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

ORDINANCE NUMBER 1129

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLAN AMENDMENT 19-22, PUBLIX SUPERMARKET FLUM 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 February 6, 2020, the Local Planning Agency considered the proposed Comprehensive Plan Amendment at a duly advertised public hearing; and

WHEREAS, on March 3, 2020, at a duly advertised public hearing, this Board considered the amendment and approved such amendment for transmittal to the Division of Community Planning and Development; and

WHEREAS, on May 5, 2020, at a duly advertised public hearing, this Board considered the amendment for adoption; 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; and

WHEREAS, the Board 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. ADOPTION OF COMPREHENSIVE GROWTH MANAGEMENT
PLAN AMENDMENT CPA 19-22, PUBLIX SUPERMARKET FLUM**

Comprehensive Growth Management Plan Amendment CPA 19-22, Publix Supermarket FLUM, is hereby adopted as follows: The Future Land Use Map is hereby changed from Agricultural to General Commercial on the 6-acre portion of the 16.72 acre property located at the southeast corner of SW Kanner Highway and SW Pratt-Whitney Road, and further described in Exhibit A, 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. 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 5th DAY OF MAY, 2020.

ATTEST:

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

BY: 
**CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

BY: 
HAROLD E. JENKINS II, CHAIRMAN

**APPROVED AS TO FORM
& LEGAL SUFFICIENCY:**

for BY: 
SARAH W. WOODS, COUNTY ATTORNEY

Exhibit A

Parcel I.D. Number

18-39-41-000-002-00010-8

Legal Description:

A TRACT OF LAND LYING IN THE NORTH HALF OF LOT 2, SECTION 18, TOWNSHIP 39 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, ACCORDING TO THE PLAT OF TROPICAL FRUIT FARMS AS RECORDED IN PLAT BOOK 3, PAGE 6 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY (NOW MARTIN COUNTY). FLORIDA, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE;

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF LOT 2,

THENCE, SOUTH 89° 40'15" EAST ALONG SAID SOUTH LINE OF THE NORTH HALF OF LOT 2 A DISTANCE OF 878.29 FEET TO THE POINT OF BEGINNING;

THENCE, NORTH 00°00'25" EAST A DISTANCE OF 562.02 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROAD 711 (PRATT-WHITNEY ROAD);

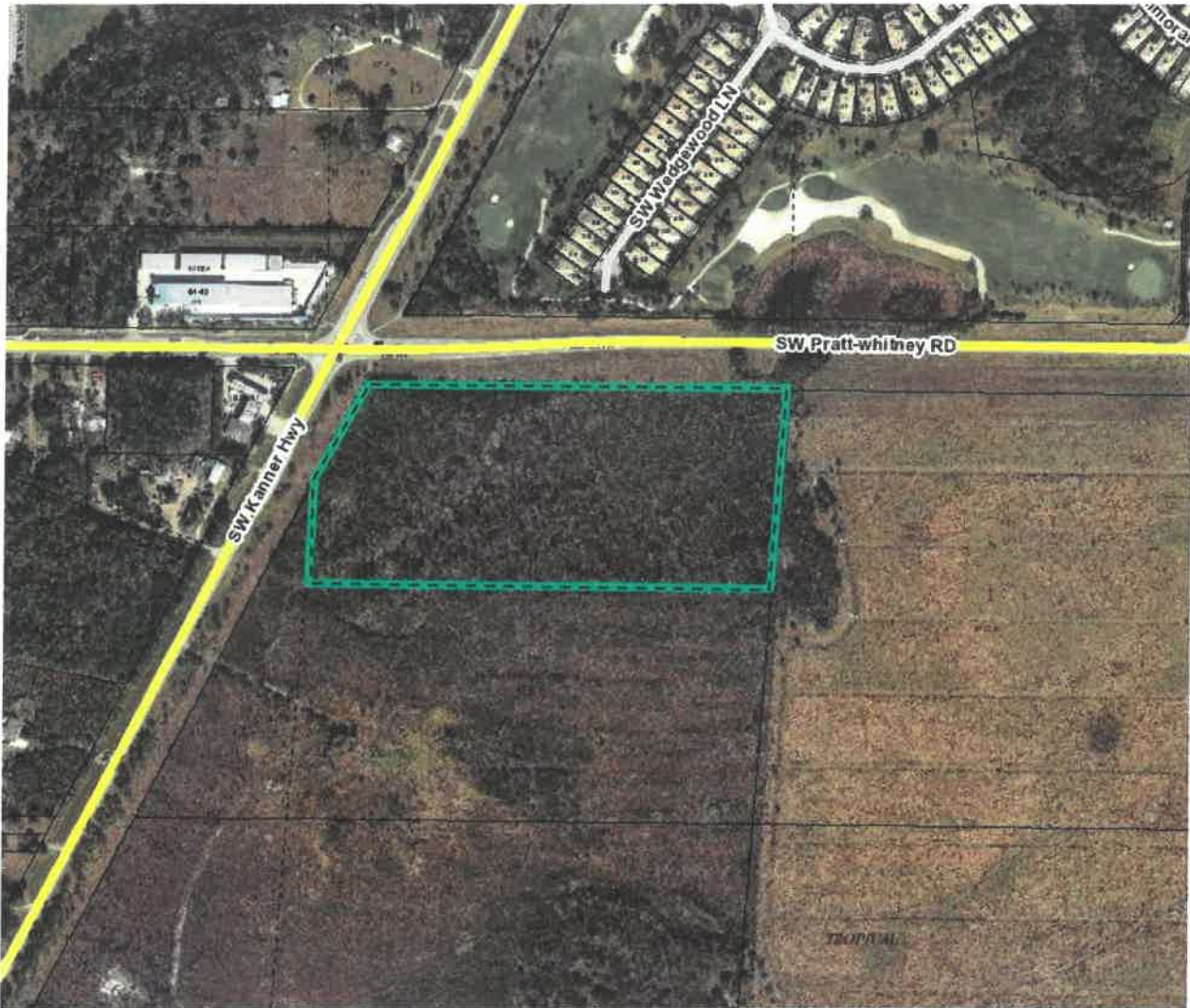
THENCE, SOUTH 89°40'37" EAST ALONG SAID SOUTH RIGHT OF WAY A DISTANCE 484.28 FEET TO THE EAST LINE OF SAID LOT2;

THENCE, SOUTH 03°55'50" WEST ALONG SAID EAST LINE A DISTANCE OF 563.17 FEET TO SAID SOUTH LINE OF THE NORTH HALF OF LOT 2;

THENCE, NORTH 89°40'15" WEST ALONG SAID SOUTH LINE A DISTANCE OF 445.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.00 ACRES MORE OR LESS

Location Map:





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 13, 2020

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. 1129, which was filed in this office on May 13, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb