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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA
ORDINANCE NUMBER 26-**

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 25-04, ACCESSORY DWELLING UNITS, AMENDING THE TEXT OF CHAPTER 2, OVERALL GOALS AND DEFINITIONS, AND CHAPTER 4, FUTURE LAND USE ELEMENT, OF THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 1.11, Comprehensive Growth Management Plan and Section 163.3184, Florida Statutes, permit amendments to the Comprehensive Growth Management Plan and provide for amendment procedures; and

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

WHEREAS, on December 9, 2025, this Board considered the proposed amendments at a duly advertised public hearing and approved such amendments for transmittal to the state land planning agency; and

WHEREAS, on _____, 2026, this Board considered and addressed the comments of the various reviewing agencies at a duly advertised public hearing; and

WHEREAS, this Board has provided for full public participation in the comprehensive planning and amendments process and has considered and responded to public comments.

WHEREAS, the Board finds the proposed amendments 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. COMPREHENSIVE GROWTH MANAGEMENT PLAN AMENDMENT CPA 25-04, ACCESSORY DWELLING UNITS

Comprehensive Growth Management Plan Amendment CPA 25-04, Accessory Dwelling Units, is hereby adopted as follows: Text amendments to Chapter 2, Overall Goals and Definitions, and Chapter 4, Future Land Use Element, as set forth in Exhibits A through B, attached hereto and incorporated by reference.

PART II. CONFLICTING PROVISIONS.

To the extent that this ordinance conflicts with special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, and other parts of the Martin County Comprehensive Growth Management Plan, the more restrictive requirement shall govern.

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 be and hereby is 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 Martin County Comprehensive Growth Management Plan, 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.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN,
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
_____, CHAIR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: _____
ELYSSE ELDER,
COUNTY ATTORNEY

EXHIBIT A

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

Section 2.4. Definitions

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 ~~main residence~~ primary dwelling unit.

Active developments: Projects with current development orders issued pursuant to F.S. chapter 380 (Developments of Regional Impacts), projects vested under section 1.12 of this Plan, and projects granted to a local development order where the development process has commenced and is continuing in good faith.

Active residential development: A residential development that has final site plan approval and is meeting all requirements of the development order, including the timetable.

Active parkland: Parks where improvements to the land are the major attractor.

Advanced treatment plant: A treatment facility using processes that treat water to a higher level than conventional treatment. In addition to conventional surface water treatment processes (coagulation, flocculation, sedimentation and filtration), an advanced treatment plant may use ozonation, granular activated carbon adsorption treatment, or both.

Aeration: Induction of air into the water to achieve oxidation (removal) of certain constituents such as iron and certain gases such as hydrogen sulfide.

Affordable housing: Affordable housing is defined by housing programs of the federal government, the Florida Affordable Housing Act of 1986, the Florida Housing Finance Corporation and local housing agencies. Affordable housing is defined as housing for which monthly rents or mortgage payments, including taxes, insurance and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households or persons. For renter-occupied housing, this percentage would include monthly contract rent and utilities.

The five categories used to define affordable housing are; extremely low income, very low income, low income, moderate income, and workforce housing. Each is defined below. The income ranges are based on the median household income for an area.

- *Extremely low income households:* Households whose annual gross income, adjusted for family size, does not exceed 30 percent of the median annual income in Martin County;
- *Very low income households:* Households whose annual gross income, adjusted for family size, does not exceed 50 percent of the median annual income in Martin County;

COMPREHENSIVE GROWTH MANAGEMENT PLAN

CHAPTER 2 OVERALL GOALS AND DEFINITIONS

- *Low income households:* Households whose annual gross income, adjusted for family size, does not exceed 80 percent of the median annual income in Martin County;
- *Moderate income households:* Households whose annual gross income, adjusted for family size, does not exceed 120 percent of the median annual income in Martin County;
- *Workforce housing:* Housing that is affordable to persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.

Alternative water supplies: Water sources designated as nontraditional for a water supply planning region. These include salt water; brackish surface and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water reclaimed after one or more public supply, municipal, industrial, commercial or agricultural uses; downstream augmentation of water bodies with reclaimed water; and stormwater. (Source: Florida Statutes section 373.019)

Economic leakage: The process by which funds earned in an area leave the area. When savings, taxes and imports "leak" out of the local economy, it reduces the total funds available in the economy. The presence of leakage suggests there is an opportunity to grow the local economy by capturing leaked dollars.

Effluent: Wastewater that has received secondary treatment from a wastewater treatment plant.

Effluent reuse: An environmentally sound practice using effluent for purposes such as irrigation. Effluent to be reused requires advanced treatment, including filtration and additional disinfection.

Employee dwelling units (EDUs): 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).

Enhanced nutrient-reducing onsite sewage treatment and disposal system: An onsite sewage treatment and disposal system approved by the Department of Environmental Protection as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from the onsite sewage tank or tanks and drainfield, (see definition below for onsite sewage treatment and disposal system)

COMPREHENSIVE GROWTH MANAGEMENT PLAN
CHAPTER 4 FUTURE LAND USE

EXHIBIT B

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

Acronyms used in this chapter:

<u>ADU(s)</u>	<u>Accessory Dwelling Unit(s)</u>
CGMP	Comprehensive Growth Management Plan
COR	Commercial Office/Residential
CR	County Road
CRA	Community Redevelopment Area
<u>EDU(s)</u>	<u>Employee Dwelling Unit(s)</u>
F.A.C.	Florida Administrative Code
FAR	Floor Area Ratio
FLUM	Future Land Use Map
F.S.	Florida Statutes
GC	General Commercial
GIS	Geographic Information System
IFAS	Institute of Food and Agricultural Sciences (University of Florida)
LC	Limited Commercial
LOS	Level of Service
NWI	National Wetlands Inventory
PUD	Planned Unit Development
SFWMD	South Florida Water Management District
SR	State Road
USD	Urban Service District
USDA	United States Department of Agriculture

Section 4.1. Background

4.1.A. *Land use profile.* Martin County possesses a unique and valuable mix of physical and manmade resources centered around the Atlantic Ocean, St. Lucie Inlet, estuaries of the St. Lucie River, Indian River, Loxahatchee River, Lake Okeechobee and the urban and rural land areas linking these features. Martin County's total land area consists of approximately 344,316 acres or 538 square miles.

Goal 4.9. To provide for appropriate and adequate lands for residential land uses to meet the housing needs of the anticipated population and provide residents with a variety of choices in housing types and living arrangements throughout the County.

Objective 4.9A. To monitor population growth, development orders and Future Land Use Map amendments to ensure that an appropriate and adequate supply of residential land use is maintained in the unincorporated areas of the County.

Policy 4.9A.1. Suitable siting of residential development. Residential development shall be located in areas that are suitable in terms of efficient land use planning principles regarding the location and design of units; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial and cultural centers and fire and police protection; avoidance of adverse impacts to natural resources; and continued viability of agricultural uses. The guideline for determining proximity is that commercial and employment opportunities are within 7.5 miles or 20 minutes.

Policy 4.9A.2. Mixed-use developments outside CRAs. Martin County shall establish Land Development Regulations to guide mixed-use development in commercial areas outside CRAs.

Policy 4.9A.3. Shared infrastructure. Residential and commercial development may share certain infrastructure, specifically access, utilities, stormwater and preserve areas within a single development project.

Objective 4.9B. To ensure the Land Development Regulations provide zoning classifications allowing a variety of housing types and locations.

Policy 4.9B.1. Residential zoning classifications. At a minimum, residential zoning classifications shall be:

- (1) Designed for sufficient single-family, multifamily and mobile home/manufactured housing development to meet the needs demonstrated in the Housing Element;
- (2) Located consistent with the designations of the Future Land Use Map and the policies of this Plan.

Policy 4.9B.2. Accessory Dwelling Units (ADUs). ADUs shall be permitted only in future land use designations as identified in Goal 4.13, CGMP. ADUs shall comply with each of the following and all applicable Land Development Regulations.

- (1) One ADU shall be permitted as an accessory structure to a single-family dwelling in compliance with the Florida Building Code.
- (2) An ADU shall not exceed more than one-half 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.

Policy 4.9B.3. Employee Dwelling Units (EDUs). EDUs shall be permitted only in future land use designations as identified in Goal 4.13, CGMP. EDUs shall comply with all applicable Land Development Regulations.

Objective 4.9C. To ensure that the Land Development Regulations provide for residential zoning classifications allowing for flexibility in site design and land use mix.

Policy 4.9C.1. At a minimum, the residential zoning classifications shall provide for:

- (1) A variety of lot sizes, floor areas, setbacks and residential land use mixes, to permit a choice in housing types, designs and price levels in both urban and rural areas;
- (2) PUDs, to encourage creativity in development, design, protection of open space and protection of environmental features, and a mix of residential and nonresidential land uses;
- (3) Mixed residential and commercial development, to allow for residential uses with supportive commercial uses in a single structure or complex of structures;
- (4) Mixed residential and professional office development, to serve as a transition between residential areas and other more intensive land use areas.

Goal 4.13. To allocate land uses as indicated on the Year 2045 Land Use Map to provide for compatibility with existing development, consistency with the Capital Improvements Element, protection of natural resources and implementation of the adopted LOS standards.

Objective 4.13A. To revise the Land Development Regulations as necessary to implement policies for land use allocation.

Policy 4.13A.1. Intent of agricultural designation. The FLUM identifies those lands in Martin County that are allocated for agricultural development. This designation is intended to protect and preserve agricultural soils for agriculturally related uses, realizing that production of food and commodities is an essential industry and basic to the County's economic diversity. Most agricultural lands are far removed from urban service districts and cannot be converted to urban use without substantial increases in the cost of providing, maintaining and operating dispersed services. The allocation of agricultural land is furthered by Goal 4.12.

The further intent of the Agricultural designation is to protect agricultural land from encroachment by urban or even low-density residential development. Such development affects the natural environment and may cause adverse impacts such as erosion, run-off, sedimentation and flood damage, all of which reduce the land's agricultural productivity. Residential development in the Agricultural future land use designation is restricted to one single-family residence per gross 20-acre tract. One ADU may be permitted as an accessory structure to a single-family dwelling. To further avoid activities that adversely affect agricultural productivity on such lands on the FLUM, development shall not be permitted that divides landholdings into lots, parcels or other units of less than 20 gross acres. Acreage may be split for bona fide agricultural uses into parcels no smaller than 20 gross acres. Subdivisions containing residential dwellings must be platted, provide for all necessary services and maintain a minimum of 50 percent open space. Wetlands and landlocked water bodies may be used in calculating open space as long as at least 40 percent of the upland property consists of open space. Buildings in Agricultural developments shall be no more than 40 feet in height.

Subdivisions containing residential dwellings at a density greater than one single-family dwelling unit per 20 gross acre lot shall not be allowed.

In agriculturally designated lands, the Agriculture zoning districts shall provide definitive policy regarding development options. All such provisions in agricultural zoning districts shall be consistent with the CGMP. Limited residential and other uses are permitted where they are directly related to and

supportive of agriculture or would not jeopardize the integrity of the agricultural purpose of the district.

- (1) *Congregate housing for farm workers.* Farm worker housing shall be considered an agricultural activity and shall only be permitted as part of bona fide agricultural activity, consistent with Policies 4.12A.4. through 7. Agricultural zoning shall include farmworker housing as a permitted use, implementing this provision.
- (2) *Conversion of land designated Agricultural on the FLUM.* Agriculturally designated land may be redesignated only by an amendment to the FLUM. The intent of this section aims to permit such an amendment upon a finding by the Board of County Commissioners that the applicant has demonstrated:
 - (a) The proposed development shall not adversely impact the hydrology of the area or the productive capacity of adjacent farmlands not included in the amendment application in any other manner;
 - (b) The proposed land conversion is a logical and timely extension of a more intense land use designation in a nearby area, considering existing and anticipated land use development patterns; consistency with the goals and objectives of the CGMP; and availability of supportive services, including improved roads, recreation amenities, adequate school capacity, satisfactory allocations of water and wastewater facilities, and other needed supportive facilities. Such findings shall be based on soil potential analysis and agricultural site assessment.

Policy 4.13A.2. Viable economic use of agricultural land. Martin County shall continue to protect agriculture as a viable economic use of land through its planning, capital improvements, cooperative extension and regulatory and intergovernmental coordination activities.

Policy 4.13A.3. Agricultural Ranchette development. The FLUM identifies lands allocated for Agricultural Ranchette development. These lands are primarily located west of the Sunshine State Parkway and in the western part of Martin County. The Agricultural Ranchette designation is intended to protect and preserve areas of Martin County generally located between the fringe of the agricultural heartland and the outer fringe of urban development. These areas are situated in locations removed from urban services, have developed at very sparse densities and maintain their original agricultural and rural character. The CGMP recognizes the primary value of these lands for small agricultural operations, recreational equestrian activities and small stables, rural

residences and open space. It therefore assigns reasonable development options consistent with the existing and anticipated agricultural character in the area. A density of one single-family dwelling unit per five gross acres shall be permitted in areas designated for Agricultural Ranchettes. One ADU may be permitted as an accessory structure to a single-family dwelling.

Residential dwelling units on these lands should be related to the agricultural uses. Five-acre lots with this land use designation shall meet this requirement. This Plan recognizes the need to concentrate urban development near the urban core where facilities may be more economically provided, maintained and operated. These areas still require minimal levels of urban services, such as fire and emergency medical service, so Ranchette areas should be located adjacent to the Secondary Urban Service District.

The zoning regulations shall govern future development options in the areas designated for Agricultural Ranchette development and shall be consistent with the CGMP. Standards in the Land Development Regulations shall assure that future development is compatible with established uses sharing common lot lines to provide for smooth transitions in use and densities. All Agricultural Ranchette development shall have a maximum building height of 40 feet and maintain at least 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as at least 40 percent of the upland property consists of open space.

Policy 4.13A.4. Criteria for amendment requests for Agricultural Ranchettes. Standards governing Agricultural land conversion in Policy 4.13A.1.(2) shall also be used as criteria in evaluating future FLUM amendment requests in areas designated for Agricultural Ranchettes.

Policy 4.13A.5. Secondary Urban Service District development. The FLUM identifies lands allocated for Secondary Urban Service District development. This designation is intended to protect the value of rural suburban lands located outside the normal economical service radius of intensive (primary) urban services.

- (1) *Rural density (one unit per two acres)* Rural lands shall be developed at a density of no more than one dwelling unit per two gross acres. One ADU may be permitted as an accessory structure to a single-family dwelling. This density recognizes the need to concentrate urban development on lands closer to the urban core where intensive facilities and services can be provided cost-effectively. This policy also provides reasonable development options to landowners whose property is on the fringe of secondary urban development in sparsely developed rural or rural suburban areas.

All Rural development shall have a maximum building height of 40 feet and maintain at least 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as at least 40 percent of the upland property consists of open space. Golf courses should be encouraged to retain and preserve native vegetation over 30 percent of the total upland area of the course due to their characteristically high water and nutrient loads. Golf courses may be used in calculating open space as long as 30 percent of the residential area consists of open space. This section shall not apply to construction of a single-family home on a lot of record.

Zoning regulations shall provide standards for these areas designed to ensure that development is compatible with the need to preserve their rural character. These standards shall reflect the high value placed on open space, need to preserve wetland areas, function and value of recharge areas, and need to minimize changes in natural hydrology. Standards governing agricultural land conversion in Policy 4.13A.1.(2) shall also be used as criteria in evaluating future plan amendment requests in areas designated for Rural development.

~~One accessory dwelling unit shall be allowed on Rural density lots of at least two acres as follows:~~

- ~~(a) An accessory dwelling unit shall not have more than one half the square footage of the primary dwelling.~~
- ~~(b) It shall not count as a separate unit for the purpose of density calculations.~~
- ~~(c) Neither the accessory dwelling unit nor the land it occupies shall be sold separate from the primary dwelling unit.~~
- ~~(d) Accessory dwelling units shall not be approved until Martin County adopts amendments to the Land Development Regulations that implement this policy.~~

(2) *Residential Estate densities (one unit per acre).* Residential Estate densities are primarily assigned to established, stable residential areas and transitional areas having a density up to one unit per gross acre. One ADU may be permitted as an accessory structure to a single-family dwelling. These areas are generally on the fringe of urban service districts and not accessible to a full complement of urban services. The CGMP also assigns Estate densities to (1) selected areas near existing estate development where the lands have characteristics similar to existing residential estates and (2) areas in the urban service district requiring density limitations because of unique problems of urban services.

The aim in reviewing specific densities shall be to preserve the stability and integrity of established residential development and to provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

All Residential Estate density development (one unit per acre) shall have a maximum building height of 40 feet and maintain a minimum of 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as a minimum of 40 percent of the upland property consists of open space. Golf courses should be encouraged to retain and preserve native vegetation over 30 percent of the total upland area of the course due to their characteristically high water and nutrient loads. Golf courses may be used in calculating open space as long as 30 percent of the residential area consists of open space. This section shall not apply to construction of a single-family home on a lot of record.

Existing agricultural uses in this land use designation shall be allowed to continue in a nonconforming status. This designation differs from Residential Estate density (two units per acre) in that lot sizes are generally larger and the areas are more rural. This policy applies to lands in the Secondary Urban Service District because the density range of one dwelling unit per one to two acres supports the transitional nature of these lands and is intended to protect and preserve the rural, suburban lands in close proximity to the Primary Urban Service District.

~~One accessory dwelling unit shall be allowed on Estate density lots of at least one acre as follows:~~

- ~~(a) An accessory dwelling unit shall not have more than one-half the square footage of the primary dwelling.~~
- ~~(b) It shall not count as a separate unit for the purpose of density calculations.~~
- ~~(c) Neither the accessory dwelling unit nor the land it occupies shall be sold separate from the primary dwelling unit.~~
- ~~(d) Accessory dwelling units shall not be approved until Martin County adopts amendments to the Land Development Regulations that implement this policy.~~

Policy 4.13A.6. Rural Heritage designation. The Rural Heritage designation identifies lands that have historically been small farms but now lie in the Primary or Secondary Urban Service Districts. The FLUM recognizes the

unique value of these lands for small agricultural operations and open space, and it acknowledges that their development pattern is distinct in the urban service district. Therefore, this designation is intended to protect these areas by assigning reasonable development options consistent with the agricultural character of the area. These lands are primarily west of U.S. 1 and east of the Turnpike and Interstate 95. The Rural Heritage designation aims to preserve the agricultural function and character of these areas and prevent encroachment of urban uses.

These areas, which have developed at very sparse densities, maintain their original agricultural and rural character. While the CGMP recognizes that higher densities are most appropriate inside the Primary Urban Service District, it also values preservation of existing neighborhoods. These areas are characterized as areas that have a developed pattern of large lots, ranging from 1 to 20 acres. They often retain pre-Comprehensive Plan zoning districts that were intended for small farm operations. Lastly, the road system serving such areas is not built to current County standards.

A density of one unit per two gross acres shall be permitted in areas designated Rural Heritage. One ADU may be permitted as an accessory structure to a single-family dwelling. Lots smaller than two gross acres that were lawfully established prior to creation of the Rural Heritage designation shall not be considered inconsistent with this lot size requirement. New lots created in these areas shall be not less than two gross acres. Residential development on these lands should be related to agricultural uses. Public and institutional uses permitted in residential areas - including community centers, educational institutions, protective and emergency services, libraries and places of worship shall be allowed in the Rural Heritage designation. Given the large lot sizes, these areas are not required to have regional water and sewer services but could be connected to service at the lot owner's expense if such service were warranted due to environmental concerns and if connections were consistent with other sections of the Plan.

The Land Development Regulations governing future development options in the areas designated Rural Heritage shall be consistent with the CGMP. All Rural Heritage development shall have a maximum building height of 40 feet and shall maintain a minimum of 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as a minimum of 40 percent of the upland property consists of open space. The zoning regulations of the Land Development Regulations shall provide standards for these areas designed to permit development compatible with the goal of preserving the area's rural character. Existing

zoning consistent with this designation shall be considered appropriate to remain on parcels in the area. Standards of the Land Development Regulations shall assure that future development is compatible with established uses sharing common lot lines to provide for a smooth transition between uses and densities. These standards shall reflect the high value placed on open space, need to preserve wetland areas, function and value of recharge areas, and need to minimize changes in natural hydrology.

~~(1) One accessory dwelling unit shall be allowed on Rural Heritage lots of at least two acres as follows:~~

- ~~(a) An accessory dwelling unit shall not have more than one-half the square footage of the primary dwelling.~~
- ~~(b) It shall not count as a separate unit for the purpose of density calculations.~~
- ~~(c) Neither the accessory dwelling unit nor the land it occupies shall be sold separate from the primary dwelling unit.~~
- ~~(d) Accessory dwelling units shall not be approved until Martin County adopts amendments to the Land Development Regulations that implement this policy.~~

Policy 4.13A.7. Residential development. The FLUM allocates urban residential density based on population trends; housing needs; and past trends in the character, magnitude and distribution of residential land consumption patterns. Consistent with the goals, objectives and policies of the CGMP, including the need to provide and maintain quality residential environments, it also preserves unique land and water resources and plans for fiscal conservancy.

(1) General policies for all urban Residential development:

- (a) All Residential development described in subsections (1) through (6) of this policy shall have a maximum building height of 40 feet.
- (b) All Residential development shall maintain a minimum of 50 percent of the gross land area as open space, except as described under Goal 4.3. Wetlands and landlocked water bodies may be used in calculating open space as long as a minimum of 40 percent of the upland property consists of open space. This section shall not apply to construction of a single-family home on a lot of record.
- (c) Proposed Residential developments with golf courses should be encouraged to retain and preserve native vegetation over 30 percent of the total upland area of the golf course, due to the characteristically

high water and nutrient loads of golf courses. Golf course developments that retain over 30 percent of their golf course area in preserved native habitat may count this in calculating open space as long as 30 percent of the residential area consists of open space.

~~(d) One accessory dwelling unit shall be allowed on Residential lots consistent with Section 10.2.B and the following criteria:~~

- ~~1) An accessory dwelling unit shall not have more than one-half the square footage of the primary dwelling.~~
- ~~2) It shall not count as a separate unit for the purpose of density calculations.~~
- ~~3) Neither the accessory dwelling unit nor the land it occupies shall be sold separate from the primary dwelling unit.~~
- ~~4) Accessory dwelling units shall not be approved until Martin County adopts amendments to the Land Development Regulations that implement this policy.~~

(d) One ADU may be permitted as an accessory structure to a single-family dwelling in the residential future land use designations of Policies 4.13A.7(2-5).

(e) In affordable housing consistent with Policy 6.1D.5., impervious areas may be credited toward the required open space if designated as community gathering spaces such as plazas, esplanades, covered gathering spaces, etc.

(f) Residential development in Martin County's CRAs shall be governed by the goals, objectives and policies in Chapter 18 except for those limited areas within a CRA that retain one of the residential future land use designations described in Policy 4.13A.

(2) *Residential Estate densities (two units per acre).* Residential Estate densities are primarily assigned to established, stable residential areas with a density up to two units per gross acre in the Primary Urban Service District. These areas are generally on the fringe of the PUSD and lack accessibility to a full complement of urban services. The CGMP also assigns estate densities to selected areas near existing estate development that share similar characteristics with existing residential estates and to areas in the urban service districts that require density limitations because of unique problems of urban services. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and

provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities. Existing agricultural uses in this land use designation shall be allowed to continue in a nonconforming status.

- (3) *Low Density Residential development.* The Low Density Residential designation is reserved for land in the Primary Urban Service District. Densities shall not exceed five units per gross acre. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.
- (4) *Medium Density Residential development.* The Medium Density Residential designation is reserved for land in the core of the Primary Urban Service District and accessible to employment centers. The maximum density is eight units per gross acre. Sites may be approved for a maximum of 10 units per gross acre (a density bonus), after demonstrating compliance with all of the following criteria:
- (a) The development commits to providing affordable housing to eligible households as defined by Chapter 2 Overall Goals and Definitions;
 - (b) The site is or can be serviced by a full complement of urban services including water and wastewater service from a regional public utility;
 - (c) The applicant provides a significant open space buffer, natural landscape (including a landscaped berm where appropriate), plant material and/or an aesthetic wall or fence to effectively shield the Residential use from any existing or potential adjacent nonresidential use or from any single-family use.

In reviewing specific densities, the aim shall be to preserve the stability of established residential areas. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

- (5) *High Density Residential development.* The High Density Residential development designation is reserved for land near employment centers in the core of the Primary Urban Service District. The maximum density is 10 units per gross acre. However, sites shall be approved for a maximum of

15 units per gross acre, assuming compliance with all of the following criteria:

- (a) The development commits to providing affordable housing to eligible households as defined by Chapter 2 Overall Goals and Definitions;
- (b) The site shares a common zoning district boundary with a Commercial or Industrial district or a Medium Density or High Density Residential area as reflected on the Zoning Atlas or FLUM;
- (c) The site is or can be served by a full complement of urban services including water and wastewater service from a regional public utility;
- (d) The applicant provides a significant open space buffer, natural landscape (including a landscaped berm where appropriate), plant material and/or an aesthetic wall or fence to effectively shield the residential use from any existing or potential adjacent nonresidential use or from any single-family use.

In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development, maintain compatibility with it and provide equitable treatment of lands with similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

- (6) *Mobile Home density development and mobile homes generally.*
Residential densities in Mobile Home density areas shall be limited to a maximum of eight units per gross acre. However, specific site densities must be consistent with the policy, map and standards of the CGMP and zoning code. The more restrictive density provision shall rule where any inconsistency may exist. In reviewing specific densities, the aim shall be to preserve established residential development. All mobile home parks and subdivisions for which site plan approval has not been granted shall be encouraged to develop under the PUD provisions.

Mobile home dwelling units may be permitted in any single-family residential and agricultural future land use designation. Mobile home units that were lawfully established prior to February 20, 1990, but that lie outside of Mobile Home density areas shall not be considered nonconforming uses and may be replaced with another mobile home. While the primary purpose of the Mobile Home density area is to accommodate mobile home development, the Land Development Regulations may allow a site-built dwelling on a mobile home site provided the owner has established, in the manner prescribed by law, a Homestead Exemption under Article VII, Section (6)(a), of the Florida

Constitution. The Land Development Regulations shall also include performance standards, such as maximum height, maximum floor area and maximum lot coverage, to ensure that site-built dwellings constructed in areas originally developed as mobile home subdivisions are compatible with any remaining mobile homes. Site-built dwellings constructed in Mobile Home density areas shall be limited to one story, except for those buildings that received building permits for taller buildings prior to May 22, 2007.

All development in the Mobile Home future land use designation shall preserve a minimum of 50 percent of the gross land area as open space. Wetlands and landlocked water bodies may be used in calculating open space as long as a minimum of 40 percent of the upland property consists of open space.

Policy 4.13A.8. Commercial development. The Future Land Use Map identifies the allocation of commercial land for offices and services, limited commercial, general commercial and marine waterfront commercial activities. The allocation is compatible with the goals and objectives in the CGMP and consistent with supportive research and analysis. Commercial development in Martin County's six CRAs shall be governed by goals, objectives and policies in Chapter 18 except for those limited land areas that retain a commercial future land use designation described in Policy 4.13A.

(1) *Commercial Office/Residential development (COR).* Martin County shall establish policies and criteria to guide mixed-use development. Commercial Office/Residential development shall be allocated to accessible sites adjacent to major thoroughfares. It shall also serve as a transitional use separating more intensive commercial uses from residential development. Office and residential development may be allocated along the outer fringe of core commercial areas where such development may encourage reinvestment in declining residential areas adjacent to commercial core areas. The COR future land use designation shall also be allocated to areas appropriately suited for Traditional Neighborhood Development, described under Goal 4.3. The development provisions for the standard COR zoning districts and the PUD zoning district are expressed below:

(a) Development in the Commercial Office/Residential future land use designation shall be restricted to professional and business offices, limited service establishments, financial institutions, live-work units, residential development or any combination of these uses. One ADU may be permitted as an accessory structure to a single-family dwelling. Employee Dwelling Units may be permitted on properties developed with nonresidential uses. Freestanding retail sales and service establishments shall be excluded from

these areas. However, restaurants, certain service commercial uses, and limited commercial uses, as identified in the Land Development Regulations, may occupy 25 percent of the commercial square footage in a building.

Residential storage facilities may be approved in areas designated COR, and the Land Development Regulations shall include criteria for review of such uses. However, the building shall be restricted to structures with small modules adaptive exclusively to storage of personal items of residential clients. Commercial tenants shall be expressly prohibited. The facility shall be designed to blend harmoniously with residential structures.

The intensity of lot use, defined as floor area ratio (FAR), shall be governed by the parking standards of the Land Development Regulations. The maximum building coverage shall be 40 percent, and the minimum net lot size permitted in COR districts shall be 10,000 square feet. The minimum open space shall be 40 percent and the maximum building height shall be 30 feet. Multiple-family residential uses are encouraged to develop in areas designated for office development at densities compatible with criteria cited in Policy 4.13A.7.(5) for High Density Residential development. The Land Development Regulations shall require appropriate landscaping and screening, including a vegetative berm system where feasible. Plant material and a decorative fence or wall shall be used to assure compatibility between established residential uses and proposed office developments.

A bed and breakfast or other facilities for transient lodging, catering to seasonal residents, shall be permitted. Kitchen facilities shall be permitted to accommodate occupants visiting for periods exceeding the general motel trip duration of one to four nights. Approved transient lodging facilities existing as of the effective date of the CGMP shall be considered permitted in such an area.

Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

(4) *Marine Waterfront Commercial.* The Future Land Use Map designates Marine Waterfront Commercial areas to accommodate marine resort, marina and water-related services along highly accessible waterfront sites with the potential to satisfy the unique location, market and resource needs of water-dependent more intense marine service/industrial uses. Waterfront Commercial uses are generally either water-dependent or water-related. Specific zoning regulations shall regulate the nature of marine waterfront commercial operations. They shall also assist in maintaining the stability of adjacent and nearby residential areas through use restrictions, landscaping and screening, and nuisance abatement standards. The regulations shall also guard against environmentally adverse impacts to biologically active and environmentally sensitive habitats in a manner consistent with the Coastal Management and Conservation and Open Space Elements.

The Land Development Regulations shall provide several marine waterfront commercial zoning districts to accommodate relevant activities, including transient residential facilities, other facilities oriented to marine resorts such as restaurants and shops, and more intense marine service uses that have specific siting criteria to assure compatibility with human and natural resources identified in section 8.4.A5.

Marine Waterfront Commercial sites shall have a minimum net lot size of 10,000 square feet, with a residential density not exceeding 10 units per gross acre and a hotel/motel density not exceeding 20 units per gross acre. One ADU may be permitted as an accessory structure to a single-family dwelling. Employee Dwelling Units may be permitted on properties developed with nonresidential uses. The FAR shall be governed by the parking standards of the Land Development Regulations. Maximum building coverage shall be 50 percent. Minimum open space shall be 30 percent. Maximum building height shall be 30 feet for parcels zoned for resort (water-related) uses and 40 feet for parcels zoned for general (water-dependent) uses.

Policies governing land with the Marine Waterfront Commercial future land use designation and located in a CRA are found in Chapter 18.

Marine Service Areas. Although Marine Waterfront Commercial areas allow for a variety of uses, Marine Service Areas shall not be developed or converted to permanent residential uses other than as an accessory use such as Employee Dwelling Units ~~a watchman's quarters~~.

(a) At a minimum, the following shall be considered Marine Service Areas:

- 1) Parcels zoned Waterfront General Commercial, including those zoned after the effective date of the Marine Service Area provision; and
- 2) Parcels or portions of parcels used as marinas or marine repair facilities, including all related boat storage and repair areas, but not including vacant areas or portions of the parcel devoted to uses other than marinas or marine repair.

(b) This restriction on permanent residential use in Marine Service Areas took effect on March 20, 2006. However, Land Development Regulations shall also be adopted to allow landowners to petition for amendments to the Marine Service Area map under certain circumstances. At a minimum, the petition process shall provide for amendments to the map where the landowner can demonstrate that:

- 1) Land equally or more suitable for use as a Marine Service Area can be redesignated as such, so as to ensure no net loss of the total Marine Service Area. The Land Development Regulations may provide limits as to acceptable locations for such new Marine Service Areas; or
- 2) The existing marine service uses on the site proposed for conversion to permanent residential uses can be replaced by developing similar marine service uses on the same parcel or on a different parcel not already designated as a Marine Service Area (including combinations of on-site and off-site improvements). The Land Development Regulations may provide limits as to acceptable locations for such new marine service uses; or
- 3) A particular parcel of land in a Marine Service Area cannot reasonably be developed or redeveloped for marine service uses due to changes in the surrounding area or government regulations related to marine service uses.

Where new Commercial Waterfront lands are created via amendments to the Future Land Use Map, the Board of County Commissioners shall also determine whether such lands shall be designated as Marine Service Area. Lands that are changed from Commercial Waterfront to another future land use designation shall automatically be removed from the Marine Service Area with no additional action required.

Policy 4.13A.10. Industrial development. The FLUM allocates land resources for existing and anticipated future industrial development needs. The allocation process gives high priority to industry's need for lands accessible to rail facilities, major arterials or interchanges, labor markets and the services of the Primary Urban Service District (Figure 4-2). Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly and manufacturing. Extensive Impact Industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports.

Editor's note(s)—Figure 4-2 is on file in the office of the Martin County Growth Management Department.

Private development of airport property shall be subject to an Airport Zoning District or Planned Unit Development (Airport) Zoning District, when such a district is adopted to implement this policy.

The locational criteria require that all development in areas designated Industrial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system, as described in the Sanitary Sewer Services Element and the Potable Water Services Element. Areas of the County where freestanding urban services (i.e., regional utility system) can be provided by a group of industrial users may be considered as independent or freestanding urban service districts. They may be illustrated as such on Figure 4-2 in conjunction with formal amendments to the FLUM as provided in section 1.11, Amendment Procedures. All such freestanding urban service districts must comply with the adopted LOS standards in this Plan and the Capital Improvements Element.

The Seven Js Industrial Area (which covers the same area as the plat of Seven Js Subdivision, recorded in Plat Book 15, Page 97 of the Public Records of Martin County, Florida) is hereby established as a Freestanding Urban Service District. Any package wastewater treatment plants constructed in it shall be fully funded and maintained by the landowner.

The AgTEC future land use category is hereby established as a Freestanding Urban Service District.

The tract of real property designated as Industrial on the Future Land Use Map and described in Ordinance Number 1153 and Ordinance 1210, less and except property described in Ordinance 1208, is hereby established as a Freestanding Urban Service District.

The tract of real property known as Martin Commerce Park designated as Industrial on the future land use map and described in Ordinance Number 1234 is hereby established as a Freestanding Urban Service District.

Industrially designated areas are not generally adaptive to residential use, and they shall not be located in areas designated for residential development unless planned for a mixed-use development allowed under Goal 4.3 or in a large-scale PUD.

This provision shall not prohibit ~~residences~~ Employee Dwelling Units on properties developed for nonresidential use for night watchmen or custodians employees whose presence on industrial sites is necessary for security purposes. Such a use may be permitted through the Land Development Regulations.

Policies governing land with the Industrial future land use designation and located in a CRA are found in Chapter 18.

Based on the extensive impacts that industrial development frequently generates, industrial development shall be encouraged to develop under provisions of a PUD zoning district to give the applicant maximum design flexibility and to avoid major unanticipated adverse impacts.

The Land Development Regulations shall be amended to include performance standards for regulating the nuisance impacts sometimes associated with intense commercial and industrial development. Sites acceptable for development by limited impact industries shall contain a minimum of 15,000 square feet, maximum building coverage of 40 percent and maximum building height of 30 feet. Sites better suited for development by extensive impact industries shall have a minimum lot size of 30,000 square feet, maximum building coverage of 50 percent and maximum building height of 40 feet. Minimum open space for either use shall be 20 percent. The FAR shall be governed by the parking standards of the Land Development Regulations. Salvage yards shall be considered an industrial use due to the potential intensity and nature of the use, acreage requirements, aesthetic impact and associated heavy truck traffic.