as a temporary residence only. Such a dwelling shall conform to the requirements for accessory buildings, except that sanitary and cooking facilities may be provided.~~

Home occupations: Occupations carried on entirely within a dwelling and only by members of the family permanently living therein, where products are not offered for sale from the premises and no commercial vehicles are kept on the premises or parked overnight on the premises.

Hospital, private: Any structure or premises used as an establishment for the residential, medical or surgical care of ill, injured or disabled persons on a temporary or permanent basis, as a commercial enterprise, by any licensed person or organization of persons other than governmental organizations.

Hospital, public: Any structure or premises used as an establishment for the residential, medical or surgical care of ill, injured or disabled persons by any governmental, licensed ecclesiastical or charitable organization for the primary benefit of the general public.

Hospital, veterinary, general: Any structure or premises used primarily and essentially for the medical or surgical care of ill, injured or disabled animals.