

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

**ORDINANCE NUMBER**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, CREATING ARTICLE 11, PLANNED MIXED-USE VILLAGE, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE. PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, Shadow Lake Groves, Inc./Martin Gateway Estates, LLC/Martin Gateway Center, LLC proposed amendments to the Comprehensive Growth Management Plan (CGMP) to create a new future land use designation (Mixed-Use Village), and to redesignate property to that new future land use;

WHEREAS, Shadow Lake Groves, Inc./Martin Gateway Estates, LLC/Martin Gateway Center, LLC proposed amendments to the Land Development Regulations to create a new zoning district (Planned Mixed-Use Village); and

WHEREAS, on April 24, 2018 at a duly advertised public hearing, this Board considered the CGMP amendments and approved such amendment for transmittal to the Division of Community Planning and Development; and

WHEREAS, the Local Planning Agency held a public hearing on February 28, 2018 and June , 2018 on the proposed amendment to Article 11, LDR; and

WHEREAS, the draft ordinance creating Article 11 of the Martin County Land Development Regulations will provide a form-based code for implementing the new future land use designation; and

WHEREAS, on August 21, 2018 at a duly advertised public hearing this Board held its first public hearing on the proposed Article 11; and

WHEREAS, the Local Planning Agency and the Martin County Board of County Commissioners has provided for full public participation in the review of these items and has considered and responded to public comments:

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

**PART 1: CREATION OF ARTICLE 11, PLANNED MIXED-USE VILLAGE**

*Article 11, Planned Mixed-Use Village, is hereby created as shown in Exhibit A.*

**PART 2: APPLICABILITY OF ORDINANCE.**

This Ordinance shall be applicable throughout the unincorporated area of Martin

County.

**PART 3: CONFLICTING PROVISIONS.**

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County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

**PART 4: 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 this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

**PART 5: FILING WITH THE 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 6: CODIFICATION.**

Provisions of this ordinance shall be incorporated into the Martin County Land Development Regulations, except that Parts 2 through 7 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 7: EFFECTIVE DATE.**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date that the state land planning agency issues a notice of intent to find the plan amendment in compliance. 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.

**PASSED AND DULY ADOPTED THIS 11th DAY OF SEPTEMBER, 2018.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS,  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN,  
CLERK OF THE CIRCUIT  
COURT AND COMPTROLLER

BY: \_\_\_\_\_  
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY