

# CPA19-22 Publix Supermarket REZONING

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## A. Application Information

Request Number: CPA 19-22 Publix Supermarket  
Report Issuance Date: December 31, 2019  
Applicant: Publix Supermarket, Inc.  
Agent: Gunster Law Firm  
Joshua Long, AICP  
800 SE Monterey Commons Blvd.  
Stuart, FL 34996  
County Project Coordinator: Maria Jose, M.S., Planner  
Growth Management Director: Nicki van Vonno, AICP

<u>PUBLIC HEARINGS:</u>	Date	Action
Local Planning Agency:	2/6/2020	
Board of County Commission Transmittal:	TBA	
Board of County Commission Adoption:	TBA	

## B. Project description and analysis

This application is a request for a zoning district change on a parcel from A-1, Small Farms District and R-3A, Liberal Multiple-Family to GC, General Commercial on 16.72 acres located at the southeast corner of SW Kanner Hwy. and Pratt Whitney Road. The application was submitted concurrently with a Future Land Use Map (FLUM) change from Agricultural to General Commercial on six acres within the larger 16.72 acres.

Zoning District	District Purpose
CC (Community Commercial District)	The CC district is intended to implement the CGMP policies for lands designated Commercial General on the Future Land Use Map of the CGMP. This district is designed to minimize the potential for negative impacts on surrounding properties.
GC (General Commercial District)	The GC district is intended to implement the CGMP policies for lands designated Commercial General on the Future Land Use Map of the CGMP.

**Staff recommendation:**

Staff recommends approval of the zoning district change from A-1 and R-3A to GC. The decision on the appropriate zoning depends on the final decision for the future land use designations on the property. The R-3A zoning district is not consistent with the General Commercial future land use assigned on the same portion of the 16.72 acres. The proposed zoning district, GC, implements the General Commercial future land use designation proposed for six acres of the site.

**Permitted Uses and Standards:**

The existing zoning districts, A-1 and R-3A, of the subject property are Category C zoning districts and the permitted uses and standards for them are listed in Section 3.407. and Section 3.411.1 of the LDR. The excerpts are shown below. Also below are excerpts from Article 3 of the Land Development Regulations, Martin County Code including the permitted use schedule and development standards for the proposed zoning districts, which are Category A districts. Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Table 3.11.2. The "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 Land Development Regulations.

**Excerpt from the LDR regarding existing zoning, R-3A and A-1:****Sec. 3.407. R-3A Liberal Multiple-Family District.**

3.407.A. *Uses permitted.* In this district, a building or structure or land shall be used for only the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any uses permitted in the R-3 Multiple-Family Residential District.
2. Restaurants and/or lunchrooms with an enclosed seating capacity of ten persons or more, excluding drive-ins, microbreweries or craft distilleries.
3. Beauty parlors and barbershops.
4. Dry cleaning and laundry pickup stations.
5. Fire stations.
6. Boat docks and dry and wet storage facilities under cover, and facilities for maintenance and repairs of boats or yachts, upon submission of plans for review and approval of the planning and zoning board.
7. Mobile home and travel trailer sales.
8. Gasoline or other motor fuel stations, provided all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property lines.
9. Professional and business offices.
10. Retail stores.

3.407.B. *Required lot area and width.* Lots or building sites shall have an area of not less than 7,500 square feet, with a minimum width of 60 feet measured at the building line:

1. *Single-family structures:* The minimum lot size shall be the same as above. A minimum of 600 square feet of living area shall be required, exclusive of carports, breezeways or utility rooms.

2. *Two-family structures:* The minimum lot size shall be 7,500 square feet, with a minimum width of 75 feet a minimum of 800 square feet of living area per two-family structure shall be required, exclusive of carports, breezeways or utility rooms.
3. *Apartment buildings:* There shall be a minimum building site of 15,000 square feet with a minimum width of 100 feet measured at the building line for the first four apartment units. For each additional apartment unit, 2,600 square feet shall be added to the required minimum building site and an additional five feet shall be added to the required minimum width at the building line. A maximum density of 15 apartment units may be permitted per acre depending on available community services and capital improvements. There shall be a minimum of 325 square feet of living area in each apartment unit.
4. *Triplex structures:* The minimum lot size shall be 11,250 square feet, with a minimum width of 88 feet; a minimum of 1,200 square feet of living area per three-family structure shall be required, exclusive of carports, breezeways or utility rooms.

3.407.C. *Minimum yards required.*

1. *Front:*  
1 story: 20 feet.  
2 stories: 25 feet.
2. *Sides and rear:*  
1 story: 6 feet.  
2 stories: 10 feet.
3. For structures in excess of two stories, five feet shall be added to the required yards per story.
4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
6. No setback or yard shall be required adjacent to water frontage.

3.407.D. *Building height regulations.*

1. The maximum building height in this district shall be four stories or 40 feet.

3.407.E. *Percentage of land coverage.*

1. One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-02; Ord. No. 1094, pt. 4, 1-29-2019)

**Sec. 3.411.1. A-1 Small Farms District.**

3.411.1.A. *Uses permitted.*

1. In this district, a building or structure or land shall be used for only the following purposes:
2. Any use permitted in the R-2A Two-Family Residential District.
3. Barns, dairies, greenhouses, guesthouse, servants' quarters and other accessory buildings.

4. Truck farming, fruit growing, poultry raising, nurseries and field crops.
5. Roadside stands for the sale of fruit, vegetables and other products produced on the premises thereof.
6. Drive-in theatres, private stables.
7. Commercial radio and/or television transmitting stations, towers, poles, masts, antennas, power plants and the other incidental and usual structures pertaining to such stations. All structures and attachments thereto and appurtenances thereof shall comply with all of the applicable requirements of the Federal Communications Commission and the Civil Aeronautics Board and/or authority. Towers, poles, masts and antennas shall be designed and stamped by a registered engineer or architect to assure the structure, masts, etc., will withstand hurricane force winds.
8. Trailers. The minimum lot size for a trailer shall be 20 acres and there shall be no more than one trailer on any lot. The trailer shall not be located within 100 feet of any property line. The trailer shall be permitted to remain only so long as the principal use of the property is agricultural. The trailer shall only be used as a residence. The trailer shall be screened from view of abutting lots and public streets to a height of six feet, for example, by means of an opaque fence or landscape buffer.
9. Farmer's markets, as defined in Division 2 and pursuant to the requirements set forth in section 3.71.1 of the Land Development Regulations.

3.411.1.B. *Required lot area.* The required lot area shall not be less than two acres.

3.411.1.C. *Minimum yards required.*

1. *Front:* 25 feet.
2. *Rear and side:* 25 feet.
3. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
4. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
5. A minimum setback or yard of 20 feet shall be required adjacent to water frontage.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005)

**Excerpt from the LDR regarding proposed zoning, GC:**

**TABLE 3.11.2  
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	C C	G C
<i>Residential Uses</i>		
Accessory dwelling units		
Apartment hotels	P	P
Mobile homes		
Modular homes		
Multifamily dwellings		
Single-family detached dwellings		
Single-family detached dwellings, if established prior to the effective date of this ordinance		
Townhouse dwellings		
Duplex dwellings		
Zero lot line single-family dwellings		
<i>Agricultural Uses</i>		
Agricultural processing, indoor		
Agricultural processing, outdoor		
Agricultural veterinary medical services		
Aquaculture		
Crop farms		
Dairies		
Exotic wildlife sanctuaries		
Farmer's markets		
Feed lots		
Fishing and hunting camps		
Orchards and groves		
Plant nurseries and landscape services	P	P
Ranches		
Silviculture		
Stables, commercial		
Storage of agricultural equipment, supplies and produce		
Wildlife rehabilitation facilities		

USE CATEGORY	C	G
	C	C
<i>Public and Institutional Uses</i>		
Administrative services, not-for-profit	P	P
Cemeteries, crematory operations and columbaria		
Community centers	P	P
Correctional facilities		
Cultural or civic uses	P	P
Dredge spoil facilities		
Educational institutions	P	P
Electrical generating plants		
Fairgrounds		
Halfway houses		
Halfway houses, on lots where such use was lawfully established prior to the effective date of this ordinance		
Hospitals		P
Neighborhood assisted residences with six (6) or fewer residents		
Neighborhood boat launches		
Nonsecure residential drug and alcohol rehabilitation and treatment facilities		
Nonsecure residential drug and alcohol rehabilitation and treatment facilities, on lots where such use was lawfully established prior to the effective date of this ordinance		
Places of worship	P	P
Post offices	P	P
Protective and emergency services	P	P
Public libraries	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Public vehicle storage and maintenance		
Recycling drop-off centers	P	P
Residential care facilities	P	
Solid waste disposal areas		
Utilities	P	P
<i>Commercial and Business Uses</i>		
Adult business		
Ancillary retail use		

USE CATEGORY	C C	G C
Bed and breakfast inns	P	
Business and professional offices	P	P
Campgrounds		
Commercial amusements, indoor	P	P
Commercial amusements, outdoor		P
Commercial day care	P	P
Construction industry trades	P	P
Construction sales and services	P	P
Family day care		
Financial institutions	P	P
Flea markets		P
Funeral homes	P	P
General retail sales and services	P	P
Golf courses		
Golf driving ranges		P
Hotels, motels, resorts and spas	P	P
Kennels, commercial		P
Limited retail sales and services	P	P
Marinas, commercial	P	P
Marine education and research		
Medical services	P	P
Pain management clinics		P
Parking lots and garages	P	P
Recreational vehicle parks	P	P
Recreational vehicle parks, limited to the number and configuration of units lawfully established prior to the effective date of this ordinance		
Residential storage facilities	P	P
Restaurants, convenience, with drive-through facilities		P
Restaurants, convenience, without drive-through facilities	P	P
Restaurants, general	P	P
Shooting ranges		
Shooting ranges, indoor	P	P
Shooting ranges, outdoor		

USE CATEGORY	C	G
	C	C
Trades and skilled services		P
Vehicular sales and service		P
Vehicular service and maintenance		P
Veterinary medical services	P	P
Wholesale trades and services		P
<i>Transportation, Communication and Utilities Uses</i>		
Airstrips		
Airports, general aviation		
Truck stop/travel center		
<i>Industrial Uses</i>		
Biofuel facility		
Composting, where such use was approved or lawfully established prior to March 1, 2003		
Extensive impact industries		
Limited impact industries		
Mining		
Salvage yards		
Yard trash processing		
Yard trash processing on lots where such use was lawfully established prior to March 29, 2002		
<i>Life Science, Technology and Research (LSTAR) Uses</i>		
Biomedical research	P	P
Bioscience research	P	P
Computer and electronic components research and assembly	P	P
Computer and electronic products research and assembly	P	P
Computer programming/software research	P	P
Computer system design	P	P
Electromedical apparatus research and assembly	P	P
Electronic equipment research and assembly	P	P
Laser research and assembly	P	P
Lens research	P	P
Management, scientific and technical services	P	P
Marine Research	P	P
Medical and dental labs	P	P



USE CATEGORY	C C	G C
Medical equipment assembly	P	P
Optical equipment assembly	P	P
Optical instruments assembly	P	P
Optoelectronics assembly	P	P
Pharmaceutical products research	P	P
Precision instrument assembly	P	P
Professional, scientific and technical services	P	P
Reproducing magnetic and optical media	P	P
Research and development laboratories and facilities, including alternative energy	P	P
Scientific and technical consulting services	P	P
Simulation training	P	P
Technology centers	P	P
Telecommunications research	P	P
Testing laboratories	P	P
<i>Targeted Industries Business (TIB) Uses</i>		
Aviation and aerospace manufacturing		
Business-to-business sales and marketing	P	P
Chemical manufacturing		
Convention centers	P	P
Credit bureaus	P	P
Credit intermediation and related activities	P	P
Customer care centers	P	P
Customer support	P	P
Data processing services	P	P
Electrical equipment and appliance component manufacturing		
Electronic flight simulator manufacturing		
Fiber optic cable manufacturing		
Film, video, audio and electronic media production and postproduction	P	P
Food and beverage products manufacturing		
Funds, trusts and other financial vehicles	P	P
Furniture and related products manufacturing		
Health and beauty products manufacturing		

USE CATEGORY	C C	G C
Information services and data processing	P	P
Insurance carriers	P	P
Internet service providers, web search portals	P	P
Irradiation apparatus manufacturing		
Lens manufacturing		
Machinery manufacturing		
Management services	P	P
Marine and marine related manufacturing		
Metal manufacturing		
National, international and regional headquarters	P	P
Nondepository credit institutions	P	P
Offices of bank holding companies	P	P
On-line information services	P	P
Performing arts centers	P	P
Plastics and rubber products manufacturing		
Printing and related support activities		
Railroad transportation		
Reproducing magnetic and optical media manufacturing		
Securities, commodity contracts	P	P
Semiconductor manufacturing		
Simulation training	P	P
Spectator sports	P	P
Surgical and medical instrument manufacturing		
Technical support	P	P
Telephonic and on-line business services	P	P
Textile mills and apparel manufacturing		
Transportation air		
Transportation equipment manufacturing		
Transportation services		P
Transaction processing	P	P
Trucking and warehousing		
Wood and paper product manufacturing		

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 669, pt. 1, 6-28-2005; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 891, pt. 1, 2-22-2011; Ord. No. 970, pt. 1, 4-7-2015; Ord. No. 1014, pt. 2, 12-6-2016; Ord. No. 1045, pt. 1, 1-9-2018)

### **LDR, Article 3, Sec. 3.12. Development standards**

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division.

**TABLE 3.12.1  
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	CC	10,000	80	—	20.00	50	30	30	—
A	GC	10,000	80	—	20.00	60	40	20	—

**TABLE 3.12.2.  
STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
C A T	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	CC	25	25	25	25	20	20	30	40	10	10	20	30
A	GC	25	25	25	25	20	20	30	40	10	10	20	30

### **Standards for Amendments to the Zoning Atlas**

1. The Comprehensive Growth Management Plan (CGMP) requires that Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations pursuant to Policy 4.4A.1., CGMP, Martin County, Fla. (2016).
2. The Martin County Land Development Regulations (LDR), Article 3, Section 3.2.E.1. provides the following “Standards for amendments to the Zoning Atlas.”

*The Future Land Use Map of the CGMP (Comprehensive Growth Management Plan) establishes the optimum overall distribution of land uses. The CGMP also*

*establishes a series of land use categories, which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives, and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.*

3. The Martin County Land Development Regulations (LDR), in Section 3.2.E.2., provides the following “Standards for amendments to the Zoning Atlas.” In the review of a proposed amendment to the Zoning Atlas, the Board of County Commissioners shall consider the following:

***a. Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,***

Please see the staff report for CPA 19-22, Publix Supermarket FLUM Amendment. The report discusses compatibility with the Martin County CGMP and recommends General Commercial future land use designation. GC and CC zoning districts are the only standard zoning districts that implement General Commercial future land use designation. However, GC and CC have some differences in permitted uses and development standards.

***b. Whether the proposed amendment is consistent with all applicable provisions of the LDR; and,***

The site and the requested GC zoning district implements the proposed General Commercial future land use pursuant to the requirements and standards of the LDR. The site meets the minimum lot width and minimum lot size for the GC zoning district. Any site plan proposed on the 16.72 acres must comply with all applicable land development regulations.

***c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use; and,***

The GC zoning district implements the proposed General Commercial future land use. The GC provides permitted uses such as general retail sales and services, in accordance with the CGMP policies. The subject site is located near a signalized intersection of 2 major roadways and is adequately sized to provide required buffers and ensure compatibility with the adjacent uses.

***d. Whether and to what extent there are documented changed conditions in the area; and,***

The growth in the area, particularly the surrounding residential and commercial uses, and public infrastructure improvements, has altered the character of the area such that the proposed request is

now reasonable and consistent with area land use characteristics. There have been some zoning changes in the area. The future land use map amendments discussed in Section 1.4 of the staff report for CPA 19-22 identifies the changes to the Future Land Use Map since 1982 to parcels near the subject site. The rezonings listed below facilitate the development of vacant land consistent with the adopted Future Land Use Map. See Figure 1, which shows all the past zoning resolutions in the area nearby the subject parcel.

1. **Resolution 15-12.3:** Zoning amendment, where property was changed from A-1 to RE-1/2A.
2. **Resolution 03-11.16:** Zoning amendment, where property was changed from A-2 to RE-1/2A.
3. **Resolution 88-7.11:** Zoning amendment, where property was changed from A-2 to LC on a lot and from A-2 to RE-1A on another lot.
4. **Resolution 05-9.5:** Zoning amendment, where property was changed from R-3A to LC.
5. **Resolution 04-4.6:** Zoning amendment, where property was changed from R-3A to LC.
6. **Resolution 92-3.6:** Zoning amendment, where property was changed from A-1 to PUD, Florida Club.



Figure 1, where the subject site is in blue and parcels marked white had rezonings.

- e. Whether and to what extent the proposed amendment would result in demands on public facilities; and,*

The property is located partially in the Primary Urban Service District (PUSD) and a concurrent text amendment proposes to extend the PUSD over the entire subject site. All required public facilities and services are in place to support future development in accordance with the GC zoning district.

- f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and,*



The change in future land use is in direct response to the pattern of growth and the investment in public facilities and services that has occurred since the CGMP was adopted. The proposed request will conserve and enhance the value of existing developments and will support a reasonable mix of land uses in the area, while using the county's resources efficiently and economically.

Please refer to Figure 2 below, which shows the proposed zoning atlas.

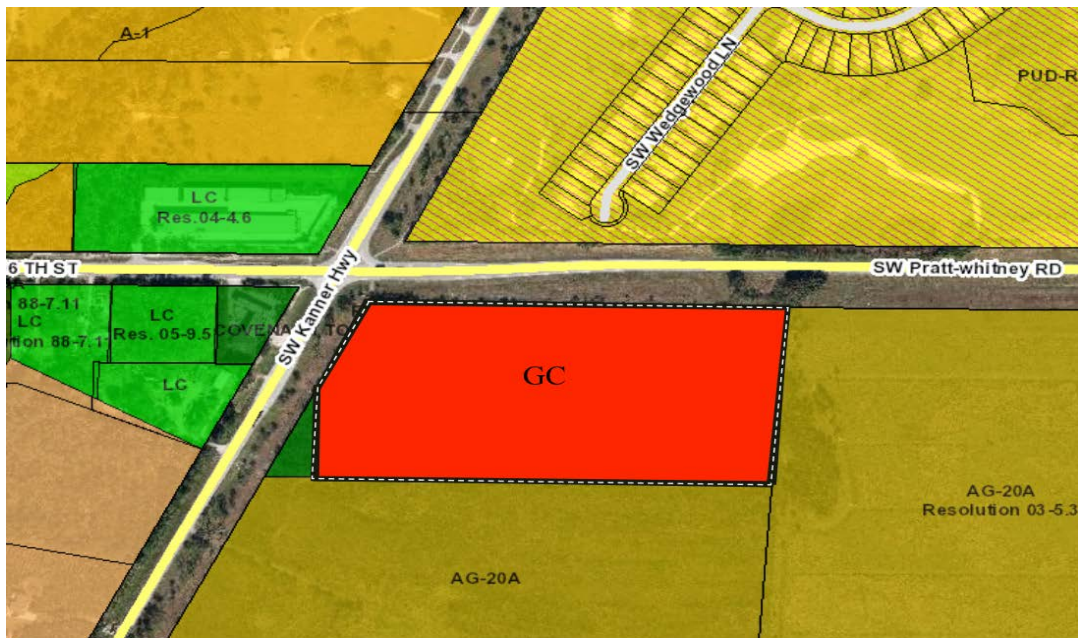


Figure 2, Proposed Zoning District, GC (General Commercial)

***g. Consideration of the facts presented at the public hearings.***

CPA 19-22 and this concurrent rezoning have not been presented at a public hearing yet.

***C. Staff recommendation***

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The rezoning process does not include a site plan review; therefore departments related to site plan review were not included in this rezoning staff report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Maria Jose	288-5930	Pending
G	Development Review	Maria Jose	288-5930	Pending
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Maria Jose	288-5930	Exempt

The choice of the most appropriate district for the subject property is a policy decision the Local Planning Agency (LPA) and the Board of County Commissioners (BCC) is asked to consider based on the “standards for amendments to the zoning atlas” provided in Section 3.2.E.1., Land Development Regulations (LDR), Martin County Code (MCC).

***D. Review Board action***

A review and recommendation is required on this application from the Local Planning Agency (LPA). Final action on this application is required by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be advertised public hearings.

#### ***E. Location and site information***

Location: Approximately ±16.72 acres, located at the southeast corner of SW Kanner Hwy. and Pratt Whitney Road, in Stuart.

Existing zoning:	A-1 and R-3A
Future land use:	General Commercial and Agricultural
Commission district:	District 3
Community redevelopment area:	N/A
Municipal service taxing unit:	District 3 Municipal Service Taxing Unit
Planning area:	Mid County

#### ***F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department***

##### **Unresolved issues:**

##### **Item #1:**

Compatibility with the Future Land Use Map. The Growth Management Department staff has reviewed the Future Land Use Map Amendment in a separate report. Should the proposed change to the Future Land Use Map be adopted, the proposed GC zoning district would correctly implement the respective General Commercial Future Land Use designation.

#### ***G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department***

##### **Unresolved issues:**

No site plan has been proposed. See Section F. above.

##### **Additional Information:**

Changes to the zoning atlas do not authorize any development activity. Criteria associated with this area of review are applied in conjunction with site plan review processes. Any specific department issues will be addressed at such time as development of the subject site is proposed.

#### ***H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department***

See above statement.

#### ***I. Determination of compliance with the property management requirements – Engineering Department***

See above statement.

***J. Determination of compliance with environmental and landscaping requirements - Growth Management Department***

See above statement.

***K. Determination of compliance with transportation requirements - Engineering Department***

See above statement.

***L. Determination of compliance with county surveyor - Engineering Department***

See above statement.

***M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department***

See above statement.

***N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments***

See above statement.

***O. Determination of compliance with utilities requirements - Utilities Department***

See above statement.

***P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department***

See above statement.

***Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department***

See above statement.

***R. Determination of compliance with Martin County Health Department and Martin County School Board***

See above statement

***S. Determination of compliance with legal requirements - County Attorney's Office***

Review is ongoing.

***T. Determination of compliance with the adequate public facilities requirements - responsible departments***

The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR, Martin County, Fla. (2016). Exempted development will be treated as committed development for which the County assures concurrency.

Examples of developments that do not create additional impact on public facilities include:

- A. Additions to nonresidential uses that do not create additional impact on public facilities;
- B. Changes in use of property when the new use does not increase the impact on public facilities over the pre-existing use, except that no change in use will be considered exempt when the



preexisting use has been discontinued for two years or more;

- C. Zoning district changes to the district of lowest density or intensity necessary to achieve consistency with the Comprehensive Growth Management Plan;
- D. Boundary plats which permit no site development.

#### ***U. Post-approval requirements***

Not applicable.

#### ***V. Local, State, and Federal Permits***

No Local, State and Federal Permits are applicable to a rezoning action which does not permit any development activities.

#### ***W. Fees***

Not applicable.

#### ***X. General application information***

Applicant and Property Owner: Publix Supermarket, Inc.

#### ***Y. Acronyms***

ADA..... Americans with Disability Act  
AHJ ..... Authority Having Jurisdiction  
ARDP..... Active Residential Development Preference  
BCC..... Board of County Commissioners  
CGMP ..... Comprehensive Growth Management Plan  
CIE ..... Capital Improvements Element  
CIP ..... Capital Improvements Plan  
FACBC ..... Florida Accessibility Code for Building Construction  
FDEP..... Florida Department of Environmental Protection  
FDOT ..... Florida Department of Transportation  
LDR..... Land Development Regulations  
LPA..... Local Planning Agency  
MCC..... Martin County Code  
MCHD..... Martin County Health Department  
NFPA ..... National Fire Protection Association  
SFWMD..... South Florida Water Management District  
W/WWSA .... Water/Waste Water Service Agreement

#### ***Z. Figures/Attachments***

Figures within the report:

Figure 1, Past Zoning Resolutions

Figure 2, Proposed Zoning Map