

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

**ORDINANCE NUMBER 1089**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT CPA 18-9, RESERVE AREA NO.1, PLAT OF LEILANI HEIGHTS, PHASE 1, AMENDING THE FUTURE LAND USE MAP OF THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, 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 September 20, 2018, the Local Planning Agency considered the proposed Comprehensive Plan Amendment at a duly advertised public hearing; and

**WHEREAS**, on October 23, 2018, at a duly advertised public hearing, this Board considered the amendment and approved transmittal of such amendment to the Division of Community Planning and Development; and

**WHEREAS**, on January 29, 2019 at a duly advertised public hearing this Board considered and addressed the comments of the various reviewing agencies; and

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

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

**PART I.      COMPREHENSIVE GROWTH MANAGEMENT PLAN AMENDMENT  
CPA 18-9, RESERVE AREA NO.1, PLAT OF LEILANI HEIGHTS,  
PHASE 1**

Comprehensive Growth Management Plan Amendment CPA 18-9, Reserve Area No. 1, Plat of Leilani Heights, Phase 1, is hereby adopted as follows: The Future Land Use Map is changed from Low Density Residential to Institutional-Recreation on 3.4 acres located within the Leilani Heights Phase 1 Subdivision, south of NE 24<sup>th</sup> Street Extension and west of NE 18<sup>th</sup> Avenue and further described as:

“All that certain parcel of land designated “Reserved Area No. 1 (Park)” as shown on the Plat of Leilani Heights-Phase One, as recorded in Plat Book 6, Page 23, Martin County public records.”

## **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. 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. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**DULY PASSED AND ADOPTED THIS 29<sup>TH</sup> DAY OF JANUARY, 2019.**

**ATTEST:**

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



**CAROLYN TIMMANN,  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER**



BY:   
**EDWARD V. CLAMPI, Chairman**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

BY:   
**KRISTA A. STOREY,  
ACTING COUNTY ATTORNEY**

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

February 5, 2019

Ms. Carolyn Timmann  
Clerk of the Circuit Court  
Martin County  
Post Office Box 9016  
Stuart, Florida 34995

Attention: Mary K. Vettel, Deputy Clerk

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1089, which was filed in this office on February 5, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb