



AGENDA

**COMMUNITY REDEVELOPMENT BOARD
FEBRUARY 6, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

COMMUNITY REDEVELOPMENT BOARD

**Chair - Tom Campenni
Vice Chair - Nikolaus Schroth
Board Member - Mark Brechbill
Board Member - Frank McChrystal
Board Member - Bonnie Moser
Board Member - Andy Noble
Board Member - VACANT**

ADMINISTRATIVE

**CRA Executive Director - Pinal Gandhi-Savdas
Board Secretary - Susej T. Meleqi**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 01/09/2024 CRB MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. MINOR URBAN CODE CONDITIONAL USE - MURAL ON A BUILDING LOCATED AT 432 SE MARTIN LUTHER KING JR. BLVD. IN EAST STUART.

RESOLUTION No. 01-2024 CRB; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART, FLORIDA, GRANTING A MINOR CONDITIONAL USE APPROVAL FOR PUBLIC ARTWORK (MURAL) NAMED "MENTOR 2 SAVE LIVES" ON A PROPERTY LOCATED AT 432 SE MARTIN LUTHER KING JR BLVD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO PAINT A MURAL ON THE EXTERIOR NORTH WALL OF A BUILDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

3. MURAL MATCHING GRANT AGREEMENT BETWEEN THE CRA AND PROPERTY OWNER OF 432 SE MARTIN LUTHER KING JR. BLVD.

RESOLUTION No. 02-2024 CRA; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE BOARD CHAIR TO EXECUTE AN AGREEMENT BETWEEN THE STUART COMMUNITY REDEVELOPMENT AGENCY AND KRAIG MCHARDY, WHO IS THE PROPERTY OWNER, FOR A MURAL MATCHING GRANT IN THE AMOUNT OF \$3,000 TO INSTALL MURAL ON THE EXTERIOR WALL OF A BUILDING LOCATED AT 432 SE MARTIN LUTHER KING JR. BLVD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

4. AMENDMENT TO THE MURAL MATCHING GRANT PROGRAM

RESOLUTION No. 05-2024 CRA; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CHAIRPERSON TO APPROVE AMENDMENT TO THE MURAL MATCHING GRANT PROGRAM BOUNDARY TO INCLUDE ALL PARCELS WITHIN THE CRA BOUNDARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. DISCUSSION AND DELIBERATION - PUBLIC ART PROGRAM AND TEXT AMENDMENT TO THE CITY'S LAND DEVELOPMENT CODE

STAFF UPDATE

6. PRESENT SUMMARY OF THE DUTIES AND RESPONSIBILITIES OF THE CRB MEMBERS;

PRESENT A SUMMARY OF THE DUTIES AND RESPONSIBILITIES OF THE COMMUNITY REDEVELOPMENT BOARD ("CRB") MEMBERS PURSUANT TO SECTION 8.00.04 OF THE LAND DEVELOPMENT CODE FOR THE CITY OF STUART AND PROPOSED AMENDMENTS TO THE LDC AND CODE OF ORDINANCES RELATED TO THE CRB, AS WELL AS THE CRB BY-LAWS PREVIOUSLY ADOPTED IN 2020 BY THE CITY COMMISSION.

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 2/6/2024

Prepared by:

Title of Item:

APPROVAL OF 01/09/2024 CRB MINUTES

Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

ATTACHMENTS:

1. 01092024 CRB Minutes

**MINUTES
COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART
JANUARY 9, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

COMMUNITY REDEVELOPMENT BOARD

**Chair - Tom Campenni
Vice Chair - Nikolaus Schroth
Board Member - Mark Brechbill
Board Member - Chris Lewis
Board Member - Frank McChrystal
Board Member - Bonnie Moser
Board Member - Andy Noble**

ADMINISTRATIVE

**CRA Executive Director - Pinal Gandhi-Savdas
Board Secretary - Susej T. Meleqi**

CALL TO ORDER

4:00 PM

ROLL CALL

PRESENT: Chair Campenni, Vice Chair Schroth, Board Member Brechbill, Board Member McChrystal, Board Member Moser, Board Member Noble
ABSENT: Board Member Lewis

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBER OATH

City Attorney Lee Baggett swore in all present board members.

2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

4:02 PM MOTION: Approve Tom Campenni as Chair.

MOVED BY: Frank McChrystal

SECONDED BY: Bonnie Moser

Motion approved unanimously.

4:03 PM MOTION: Approve Nikolaus Schroth as Vice Chair.
MOVED BY: Frank McChrystal
SECONDED BY: Andy Noble
Motion approved unanimously.

APPROVAL OF AGENDA

4:04 MOTION: Approve.
MOVED BY: Mark Brechbill
SECONDED BY: Bonnie Moser
Motion approved unanimously.

APPROVAL OF MINUTES

3. APPROVAL OF 12/05/2023 CRB MINUTES

4:04 PM MOTION: Approve.
MOVED BY: Mark Brechbill
SECONDED BY: Andy Noble
Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Frank McChrystal

- Commented on the City's landscape code and asked where does the process start to change.

Chair Campenni commented that Pinal Gandhi-Savdas, Executive Director, Community Redevelopment Agency (CRA), and Lee Baggett, City Attorney could do a presentation of the Board's responsibilities.

Vice Chair Schroth shared a personal story about a problem he had with landscape code in another City.

Board Members continued discussion of the landscape code.

Kris McCrain, City Principal Planner, stated there is an Environmental Consultant to contact.

City Attorney Baggett, stated that the Community Redevelopment Board (CRB) does have by-laws and they do spell out the responsibilities.

Mary Kindel, City Clerk, commented that she and Administration are in the process of making the by-laws more consistent and in line with other boards and will provide them to CRB when completed.

ACTION ITEMS

4. PRESENTATION BY NANCY TURRELL, ARTS COUNCIL OF MARTIN COUNTY, REGARDING PUBLIC ART IN PRIVATE DEVELOPMENT

Nancy Turrel, Chief Executive Officer of Martin Arts, commented on the history of the arts council and presented her presentation of public art. Read the Highlights from Public Art Codes and Guidelines into the record, and continued presentation.

Board Members proceeded with questions and comments.

Board Member Schroth commented that a building permit can better regulate the art work and suggested an index or file of past projects.

Ms. Pinal Gandhi-Savdas, Community Redevelopment Agency (CRA) Director, stated, for clarification, that the developer contributes one (1) percent of construction costs to a fund or spends one (1) percent on public art.

Board Member McChrystal commented on #8 in the presentation City of Stuart Section 3.01.08 Public Art. Stated nobody checks the box (diversity) and questioned why we keep that in the code. He commented that a good art would be functional art.

Ms. Turrel commented that she agrees with the Board in providing a manageable list of projects/artists.

Ms. Gandhi-Savdas requested the Board to provide any amendments to the code, "Public Art in Private Development".

Board Members agreed to provide Ms. Gandhi-Savdas suggested amendments for her to provide bullet points and open discussion at next meeting.

STAFF UPDATE

Ms. Gandhi-Savdas commented that she recently updated the East Stuart Historical Advisory Committee that the City received the CDBG Grant to acquire and reconstruct the Willie Gary property on MLK and will be closing on that property this Friday, January 26, 2024. The City will be going out for RFP to do new construction on that site.

ADJOURNMENT

5:10 PM

Susej T. Meleqi, Board Secretary

Tom Campenni, Chair

**Minutes to be approved at the CRB
Meeting this 6th day of February, 2024.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 2/6/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

MINOR URBAN CODE CONDITIONAL USE - MURAL ON A BUILDING LOCATED AT 432 SE MARTIN LUTHER KING JR. BLVD. IN EAST STUART.

RESOLUTION No. 01-2024 CRB; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART, FLORIDA, GRANTING A MINOR CONDITIONAL USE APPROVAL FOR PUBLIC ARTWORK (MURAL) NAMED "MENTOR 2 SAVE LIVES" ON A PROPERTY LOCATED AT 432 SE MARTIN LUTHER KING JR BLVD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO PAINT A MURAL ON THE EXTERIOR NORTH WALL OF A BUILDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The applicant is requesting approval of public artwork (mural) which requires a Minor Urban Code Conditional Use. The applicant is proposing a collage mural that celebrates and promotes the history of East Stuart. The mural will be painted on the exterior north wall of a building located at 432 SE Martin Luther King, Jr. Blvd in the East Stuart Neighborhood.

Lead artist, Benjamin Perez, created a mural that represents the rich history and culture of the East Stuart community. The theme of the mural is "Mentor 2 Save Lives" to honor community leaders who helped to shape and improve the East Stuart community. The artist coordinated with Mr. Phil Harvey and Mr. Kraig McHardy and conducted extensive research to learn about the history of East Stuart. The art will add new vibrancy, engagement, and a sense of place to the East Stuart Neighborhood.

The proposed rendering was presented to the East Stuart Historical Advisory Committee, and they requested to also consider Dr. Martin Luther King, Jr. and other contributing members of the community.

The artist revised the rendering to include Dr. Martin Luther King, Jr. and other members and events from the community.

Funding Source:

N/A

Recommended Action:

In the case of a minor conditional use approval, the CRB is the final decision maker. Motion to approve the proposed mural subject to conditions contained in Resolution No. 01-2024 CRB.

ATTACHMENTS:

1. Resolution No. 01-2024 Mural Conditional Use and Exhibits
2. Martin County Arts Council Letter
3. Minor Conditional Use Permit Application
4. Notification



**BEFORE THE COMMUNITY REDEVELOPMENT BOARD
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 01-2024 CRB

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART, FLORIDA, GRANTING A MINOR CONDITIONAL USE APPROVAL FOR PUBLIC ARTWORK (MURAL) NAMED “MENTOR 2 SAVE LIVES” ON A PROPERTY LOCATED AT 432 SE MARTIN LUTHER KING JR BLVD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO PAINT A MURAL ON THE EXTERIOR NORTH WALL OF A BUILDING; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, pursuant to Section 3.01.08 of the Land Development Regulations of City of Stuart, Kraig McHardy (The “Applicant”) filed an application on January 11, 2024, for a Minor Conditional Use Permit to implement the public artwork (mural) project called “Mentor 2 Save Lives” on the exterior north wall of a building located in the East Stuart Neighborhood District within the City’s Community Redevelopment Area (CRA); and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing on February 6, 2024, to consider the application for public artwork (mural) as a conditional use; and

WHEREAS, at a public hearing the applicant has shown by substantial competent evidence that the proposed development does not create any detrimental effects on adjacent properties, within three hundred (300) feet of the proposed location; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART, FLORIDA that:

SECTION 1: Subject to the conditions attached hereto, the Community Redevelopment Board hereby grants a Minor Conditional Use Approval to Kraig McHardy, property owner, for murals located at 432 SE Martin Luther King Jr Blvd, Stuart, Florida. This conditional use is not assignable or transferable.

SECTION 2: A legal description of the Property is set forth in “**Exhibit A**” of this Resolution. A map depicting the property and location of the public artwork (mural) is attached hereto as “**Exhibit B**” and made a part hereof by reference; and

SECTION 3: The Applicant shall operate in accordance with all conditions set forth in “**Exhibit C**”, as attached.

SECTION 4: The Community Redevelopment Board approves the proposed mural rendering attached hereto as “**Exhibit D**” and shall be deemed as part of the development conditions.

SECTION 5: This resolution shall take effect immediately upon its adoption.

Board Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Board Member _____, and upon being put to a roll call vote, the vote was as follows:

TOM CAMPENNI, CHAIRMAN
NIKOLAUS SCHROTH, VICE CHAIRMAN
MARK BRECHBILL, BOARD MEMBER
CHRIS LEWIS, BOARD MEMBER
FRANK MCCHRYSTAL, BOARD MEMBER
BONNIE MOSER, BOARD MEMBER
ANDY NOBLE, BOARD MEMBER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

Resolution #01-2024 CRB
Mentor 2 Save Lives
Minor Conditional Use Permit Application

ATTEST:

MARY R. KINDEL
CITY CLERK

TOM CAMPENNI
CHAIRMAN

APPROVED AS TO FORM
AND CORRECTNESS:

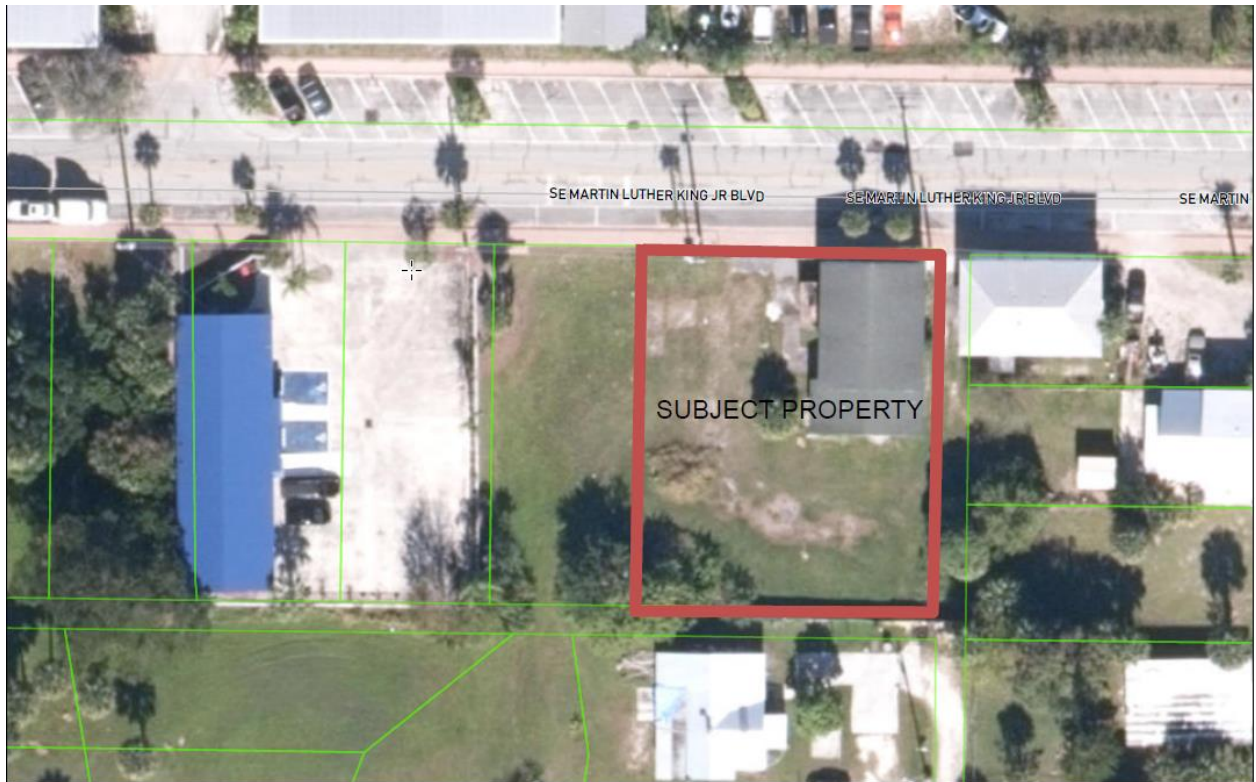
LEE J. BAGGETT, ESQ
CITY ATTORNEY

“Exhibit A”
Legal Description

Lots 1 & 2, Block 9, MCDONALD’S SUBDIVISIONS OF LINCOLN PARK, according to the Plat thereof, as recorded in Plat Book 5, Page 60, Public Records of Palm Beach (now Martin) County, Florida, as amended by AMENDED PLAT OF MCDONALD’S SUBDIVISION OF LINCLON PARK, according to the Plat thereof, as recorded in Plat Book 1, Page 77, Public Records of Martin County, Florida.

Parcel ID # 04-38-41-013-009-00010-0

“Exhibit B”
Location Map



“Exhibit C”
Conditions of Approval

- 1) The project shall comply with the attached mural rendering in “Exhibit D”.
- 2) The property owner shall be responsible for maintenance of artwork (mural) on the building located at 432 SE MLK Jr. Blvd.

“Exhibit D”
Mural Rendering





*Inspiring participation and
passion for the arts in our
community*

DIRECTORS

Karen L. Barnes
Suzy Hutcheson
Chandler Josie
Nerissa Okiye
Nicki van Vonno

EX-OFFICIO MEMBERS

Doug Smith
Martin County BOCC
Becky Bruner
City of Stuart
Amy Pritchett
Martin County School Board

Nancy K. Turrell
Executive Director

80 SE Ocean Boulevard
Stuart, FL 34994-2234
Phone: 772-287-6676
Fax: 772-288-5301
www.martinarts.org
info@martinarts.org

MEMORANDUM

TO: City of Stuart Community Redevelopment Agency Board
FR: Nancy K. Turrell, Executive Director
RE: Mural at 432 MLK Blvd
DT: January 3, 2024

Per our agreement, the proposal for the Mural at 432 MLK Blvd has been reviewed.

The mural drafted by local artist, Benjamin Perez, are relevant and celebrate the history of our Stuart community by depicting local scenes, buildings and historical activities known by many. His style to blend, mix and present them together in a collage format is common and very contemporary format for murals.

Mr. Perez is a younger artist, but has worked on several other mural located in the City of Stuart and was recommended by his teachers. This is an amazing opportunity for him and believe that nurturing young talent like his is an important component of our work in public art. Experience must come from somewhere and I appreciate Pinal's and the East Stuart Historical Advisory Committee's effort to support and encourage him as he develops his vision for the project.

We recommend approval of this mural.



CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
MURAL MINOR CONDITIONAL USE PERMIT

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID# _____
(Staff Entry)

Pre-App Conference Date:	Application Date: 1/11/2024
Project Name: East Stuart Mural	
Parcel ID# 04-38-41-013-009-00010-0	Project Address: 432 MLK Blvd, Stuart-FL
Zoning/CRA Sub-district:	
Subdivision:	Lot(s):
Fee: \$250.00 – Mural Minor Conditional Use Permit (Community Redevelopment Board) (This does not include fees for public notice or any required recording fees)	
A Mural Minor Conditional Use Permit shall be required for mural on public buildings and facilities within the Community Redevelopment Area and private properties limited to non-residential and mixed-use buildings and structures in the Urban Code District and East Stuart Code District located within the Community Redevelopment Area. For a Planned Unit Development (PUD), a minor amendment process for PUDs shall apply and the proposed mural shall be consistent with the terms and conditions of the Development Agreement.	
Submittal Requirements: A completed application form, one (1) copy of all documents on a PDF formatted disc, the payment of fees, and pertinent information as required below.	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the Community Redevelopment Board (CRB) public hearing.	
Justification: Please provide justification supporting the request for a Mural Conditional Use Permit including artist's resume/portfolio, proposed location of mural (photos of exterior wall), dimensions of mural (size/scale), paint colors, type of paint or other material to be used, description of the proposed mural, color rendering/drawing, and maintenance program (use additional pages if needed). See attached	
(over)	

General Information
(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: Kraig McHardy	City/State/Zip Code: Stuart, FL 34997
Title:	Telephone Number: 772-201-2238
Company: Who Got Game	Facsimile Number:
Company Address: 432 SE MLK	Email Address (optional): kmchardy@whogotgame.org

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

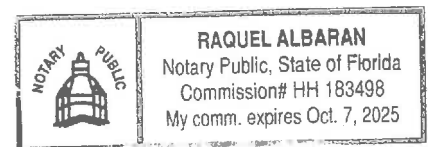
3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

I hereby certify that all information contained herein is true and correct.

4. Signed this 10th day of January, 2024.

Kraig McHardy
Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)



State of Florida, Martin County The foregoing instrument was acknowledged before me on this 10th day of January, 2024 by Kraig McHardy who is personally known to me, or who has produced FLDL as identification and who did/did not take an oath.

Raquel Albarán
Notary Signature

Commission expires: 10/01/2025

City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone: (772) 288-5375 Fax: (772) 288-5388



EAST STUART MURAL SUMMARY

The East Stuart Mural is a project dedicated to showing significant aspects of the community. The different images portrayed in the mural include; James Hall (the first black police officer from East Stuart), members of the McHardy Family Gene McHardy (served in the United States Navy) and his brother Douglas McHardy (one of the key founders of the Stuart Hornets), Zora Neale Hurston (an American author and filmmaker who visited the East Stuart area), Justin Simmons (a professional football player whose family lived in East Stuart), The Stuart Training School, which was the High school for black Americans in Martin County during segregation, a saxophone player to symbolize the Jazz era which persisted through the 1900s, a scene from prom with a couple dancing to live music since dancing/school/and community were all tied together, and some Hibiscus flowers that have a presence inspired by the Beanie Backus painting located at the Stuart Heritage Museum. The image is then completed with the Who Got Game nonprofit organization theme 'We Mentor 2 Save Lives'. Finally, although the Stuart Training School existed during segregation, the artist uses the current Martin County High School colors similar to blue and gold to show a unification of different times and people.



STUART COMMUNITY REDEVELOPMENT AGENCY

MURAL MATCHING GRANT PROGRAM APPLICATION

SUBMITTING AN APPLICATION IS NOT A GUARANTEE OF FUNDING

APPLICANT INFORMATION	
Name: Kraig McHardy	
Address: 2053 SE Avon Park Drive, PSL, FL 34952	
Phone: 772-201-2238	Tax ID# 26-1812778
Email: kmchardy@whogotgame.org	
Website: www.whogotgame.org	

ARTIST INFORMATION	
Lead Artist Name: Benjamin Perez	
Other Artists (if applicable): Paige Perez, Elisabeth Perez	
Address: 484 SE Bloxham Way, Stuart, FL 34997	
Phone: 772-888-5557	Tax ID#
Email: benjaminbvp79@gmail.com	
Website: bperez15.wixsite.com/benjaminperezwebsite	

MURAL LOCATION INFORMATION	
Name of Business: Who Got Game	
Type of Business: Nonprofit	
Property Owner Name / Phone: Kraig McHardy/ 772-201-2238	
Address of Proposed Project: 432 SE MLK, Stuart, FL 34997	

MURAL PROJECT SUMMARY

Please provide project concept/description, mission statement and/or mural project name (include detailed summary on a separate attachment):

East Stuart Mural - The East Stuart Mural design contains elements/people/location that are a significant part of the community

On the mural is/officer James Hall, professional football player Justin Simmons, Zora Neale Hurston, Gene McHardy and brother

A saxophone player to show the Jazz era and people dancing to music, as well as Stuart Training School.

Total Project Cost:	\$ 6000
Matching Amount Requested:	\$ 6000

Additional Instructions: At least one month prior to submitting your Mural Matching Grant application, meet with the CRA Administrator for an initial review of the mural, location, funding and building owner's approval. Contact Pinal Gandhi-Savdas @ (772) 288-5375 or email at pgandhi@dcd.stuart.fl.us

Submit a completed application package to City Hall located at 121 SW Flagler Avenue, Development Department's office, which includes the following:

- Completed Mural Matching Grant Application.
- Attach the completed Budget Worksheet (use template provided).
- Attach a copy of the Minor Conditional Use application submitted to the Development Department.
- Attach proof of ownership of the property or contract agreement for mural on private property.
- W-9 form (as applicable).
- Attach a copy of the liability insurance.
- Image(s) of a color rendering of proposed mural project.
- Image(s) of site and/or building/structure where the mural will be placed.
- Project timeline.
- If attaching panels to a wall, a materials list, drawing and attachment plans must be submitted, and a building permit may be required.
- Attach any other documentation requested by the CRA Administrator in the pre-application meeting.

The applicant is responsible for all Development Department application fees, public notice, building and other permits and fees which are associated with the proposed project. Questions, please call 772-288-5375.

MURAL MATCHING GRANT PROGRAM BUDGET WORKSHEET		
Project Expenses:	Notes	Amount
Artist Fees		\$1,550
Assistant Fees	x# of Assistants	\$500
Supplies/Materials	Large/Paint/Brushes/Paint/Empty Containers/Measuring Tools/Rollers/Trays	\$1,480
Insurance		
Wall Preparation	All Purpose 1 Gallon White Interior/Exterior Primer	\$50
Scaffolding/Ladders/Lifts	Scaffolding/Ladders	\$1,700
Sealing	Water-based acrylic clear sealer	\$60
Maintenance		\$50
Application Fees		\$250
Public Notice/Posting Sign		\$60
Other	Post Cone (x3), Prints, Hard Hat x3	\$300
Total Budget		\$6,000
Match:	Notes	Amount
Cash		
Foundation Grants		
Business Donations		
Individual Donations		
Fundraisers		
Other		
Total Cash		
In-Kind:	Notes	Amount
Volunteer Time	Use IS Value*	
Donations of Materials		
Artist Fees	Donated by lead artist	
Assistant Fees		
Wall Preparation		
Publicity/Promotion		
Other		
Total In-Kind:		
Total Match:		
Funding Request:		
Does match equal or exceed funding request?		

* Estimated value according to Independent Sector (IS), a coalition of charities, foundations, corporations, and individuals that publishes research important to the nonprofit sector.



*Inspiring participation and
passion for the arts in our
community*

DIRECTORS

Karen L. Barnes
Suzy Hutcheson
Chandler Josie
Nerissa Okiye
Nicki van Vonno

EX-OFFICIO MEMBERS

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MEMORANDUM

TO: City of Stuart Community Redevelopment Agency Board
FR: Nancy K. Turrell, Executive Director
RE: Mural at 432 MLK Blvd
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Mr. Perez is a younger artist, but has worked on several other mural located in the City of Stuart and was recommended by his teachers. This is an amazing opportunity for him and believe that nurturing young talent like his is an important component of our work in public art. Experience must come from somewhere and I appreciate Pinal's and the East Stuart Historical Advisory Committee's effort to support and encourage him as he develops his vision for the project.

We recommend approval of this mural.

Notice to Surrounding Property Owners

Subject: Public Hearing before the City of Stuart Community Redevelopment Board

Petitioner: McHardy Investments, LLC and Benjamin Perez, Local Artist

Project Name: Wall Mural

Parcel ID #: 04-38-41-013-009-00010-0

Address of Property: 432 SE Martin Luther King Jr. Blvd, Stuart, Florida (please refer to the attached location map)

Proposed Request: Request for a Minor Urban Code Conditional Use Permit Application – consider public artwork (mural) on the exterior wall of the building located at 432 SE Martin Luther King Jr. Blvd. The property is situated within the City of Stuart Community Redevelopment Area.

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the Community Redevelopment Board on **Tuesday, February 6, 2024, at 4:00 P.M.** to consider the above request.

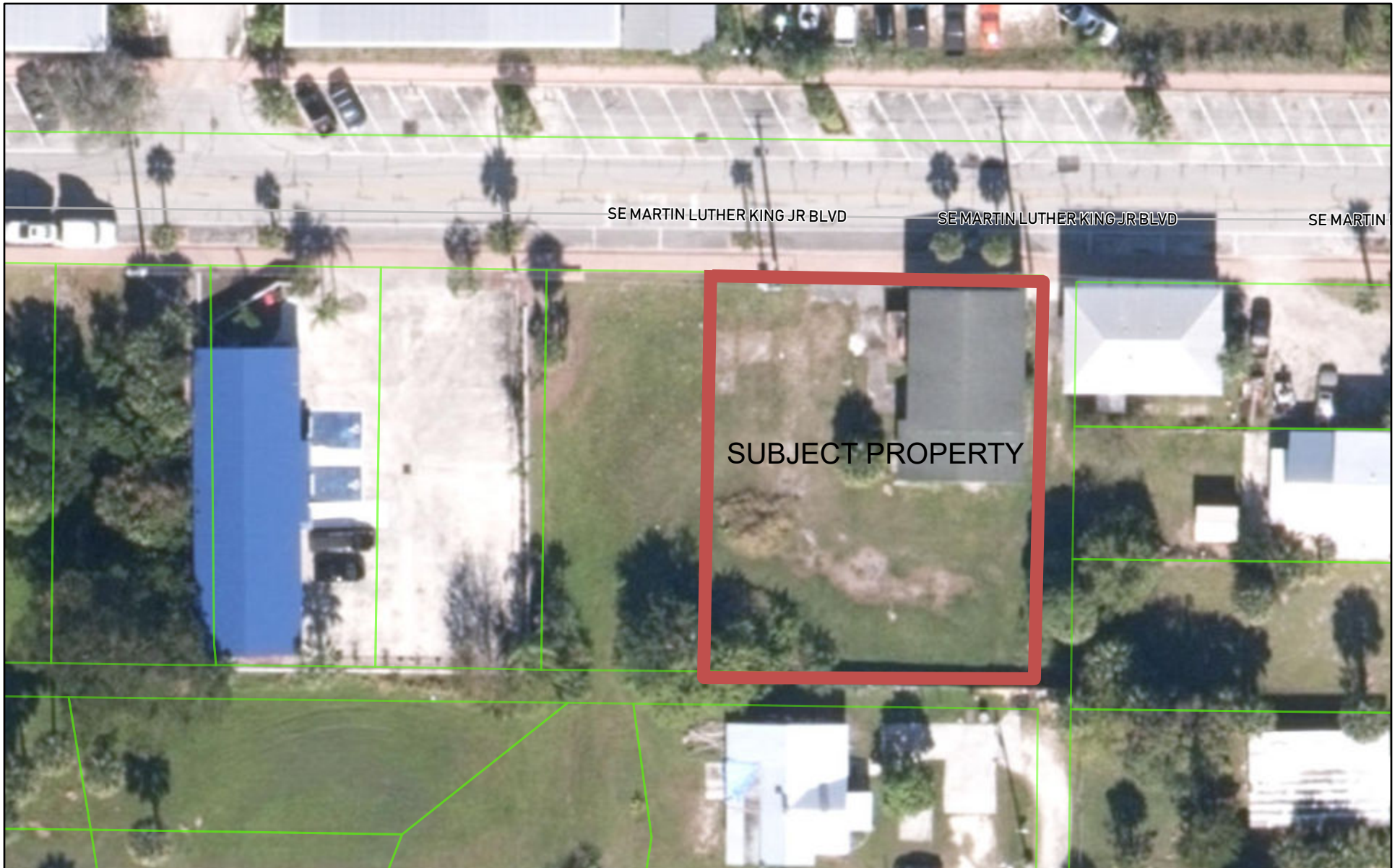
The public hearing(s) will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call the CRA Director, Pinal Gandhi-Savdas, at (772) 283-2532, M-F 8:30 A.M. – 5:00 P.M.

Sincerely,

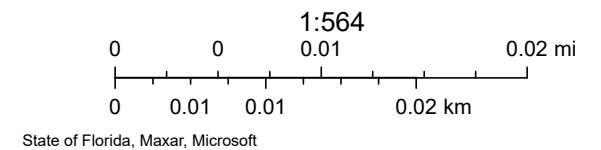
Craig McHardy
Property Owner

ArcGIS Web Map



12/20/2023, 11:43:06 AM

Override 1 City of Stuart Parcels Stuart City Limits
City of Stuart Roads



City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388

AFFIDAVIT ATTESTING TO NOTIFICATION

Melissa Bradley, being first duly sworn, depose(s) and say(s):

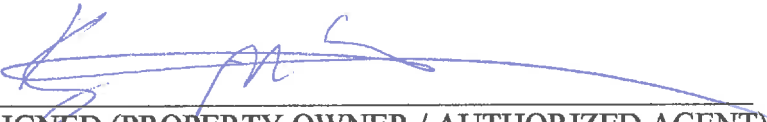
That I am the owner(s) or petitioner(s) of the following described property
which constitutes the location for which notification is required:

432 SE Martin Luther King Jr. Blvd, Stuart, Florida

That a copy of the notice was sent by regular U.S. Mail on 1/19/24 to the
property owners within 300 feet of the subject property.

That a list of the property owners and their addresses is on file with the City of
Stuart; and

That a photograph showing the placement of the notification sign be made a part
of this Affidavit.



SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SWORN TO AND SUBSCRIBED before me this 22nd day of Jan, 2024



NOTARY PUBLIC, STATE OF FLORIDA:

My Commission Expires:

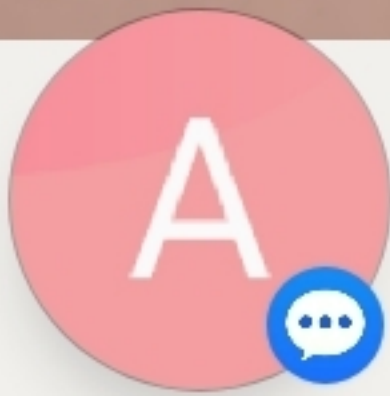
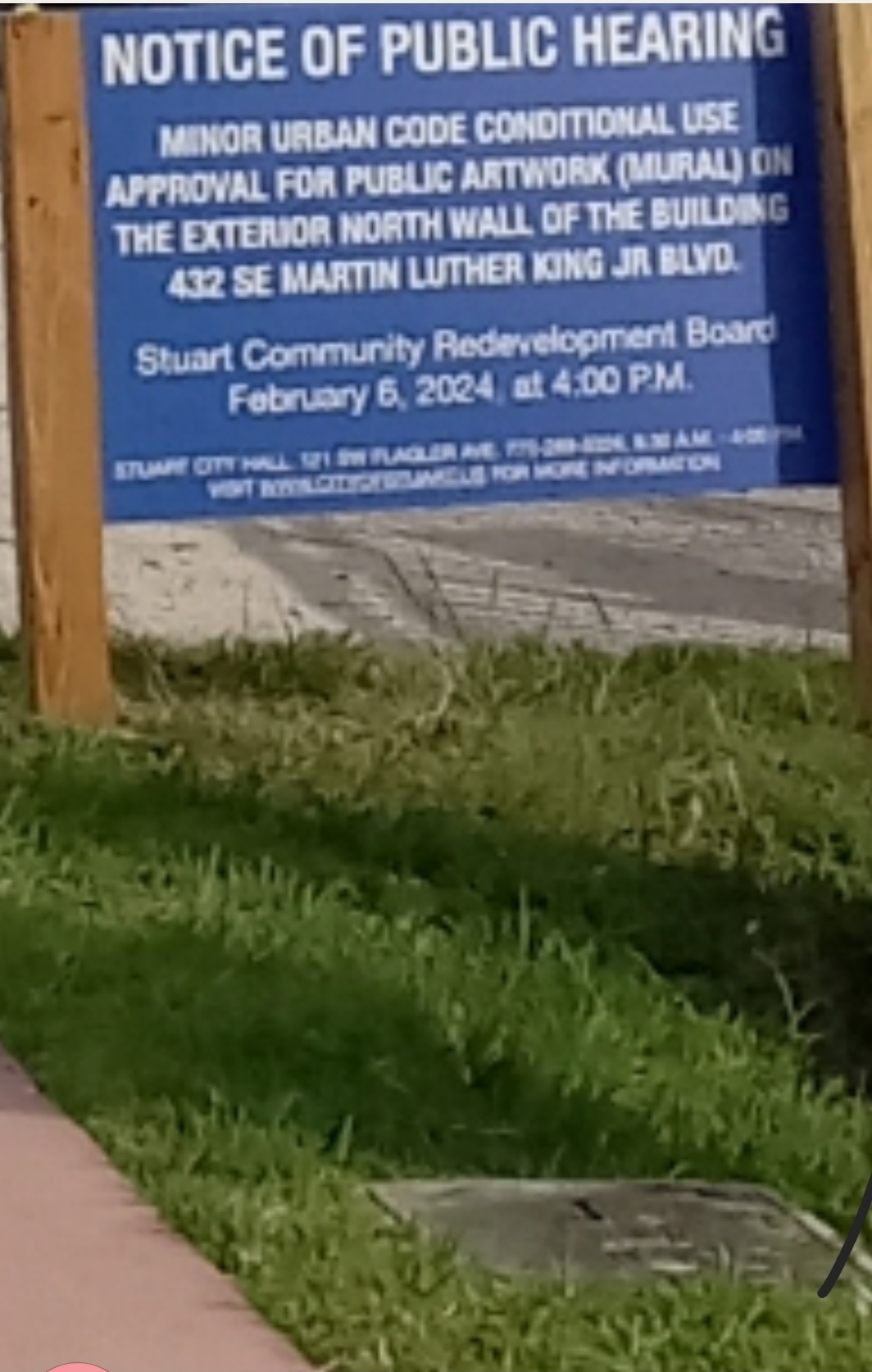


ALICIA KING
Commission # HH 415865
Expires June 28, 2027



Kendal Jones

2:59 PM, Jan 25



Save



Share

PCN	YearBuilt	LocAddr	LocCity	LocState	LocZip
043841012001000108	1954	502 SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841012001000206	0	EAST AVE	STUART	FL	34994
043841012001000402	0	EAST AVE	STUART	FL	34994
043841012001000509	0	UNASSIGNED	STUART	FL	34994
043841012001000705	1958	725 SE EAST AVE	STUART	FL	34994
043841012006000107	1940	800 SE EAST AVE	STUART	FL	34994
043841012007000105	1961	438 SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841012007000203	1944	704 SE EAST AVE	STUART	FL	34994
043841012007000301	0	709 SE EAST AVE	STUART	FL	34994
043841012007000409	1960	712 SE EAST AVE	STUART	FL	34994
043841012007000506	1950	716 SE EAST AVE	STUART	FL	34994
043841012007000604	0	UNASSIGNED	STUART	FL	34994
043841012007000702	0	731 EAST AVE & LAKE ST	STUART	FL	34994
043841013009000100	1955	432 SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841013009000306	0	424 SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841013009000404	0	420 SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841013009000501	1985	420 SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841013009000609	0	SE MARTIN LUTHER KING JR BLVD	STUART	FL	34994
043841013009000707	0	UNASSIGNED	STUART	FL	34994
043841013009000903	0	UNASSIGNED	STUART	FL	34994
043841013009001001	0	SE CENTRAL AVE	STUART	FL	34994
043841013009001109	0	CENTRAL AVE	STUART	FL	34994
043841013009001207	2013	721 SE CENTRAL AVE	STUART	FL	34994
043841013009001305	0	NO RD	STUART	FL	
043841013009001500	0	NO RD	STUART	FL	
043841013009001608	1926	437 SE LAKE DR	STUART	FL	34994
043841013009001700	1926	433 SE LAKE CIRCLE DR	STUART	FL	34997
043841013009002000	1930	429 SE LAKE DR	STUART	FL	34994
043841013010001508	0	LAKE ST	STUART	FL	34994
043841013013000102	1968	413 SE LAKE DR	STUART	FL	34994
043841013014000100	1930	801 SE CENTRAL AVE	STUART	FL	34994
043841013014000208	0	803 SE CENTRAL AVE	STUART	FL	34994
043841013014000306	1935	809 SE CENTRAL AVE	STUART	FL	34994
043841004011000107	1972	500 SE OCEAN BLVD	STUART	FL	34994

Owner1	MailAddr	MailCity
ZIYAD INVESTMENT PROPERTIES LLC	661 NE ZEBRINA SENDA	JENSEN BEACH
BELL JOHNNIE	PO BOX 881	STUART
TREASURE PALM HOME BUYERS LLC	2000 PGA BLVD #400	PALM BEACH GARDENS
MCHARDY INVESTMENTS LLC	PO BOX 357	PORT SALERNO
MILDRED C GIPSON DECLARATION OF TRUST	919 SE LAKE ST	STUART
MCHARDY INVESTMENTS LLC	PO BOX 357	PORT SALERNO
COOK ROYALTIES LLC	3116 CANAL RD	MIRAMAR
JOHNSON ANTHONY BARNARD	704 SE EAST AVE	STUART
CRIDDELL, HORTENSE T	6427 NW 6TH ST	WASHINGTON
BELL JOHNNIE	PO BOX 881	STUART
LANGSTON, BRENDA ANNETTE	716 EAST AVE	STUART
MCHARDY INVESTMENTS LLC	PO BOX 357	PORT SALERNO
MCHARDY ALVIN	PO BOX 357	PT SALERNO
MCHARDY INVESTMENTS LLC	PO BOX 357	PORT SALERNO
ODEN, WALTER E II	6 WOOD ACRES RD	GLEN HEAD
THORNE JOHN	5834 SE MERCEDES AVE	STUART
JOHN AND ANNE THORNE FAMILY TRUST	5834 SE MERCEDES AVE	STUART
SMITH, ANNE	7902 AGNES	DETROIT
MCHARDY INVESTMENTS LLC	PO BOX 357	PORT SALERNO
MCHARDY INVESTMENTS LLC	PO BOX 357	PORT SALERNO
MCHARDY, ALVIN C	PO BOX 357	PT SALERNO
MCHARDY, ALVIN C	PO BOX 357	PORT SALERNO
SANDIFER RUTHIE EMANUEL	721 SE CENTRAL AVE	STUART
ARRINGTON ERNESTINE A	1145 SW 25TH AVE	BOYNTON BEACH
MCHARDY, ALVIN C & ALVIN R	PO BOX 357	PORT SALERNO
LEONARD WYLENE JAMISON	433 SE LAKE DR	STUART
LEONARD LEWIS J	433 SE LAKE DRIVE	STUART
HI LAND PROPERTIES LLC	5644 CORPORATE WAY	WEST PALM BEACH
OATTS YOLANDA S	173 SUNFLOWER MEADOWS DR	MCDONOUGH
MURPHY CHRISTOPHER	6425 REVELLE CIR S	JUPITER
REED JENNIFER D	PO BOX 1474	STUART
PETERSON RODERICK FRAZALE	721 SE CENTRAL AVE	STUART
HUBER PRISCILLA A	809 SE CENTRAL AVE	STUART
SCHOOL BOARD OF MARTIN COUNTY	500 E OCEAN BLVD	STUART

MailState	MailZip	BuildingTy	Subdivis_1
FL	34957	General Retail	LINCOLN PARK
FL	34995		LINCOLN PARK
FL	33408		LINCOLN PARK
FL	34992		LINCOLN PARK
FL	34994	General Retail	LINCOLN PARK
FL	34992	Quadplex	LINCOLN PARK
FL	33025	Apartments - Multiple Res	LINCOLN PARK
FL	34994	Single family	LINCOLN PARK
DC	20012-2613		LINCOLN PARK
FL	34995	Duplex	LINCOLN PARK
FL	34994	Single family	LINCOLN PARK
FL	34992		LINCOLN PARK
FL	34992-0357		LINCOLN PARK
FL	34992	General Retail	MCDONALDS SUBDIVISION
NY	11545		MCDONALDS SUBDIVISION
FL	34997	Comm Out Bldg	MCDONALDS SUBDIVISION
FL	34997	Funeral Home	MCDONALDS SUBDIVISION
MI	48214		MCDONALDS SUBDIVISION
FL	34992		MCDONALDS SUBDIVISION
FL	34992		MCDONALDS SUBDIVISION
FL	34992-0357		MCDONALDS SUBDIVISION
FL	34992-0357		MCDONALDS SUBDIVISION
FL	34994	Other residential	MCDONALDS SUBDIVISION
FL	33426		MCDONALDS SUBDIVISION
FL	34992-0357		MCDONALDS SUBDIVISION
FL	34994	Single family	MCDONALDS SUBDIVISION
FL	34994	Duplex	MCDONALDS SUBDIVISION
FL	33407	Single family	MCDONALDS SUBDIVISION
GA	30252		MCDONALDS SUBDIVISION
FL	33458	Duplex	MCDONALDS SUBDIVISION
FL	34995	Single family	MCDONALDS SUBDIVISION
FL	34994		MCDONALDS SUBDIVISION
FL	34994	Single family	MCDONALDS SUBDIVISION
FL	34994	School Administration	FORTY-SEVEN ACRES ADDN

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 2/6/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

MURAL MATCHING GRANT AGREEMENT BETWEEN THE CRA AND PROPERTY OWNER OF 432 SE MARTIN LUTHER KING JR. BLVD.

RESOLUTION No. 02-2024 CRA; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE BOARD CHAIR TO EXECUTE AN AGREEMENT BETWEEN THE STUART COMMUNITY REDEVELOPMENT AGENCY AND KRAIG MCHARDY, WHO IS THE PROPERTY OWNER, FOR A MURAL MATCHING GRANT IN THE AMOUNT OF \$3,000 TO INSTALL MURAL ON THE EXTERIOR WALL OF A BUILDING LOCATED AT 432 SE MARTIN LUTHER KING JR. BLVD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The Mural Matching Grant Program was approved by Resolution No. 09-2017 to encourage and promote mural artwork on private and public properties within the Community Redevelopment Area.

Each fiscal year, the CRA budgets \$20,000 for the Mural Matching Grant Program. The program provides reimbursement of up to 50% fo the project cost, not to exceed \$3,000, for murals on private and public property within the program boundary.

The applicant is requesting a matching grant in the amount of \$3,000 for the proposed mural on a building located at 432 SE Martin Luther King Jr. Blvd. The total cost of the proposed mural is estimated at \$6,000. The applicant is requesting reimbursement of 50% of the total costs of the project, not to exceed \$3,000.

The attached grant agreement is between the CRA and the property owner for the reimbursement of the maximum grant award in the amount of \$3,000.

Funding Source:

Mural Matching Grant Program - \$3,000

Recommended Action:

Approve Resolution No. 02-2024 CRA to award a grant in the amount of \$3,000 for the proposed mural project.

ATTACHMENTS:

1. Resolution No. 02-2024 CRA
2. Exhibit A - Grant Agreement



**BEFORE THE COMMUNITY REDEVELOPMENT AGENCY
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 02-2024 CRA

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE BOARD CHAIR TO EXECUTE AN AGREEMENT BETWEEN THE STUART COMMUNITY REDEVELOPMENT AGENCY AND KRAIG MCHARDY, WHO IS THE PROPERTY OWNER, FOR A MURAL MATCHING GRANT IN THE AMOUNT OF \$3,000 TO INSTALL MURAL ON THE EXTERIOR WALL OF A BUILDING LOCATED AT 432 SE MARTIN LUTHER KING JR BLVD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Community Redevelopment Agency approved the Mural Matching Grant Program by Resolution No. 09-2018 on September 24, 2019, to encourage and promote mural artwork on private properties and public buildings within the Community Redevelopment Area; and

WHEREAS, the Community Redevelopment Board approved the mural by Resolution No. 01-2023 on January 10, 2023, and

NOW THEREFORE, BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Stuart Community Redevelopment Agency authorizes the Board Chairman to execute an agreement between the Stuart Community Redevelopment Agency and Kraig

McHardy, to award a grant in the amount of \$3,000 to paint a mural on exterior wall of a building located at 432 SE Martin Luther King Jr. Blvd, as attached hereto as “**Exhibit A**”.

SECTION 2: This resolution shall take effect immediately upon its adoption.

Board Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Board Member _____, and upon being put to a roll call vote, the vote was as follows:

REBECCA S. BRUNER, CHAIRPERSON
CAMPBELL RICH, VICE CHAIRPERSON
EULA R. CLARKE, BOARD MEMBER
CHRISTOPHER COLLINS, BOARD MEMBER
TROY MCDONALD, BOARD MEMBER
TOM CAMPENNI, EX-OFFICIO BOARD MEMBER
NIKOLAUS SCHROTH, EX-OFFICIO BOARD MEMBER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of _____, 2024.

ATTEST:

MARY KINDEL
CITY CLERK

REBECCA S. BRUNER
CHAIRPERSON

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

**MURAL MATCHING GRANT AGREEMENT BETWEEN STUART COMMUNITY
REDEVELOPMENT AGENCY AND
KRAIG MCHARDY, PROPERTY OWNER, FOR INSTALLATION OF A MURAL IN
STUART COMMUNITY REDEVELOPMENT AREA**

THIS AGREEMENT ENTERED this ____ day of _____ 2024 by and between the City of Stuart Community Redevelopment Agency (hereinafter referred to as "CRA") and Kraig McHardy (hereinafter referred to as "Owner").

WITNESSETH:

WHEREAS, in City of Stuart Chapter 62 of the City of Stuart Code of Ordinances, the City Commissioners delegated authority to the CRA to award and administer CRA grants, including contracts with property owners for CRA grants; and

WHEREAS, Owner has applied for a grant through the Stuart Community Redevelopment Agency Mural Matching Grant Program (hereinafter referred to as "Mural Program") in the amount of \$3,000.00 dollars; and

WHEREAS, the CRA has determined that Owner meets the eligibility requirements and was approved for a grant award in the amount of \$3,000.00 dollars on February 26, 2024 ("CRA Approval"), which is a minimum of 50 % of the costs to install the mural.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable consideration, the parties agree as follows:

1. Owner acknowledges to the CRA that Owner has received a copy of the Mural Program that Owner has read the guidelines and requirements for the Mural Program, and that Owner has had ample opportunity to discuss the Mural Program with Owner's counsel or advisor. Owner further acknowledges to the CRA that Owner understands and agrees to abide by all of the terms and conditions of the Mural Program. Owner agrees to the terms and conditions of the Mural Program, a copy of which is attached as "**Attachment 1**" and incorporated herein.

2. Owner is the business owner at property described as 432 SE Martin Luther King Jr. Blvd., Stuart, Florida (hereinafter referred to as "Subject Property").

3. Owner has agreed to allow Benjamin Perez to install a mural (hereinafter referred to as "Subject Mural") on the exterior north wall of the Subject Property pursuant to the grant application submitted to the CRA dated January 11, 2024.

4. Owner agrees to complete the Subject Mural within one year of the execution of this Agreement. Owner also agrees to fund at least 100% of the costs of the mural.

5. CRA has approved a reimbursement to Owner in the amount of \$3,000.00 to be administered pursuant to the terms of this Agreement based on an estimated cost of \$6,000.00. If the actual costs to install the Subject Mural is less than the estimated costs for the Subject Mural, the reimbursement amount shall be reduced accordingly to equal the percent of the Subject Mural costs approved for funding by the CRA. In no case will the CRA/City of Stuart be obligated to fund anything in excess of the reimbursement amount.

6. Within forty-five (45) days after confirmation that the Subject Mural was installed pursuant to the terms of the approved application, Owner shall be issued a check in the amount of the grant or reduced amount required by paragraph 5. However, if Owner fails to install the Subject Mural pursuant to the terms of the approved application, or if the project is not completed within one year from the approval of the grant, or if Owner fails to fund at least 50% of the cost of the Subject Mural, the reimbursement shall be deemed revoked, and Owner shall be entitled to no funding.

7. The Subject Mural funded by the Mural Program shall be maintained for a minimum of 60 months (5 years) from the date of completion of the Subject Mural and shall be the responsibility of Owner. Owner must reimburse the CRA/city if the Subject Mural is removed prior to the terms of this Agreement. The obligation to maintain the Subject Mural funded with the CRA grant will run with the land.

8. This Agreement shall be governed and construed pursuant to the laws of the State of Florida.

9. This Agreement contains the entire agreement of the parties and their representatives and agents, and incorporates all prior understandings or representations, whether oral or written regarding the subject matter of this Agreement. No change, modification or amendment, or any representation, promise or condition, or any waiver, to this Agreement shall be binding unless in writing and signed by all parties to this Agreement.

10. This Agreement is personal to the Owner and may not be assigned or transferred by Owner or to Owner's respective heirs, personal representatives, successors or assigns without the prior written consent of the CRA. Further, the artist cannot be changed without written consent.

11. Reimbursement is subject to the availability of funds in the CRA Budget for the current fiscal year of the CRA.

12. If the project is not completed within one year from the execution of this Agreement, the grant award shall expire.

13. IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first written above.

OWNER(S):

(1) _____
Witness Signature

Printed/Typed Name

By: _____
Kraig McHardy, Property Owner
We Got Game, Inc.

Printed/Typed Name

(2) _____
Witness Signature

Printed/Typed Name

COMMUNITY REDEVELOPMENT AGENCY
STUART FLORIDA

Pinal Gandhi-Savdas, CRA Executive Director

Michael J. Mortell, City Manager

APPROVED AS TO FORM AND CORRECTNESS:

Lee J. Baggett, Esq., City Attorney



STUART COMMUNITY REDEVELOPMENT AGENCY

MURAL MATCHING GRANT PROGRAM GUIDELINES AND APPLICATION

MISSION

The objective of the program is to use murals as a catalyst for redefining our area as a destination for arts and culture. Public art is an essential component to community revitalization. Art strengthens communities, drives tourism, and fosters an environment of creativity and innovation. Through this community revitalization effort, we aim to engage the creative sector to drive economic development in Downtown Stuart.

PROGRAM DESCRIPTION

The applicants are eligible to receive financial assistance, in the form of a 50/50 funds match, not to exceed \$3,000, for new mural artwork that are adjacent to the public right-of-way or surface parking lots, or visible from the public right-of way.

Murals that are funded by the Mural Matching Grant Program may be placed on public buildings and facilities within the Community Redevelopment Area. With the appropriate contractual agreements, the City may also fund murals which are placed on private property limited to non-residential and mixed-use buildings or structures within the Urban Code District, East Stuart Code District and "The Creek" Arts & Entertainment District located within the Community Redevelopment Area (See attached Mural Project Area Map).

Murals are considered temporary works of art. Murals funded by the Mural Matching Grant Program shall be maintained for a minimum of 5 years and shall be the responsibility of the applicant and/or artist. An agreement, which will clarify terms and conditions of the commitments including maintenance, must be signed by the property owner and the artist. This ensures that murals will continue to look as their artists and designers intended, and it also ensures opportunities for new murals and mural artists that reflect the changing perspectives and styles of the community.

A mural may not use letters, words, numerals, figures, emblems, logos or any parts or combinations thereof to advertise goods, services or merchandise. Commercial signs are permitted through the City's Development Department.

ELIGIBILITY AND APPLICATION REQUIREMENTS

Anyone can propose a mural project including property owners, artists, organizations, neighborhood associations, and government agencies. Ideas for murals will be accepted from anyone, provided it complies with a Minor Conditional Use application review process, public art work criteria and public notice requirements in accordance with Section 3.01.08 and Section 11.02.00 of the City's Land Development Code, which shall be processed in conjunction with this grant application. Issuance of a Minor Conditional Use Approval shall be granted by the City's Community Redevelopment Board.

For a Planned Unit Development (PUD), a minor amendment process for PUDs shall apply and the proposed mural shall be consistent with the terms and conditions of the development agreement. Approval shall be granted by the City's Community Redevelopment Board and the City Commission. The Mural Matching Grant Program application shall be processed simultaneously with a Minor Conditional Use application approval process. Projects will be considered on a case-by-case basis, and any grant is contingent upon the approval by the Community Redevelopment Board. Approved projects will require a grant agreement, which will clarify terms and conditions of the commitments between the CRA and the applicant. The number of mural projects funded by the City will depend on the funding availability.

HOW THE MATCH WORKS

The City shall provide funding for no more than 50% of the total cost of the project, not to exceed \$3,000. Grant awards shall only be used for costs related to the mural project specified in the proposal. Grant awards shall be inclusive of artist's fees and related expense for design, supplies, insurance, transportation, installations, minor conditional use application fees/permits and public notification.

The applicant shall match the City grant through direct financial contributions, material donations (e.g. equipment, paint or other supplies) and/or volunteer time. The value of volunteer time is updated annually based on the State's wage calculation. Contact the CRA Administrator if you intend to use volunteer hours as part of your match.

APPLICATION PROCESS

1. Download an application from the City's website, www.cityofstuart.us or secure an application at City Hall, Development Department's office located on 121 SW Flagler Avenue, Downtown Stuart.
2. Review the application, and if you have any questions please call 772-288-5375.
3. Submit a completed application package to City Hall, Development Department's office, which includes the following:
 - Completed Mural Matching Grant Application
 - Attach a COMPLETED BUDGET WORKSHEET (use template provided).
 - Attach a copy of the Minor Conditional Use application submitted to the Development Department.
 - Attach proof of ownership of the property or contract agreement for mural on private property.
 - W-9 form (as applicable)
 - Attach a copy of the liability insurance
 - Image(s) of a color rendering of proposed mural project
 - Image(s) of site and/or building/structure where the mural will be placed.
 - Project timeline.
 - If attaching panels to a wall, a materials list, drawing and attachment plans must be submitted, and a building permit may be required.
 - Attach any other documentation requested by the CRA Administrator in the pre-application meeting.

The applicant is responsible for all Development Department application fees, public notice, building and other permits and fees which are associated with the proposed project.

REIMBURSEMENT PROCESS

Disbursement of grant funds shall only occur when the following documents are submitted and all other required conditions are met. Upon project completion, the applicant contacts the Development Department's office by calling 772-288-5375 with the project completion date.

The applicant submits a "reimbursement package" to the CRA which includes the following:

- Completed reimbursement form (provided by the CRA as part of the application);
- Copies of applicable invoices must show "paid in full"; (receipts must clearly show how the project was paid, i.e. check, cash must be made by cashier's check or credit)
- Proof of payment (which must be at least as much as the amount indicated in the application); and photos of mural.
- Final approval by the City staff or copies of final inspection if building permit required.

If the project is not completed within one year from the approval of the grant, the grant award shall expire.



STUART COMMUNITY REDEVELOPMENT AGENCY

MURAL MATCHING GRANT PROGRAM APPLICATION

SUBMITTING AN APPLICATION IS NOT A GUARANTEE OF FUNDING

APPLICANT INFORMATION	
Name:	Kraig McHardy
Address:	2053 SE Avon Park Drive, PSL, FL 34952
Phone:	772-201-2238
	Tax ID# 26-1812778
Email:	kmchardy@whogotgame.org
Website:	www.whogotgame.org

ARTIST INFORMATION	
Lead Artist Name:	Benjamin Perez
Other Artists (if applicable):	Paige Perez, Elisabeth Perez
Address:	484 SE Bloxham Way, Stuart, FL 34997
Phone:	772-888-5557
	Tax ID#
Email:	benjaminbvp79@gmail.com
Website:	bperez15.wixsite.com/benjaminperezwebsite

MURAL LOCATION INFORMATION	
Name of Business:	Who Got Game
Type of Business:	Nonprofit
Property Owner Name / Phone:	Kraig McHardy/ 772-201-2238
Address of Proposed Project:	432 SE MLK, Stuart, FL 34997

MURAL PROJECT SUMMARY	
Please provide project concept/description, mission statement and/or mural project name (include detailed summary on a separate attachment):	
East Stuart Mural - The East Stuart Mural design contains elements/people/location that are a significant part of the community	
On the mural isofficer James Hall, professional football player Justin Simmons, Zora Neale Hurston, Gene McHardy and brother	
A saxophone player to show the Jazz era and people dancing to music, as well as Stuart Training School.	
Total Project Cost:	\$ 6000
Matching Amount Requested:	\$ 6000

Additional Instructions: At least one month prior to submitting your Mural Matching Grant application, meet with the CRA Administrator for an initial review of the mural, location, funding and building owner's approval. Contact Pinal Gandhi-Savdas @ (772) 288-5375 or email at pgandhi@cj.stuart.fl.us

Submit a completed application package to City Hall located at 121 SW Flagler Avenue, Development Department's office, which includes the following:

- Completed Mural Matching Grant Application.
- Attach the completed Budget Worksheet (use template provided).
- Attach a copy of the Minor Conditional Use application submitted to the Development Department.
- Attach proof of ownership of the property or contract agreement for mural on private property.
- W-9 form (as applicable).
- Attach a copy of the liability insurance.
- Image(s) of a color rendering of proposed mural project.
- Image(s) of site and/or building/structure where the mural will be placed.
- Project timeline.
- If attaching panels to a wall, a materials list, drawing and attachment plans must be submitted, and a building permit may be required.
- Attach any other documentation requested by the CRA Administrator in the pre-application meeting.

The applicant is responsible for all Development Department application fees, public notice, building and other permits and fees which are associated with the proposed project. Questions, please call 772-288-5375.

MURAL MATCHING GRANT PROGRAM BUDGET WORKSHEET		
Project Expenses:	Notes	Amount
Artist Fees		\$1550
Assistant Fees	x# of Assistants	\$500
Supplies/Materials	Tarps/Paint/Brushes/Paint/Empty Containers/Measuring Tools/Rollers/Trays	\$1480
Insurance		
Wall Preparation	All Purpose 1 Gallon White Interior/Exterior Primer	\$50
Scaffolding/Ladders/Lifts	Scaffolding/Ladders	\$1700
Sealing	Water-based acrylic clear sealer	\$60
Maintenance		\$50
Application Fees		\$250
Public Notice/Posting Sign		\$60
Other	Post Cone (x3), Prints, Hard Hat x3	\$300
Total Budget		\$6000
Match:	Notes	Amount
Cash		
Foundation Grants		
Business Donations		
Individual Donations		
Fundraisers		
Other		
Total Cash		
In-Kind:	Notes	Amount
Volunteer Time	Use IS Value*	
Donations of Materials		
Artist Fees	Donated by lead artist	
Assistant Fees		
Wall Preparation		
Publicity/Promotion		
Other		
Total In-Kind:		
Total Match:		
Funding Request:		
Does match equal or exceed funding request?		

*Estimated value according to Independent Sector (IS), a coalition of charities, foundations, corporations, and individuals that publishes research important to the nonprofit sector.



STUART TRAINING SCHOOL

HORNETS

87

WE MENTOR TO SAVE LIVES

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 2/6/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

AMENDMENT TO THE MURAL MATCHING GRANT PROGRAM

RESOLUTION No. 05-2024 CRA; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CHAIRPERSON TO APPROVE AMENDMENT TO THE MURAL MATCHING GRANT PROGRAM BOUNDARY TO INCLUDE ALL PARCELS WITHIN THE CRA BOUNDARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The staff is requesting the board to consider an amendment to the Mural Matching Grant Program to expand the boundaries of the program to include all parcels within the CRA. The goal of the program is to encourage and support the installation of murals on private property to revitalize the area through public art. Currently, the program is limited to Urban Districts, East Stuart Neighborhood and The Creek District. The program is a reimbursement grant program and offers a 50% reimbursement grant up to a maximum reimbursement amount of \$3,000 per property for costs associated with the creation and installation of a painted mural on the exterior surface of buildings. The program utilizes tax increment funds to leverage private investment for on-site property enhancements. Therefore, the program should benefit all parcels within the CRA as part of the revitalization efforts.

Funding Source:

N/A

Recommended Action:

Recommend to the CRA board to approve Resolution No. 05-2024 for the extension of the project area boundary.

ATTACHMENTS:

1. Resolution No. 05-2024 Mural Matching Grant Program Amendment
2. Exhibit A - Mural Matching Grant Program



**BEFORE THE COMMUNITY REDEVELOPMENT AGENCY
CITY OF STUART, FLORIDA**

RESOLUTION NO. 05-2024 CRA

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CHAIRPERSON TO APPROVE AMENDMENT TO THE MURAL MATCHING GRANT PROGRAM BOUNDARY TO INCLUDE ALL PARCELS WITHIN THE CRA BOUNDARY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, by the adoption of Resolution No. 09-2018 on September 24, 2018, the City of Stuart approved implementation of the Mural Matching Grant Program on public buildings and private property limited to non-residential and mixed-use building or structures within the Urban Code District and East Stuart Code within the Stuart Community Redevelopment Area; and

WHEREAS, specific program guidelines and project area boundary are adopted for the Mural Matching Grant Program; and

WHEREAS, the program was amended by Resolution No. 02-2020 CRA, to increase the matching grant from \$2,000 to \$3,000 and extend the mural project area boundary to include the southeast portion of the Creek District.

WHEREAS, the program guidelines and project area boundary are reviewed periodically to evaluate the effectiveness in the Community Redevelopment Area; and

Resolution No. 05-2024 CRA
Amendment to Mural Matching Grant Program

WHEREAS, it is the desire of City to extend the mural project area boundary to include all parcels within the CRA boundary; and

WHEREAS, the grant will encourage business and property owners to improve the appearance of the building and create an opportunity for local artists to get involved to create murals in the CRA; and

WHEREAS, amendment to the program will encourage investment in public art and provide funding support for participation in the program.

BE IT RESOLVED BY THE COMMUNITY REDEVELOPMENT AGENCY BOARD OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The Stuart Community Redevelopment Agency has determined that the amendment to the mural project area boundary map is in the best interest of the Community Redevelopment Area.

SECTION 2: The Community Redevelopment Agency authorizes the Board Chairperson to execute the resolution amending the Mural Matching Grant Program attached hereto as “**Exhibit A**”.

SECTION 3: This resolution shall take effect upon adoption.

Resolution No. 05-2024 CRA
Amendment to Mural Matching Grant Program

Board Member _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Board Member _____ and upon being put to a roll call vote, the vote was as follows: vote was as follows:

REBECCA S. BRUNER, CHAIRPERSON
CAMPBELL RICH, VICE CHAIRPERSON
EULA R. CLARKE, BOARD MEMBER
CHRISTOPHER COLLINS, BOARD MEMBER
TROY MCDONALD, BOARD MEMBER
TOM CAMPENNI, EX-OFFICIO BOARD MEMBER
NIKOLAUS SCHROTH, EX-OFFICIO BOARD MEMBER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of _____, 2024.

ATTEST:

MARY KINDEL
CITY CLERK

REBECCA S. BRUNER
CHAIRPERSON

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY



**CITY OF STUART
COMMUNITY REDEVELOPMENT AGENCY
121 SW Flagler Avenue • Stuart, FL 34994
Community Redevelopment Agency Office • Phone (772) 283-2532**

Stuart Mural Matching Grant Program Guidelines and Application

MISSION

The objective of the program is to use murals as a catalyst for redefining our area as a destination for arts and culture. Public art is an essential component to community revitalization. Art strengthens communities, drives tourism, and fosters an environment of creativity and innovation. Through this community revitalization effort, we aim to engage the creative sector to drive economic development within ~~Downtown Stuart~~ the Community Redevelopment Area.

PROGRAM DESCRIPTION

The applicants are eligible to receive financial assistance, in the form of a 50/50 funds match, not to exceed \$3,000, for new mural artwork that are adjacent to the public right-of-way or surface parking lots, or visible from the public right-of-way.

Murals that are funded by the Mural Matching Grant Program may be placed on public buildings and facilities and private property limited to non-residential and mixed-use buildings within the Community Redevelopment Area. ~~With the appropriate contractual agreements, the City may also fund murals which are placed on private property limited to non-residential and mixed-use buildings or structures within the Urban Code District, East Stuart Code District and "The Creek" Arts & Entertainment District located within the Community Redevelopment Area~~ (See attached Mural Project AreaCRA Boundary Map).

Murals are considered temporary works of art. Murals funded by the Mural Matching Grant Program shall be maintained for a minimum of 5 years and shall be the responsibility of the applicant and/or artist. An agreement, which will clarify terms and conditions of the commitments including maintenance, must be signed by the property owner and the artist. This ensures that murals will continue to look as their artists and designers intended, and it also ensures opportunities for new murals and mural artists that reflect the changing perspectives and styles of the community.

A mural may not use letters, words, numerals, figures, emblems, logos or any parts or combinations thereof to advertise goods, services or merchandise. Commercial signs are permitted through the City's Development Department.

ELIGIBILITY AND APPLICATION REQUIREMENTS

Anyone can propose a mural project including property owners, artists, organizations, neighborhood associations, and government agencies. Ideas for murals will be accepted from anyone, provided it complies with a Minor Conditional Use application review process, public art work criteria and public notice requirements in accordance with Section 3.01.08 and Section 11.02.00 of the City's Land Development Code, which shall be processed in conjunction with this grant application. Issuance of a Minor Conditional Use Approval shall be granted by the City's Community Redevelopment Board.

For a Planned Unit Development (PUD), a minor amendment process for PUDs shall apply and the proposed mural shall be consistent with the terms and conditions of the development agreement. Approval shall be granted by the City's Community Redevelopment Board and the City Commission.

The Mural Matching Grant Program application shall be processed simultaneously with a Minor Conditional Use application approval process. Projects will be considered on a case-by-case basis, and any grant is contingent upon the approval by the Community Redevelopment Board. Approved projects will require a grant agreement, which will clarify terms and conditions of the commitments between the CRA and the applicant. The number of mural projects funded by the City will depend on the funding availability.

HOW THE MATCH WORKS

The City shall provide funding for no more than 50% of the total cost of the project, not to exceed \$3,000. Grant awards shall only be used for costs related to the mural project specified in the proposal. Grant awards shall be inclusive of artist's fees and related expense for design, supplies, insurance, transportation, installations, minor conditional use application fees/permits and public notification.

The applicant shall match the City grant through direct financial contributions, material donations (e.g. equipment, paint or other supplies) and/or volunteer time. The value of volunteer time is updated annually based on the State's wage calculation. Contact the CRA Executive Director if you intend to use volunteer hours as part of your match.

APPLICATION PROCESS

1. Download an application from the City's website, www.cityofstuart.us/cra or secure an application at City Hall, Community Redevelopment Agency (CRA) office located on 121 SW Flagler Avenue, Downtown Stuart.
2. Review the application, and if you have any questions please call (772) 283-2532.
3. Submit a completed application package to City Hall, CRA office, which includes the following:

- a. Completed Mural Matching Grant Application and Minor Conditional Use Application.
- b. Attach a COMPLETED BUDGET WORKSHEET (use template provided).
- c. Attach proof of ownership of the property or contract agreement for mural on private property.
- d. W-9 form (as applicable)
- e. Attach a copy of the liability insurance
- f. Image(s) of a color rendering of proposed mural project
- g. Image(s) of site and/or building/structure where the mural will be placed.
- h. Project timeline.
- i. If attaching panels to a wall, a materials list, drawing and attachment plans must be submitted, and a building permit may be required.
- j. Attach any other documentation requested by the CRA Executive Director in the pre-application meeting.

The applicant is responsible for all Development Department application fees, public notice, building and other permits and fees which are associated with the proposed project.

REIMBURSEMENT PROCESS

Disbursement of grant funds shall only occur when the following documents are submitted and all other required conditions are met:

Upon project completion, the applicant contacts the CRA office by calling (772) 283-2532 with the project completion date.

The applicant submits a “reimbursement package” to the CRA which includes the following:

- Completed reimbursement form (provided by the CRA as part of the application);
- Copies of applicable invoices must show “paid in full”; (receipts must CLEARLY show how the project was paid, i.e. check, cash must be made by cashier’s check or credit)
- Proof of payment (which must be at least as much as the amount indicated in the application); and photos of mural.
- Final approval by the City staff or copies of final inspection if building permit required.

If the project is not completed within one year from the approval of the grant, the grant award shall expire.



STUART COMMUNITY REDEVELOPMENT AGENCY
Mural Matching Grant Program Application

SUBMITTING AN APPLICATION IS NOT A GUARANTEE OF FUNDING

APPLICANT INFORMATION

Name:

Address:

Phone:

Tax ID#

Email:

Website:

ARTIST INFORMATION

Lead Artist Name:

Other Artists (if applicable):

Address:

Phone:

Tax ID#

Email:

Website:

MURAL LOCATION INFORMATION

Name of Business:

Type of Business:

Property Owner Name / Phone:

Address of Proposed Project:

MURAL PROJECT SUMMARY	
Please provide project concept/description, mission statement and/or mural project name (include detailed summary on a separate attachment):	
Total Project Cost:	\$
Matching Amount Requested:	\$

Additional Instructions: At least one month prior to submitting your Mural Matching Grant application, meet with the CRA Executive Director for an initial review of the mural, location, funding and building owner's approval. To schedule a meeting, please contact Pinal Gandhi-Savdas at (772) 283-2532 or email at pgandhi@ci.stuart.fl.us.

Submit a completed application package to City Hall at 121 SW Flagler Avenue, Community Redevelopment Agency's office, which includes the following:

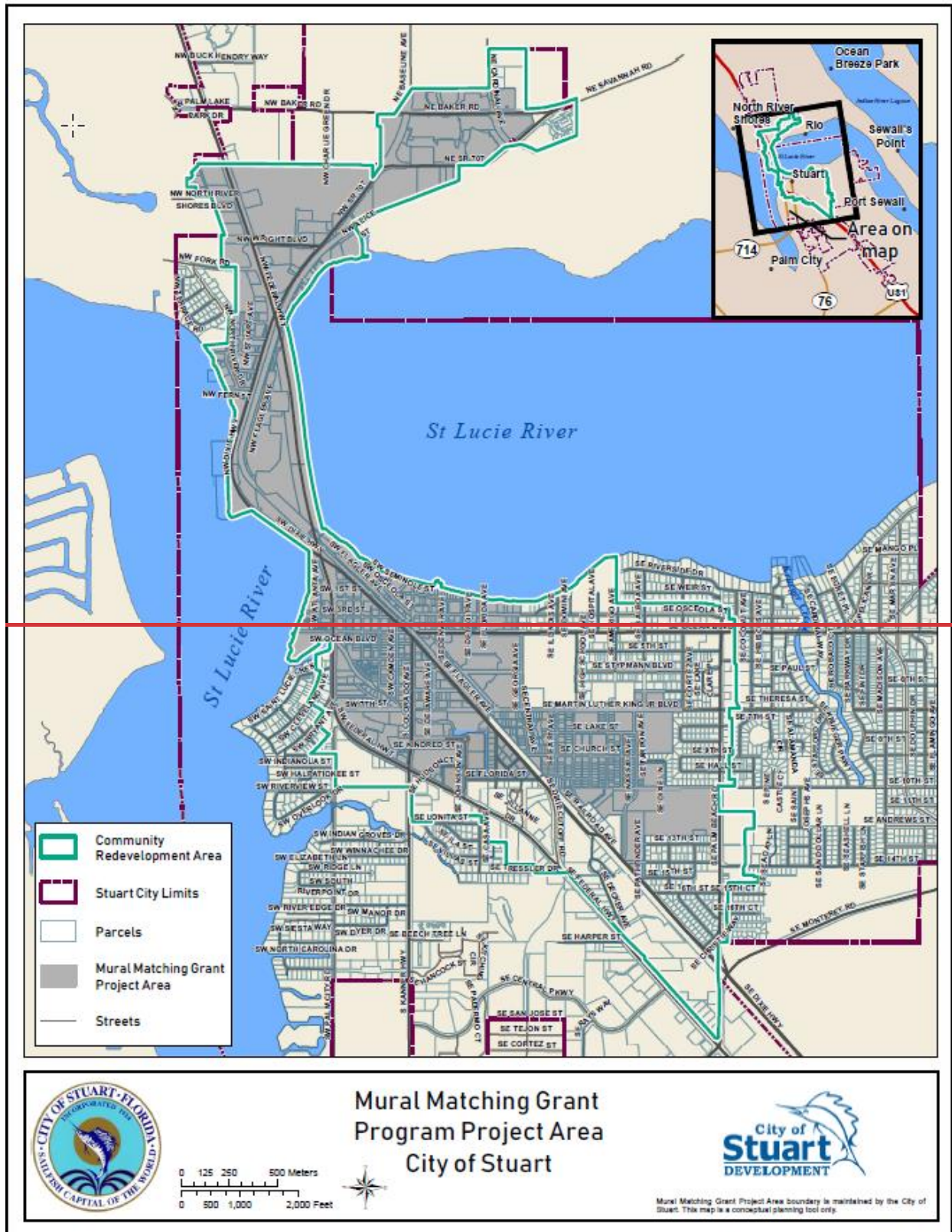
- 1) Completed Mural Matching Grant Application.
- 2) Attach a COMPLETED BUDGET WORKSHEET (use template provided).
- 3) Attach a copy of the completed Minor Conditional Use application to be reviewed and approved by the Development Department.
- 4) Attach proof of ownership of the property or contract agreement for mural on private property.
- 5) W-9 form (as applicable).
- 6) Attach a copy of the liability insurance.
- 7) Image(s) of a color rendering of proposed mural project.
- 8) Image(s) of site and/or building/structure where the mural will be placed.
- 9) Project timeline.
- 10) If attaching panels to a wall, a materials list, drawing and attachment plans must be submitted, and a building permit may be required.
- 11) Attach any other documentation requested by the CRA Executive Director in the pre-application meeting.

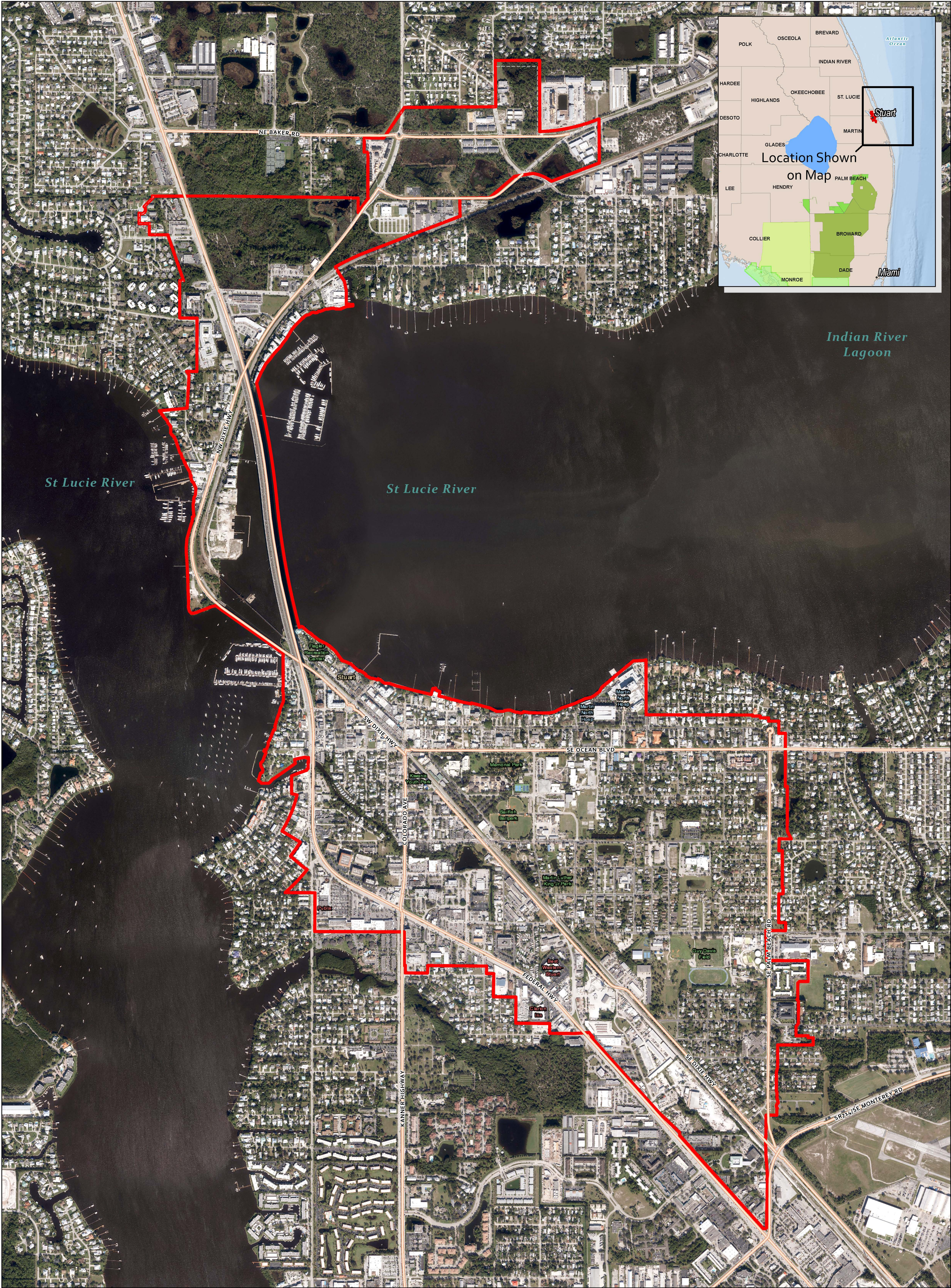
The applicant is responsible for all Development Department application fees, public notice, building and other permits and fees which are associated with the proposed project.

Should have any questions, please contact us at (772) 283-2532.

Mural Matching Grant Program Budget Worksheet		
Project Expenses:	Notes	Amount
Artist Fees		
Assistant Fees		
Supplies/Materials		
Insurance		
Wall Preparation		
Scaffolding/Ladders/Lifts		
Sealing		
Maintenance		
Application Fees		
Public Notice/Posting Sign		
Other		
Total Budget		
Match:	Notes	Amount
Cash		
Foundation Grants		
Business Donations		
Individual Donations		
Fundraisers		
Other		
Total Cash		
In-Kind	Notes	Amount
Volunteer Time	Use IS Value*	
Donations of Materials		
Artist Fees	Donated by lead artist	
Assistant Fees		
Wall Preparation		
Publicity/Promotion		
Other		
Total In-Kind		
Total Match		
Funding Request:		
Does match equal or exceed funding request?		

*Estimated value according to Independent Sector (IS), a coalition of charities, foundations, corporations, and individuals that publishes research important to the nonprofit sector.

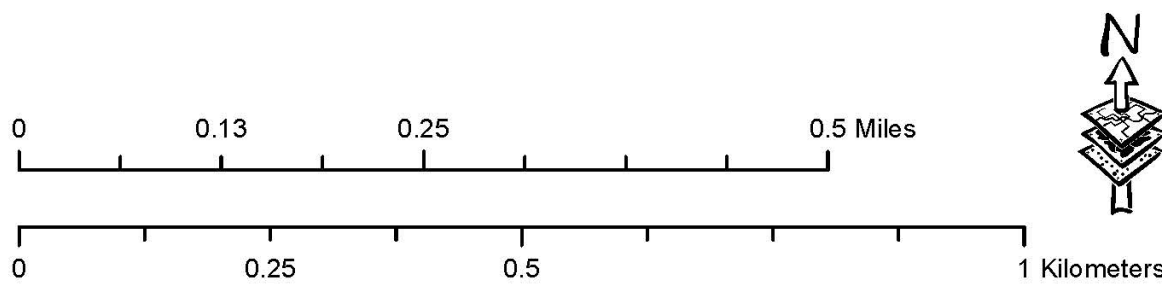


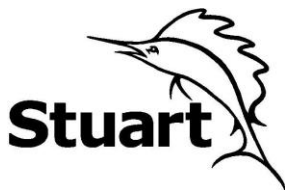


City of Stuart, Florida Community Redevelopment Area



This Geographic Information Systems product, from the City of Stuart, is provided to the public as a courtesy and public record. It should not be relied upon or used as final determination of images, boundaries, zoning, or other land use or development restrictions, designations, or allowable uses. The City does not warrant, guarantee or make any representations regarding the use or the results of the use of the information provided to you by the City in terms of its correctness, accuracy, reliability, timeliness, or otherwise. If you need current or complete zoning, development or land use information or designations, you should consult with a professional and separately request an official zoning verification from the City.





City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

Received by: _____
Reviewed by: _____
Approved by: _____

Application for Mural Minor Conditional Use Permit

Project ID# _____
(Staff Entry)

Pre-App Conference Date:	Application Date:
Project Name:	
Parcel ID#	Project Address:
Zoning/CRA Sub-district:	
Subdivision:	Lot(s):
Fee: \$250.00 – Mural Minor Conditional Use Permit (Community Redevelopment Board) (This does not include fees for public notice or any required recording fees)	
A <u>Mural Minor Conditional Use Permit</u> shall be required for mural on public buildings and facilities within the Community Redevelopment Area and private properties limited to non-residential and mixed-use buildings and structures in the Urban Code District and the East Stuart Code District of the Community Redevelopment Area. For a Planned Unit Development (PUD), a minor amendment process for PUDs shall apply and the proposed mural shall be consistent with the terms and conditions of the Development Agreement.	
Submittal Requirements: A completed application form, one (1) copy of all documents on a PDF formatted disc, the payment of fees, and pertinent information as required below.	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the Community Redevelopment Board (CRB) public hearing.	
Justification: Please provide justification supporting the request for a Mural Conditional Use Permit including artist's resume/portfolio, proposed location of mural (photos of exterior wall), dimensions of mural (size/scale), paint colors, type of paint or other material to be used, description of the proposed mural, color rendering/drawing, and maintenance program (use additional pages if needed).	
(over)	

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

I hereby certify that all information contained herein is true and correct.

4. Signed this _____ day of _____, 20____.

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this _____ day of _____ by _____ who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Notary Signature

Commission expires:

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Community Redevelopment Board

Meeting Date: 2/6/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

DISCUSSION AND DELIBERATION - PUBLIC ART PROGRAM AND TEXT AMENDMENT TO THE CITY'S LAND DEVELOPMENT CODE

Summary Explanation/Background Information on Agenda Request:

At the CRB meeting on January 9, 2024, Nancy Turrell from The Arts Council of Martin County gave a presentation on public art projects in the City of Stuart and other areas. The board briefly discussed the Public Art Program and Land Development Code requirements. Below are some highlights of the discussion. As the next step, staff is seeking input on proposed amendments to the Public Art Code section of the City's Land Development Code.

- **Define Professional Artist** – the artwork must be commissioned from a professional artist, which is defined as “an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner’s body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.” (City of Coral Gables)
- **Public Art Projects may not include reproductions of original art or mass-produced art objects.** (City of Coral Gables)
- **Promote Functional Art**
- **Encourage Public Art visible from the Public Right-Of-Way** - “An approved work of art shall be incorporated into the site plan, ~~public lobby floor plan~~ or the landscape plan for the development” (LDC Section 3.01.08 C.1)
- **The value of the work of art shall not be less than one percent of the vertical construction cost of the development.** The developer may propose artwork on the development site or contribute an amount equal to one percent of the vertical construction to the Public Art Trust Fund in lieu of providing a work of art on site. If the value of the on-site work of art proposed on the development site is less than one percent of the vertical construction costs of the development, a developer may have an option to contribute the remaining balance of the public art fee to the public art trust fund.
- **Encourage developers to commission local artists** – provide incentives (e.g. reduction in contribution amount).
- **The proposed artwork reflects cultural diversity** - “Who we are as a community.” Known as the “Sailfish Capital of the World”.
- **Continue to coordinate with The Arts Council of Martin County to review public art projects** - create an index/portfolio of local artists and past public/private art projects and encourage diversity of artwork.

Funding Source:

N/A

Recommended Action:

Recommend changes to the Public Art Program and text amendments to the Land Development Code.

ATTACHMENTS:

1. Sec. 3.01.08. Public art.
2. City CRB AIPP Jan 2024 Presentation

Sec. 3.01.08. Public art.

- A. *Intent.* The intent of this section is to further the commitment of the city to the aesthetic enrichment of the Urban Code District through the private acquisition of works of art so that citizens and visitors to the Urban Code District of the city will be afforded an opportunity to enjoy and appreciate works of art.
- B. *Applicability.* The provisions of this section shall apply to all new development and substantial renovations in the Urban Code Districts, including the Creek District, with the exception of a duplex, single-family home and single-family home subdivisions.

(Ord. No. 2498-2023 , § 1(Exh. A), 2-13-23)

- C. *Requirements for receiving building permit.* All new development and renovation development pursuant to chapter XII shall elect one of the options listed below prior to the issuance of a building permit:
 - 1. Provide work of art on the development site provided the work is an original and must be created individually by a professional artist or team of artists. Bronze sculptures in limited editions of not more than 50 in all sizes and materials by a single artist are allowed. The value of the work of art shall not be less than one percent of the vertical construction cost of the development. The nature of the work of art shall be proposed by the developer and shall be submitted to the city's community redevelopment board which shall review the proposal for conformity with the public art standards set forth below. An approved work of art shall be incorporated into the site plan, public lobby floor plan or the landscape plan for the development as part thereof.
 - 2. Contribute an amount equal to or greater than one percent of the vertical construction cost in lieu of providing a work of art, a developer may pay the sum of one percent of the vertical construction cost into the public art trust fund described below. Such payment shall be made prior to issuance of a building permit for any portion of the development.
 - 3. If the value of on-site work of art proposed on the development site is less than one percent of the vertical construction cost of the development, a developer may have an option to contribute the remaining balance of the public art fee to the public art trust fund as described below.
- D. *Performance security required.*
 - 1. If a work of art has not been approved by the community redevelopment board at the time of application for a building permit, the permit applicant shall provide a performance security bond or other surety acceptable to the city, in the amount of one percent of the value of the vertical construction which shall be posted until the work of art is approved by the community redevelopment board. The cost estimate or bid for work of art shall be provided by the artist or representative and accepted by the city. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled, or returned when the work of art has been approved by the community redevelopment board.
 - 2. In the event an approved work of art has not been properly constructed and installed prior to the issuance of the first certificate of occupancy for any portion of the development, the permit applicant shall provide a performance security bond or other surety acceptable to the city, in the amount of one percent of the value of the vertical construction which shall be posted until the work of art is completed. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled, or returned when the work of art has been properly constructed and installed. The surety may be forfeited to the public art trust fund, and the developer and property owner cited with a code violation for failing to provide the required work of art.

-
- E. *Application for work of art for development projects.* An application for a minor code conditional use shall be made to construct and install a work of art. The application shall include the artist's resume and portfolio establishing the artist's credentials and abilities, a detailed description of the work of art, its proposed location on the development site and the cost evaluation as set forth below. Drawings and renderings depicting the artist(s) portfolio, the proposed work of art in terms of size/scale, color, shape,

(Ord. No. 2498-2023 , § 1(Exh. A), 2-13-23)

- F. *Standards for work of art.* The community redevelopment board shall be governed by the following criteria in the exercise of their discretion to approve, approve with conditions, or disapprove the proposed installation of public art. In specific cases, the board shall have the authority to exercise discretion and approve a proposal that proves to be an exceptional work of art yet does not meet all of the following criteria.

1. The proposed art conforms to the definition of public art contained in this section;
2. The proposed art meets or exceeds the valuation requirement as provided herein;
3. The proposed art meets the location requirements;
4. The proposed art is visible from a public right-of-way and will enrich the open space;
5. The proposed art is of exceptional quality and enduring value;
6. The proposed art is an appropriate scale to the development site;
7. The proposed art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
8. The proposed art work reflects cultural diversity;
9. The proposed art does not constitute a safety hazard;
10. The proposed art does not require extraordinary maintenance.

- G. *Maintenance of work of art.* A work of art provided and located on public or private property pursuant to this section shall be and remain the sole property of the property owner. The property owner shall be responsible for maintenance and care of the public work of art. A constructed and installed work of art approved pursuant to this section shall be retained on site in its approved condition and location and shall not be removed, replaced or altered without prior approval of the community redevelopment board.

- H. *Removal or replacement.* After a work of art has been approved by the community redevelopment board, such works of art shall be retained on site in its approved location and shall not be removed without prior approval of the community redevelopment board unless replaced with a reasonably equivalent replacement work of art, except when deemed to be unsafe by the building official, in which case it must be replaced within 12 months. This includes displacement damages by natural disasters, in which case the replacement timeframe shall be at the discretion of the development director.

- I. *Additional public works of art.* Following the construction and installation of a required work of art approved pursuant to this section, additional works of art are encouraged and may be constructed and installed without the approval of the community redevelopment board.

- J. *Public art trust fund created.*

1. There is hereby created a public art trust fund for the deposit of payments made in lieu of the construction and installation of a work of art as required in this section.
2. Funds in the public art trust fund shall be used solely for the selection, acquisition, transportation, installation, maintenance and promotion of works of art to be displayed in the city and all expenditures from the fund for such purposes shall be approved by the community redevelopment agency. The cost

-
- of insurance for public art located on property owned by the city may be paid with funds in the public art fund.
3. All works of art purchased with funds in the public art trust fund shall be and remain the sole property of the city.
 4. The public art fund shall be kept in an interest bearing account, separate from general revenues and all accrued interest shall be deposited in the public art fund.
- K. *Process for commissioning artworks for public right-of-way or public places.*
1. *Artist identification.* The community redevelopment board will make a recommendation to the community redevelopment agency on the selection process that will be used for each particular project. The options for selecting artwork are:
 - a. *Direct purchase.* An existing artwork is selected for a particular project.
 - b. *Commission purchase (or invitation).* Artist is chosen to create a site-specific work of art.
 - c. Limited or open competition:
 - 1) *Limited.* One or more artists are invited to submit proposals for selection.
 - 2) *Open.* Any artist may apply subject to criteria established by the community redevelopment board in the "call for artists."
 1. Request for qualification (RFQ) may be used when the commissioning body is interested in a larger pool of applicants for a project. Applicants are asked to submit qualifying material only (resume, images of past work, letter of interest, etc.) that a panel will use to determine suitability for the project. Based on the qualifying materials submitted, the pool of applicants is narrowed by a panelist to 3—5 artists to move forward in the competition. Finalist may be asked to submit a more detailed proposal, visit the site or make a presentation.
 2. Request for proposal (RFP) may be used to look for proposals for a specific project/site/theme. Artists are asked to submit qualification materials and a proposal for the project.
 2. *Review of submittals.* The community redevelopment board shall review the submittals and make a recommendation to the community redevelopment agency. The final selection may be made by the community redevelopment agency or the community redevelopment agency with one or more additional participants (referred to as "panelist") as each project dictates. These may include a representative of the site/building/community where the artwork to be located, a local artist (not eligible for commission) or outside art/public art expert, other experts in the area of architecture, landscape architecture, engineering, urban planner, etc.
 3. *Review process/criteria.* The community redevelopment board and community redevelopment agency or panelist may review the submitted visual material simultaneously with the written material. Artists are selected to move forward in the process based on set criteria, which may include but not limited to:
 - a. Quality, creativity and strength of past work as indicated by visual materials submitted.
 - b. Technical competence demonstrated by past work.
 - c. Understanding of the project goals as indicated in the RFQ or RFP.
 - d. Relevance of submitted materials to the project.
 - e. Aptitude of planning and budgeting.

-
- f. Experience working on public art projects and demonstrated ability to adapt to meet the project goals as indicated in the RFQ or RFP.
 - g. Commitment to participate with agency/community as part of the concept development.
 - h. Local artist or previous experience working on public art within the city limits.
 - 4. *Interview.* In the event the community redevelopment agency or panelist cannot make a unanimous decision, finalists may be invited to make a presentation to help finalize the decision. The criteria to select the artist for the project may include but not limited to:
 - a. Artistic excellence.
 - b. Ability to relate the proposed artwork to the site.
 - c. Experience with projects in similar scope and/or type.
 - d. Knowledge of fabrication and installation of public art proposed.
 - e. Ability to be an effective communicator, team player and work with diverse groups.
 - f. Ability to be detail oriented, a problem solver, an efficient project manager with an understanding of schedules and budgets.
 - g. Flexibility/openness of ideas.
 - h. Presented budget in realistic and flexible.
 - 5. *Contracts.* The contract shall outline the responsibilities, obligations with respect to products and services being provided by the artist, and the conditions desired by the community redevelopment agency or panelist to successfully realize the artwork.
 - L. *Cost estimates required.* Cost estimates for determining valuation of art, posting of security or payment in lieu shall be required from the artist and/or contractor and be presented to city development staff prior to the community redevelopment board hearing.
 - M. *Final compliance.* The property owner will be in compliance with this section after the installation of the public art in accordance with the approved plans, inspection by city development staff and the submittal of five photographs of the artwork on the site and a notarized statement of costs expended that meets or exceeds the requirements.

(Ord. No. 2046-05, § 1, 11-28-05; Ord. No. 2375-2018, § 1, 9-24-18)

EXPLORING ART IN PUBLIC PLACES



Presentation by
Nancy K. Turrell, MA
1/9/2024

Why Public Art

Public art stimulates public spaces, which encourage a sense of ownership and pride within the community, acting as a landmark or gathering place.

It encourages relaxation, contemplation in nature, heightened perceptions and the process of creative thought.

The development of the human race is dependent upon having the freedom to express itself. As a reflection of human creativity, public art serves as a necessary reminder of the allowances and freedoms we have in our everyday lives.

Why Public Art

Public art not only aids in recreation and intellectual pursuits of a community, it also affects the economic growth of an area. A strong cultural environment can be a barometer to measure the health of a region.

A healthy cultural environment supports tourism and economic development. Businesses evaluating a region for relocation and expansion are influenced by these positive factors.

Public art is a reflection of the quality of a region. It should exemplify the highest degree of social awareness, intellectual pursuit, ingenuity, creative ability and the skills a community has to offer.

What is Unsuccessful Public Art?

- Unsuccessful Public Art happens when there is a lack of specificity, when the site or location and the public/community is looked at too broadly and simply. (*from City of Tampa's Guidelines*).
- Scale is a major consideration.
 - For example: the fence at the Hampton Inn fails the scale (drive by) whereas the fence at the Dunn building succeeds as the scale is correct for the location (pedestrian/walking).

Some existing public art



“Lady of Abundance” at Haney Circle, Stuart



Sailfish @ Sailfish Circle
Geoffrey Smith, 2003

Donated by
Mr. and Mrs. Edward Sellian



Waterbirds Along Colorado
Geoffrey Smith

Donated by
Community residents

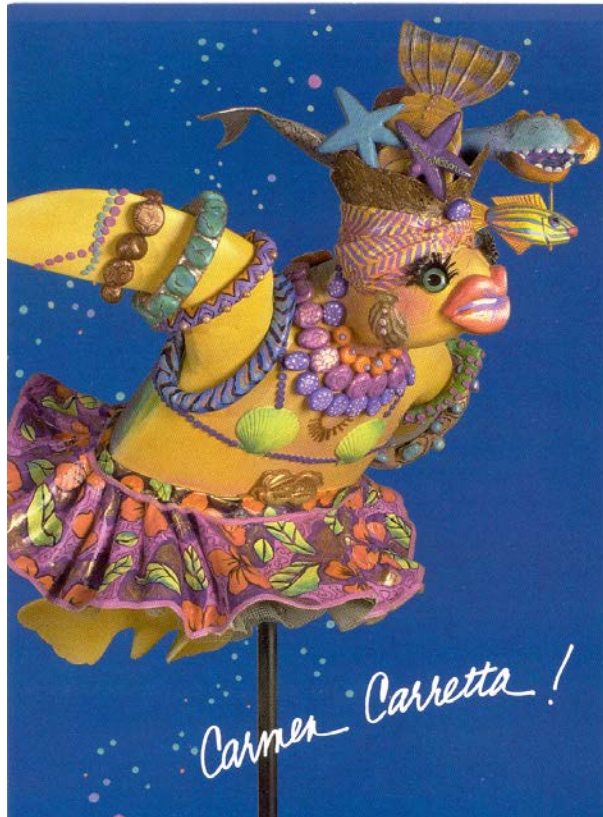
Temporary Public Art Projects



Seward Johnson's 2003 Sculpture Exhibit
Sponsored by Richard Kibbey



Community Driven Public Art Projects: Martin County Turtles on Parade Spring 2002



City of Stuart: 1st Mural Project

- Funded in part by a National Endowment for the Arts Grant
- Partnership between the City and the Arts Council, dba MartinArts
- 2 murals remain:
 - 555 Colorado (below) with Kate Wood
 - Flagler Ave with Maureen Fulgenzi



City of Stuart Sec. 3.01.08. Public art. Standards for work of art.

The community redevelopment board shall be governed by the following criteria in the exercise of their discretion to approve, approve with conditions, or disapprove the proposed installation of public art. In specific cases, **the board shall have the authority to exercise discretion and approve a proposal that proves to be an exceptional work of art yet does not meet all of the following criteria.**

1. The proposed art conforms to the definition of public art contained in this section;
2. The proposed art meets or exceeds the valuation requirement as provided herein;
3. The proposed art meets the location requirements;
4. The proposed art is visible from a public right-of-way and will enrich the open space;
5. The proposed art is of exceptional quality and enduring value;
6. The proposed art is an appropriate scale to the development site;
7. The proposed art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
8. The proposed art work reflects cultural diversity;
9. The proposed art does not constitute a safety hazard;
10. The proposed art does not require extraordinary maintenance.

Standard: the art work reflects cultural diversity

- Art is a universal language.
- Contemporary artists address issues such as identity, diversity, inequality, and environmental concerns through their work.
- Art shares an intricate relationship with society, serving as both a mirror and a catalyst for cultural change.
- Culture gives us a sense of belonging.
 - What makes you feel like you belong in Stuart?

Standard: the proposed art is an appropriate scale to the development...



Automotive Scale



Automotive Scale
Walking Scale





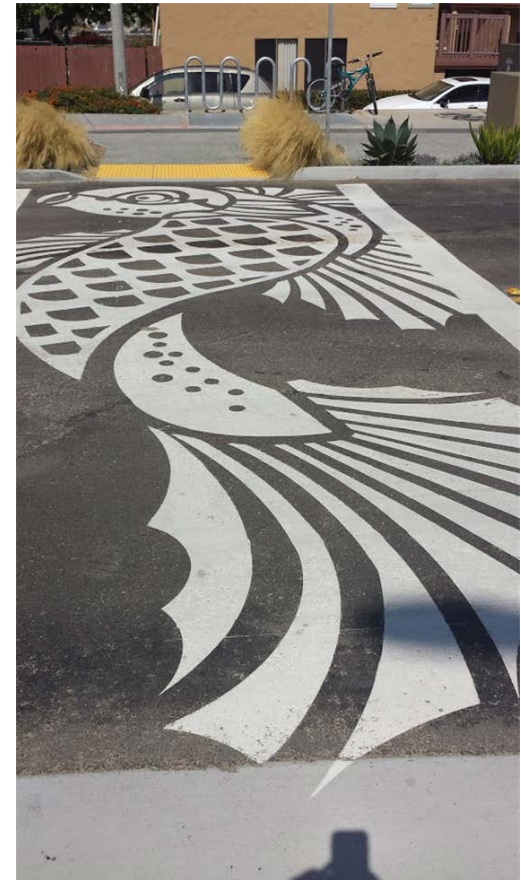
Walking Scale

Wayfinding



Walking Scale

Wayfinding
Fun for People



Walking Scale

Road Art
Wayfinding



Touch Scale

Sound Sculpture
Acoustic or Electronically Enhanced

Integrated with the Architecture or other Built Components



Terrazzo Floors



Railings





Street Poles



Bike Racks



Fences



Benches



Art can be functional and integrated.



Sound Walls



Chainlink



Highlights from some other Public Art Codes and Guidelines

- **City of Key West**

- AIPP – Key West Public Art Plan. Requirements of the developer for items to include with their proposal. Adopting these requirements as part of the ordinance and then the application would provide you with the details needed to make more informed decisions. (page 4 and is also a separate document)
 - 1. Artist name and CV/resume as defined in subsection 2-487(b)
 - 2. Description of proposed artwork – please include dimensions, materials and method of construction
 - 3. Detailed drawings, sketches or photographs of the proposed artwork
 - 4. Detailed drawings, architect rendering or photographs of the specific site where artwork will be located. Details of utilities, proposed landscaping, parking, etc. is helpful
 - 5. Location of plaque for artwork – to be determined with Public Art Administrator when artwork is complete
 - 6. Statement on how maintenance and conservation will be handled
 - 7. Total construction cost as calculated by the City's Building Department to determine eligible 1% for public art program
 - 8. Itemized public art budget and signed contract with the proposed artist(s)
 - 9. Any other information as requested by staff or the board
- Ownership and maintenance of on-site artwork Outlines requirements for maintenance and expectation that the art will remain in good condition (i.e. if it is a fountain it must remain as a working fountain). (page 5-6, items f 3,4,5)

Codes, Guidelines *continued*

- **City of Coral Gables:** defines eligible projects (p 15-16) in a very clear way as well as eligible and ineligible costs.
 - The artwork must be commissioned from a professional artist, which is defined as “an individual generally recognized by critics and peers as a professional practitioner of the visual arts, as judged by the quality of that professional practitioner’s body of work, educational background, experience, past public commissions, exhibition record, publications, receipt of honors and awards, training in the arts, and production of artwork.” In addition, while many architects and landscape designers characterize their work as art, the artist must be selected specifically for this project, and not be a pre-existing member of the design team or permanently affiliated with any of the firms on the team.
 - Public art projects can include traditional art forms such as sculptures, functional elements such as artist-designed gates, pavilions, pergolas, and fountains; landscape elements such as walkways and gardens; and architecturally integrated features such as mosaics and metalwork.
 - Public art projects may not include reproductions of original art, mass-produced art objects unless artists control the number of reproductions and works that are part of the architectural or landscape design except when specifically commissioned from an artist for the site.
 - Design elements that are related to the visual identity of a developer or occupant of a building, such as a logo, trademark, iconography, color scheme or theme, will not be considered as fulfilling the City’s public art requirements, even if they are created by an artist. The Cultural Development board shall consider whether an artwork constitutes commercial expression during its review of a project and include its findings in its recommendations to the City Commission.
 - Interior galleries or exhibitions of permanent or temporary artwork, while highly encouraged, will not be considered as fulfilling the City’s public art requirements except in unusual circumstances, as the priority is enhancing the publicly visible public realm.

Codes, Guidelines *continued*

- City of Tampa Guidelines for Public Art in Private Development
 - Items on Page 4 for what will be considered during the evaluative process.
 - The art enhances the public realm, may be measured by such factors as:
 - The quality of craftsmanship and appropriateness of materials, considering the proposed location, its context, and the conceptual vision of the art proposal
 - Promoting the use, identity, or function of the pedestrian environment
 - Bridging the scale between the adjacent building and the person
 - Engaging or inviting the public into a space or to use or understand a space in ways that do not exist without its inclusion
 - Bringing enhanced meaning to a place
- Berkley, California
 - Uses of the Public Art fund dollars to include grants for arts and cultural organizations that serve the city.

Codes, Guidelines *continued*

- Tempe, AZ
 - The City of Tempe Art in Private Development Ordinance, passed in 1991, has been instrumental in adding more than 95 privately owned artworks to the city, blanketing Tempe's 39.5 square miles with public art that is always accessible. **The ordinance requires large, private retail and office developments to commission artwork on their property or support local arts and culture programs.** Tempe Public Art staff assists developers in identifying artists who specialize in creating integrated or landmark public art. **Developers may choose to support the existing programs of the Arts & Culture Division rather than creating a work of public art.** The result is a partnership between the city and the development community that showcases Tempe as a progressive city with a focus on the aesthetic.

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Community Redevelopment Board

Meeting Date: 2/6/2024

Prepared by: Lee Baggett

Title of Item:

PRESENT SUMMARY OF THE DUTIES AND RESPONSIBILITIES OF THE CRB MEMBERS;

PRESENT A SUMMARY OF THE DUTIES AND RESPONSIBILITIES OF THE COMMUNITY REDEVELOPMENT BOARD ("CRB") MEMBERS PURSUANT TO SECTION 8.00.04 OF THE LAND DEVELOPMENT CODE FOR THE CITY OF STUART AND PROPOSED AMENDMENTS TO THE LDC AND CODE OF ORDINANCES RELATED TO THE CRB, AS WELL AS THE CRB BY-LAWS PREVIOUSLY ADOPTED IN 2020 BY THE CITY COMMISSION.

Summary Explanation/Background Information on Agenda Request:

During the CRB meeting held on January 9, 2024, board members and City staff discussed and requested a summary of the duties, roles, and responsibilities of the CRB board members.

The City of Stuart Land Development Code Chapter VIII – Administration and Enforcement outlines specific powers and duties of the various City boards. Section 8.00.04 of the Land Development Code contains an outline of the powers and duties that are specific to the Stuart Community Redevelopment Board.

Section 8.00.04 of the Land Development Code outlines three (3) separate sections which include: (a) Membership, (b) Powers and duties, and (c) Conduct of Business. A true and accurate copy of Section 8.00.04 of the Land Development Code for the City is attached hereto as Exhibit "A."

Additionally, the City of Stuart City Commission adopted CRB By-Laws in 2020. A true and accurate copy of the CRB By-Laws adopted by the City Commission in 2020 is attached hereto as Exhibit "B".

City staff believes that it is beneficial to provide a review and summary of Section 8.00.04 of the Land Development Code, as well as the 2020 CRB By-Laws adopted by the City Commission for the board members, City staff, and the general public, so that the roles and responsibilities of the CRB members are clearly defined.

Funding Source:

N/A

Recommended Action:

Enjoy the Presentation.

ATTACHMENTS:

1. Exhibit A - Sec. 8.00.04
2. Exhibit B-CRB By-Laws
3. Chapter_VIII__ADMINISTRATION_AND_ENFORCEMENT- LJB Legal Rev 2
4. ARTICLE_III.___BOARDS__COMMITTEES_AND_COMMISSIONS- LB Legal Rev.3

5. DIVISION_1.____COMMUNITY_REDEVELOPMENT_AGENCY-LJB Legal Rev 2

- A. *Membership.* The Stuart Community Redevelopment Board (CRB) shall consist of seven members. Members shall be residents of the city or the owners of a business within the city.
- B. *Powers and duties.* For properties within the community redevelopment area, the CRB shall:
1. Hear, consider, and recommend applications for Urban Code conditional use as provided at section 3.01.06 and section 11.01.10 of this Code;
 2. Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;
 3. Review all proposed amendments to section 3.01.00, Urban Code, and the community redevelopment plan and recommend approval, approval with conditions, or denial;
 4. Review and recommend programs, projects, plans and grant applications to implement the community redevelopment plan;
 5. Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;
 6. Review, hear and approve, approve with conditions, or deny applications for texture architectural materials and public art, as provided in section 3.01.06.
- C. *Conduct of business.*
1. A chairperson and vice chairperson of the Stuart Community Redevelopment Board shall be elected from time to time, but at least annually, by the board. The chairperson shall preside over all meetings of the CRB and shall have the same rights as other members. The vice chairperson shall act in the absence of the chairperson.
 2. Meetings of the CRB shall be held in the city commission meeting room at Stuart city hall and shall be open to the public.
 3. The city development director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.
 4. The city attorney shall be the legal advisor to the board.
 5. A quorum of the board shall be four members. A majority of a quorum shall be necessary to take action.
 6. The CRB may adopt rules for the conduct of its meetings, so long as such rules do not conflict with the ordinances and resolutions of the city commission and the resolutions of the community redevelopment board.
 7. Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.
 8. The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the city commission. The board may of its own volition propose to the city commission that certain amendments be made to the Urban Code.
 9. The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the city commission or the community redevelopment agency.



**BY-LAWS
COMMUNITY REDEVELOPMENT BOARD
(CRB)**

These By-Laws constitute the rules adopted by the City Commission and shall apply to the Community Redevelopment Board (hereinafter the "Board" or "CRB") for the regulation and management of its affairs.

**ARTICLE 1
GENERAL**

- 1.1 **Establishment and Name.** The Board is established as provided in Chapter VIII, Sec. 8.00.04 of the Land Development Code of the City of Stuart. The name shall be designated as the Stuart Community Redevelopment Board.
- 1.2 **Purpose and Objectives.** The Board shall be an advisory Board to the City Commission and to the City administration in performing the duties and responsibilities described in this code. This Board is responsible for reviewing applications for major development in within the Urban District, Historic Building development applications and Urban Code Exceptions.

**ARTICLE 2
MEMBERSHIP**

- 2.1 **Qualifications.** Members shall be over the age of 18 years of age. Members must also be current residents of the City of Stuart or be property owners of real estate within the geographic limits of the City.
- 2.2 **Number.** The Board shall consist of seven (7) members. Each City Commissioner shall appoint a single member to the Board. The City Manager shall appoint two (2) members to the Board, which shall be ratified by the City Commission.
- 2.3 **Term.** The Board members shall serve annual terms. The Commissioners shall ratify the membership of the Board at the annual reorganization meeting of the City Commission.

- 2.4 **Staff Liaison.** The Development Director shall serve as the senior staff person to the Board.
- 2.5 **Secretary.** The Development Director shall appoint a Secretary of the Board and as such shall prepare Board agendas, be the custodian of all books and records of the Board, keep the minutes and a recording of all votes of all Board meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the Board. In the absence of the Secretary at a meeting, the Development Director shall designate an employee to act as Secretary.
- 2.6 **City Attorney.** The City Attorney shall serve as the legal advisor to the Board and attend meetings when necessary.

ARTICLE 3 ELECTION OF OFFICERS

- 3.1 Nomination and election of officers shall occur at the annual organizational meeting of the Board. The organizational meeting shall occur at the first CRB meeting after the annual reorganizational meeting of the City Commission.
- 3.2 **Officers.** Regular officers of the Board shall be a Chair and a Vice-Chair who shall be appointed by the Board at its annual reorganizational meeting.
- 3.3 **Chair.** The Chair shall preside at all meetings of the Board and shall execute instruments in the name of the Board as may be required.
- 3.4 **Vice-Chair.** The Vice-Chair shall, in the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction, shall exercise the functions of the Chair.
- 3.5 **Vacancy.** Upon a vacancy in the office of Chair or Vice-Chair, the Board members shall select one of them to fill the position at the next regular meeting following the creation of the vacancy.

ARTICLE 4 DUTIES AND RESPONSIBILITIES

- 4.1 For the properties within the community development area, the CRB shall:
- 4.2 Hear, consider, and recommend applications for Urban Code conditional use as provided at section 3.01.06 and section 11.01.10 of this Code;
- 4.3 Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;

- 4.4 Review all proposed amendments to section 3.01.00, Urban Code, and the Community Redevelopment Plan and recommend approval, approval with conditions, or denial; Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan;
- 4.5 Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan;
- 4.6 Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;
- 4.7 Review, hear and approve, approve with conditions, or deny applications for texture architectural materials and public art, as provided in section 3.01.06;
- 4.8 Review, hear and approve, approve with conditions, or deny applications for UPUD's within the Community Redevelopment Area;
- 4.9 The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the City Commission. The Board may of its own volition propose to the City Commission that certain amendments be made to the Urban Code; and
- 4.10 The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the City Commission or the Community Redevelopment Agency.

ARTICLE 5 MEETINGS

- 5.1 **Regular Meetings.** Regular meetings shall be held on the first Tuesday of each month in the City Commission Chambers at the Stuart City Hall. No meeting will be convened in the event there is no matter to be considered by the Board.
- 5.2 **Special Meetings.** Special meetings may be held at the discretion of the Redevelopment Board as necessary. Special meetings may be called by the Chairperson; any two (2) members of the Board or by the Development Director by requesting the Development Director to arrange for and give notice of such special meeting.
- 5.3 **Notice.** The Secretary shall give notice of all meetings, both regular and special to all Board members at least twenty-four (24) hours in advance of the meeting, when possible. The Secretary shall determine if a quorum will be present.
- 5.4 **Attendance.** A member who misses three (3) consecutive meetings of the Board shall be deemed to have resigned and the vacancy shall be filled.
- 5.5 **Quorum.** A quorum of the Board shall be four (4) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be

conducted because a quorum is not present, the Members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each Member.

- 5.6 **Adjourned and Continued Meetings.** Where a meeting having been set and noticed under the provisions of these By-Laws and during the course of said meeting is adjourned to a future time and place certain, there shall be no requirements for giving of notice of the time and place of continuation of said meeting other than the announcement thereof at said meeting.
- 5.7 **Rules of Order.** All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence.
- 5.8 **Ethics, Public Meetings and Public Records.** Board Members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (Government in the Sunshine). All Board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).

ARTICLE 6 VOTING

- 6.1 Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".
- 6.2 Each member present must cast a vote on each question before the Board. Any member who has a personal interest in a matter may abstain from participating as a member of the Board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the Secretary of the Board within fifteen (15) days after such vote.
- 6.3 No member of the Board shall represent a client before the Board in any matter that will be considered by the Board. This prohibition does not preclude Board members from representing clients before other City Boards or City Administrative Staff.
- 6.4 **Order of Business.** The Board shall follow the Order of Business as set forth in the agenda prepared by the Secretary for each meeting. The order of business may be suspended by a vote of the majority of the members present.

ARTICLE 7 AMENDMENTS

- 7.1 **Amendments.** The By-Laws of the Board may be amended at any regular or special City Commission meeting by three (3) affirmative votes.
- 7.2 The CRB Board shall make recommendations to the City Commission at any time that the By-Laws need amending.

ARTICLE 8
MISCELLANEOUS

- 8.1 Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the Board at a quasi-judicial hearing. The Board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the Board shall be promptly reduced to writing and signed by the chairperson and secretary.
- 8.1.1 The Secretary or Planner shall provide the Board with proof of publication of the case.
- 8.1.2 The City Planner shall present a brief report. Any correspondence in favor of or against the project shall be read into the record or summarized by the Planner during the presentation.
- 8.1.3 The applicant shall make such presentation or comments as deemed necessary.
- 8.1.4 Upon completion of all testimony, the Chairperson shall announce that no further evidence may be offered.
- 8.1.5 Discussion shall be conducted by the Board regarding the issue presented.
- 8.1.6 Final Action shall be taken by the Board after an appropriate motion and public hearing.

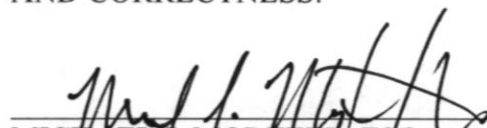
CITY OF STUART:


MICHAEL J. MEIER
MAYOR




MARY R. KINDEL
CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORFELLE, ESQ.
CITY ATTORNEY

Chapter VIII ADMINISTRATION AND ENFORCEMENT

8.00.00. POWERS AND DUTIES

Sec. 8.00.01. City planning advisory board (local planning agency).

- A. *Membership.* Pursuant to sections 2-82 through 2-87, Stuart Code of Ordinances, the city planning advisory board is a "standing board" of the city, and shall consist of seven members. Members shall be residents or property owners within the city. Because it also functions as the local planning agency, it may also be cited as the "LPA."
- B. *Authority.* The city planning advisory board shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described in this code.
- C. *Duties and responsibilities.* The planning advisory board shall:
1. *Constitute the local planning agency as that term is defined and construed in F.S. § 163.3164;*
 2. *Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;*
 3. *Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Land Development Code;*
 4. *Make recommendations to the city commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;*
 5. *Make recommendations to the city commission regarding proposed amendments to the zoning map of the city in the form of zoning and rezoning;*
 6. *Make recommendations to the city commission regarding proposed annexations to the city;*
 7. *Consider and make recommendations regarding the consistency of proposed developments with the various elements of the city comprehensive plan;*
 8. *Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings required by these regulations or by the city commission; and*
 9. *Make other recommendations to the city commission and the city administrative staff upon the request of either regarding land use in the city and the regulation thereof by the city.*

Sec. 8.00.02. City board of adjustment.

- A. *Membership.* The city board of adjustment shall consist of five members. Members shall have been continuous residents or property owners within the city for not less than six months prior to appointment.
- B. *Authority.* The city board of adjustment shall be a quasi-judicial board of the city and shall accordingly perform the duties and responsibilities described in subsection C. of this section.

C. ~~Duties and responsibilities.~~ The board of adjustment shall:

1. ~~Hear and consider applications for variances as provided at section 8.04.00 of this Code;~~
2. ~~Hear and decide appeals of an alleged error in a decision of the city development director made in the enforcement of the provisions of subsection 8.04.01 A.;~~
3. ~~Interpret the provisions of this Code so as to accomplish the intent and purpose of the city comprehensive plan; and~~
4. ~~Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.~~

Sec. 8.00.03. Stuart Beautification Committee.

A. ~~Membership.~~ The Stuart Beautification Committee shall consist of seven members. Members shall have been continuous residents or property owners within the city for not less than six months prior to appointment.

(Ord. No. 1673-99, 4-26-99)

B. ~~Authority.~~ The Stuart Beautification Committee shall be an advisory board of the city and shall accordingly perform the duties and responsibilities described in subsection C. of this section.

C. ~~Duties and responsibilities.~~ The Stuart Beautification Committee shall:

1. ~~Review and make recommendations to the city commission as requested regarding city projects which include design and landscape considerations;~~
2. ~~Review and make recommendations to the city commission as requested regarding changes to the city landscape code, the city Urban Code and the city comprehensive plan as the same may be amended from time to time;~~
3. ~~Assist the city as requested in the identification and design of facade and median landscape improvements for business and residential developments;~~
4. ~~Assist the city in the application for grants related to landscaping and city beautification;~~
5. ~~Assist the city in developing a public awareness of the benefits of landscaping, xeriscaping and the elements of building design; and~~
6. ~~Conduct such meetings as may be necessary to perform the foregoing duties and responsibilities.~~

(Ord. 1444-96, 1-22-96)

Sec. 8.00.04. Stuart Community Redevelopment Board.

A. ~~Membership.~~ The Stuart Community Redevelopment Board (CRB) shall consist of seven members. Members shall be residents of the city or the owners of a business within the city.

B. ~~Powers and duties.~~ For properties within the community redevelopment area, the CRB shall:

1. ~~Hear, consider, and recommend applications for Urban Code conditional use as provided at section 3.01.06 and section 11.01.10 of this Code;~~
2. ~~Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;~~
3. ~~Review all proposed amendments to section 3.01.00, Urban Code, and the community redevelopment plan and recommend approval, approval with conditions, or denial;~~

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(Supp. No. 15)

4. Review and recommend programs, projects, plans and grant applications to implement the community redevelopment plan;
5. Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;
6. Review, hear and approve, approve with conditions, or deny applications for texture architectural materials and public art, as provided in section 3.01.06.

C. Conduct of business:

1. A chairperson and vice chairperson of the Stuart Community Redevelopment Board shall be elected from time to time, but at least annually, by the board. The chairperson shall preside over all meetings of the CRB and shall have the same rights as other members. The vice chairperson shall act in the absence of the chairperson.
2. Meetings of the CRB shall be held in the city commission meeting room at Stuart city hall and shall be open to the public.
3. The city development director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.
4. The city attorney shall be the legal advisor to the board.
5. A quorum of the board shall be four members. A majority of a quorum shall be necessary to take action.
6. The CRB may adopt rules for the conduct of its meetings, so long as such rules do not conflict with the ordinances and resolutions of the city commission and the resolutions of the community redevelopment board.
7. Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.
8. The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the city commission. The board may of its own volition propose to the city commission that certain amendments be made to the Urban Code.
9. The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the city commission or the community redevelopment agency.

Sec. 8.00.05. Community redevelopment agency (CRA).

- A. The city commission, plus two members of the community redevelopment board, shall be the community redevelopment agency for the city, in accordance with F.S. § 163.357. The city commission shall appoint the two members of the community redevelopment board to serve as members of the community redevelopment agency for a term of four (4) years.
- B. The community redevelopment agency shall constitute a legal entity, separate, distinct, and independent from the city commission.
- C. The agency shall appoint, from time to time, a chair and vice chair, who shall serve as the officers of the agency, at the direction of the entire agency.
- D. In no event shall any member serve beyond the length of their city commission or community redevelopment board term.

Commented [LB1]: This is currently duplicative of Part II Code of Ordinances Chapter 32 Article VI Division 1

~~E. Powers and duties.~~

~~1. Authorized actions.~~

~~a. The community redevelopment agency is authorized to carry out all community redevelopment and related activities specified in F.S. §§ 163.358 and 163.370; with the exception of:~~

~~(1) The power to authorize the issuance of revenue bonds as set forth in F.S. § 163.385; and~~

~~(2) The power to approve the acquisition, demolition, removal, or disposal of property as provided in F.S. § 163.370(4)(a) and the power to assume the responsibility to bear loss as provided in F.S. § 163.370(4)(b).~~

~~b. The foregoing specifically enumerated powers shall be retained by the city commission.~~

8.01.00. GUARANTEES AND SURETIES

A. *Applicability.*

1. The provisions of this section apply to all proposed LCD and major development in Stuart.
2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in chapter IV of this Code.

B. *Improvements required.* The approval of any LCD or major development plan document shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved plan. The following information and agreements shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. In no event shall the term exceed five years from the approval of the plan document or 30 percent occupancy of the development, whichever comes first.
3. The projected total cost for each improvement, and the contingent removal of the same. Cost for construction shall be determined by either of the following:
 - a. A certified estimate prepared and provided by the applicant's engineer, subject to review by the city engineer prior to final acceptance; or
 - b. A copy of the executed construction contract.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the city shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced, in part or in whole, at the reasonable discretion of the city development director anytime, subsequent to the completion, inspection and acceptance of improvements by the city.

C. *Amount and type of security.*

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8.01.00. GUARANTEES AND SURETIES

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the public works director.
 2. Security requirements may be met by, but are not limited to, the following:
 - a. Cashier's check.
 - b. Certified check.
 - c. Developer/lender/city agreement.
 - d. Interest bearing certificate of deposit.
 - e. Irrevocable letter of credit.
 - f. Surety bond.
 3. The amount of security shall be 110 percent of the total construction costs and total removal and restoration costs for the required developer installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than 110 percent of the cost of completing the remaining required improvements.
- D. *Completion of improvements.*
1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is made by the public works director. Final acceptance shall be made prior to the issuance of a certificate of completion.
- E. *Maintenance of improvements; public and private.*
1. A maintenance agreement and security shall be provided to assure the city that all required improvements shall be maintained by the developer according to the following requirements:
 - a. For any improvements which are not dedicated, the maintenance period shall be until the condominium or owners' association takes over the responsibility for maintenance.
 - b. For any improvements which are dedicated to the public or the city, the maintenance period shall be for a period of three years, beginning with the written acceptance by city of the improvements.
 - c. The security during the maintenance period shall be in the amount of 100 percent of the estimated maintenance costs.
 - d. The original agreement shall be maintained by the public works director.
 2. Whenever a proposed development provides for the construction of facilities or improvements which are not proposed for dedication to the city a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of F.S. ch. 718, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
 - b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to and maintained by that association.

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- c. No certificate of occupancy shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the city attorney.

An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the city shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City of Stuart.

8.02.00. HARDSHIP

Sec. 8.02.01. Purpose

The purpose of this section is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. Two forms of hardship are addressed:

- (1) Part 8.03.00 addresses hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; and
- (2) Part 8.04.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standards.

8.03.00. EXISTING NONCONFORMING DEVELOPMENT AND LOTS

- A. Existing land uses, structures or lots which are inconsistent with the character, natural resources, and Stuart comprehensive plan shall be eliminated upon redevelopment. Historic and archaeological resources as identified in the housing element of the comprehensive plan are deemed to be consistent with the character of the city, its natural resources, and the comprehensive plan and are therefore considered to be conforming development.
- B. An exception to the elimination of non-conforming uses, structures and lots, may be granted by the city commission, for good cause shown, if all three of the following conditions are met:
1. An existing non-conforming structure, or conforming structure with non-conforming use, is destroyed by accident or act of God; and
 2. The majority of landowners within a 300-foot radius support the rebuilding of the structure to its prior state; and
 3. The rebuilding or reuse does not pose a detriment to the public health, safety or welfare.

Sec. 8.03.01. Non-conforming uses and lots.

As used in this section, a use shall be deemed "discontinued" if all activities related to such use have ceased for a continuous period of 365 days or more regardless of the intent of the property owner, lessee or other person in charge of the property on which the use was located. The determination that a use has ceased shall be made by the city development director who shall consider, among other things, the consumption of utility services at the property, payment of the local business tax, and advertising to the public of any activities on the property. The intent of the owner, or occupant of the property regarding the cessation of the use by the user, as required by law

for "abandonment" of a nonconforming use, is not relevant to the determination of whether or not a use has been discontinued.

A. Nonconforming uses shall be permitted to continue, subject to the following:

1. The lawful use of a structure existing on July 23, 1990, may be continued although such use within the structure does not conform to the provisions of the chapter; and such use may be extended throughout the building; provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the structure, are made therein. No such use shall be extended to occupy any land outside the existing structure.
2. If a lawful use of a nonconforming use is discontinued for a continuous period of 365 days or more, every future use of the real property upon which such structure of use existed shall be in conformity with the provisions of this chapter. If a lawful use of a nonconforming use is discontinued for a continuous period of 180 days, safety inspections to determine compliance with applicable building and fire codes are required for any future lawful use.
3. In those instances when structural additions or modifications are proposed to one and two-family residential non-conforming structures, no variance shall be required to construct additions or modifications, which, by virtue of the proposed structural addition or modification, would otherwise be rendered illegal. This exemption from the variance requirement shall be available only to those proposed structural additions or modifications which meet all current code requirements.
4. The lawful use of land existing on July 23, 1990, although such use does not conform to the provisions of this chapter, may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this chapter. If such nonconforming use is discontinued for a continuous period of not less than 365 days, any future use of said land shall be in conformity with the provisions of this chapter. Provided, however, that where land is located and such use is not an accessory to the use of the main building located on the same lot or grounds, such nonconforming use of land shall be discontinued and all material completely removed by its owner not later than three years from July 23, 1990.
5. If no structural alterations are made, a nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter. When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a lower classification.
6. A nonconforming building destroyed to more than 50 percent of its assessed value shall not be reconstructed except in accordance with the provisions of this Code. Notwithstanding the foregoing, a multi-family building so destroyed containing four or more dwelling units that is nonconforming because of density may be reconstructed to contain the same number of dwelling units as originally constructed. A nonconforming building destroyed by a declared natural disaster to less than 50 percent of its assessed value may be reconstructed as originally constructed.

(Ord. No. 1318-93, 10-11-93)

B. Nonconforming lots of record shall be permitted to continue, subject to the following:

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1. Where a lot has an area or width or both, less than the minimum set out in section 2.04.00, and was a lot of record on March 25, 1968 (Ord. No. 425), said lot may be occupied by a single-family dwelling and its accessory buildings; provided the lot conforms with the minimum lot area and width requirements of the next lower residential district. Such lots shall conform to all other design requirements of the zoning district in which the property is physically located. In the case of an R-3 district, with regard to lots which have an area or width less than the minimum set out in section 2.04.00, and which were lots of record on April 18, 1980 (Ord. No. 880), said lots may be occupied by a single-family dwelling and its accessory buildings; provided the lots conform to the following minimum yard requirements:

Front	Side	Rear
25 feet	5 feet	20 feet

This provision shall only apply to single vacant lots of record and not to adjoining lots of record under single ownership.

(Ord. No. 1781-01, § 1, 5-21-01)

Sec. 8.03.02. Termination of non-conforming uses of land.

All nonconforming uses of land shall be discontinued, and all nonconforming vacant structures shall be torn down, altered, or otherwise made to conform with the use provisions of this chapter within the following periods of time from July 23, 1990.

- A. *Time periods.*
 1. Vacant structures: One year (by July 24, 1991).
 2. A nonconforming use only within an accessory building: Three years (by July 24, 1993).
 3. A nonconforming use within an existing conforming structure: Six months from the discontinuance of the nonconforming use.
- B. *Exceptions.* The strict application of the above provision is to be tempered in the case of historic, archaeological or architectural resources deemed by the city development director to be eligible for designation pursuant to the local historic preservation ordinance. Such resources shall include those identified in the housing element of the comprehensive plan.

8.04.00. NONCONFORMING LOTS CAUSED BY EMINENT DOMAIN PROCEEDINGS

Sec. 8.04.01. Procedure for obtaining a certificate of conformity.

The condemnor or condemnee in an eminent domain proceeding may apply to the city development director for a certificate of conformity relative to a remainder parcel which has or will be created as a result of the eminent domain proceedings. The application shall include the following:

- A. An application fee as established by resolution of the city commission from time to time.
- B. The name and address of the owner of the remainder parcel.
- C. The name and address of the condemnor including the name and address of the condemnor's representative.

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- D. Evidence of the institution of eminent domain proceedings.
 - E. A diagram of the property subject to the eminent domain proceeding at a scale of not less than one inch = 30 feet, showing the location of all structures and improvements on the property and the extent of the condemnor's acquisition.
 - F. The legal description of the remainder parcel which has or will become a nonconforming lot.
 - G. A proposed site plan for the redevelopment of the remainder parcel.

Sec. 8.04.02. Standards.

The city manager shall cause a certificate of conformity to be issued, if the following standards are met:

- A. The application filed is complete, all fees have been paid, and all facts contained in the application have been independently verified or confirmed.
- B. Severance or business damages relative to the remainder parcel will be reduced by the issuance of the certificate of conformity.
- C. A development plan for the remainder parcel has been prepared, and approved by the city development director which minimizes the nonconformities caused by the eminent domain proceedings, and which is otherwise consistent with all requirements of the land development regulations of the city.
- D. The remainder parcel can reasonably and economically function if developed in accordance with the development plan described herein.
- E. In the event that the city manager determines that the remainder parcel cannot reasonably and economically function if developed, the applicant may appeal the decision as provided for appeals from administrative departments in section 8.07.00.

Sec. 8.04.03. Duration.

A certificate of conformity issued pursuant to this section shall automatically expire 60 months from the date of issuance unless development of the remainder parcel in accordance with the approved development plan has commenced within said 60-month period.

8.05.00. VARIANCES

Sec. 8.05.01. Generally.

A. ~~A.~~—*Board of Adjustment.* The Board of Adjustment's bylaws and administration for the board can be found in Chapter 2 of the city Code of Ordinances.

B. ~~Granted by Bboard of aAAdjustment.~~ The Bboard of aAAdjustment may grant a variance from the strict application of the following dimensional requirements of the city Lland Ddevelopment Coderegulations and the city Code of Ordinances: subsection 2.04.00 regarding lot area requirements and minimum yard setbacks; section 6.09.00 regarding setbacks, building separation and heights for accessory structures; section 6.03.02 regarding finished floor elevation; section 6.09.05, regarding fences, walls, hedges and enclosures; and section 6.09.04 regarding setback requirements for location of swimming pools.

(Ord. No. 1831-02, § 1, 3-18-02; Ord. No. 1860-02 § 2, 5-20-02; Ord. No. 1841-02, § 6, 6-10-02)

BC. *Variances to be considered as part of the plan document review.* Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for plan document review. A development activity pursuant to the provisions set forth in subsection A. above that might otherwise be approved by the director must be approved by the board of adjustment if a variance is sought. The variance shall be granted or denied in conjunction with the application for plan document review. In granting a variance, the **bB**oard of **aA**djustment may prescribe appropriate conditions and safeguards.

DC. *Administrative variances by development director.* The city development director may grant minor variances from this code pursuant to [this](#) section **8.04.08**.

Sec. 8.05.02. Limitations on granting variances.

- A. *Initial determination.* The **B**oard of **aA**djustment shall have the power to authorize in specific cases such variances from the provisions set forth ~~herein-subsection 8.04.01.A.~~, which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of certain parts of this code will, in an individual case, result in unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon the following findings by the **bB**oard of **aA**djustment.
- B. *Required findings.* The need for the proposed variance is attributable to unique characteristics of the property either as to the land or as to any improvements thereon, or both, and the proposed variance, if granted, will not:
1. Authorize any use of the property that is not allowed as a permitted use or a use allowed by conditional use in the district in which the property is located; and
 2. Allow a density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located; and
 3. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
 4. Cause a detrimental effect in the supply of light and air to adjacent properties; and
 5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
 6. Cause an increase of traffic on adjacent or nearby roads to levels that are not usual for the types of uses in the neighborhood; and
 7. Cause any threat to public safety in any manner whatsoever; and
 8. Cause any threat to the health or general welfare of the inhabitants of the city.
- C. A variance shall not be granted that exceeds the minimum variance to the strict application of the provisions of this Code necessary to alleviate the unnecessary hardship.

Sec. 8.05.03. Notice of variance hearings.

- A. *Manner of notice.* A variance hearing scheduled before the **B**oard of **aA**djustment shall be preceded by notice mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject property. The identity of the owners of such properties and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation. Notice shall also be posted on the subject property.

B. *Time of notice.* Notice shall be placed in the regular U.S. mail and posted on the subject property by the applicant not less than 15 days prior to the date of the public hearing to be held by the **bB**oard of **aA**djustment at which the matter will be considered.

C. *Content of mailed notice.* The content of a mailed notice shall include the following information:

1. The substance of the variance application generally describing the nature of the proposed use;
2. The time, date and place of the meeting of the board of adjustment at which the matter will be considered;
3. The right of the public to be heard by the **bB**oard of **aA**djustment regarding the proposed variance;
4. The times and places for public inspection of the application for the variance; and
5. A map depicting the real property for which the variance is sought.

D. *Content of posted notice.* Posted notice shall be in substantially the following form:

NOTICE

VARIANCE HEARING

ON _____, 20__

AT ____:____ P.M.

STUART CITY HALL

121 S.W. FLAGLER AVE.

QUESTIONS?

CALL CITY DEVELOPMENT DEPARTMENT

(772) 288-5326

E. *Affidavit of mailing and posting.* An affidavit of the applicant shall be filed with the city development department or submitted to the board at the hearing that the required notice has been provided.

F. The rules for any hearing before the Board of Adjustment are set forth in Chapter 2 of the city Code of Ordinances and Chapter 11 of the city Land Development Code.

Secs. 8.05.04—8.05.07. Reserved.

Sec. 8.05.08. Administrative variance

A. *Authority.* The city development director is hereby granted the power and authority to vary the Land Development Code of the city, only as provided herein. Generally, this procedure is to provide for an efficient and effective review and approval process for certain minor aspects of development in the city. Pursuant to the following, the city development director may review and approve, approve with conditions, or deny:

1. *Yard setbacks.* Any yard setback variance request which does not exceed 110 percent of the code requirement. (For example: where a rear yard setback is 15 feet, and the variance request doesn't exceed 1.5 feet of relief, or conversely stated, a reduction to a 13.5-foot setback.)
2. *Fences, walls and hedges.* Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.
3. *Green development.*

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- a. In the context of this section a building or development that meets the criteria set out in section 6.06.00, "Green development" of this Code qualifies for any or all of the following additional administrative variances:

- (1) *Yard setback area.* A variance to position the principal building within a yard setback area to an extent no greater than ten percent of the square footage of the principal building footprint to a maximum of 500 square feet.
- (2) *Stormwater.* Subject to the design approval of the city engineer, up to 100 percent of stormwater runoff may be stored in underground storage structures for irrigation, cooling, or other appropriate reuse.
- (3) *Driveway width.* Subject to the design approval of the fire chief, the minimum width for a two-way residential driveway may be reduced to 18 feet provided any parking is restricted to one side of the driveway only.
- (4) *Architectural design.* Subject to the design approval of the city development director, a variance may be granted to depart from the strict architectural and building materials, design and location standards as contained in sections 3.01.04, 3.03.00 and 6.05.00 in order to utilize architectural and design features that are consistent with green building principles and are required in order to facilitate compliance with green development criteria.

4. *Other minor land development code variances.*

- a. Any other minor land development code variance which is minor in nature affecting the type, location, size, or area, including, but not limited to, drainage structures, easements, slab or foundation footers, marine construction, flood elevation, curbing and curb-cuts, road medians, solid waste or recycle containers, principal or accessory structures or lots, signage, landscape, lighting, parking, driveways, or utilities.
- b. A minor land development code variance is one in which the requested change:
- (1) Does not increase or enlarge the density, intensity of use; or
 - (2) Does not increase or enlarge the building footprint by more than five percent; or
 - (3) Does not violate the scope and intent of a previous approval for the property by the city commission.

5. *Time extensions.* A one-time extension of 180 days or less to an originally approved timetable of development may be granted upon good cause shown.

B. *Further approval authority.* When authority to do so is conferred by the city commission as a condition of zoning approval, plat approval, or development plan approval, the city development director may approve, approve with conditions or deny any plan document modification.

C. *City commission intent.* By adopting this section, the city commission intends that the city development director shall use the provisions of ~~this section~~subsection 8.04.02.B. of ~~the~~is Code as a guide. Because the nature of the variances permitted herein is minor, strict adherence to the hardship requirements for a code variance granted by the board of adjustment shall not pertain, and the city development director shall be free to use reasonableness, as well as an awareness of community needs and aesthetics, in addition to the criteria expressed ~~herein~~in-subsection 8.04.02.B., as a basis for all decisions.

D. *Nonexclusivity.* It is intended that this section shall be non-exclusive in nature.

1. The city development director may defer any application for administrative variance which would otherwise qualify for consideration by the board of adjustment, or city commission, as applicable, if

such deferral is based upon a reasonable determination that the variance sought does not meet the criteria for an administrative variance. Any application so deferred shall be processed as a new application, and shall meet all land development code requirements for such application, including applicable fees, public notice, and all other submittal requirements.

- E. *Appeal of an administrative variance.* An applicant may appeal a denial of an administrative variance-, as provided in this chapter.

8.06.00. ENFORCEMENT OF CODE PROVISIONS

Sec. 8.06.01. Generally.

Except as provided in the Land Development Code, enforcement of the provisions of the Land Development Code shall be as described in chapters 1 and 2 of the City Code of Ordinances.

Sec. 8.06.02. Other penalties and remedies.

- A. *Penalties for violation of the Florida Building Code.* Any person or entity, including any licensed or unlicensed contractor, who knowingly and willfully performs, or causes to be performed, any construction or development activity, without a permit as required by the city building code shall be subject to the following penalties:

1. A fine of \$500.00 for any first violation of the Florida Building Code.
2. A fine of \$1,000.00 for any second violation of the Florida Building Code.
3. Upon the commission of three or more violations of the Florida Building Code by the same person or entity, the building official may deny the issuance of any further building permits, and forward the matter to the appropriate county and state agencies for disciplinary action.

Notwithstanding the above, all other remedies available to the city shall be preserved, including referral to the code enforcement magistrate, and the filing of appropriate legal actions in the county and circuit courts of the state.

8.07.00. APPEALS AND HEARINGS

Sec. 8.07.01. Appeals from decisions of administrative departments.

A property owner, developer or adversely affected person may appeal a final decision of any administrative department, including the city manager, by requesting a hearing on the matter. The hearing shall be before the city commission by filing a "notice of appeal and request for hearing" with the city clerk within 30 days of the written rendering of the administrative decision.

Sec. 8.07.02. Contents of notice of appeal and request for hearing.

The notice of appeal shall contain:

1. A statement of the decision to be reviewed, and the date of the decision.
2. A statement of the interest of the person seeking review.
3. The specific error alleged as the grounds of the appeal.

4. The facts of the case to be proven.
5. The conclusion of law sought to be upheld.

Sec. 8.07.03. General rules and procedures for hearings.

1. All appeals shall be in writing on forms prescribed by the city and accompanied by fees prescribed by the city commission.
2. The appealing party assumes the responsibility of all required notification procedures. A public hearing shall be set by the city commission within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date.
3. The city commission shall hear the matter, and shall have ten days from the date of the hearing to render a decision.
4. The city commission may affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review.
5. The written order of the commission shall be submitted to the appellant and to the city development director and/or other administrative department involved in the appeal.
6. All decisions rendered by the city commission shall be final and binding on all parties.

Sec. 8.07.04. ~~Reserved for future use~~Administrative review by the board of adjustment.

~~A. Administrative review.~~

- ~~1. The board of adjustment shall have the power to hear and decide appeals of alleged error in a decision of the city development director made in the enforcement of the provisions set forth in subsection 8.04.01 A.~~

- ~~(a) *Hearings; appeals; notice.* Appeals to the board of adjustment may be taken by a person aggrieved or by an officer or bureau of the city affected by a written decision of the development director in the interpretation of the city regulations governing the categories in subsection 8.04.01 A.~~

~~Any such appeals shall be filed not more than 30 days from the date of mailing or hand delivery of the written decision of the development director by filing a written notice of appeal with the development director and the secretary to the board of adjustment. Every written notice of appeal shall refer specifically to the provision of the city's regulation and the interpretation claimed by the appellant which contradicts that of the development director. Upon receipt of the notice of appeal, the development director shall forthwith transmit to the secretary of the board of adjustment any and all papers constituting the record upon which the appeal is taken. A public hearing shall be set within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date.~~

- ~~(b) *Stay of proceedings on appeal to board of adjustment.* An appeal stays on all proceedings and acts by all parties in furtherance of the action appealed from, unless the building official certifies to the board of adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on due notice to the development director from whom the appeal is taken and on due cause shown.~~

~~(c) — Constitutionality, vested right, or estoppel appeals. Notwithstanding the appellate powers conferred upon the board of adjustment in this section, appeals from a decision of the development director based in whole or in part upon the constitutionality of a city regulation, a claim of vested rights, or estoppel may only be prosecuted pursuant to the provisions of chapter XI, section 11.01.08 of this Code.~~

Sec. 8.07.05. Appeals from decisions of the ~~B~~board of ~~a~~Adjustment.

Appeal by certiorari to the circuit court. Any person who appeared before the ~~B~~board of ~~a~~Adjustment who is aggrieved by any decision of the board, may present to a circuit court a petition for issuance of a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. A petition for a writ of certiorari shall be filed in the manner and within the time provided by the Florida Appellate Rules. The filing of a petition for rehearing, as provided below, shall toll the time for the filing of a petition for writ of certiorari herein.

Sec. 8.07.06. Appeals from decisions of the city commission.

An appeal of a final determination of the city commission shall be pursuant to the provisions of Section 11.03.14.

Sec. 8.07.07. Reasonable accommodation.

A. *Purpose.* It is the policy of the City of Stuart, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

B. *Applicability.*

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, an opportunity to seek an exception in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities to accommodate a disability recognized by the Fair Housing Act or ADA.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

C. *Requesting reasonable accommodation.*

1. Any eligible person as defined in section 2 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
2. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (a) Name and address of the individual(s) requesting reasonable accommodation;
 - (b) Name and address of the property owner(s):
 - (i) If the property is not owned by the applicant, a copy of the lease as well as written authorization from the owner to seek the accommodation;

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- (c) Address of the property for which accommodation is requested;
 - (d) Description of the requested accommodation with reference to the regulation(s), policy or procedure for which accommodation is sought; and
 - (e) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- 3. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
 - 4. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- D. *Reviewing authority.*
- 1. Requests for reasonable accommodation shall be reviewed using the criteria set forth in section 5.
 - 2. A written response to the request for reasonable accommodation shall be provided within 30 days of the date of receipt of the fully completed application and may either seek additional information, grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings. Note: Incomplete applications shall not be deemed submitted and will not be reviewed until complete.
 - 3. If necessary to reach a determination on the request for reasonable accommodation, the city may request further information from the applicant specifying in detail the information that is required. In the event that a request for additional information is made, a new response to the request shall be made within a reasonable time after receiving the requested information.
- E. *Required findings.* The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
- 1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
 - 2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
 - 3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction or would otherwise grant an undue benefit to the applicant that is not enjoyed by other landowners and;
 - 4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.
- F. *Written decision on the request for reasonable accommodation.*
- 1. The written decision on the request for reasonable accommodation shall address the criteria set forth in section 5 and provide a response to each item.
 - 2. The written decision may be provided to the applicant via email to the email address provided on the application.
 - 3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- G. *Appeals.*

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1. An appeal of the decision must be filed within 30 days of the written decision and the applicant must follow the procedure as set forth in section 8.07.01; Appeals from decisions of administrative departments.
 2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
 3. All appeals shall contain a statement of the grounds for the appeal.

ARTICLE III. BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 1. GENERALLY

Sec. 2-82. Standing boards; applicability of regulations.

- (a) The standing boards which are established by the city commission ~~are include~~ the ~~zoning B~~board of ~~A~~adjustment (hereinafter "BOA"), ~~nuisance abatement board, L~~ocal ~~P~~lanning Agency (hereinafter "LPA") ~~advisory board, Community Redevelopment Board (hereinafter "CRB"), East Stuart Historical Advisory Committee (hereinafter "ESHAC") and Stuart I~~ndependent ~~R~~eview ~~B~~oard (hereinafter "SIRB"). The Stuart ~~C~~ommunity ~~R~~edevelopment ~~A~~gency (hereinafter "CRA") and the Stuart ~~H~~ousing ~~A~~uthority (hereinafter "SHA") are standing boards which have been created by the city commission and exist pursuant to Florida law.
- (b) The regulations set forth in this article shall apply to all standing boards unless superseded by applicable ordinance or statute. Additional regulations set forth herein may apply to a particular board.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-83. Location of board meetings; clerical and legal support; compensation of members; expenses.

- (a) ~~Meetings of the standing boards shall be open to the public. Except for the city housing authority, b~~Board meetings shall be open to the public and held in the city commission chambers at city hall, except for the SHA which should be set in accordance with Florida's Housing Authorities Law, Florida Statutes §§ 421.01 et. seq.
- (b) The city manager shall provide the clerical support necessary to enable each board to perform its duties and responsibilities. The secretary shall attend all board meetings, record the proceedings, and prepare minutes of meetings promptly thereafter. The secretary shall maintain all records of the board as public records of the city. This section does not apply to the housing authority board.
- (c) The legal advisor to a standing board shall be the city attorney, or his/her designee. The city attorney, or his/her designee, shall attend board meetings when necessary or as requested by the board. Any designee of the city attorney shall also be an attorney licensed to practice law in the state of Florida.
- (d) Board members shall serve without compensation.
- (e) ~~All board expenses shall be paid by the city. Expenses incurred personally by board members in the performance of board duties or responsibilities may be reimbursed by the city in the discretion of the city manager.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-84. Minimum Membership Requirements.

- (a) ~~Appointment by city commission.~~ Except for the city housing authority, appointments to membership on standing city boards shall be made by the city commission. Each commissioner shall select an appointment for each board, which will be ratified by the entire board. At large board members shall be selected by the entire commission via staff recommendation.
- (ba) *Qualifications; membership on more than one standing board prohibited.* To be qualified for appointment, a prospective appointee shall be over the age of 18 years of age, have maintained permanent residency within the City of Stuart for at least twelve (12) consecutive months immediately preceding the appointment, or be property owners of real estate within the geographic limits of the City of Stuart for at least twelve (12) consecutive months immediately preceding the appointment. ~~will have to meet the requirements of each board's bylaws.~~ No elected official, other than sitting city commissioners on the CRA, may serve on any board.
- (be) *Members to maintain qualifications throughout terms.* A board member shall maintain all applicable appointment qualifications during the term of membership.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-85. Certificate of appointment; orientation.

- (a) Upon appointment by the city commission, the city clerk shall notify the appointee.
- (b) The city clerk shall also provide to the appointee information regarding the then current provisions of the Florida Government-in-the-Sunshine and the Code of Ethics for Public Officers and Employees statute laws. The city attorney shall be available to appointees in order to explain and/or answer questions for such laws.
- (c) The secretary of the board to which an appointment has been made shall provide to an appointee such information as is appropriate to adequately advise the member of the duties and responsibilities of board membership.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-86. Rules of procedure; ~~quorum~~; voting; Attendance; Decorum.

- (a) ~~The city commission shall adopt bylaws for the conduct of the business of the standing boards. In accordance with the bylaws, the boards shall annually select officers to preside over board meetings.~~
- (b) ~~A quorum of a standing board shall be a majority of the total number of board members. Board action shall be taken by a majority vote of a quorum~~
- (ae) Board mMembers shall faithfully attend and participate at meetings of the board. Any member who fails to attend three successive board meetings shall be deemed to have resigned from the board and a vacancy shall be deemed to exist.
- (b) All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence. The Chair of the board shall be the arbiter of the application of Robert's Rules of Order.
- (c) Voting shall be by voice vote and shall be recorded by individual "aye," "yes," "nay" or "no."

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- (d) Board members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (i.e. Government in the Sunshine). All board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).
 - (e) Each member present must cast a vote on each question before the board. Any member who has a personal interest in a matter may abstain from participating as a member of the board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the secretary of the board within fifteen (15) days after such vote.
 - (F) Each board shall follow the Order of Business as set forth in the agenda prepared by the secretary for each meeting. The Order of Business may be suspended by a majority of members present.
 - (g) No member of any board shall represent a client(s) before such board in any matter that will be considered by that board. This prohibition does not preclude board members from representing a client(s) before any other board in the City.
 - (h) The presiding officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the presiding officer to ensure that the rules of operation and decorum contained herein are observed. The presiding officer shall maintain control of communication between the board members with each other, and with city staff and the public.
 - (i) All members of the boards shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the board and shall refrain at all times from interruptions, rudeness, derogatory remarks, reflections as to integrity, and abusive comments. Board members shall confine their remarks to the issues before their respective board.
 - (j) All members of the boards should request the floor from the presiding officer before speaking. When one member of the board has the floor and is speaking, other board members shall not interrupt or otherwise disturb the speaker.
 - (k) In all quasi-judicial hearings, the rules set forth in Chapter 11, City of Stuart Land Development Code shall apply.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-87. Removal of board members without cause; vacancies; holding over.

- (a) Members on standing city boards shall serve at the pleasure of their respective appointing city commissionerer. A board member may be removed from membership by their respective appointing city commissionerer without cause and without notice and hearing.
- (b) A vacancy shall be deemed to exist upon the resignation, death, or removal of a member. Vacancies however created shall be promptly reported to the city manager by the board secretary. Vacancies shall be filled by the city commission in the same manner as original appointments as soon as is practicable.
- (c) With the exception of the city commissioners on the CRA, bBoard members shall be appointed to fill specific one-year terms of board membership. The city commission shall ratify~~appoint~~ the members of each board during its annual reorganization meeting. The term shall begin at the first annual meeting of the Board and shall expire at the end of December in the same year.
- (d) Term limit for at large members. No at large appointee shall serve longer than eight consecutive years on any one board. Current at large members may serve a full eight-year term upon adoption date of the ordinance from which this section is derived. At large members shall be selected by the city commission from qualified

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~~applications which have been submitted to the city clerk. The at large positions shall serve two-year terms which shall be staggered.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Secs. 2-88—2-95. Reserved.

DIVISION 2. STUART INDEPENDENT REVIEW BOARD

Sec. 2-96. ~~Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Affected department* means the department of city government in which the employee whose conduct is being reviewed is employed.~~

~~*Board* means the Stuart Independent Review Board.~~

~~*Citizen complaint* means a written and signed allegation of improper conduct of an employee of the city made by any person who is not an officer or employee of the city.~~

~~*Employee* means any person employed by the city except a member of the city commission, the city manager, the city attorney.~~

~~*Suspension* means a temporary cessation of work of an employee mandated by the city manager for disciplinary reasons either with or without pay.~~

~~*Written reprimand* means a written criticism by the city manager or department director of the conduct of an employee.~~

~~(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)~~

Sec. 2-967. ~~Created~~General.

The Stuart Independent Review Board's ("SIRB") ~~is hereby created for the purpose of~~ is for providing independent public review of the conduct of employees of the city. For purposes of this Division 2, the term employees shall not include the members of the City Commission, the city manager or the city attorney.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-987. Membership and Term.

- (a) The ~~independent review board~~ SIRB shall consist of five (5) members each of whom shall be individually appointed and ratified by the city commission who shall serve without compensation.
 - (b) ~~In making its appointments to the board the city commission shall consider the racial, ethnic and cultural characteristics of the residents of the city.~~ A prospective member of the SIRB shall:
 - (1) Be not less than 18 years of age;
 - (2) Be a current resident of Stuart;
 - (3) Never have been convicted of a crime;
 - (4) Not be an employee of the city;
 - (5) Not be a candidate for elective office; and
 - (6) Not be a party in any pending litigation against the city ~~or any employee of the city.~~
 - (c) ~~A board member may be removed by majority vote of the city commission for failing to maintain the qualifications for membership or for failing to attend three consecutive meetings of the board or four such meetings in a calendar year.~~
 - (d) ~~A vacancy on the board shall be filled by the city commission within 60 days.~~
- (c) The SIRB members shall serve annual terms. The City Commissioners shall ratify the membership of the SIRB at the annual reorganization meeting of the City Commission.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-998. Meetings.

- (a) ~~All meetings of the independent review board shall be held at the city hall at the call of the chairperson or at such times as the board elects. The board shall meet as needed but not less frequently than every three months.~~
- (~~ba~~) At its first annual meeting, the ~~SIRB~~board shall elect a chairperson and a vice-chairperson to serve for a term of one year. The vice-chairperson shall, in the absence, disqualification, resignation, death, severe disability of the chair-person or at the direction of the chair-person, shall exercise the functions of the chair-person. Upon vacancy in the office of the chair-person or vice-chairperson , the SIRB shall select from one of them to fill the position at the next regular meeting following the creation of the vacancy.
- (~~be~~) A quorum of the ~~SIRB~~board is three members. All action of the board shall be taken by ~~three or more affirmative votes~~a majority of those present.
- (c) The meetings shall be scheduled on an as-needed basis by City administration. The members of the SIRB will be given ample notice and notice of any hearing shall comply with the Florida Sunshine Law.
- (d) ~~The city manager shall provide all necessary clerical assistance to the board. Board meetings shall be tape recorded and minutes summarizing each meeting shall be promptly prepared. An agenda for each meeting of the board shall be prepared not less than 48 hours in advance of the meeting.~~
- (e) ~~The city attorney shall be legal advisor to the board.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-~~99~~100. Powers and ~~d~~Duties and Responsibilities.

- (a) The ~~independent review board~~SIRB shall review all completed investigations conducted by the city manager or designee of citizen's written complaints including disciplinary action, if any.
- (b) Completed investigations shall be submitted to the ~~board~~SIRB in the form of a written report prepared by the city manager. ~~The report shall include the complaint, if any, any evidence received by the city manager in the form of written documents and audio or video recordings, the proposed disciplinary action, if any, and the factual basis for the proposal.~~
- (c) The SIRB~~board~~ shall either approve or reject the recommendation of the city manager. If the SIRB~~board~~ rejects the recommendation, it shall provide written findings for its decision which shall be provided to the city commission for review. ~~The board may also recommend a modification of policies, procedures, rules and regulations pertaining to the subject matter of a review.~~
- ~~(d) The recommendation shall be signed by the chairperson as approved by three or more affirmative votes of the entire board membership.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-10~~0~~1. BoardSIRB review procedure.

- (a) Upon completion of a report by the city manager, a meeting of the SIRB ~~independent review board~~ shall be scheduled to consider and review the report as set forth herein. The meeting shall be held within a reasonable time.
- (b) To assist the SIRB~~board~~ in its review, the city manager may appoint an advisor to the SIRB~~board~~ who is familiar with the policies and operations of the affected department. The advisor shall factually respond to questions of SIRB~~board~~ members but shall not render opinions nor comment upon the content of the report. The SIRB~~board~~ may request additional information from the city manager, who will respond promptly.
- (c) The decision of the SIRB~~board~~ shall be based exclusively upon the report of the city manager, and any other material provided to the board by the city manager during the hearing. The review hearing is not intended to be an opportunity to introduce new evidence or testimony and therefore no public comment shall be heard by the SIRB~~board~~ until after all hearings have concluded. Because this is an advisory board and the review is limited to the record of events, the SIRB~~board~~ is not required to take any public comment.
- ~~(d) The written recommendation of the board shall be advisory to the city manager and shall be filed with the city manager within ten days of the meeting.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

~~Secs. 2-102 — 2-138. Reserved.~~

DIVISION 3. BOARD OF ADJUSTMENT

Sec. 2-101. General.

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- (a) Name, Purpose, Objectives and Authority. The Board of Adjustment (“BOA”) shall be a quasi-judicial board of the city and shall accordingly perform the duties and responsibilities described herein.

Sec. 2-102. Membership; Officers and Staff.

- (a) Qualifications. Members shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding membership, in the City of Stuart or be a property owner within the geographic limits of the City.
- (b) Number. The BOA shall consist of five (5) members. Each city commissioner shall appoint a single member to the BOA.
- (c) Terms. The members of the BOA shall serve annual terms. The City Commission shall ratify the membership of the BOA at the annual reorganization meeting of the City Commission.
- (d) Staff Liaison. The City’s Development Director, or his/her designee, shall serve as the staff person to the BOA.
- (e) Secretary. The City Clerk, or his/her designee, shall be the Secretary for the BOA, and as such, shall prepare BOA agendas, be the custodian of all books and records of the BOA, keep the minutes and a recording of all votes in all BOA meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the BOA.
- (f) Legal Counsel. The City Attorney, or his/her designee, shall serve as the legal counsel to the BOA and attend meetings when necessary.
- (g) Officers. Regular officers of the BOA shall include a chair and a vice-chair who shall be appointed by the BOA at its annual reorganization meeting. The Chair shall preside at all BOA meetings and shall execute instruments in the name of the BOA as may be required. The vice-chair, in the absence, disqualification, resignation or death or disability of the chair or at the chair’s discretion, shall exercise the functions of the chair. Upon vacancy in the office of chair and/or vice-chair, the BOA members shall select one of them to fill the position at the next regular meeting following the creation of vacancy.

Sec. 2-103. Meetings.

- (a) Regular Meetings. Regular meetings shall be held on the fourth (4) Thursday of each month in the City of Stuart’s Commission Chambers at City Hall.
- (b) Special Meetings. Special meetings may be held at the discretion of the BOA as necessary. Special meetings for the BOA may be called by the Chair, any two (2) members of the BOA, and/or the City’s Development Director, or his/her designee, by requesting the Development Director to arrange for and give notice of the special meeting.

Sec. 2-104. Duties and Responsibilities.

- (a) The BOA shall have the following duties and responsibilities:
- Hear and consider applications for variances as provided in the City of Stuart Land Development Code;
 - Interpret the provisions of the City of Stuart Code of Ordinances and Land Development Code so as to accomplish the intent and purpose of the city comprehensive plan; and
 - Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.

DIVISION 4. COMMUNITY REDEVELOPMENT BOARD

Sec. 2-105. General.

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- (a) Name and Purpose. The Community Redevelopment Board (“CRB”) shall be an advisory board to the City Commission and the City administration in performing the duties and responsibilities described herein. In addition, the CRB shall provide quasi-judicial proceedings as set forth in the City of Stuart Land Development Code.

Sec. 2-106. Membership; Officer and Staff

- (a) Qualifications. Members shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding membership, in the City of Stuart or be a property owner within the geographic limits of the City.
- (b) Number. The CRB shall consist of seven (7) members. Each city commissioner shall appoint a single member to the CRB. The two (2) remaining CRB members shall be selected by the majority vote of the City Commission.
- (c) Terms. The members of the CRB shall serve annual terms. The City Commission shall ratify the membership of the CRB at the annual reorganization meeting of the City Commission.
- (d) Staff Liaison. The City’s CRA Director, or his/her designee, shall serve as the staff person to the CRB.
- (e) Secretary. The City Clerk, or his/her designee, shall be the Secretary for the CRB, and as such, shall prepare CRB agendas, be the custodian of all books and records of the CRB, keep the minutes and a recording of all votes in all CRB meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the CRB.
- (f) Legal Counsel. The City Attorney, or his/her designee, shall serve as the legal counsel to the CRB and attend meetings when necessary.
- (g) Officers. Regular officers of the CRB shall include a chair and a vice-chair who shall be appointed by the CRB at its annual reorganization meeting. The Chair shall preside at all CRB meetings and shall execute instruments in the name of the CRB as may be required. The vice-chair, in the absence, disqualification, resignation or death or disability of the chair or at the chair’s discretion, shall exercise the functions of the chair. Upon vacancy in the office of chair and/or vice-chair, the CRB members shall select one of them to fill the position at the next regular meeting following the creation of vacancy.

Sec. 2-107. Duties and Responsibilities.

- (a) For properties within the Community Redevelopment Area as proscribed in Section 3.00.00, Stuart Land Development Code, the CRB shall:
1. Hear, consider, and recommend applications for Urban Code conditional use as provided in the City of Stuart Land Development Code;
 2. Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;
 3. Review all proposed amendments to the Urban Code, and the Community Redevelopment Plan and recommend approval, approval with conditions, or denial;
 4. Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan;
 5. Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;
 6. Review, hear and approve, approve with conditions, or deny applications for public art, as provided in the City of Stuart Land Development Code.

Sec. 2-108. Conduct of Business.

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- (a) A chairperson and vice chairperson of the CRB shall be elected from time to time, but at least annually, by the board. The chairperson shall preside over all meetings of the CRB and shall have the same rights as other members. The vice chairperson shall act in the absence of the chairperson.
 - (b) Meetings of the CRB shall be held in the city commission meeting room at Stuart city hall and shall be open to the public.
 - (c) The CRA director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.
 - (d) Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.
 - (e) The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the city commission. The board may of its own volition propose to the city commission that certain amendments be made to the Urban Code.
 - (f) The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the city commission or the CRA.
 - (g) In all quasi-judicial hearings, the rules set forth in Chapter 11 of the City of Stuart's Land Development Code shall apply.

DIVISION 5. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-109. General.

- (a) The Stuart Community Redevelopment Agency ("CRA") is established as provided by Part II, Chapter 32, Article VI, Division 1 of the City of Stuart's Code of Ordinances, and the Florida Community Redevelopment Act of 1969, Florida Statutes § 163.330 et. seq. The CRA shall constitute a legal entity, separate, distinct, and independent from the City Commission.
- (b) The purpose of the CRA is to formulate a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slum and blighted areas within designated areas of the City, as proscribed in Section 3.00.00 Stuart Land Development Code, consistent with the City of Stuart Community Redevelopment Plan adopted by the City Commission in Resolution No. 16-02, dated August 12, 2002, as such plan may from time to time be amended.
- (c) Unless otherwise noted in this section of Stuart Code of Ordinances, the terms used herein shall have the same meaning as defined in Florida Statutes § 163.340, as may be amended from time to time.

Sec. 2-110. Membership and Officers.

- (a) The CRA shall be made up of the currently elected city commissioners and two (2) current members of the City's Community Redevelopment Board ("CRB"). On an annual basis, the CRB shall recommend two current CRB board members to serve on the CRA for the City Commission's approval.
- (b) Members of the CRA shall serve annual terms. In no event shall any member serve beyond the length of their city commission or CRB term.
- (c) Nomination and election of officers shall occur at the annual reorganizations meeting of the CRA. The reorganizational meeting shall occur after the annual reorganization meeting of the City Commission.

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- (d) Regular officers of the CRA shall be a Chair and a Vice-Chair who shall be appointed by the CRA at its annual reorganization meeting.
 - (e) The Chair shall preside at all meetings of the CRA and shall execute instruments in the name of the CRA as may be required. The Vice-Chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction.
 - (f) Upon a vacancy in the office of Chair and/or Vice-Chair, the CRA members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.
 - (g) The City of Stuart's CRA Director shall serve as the senior staff person and liaison to the CRA.
 - (h) The City Clerk, or his/her designee, shall act as a Secretary of the CRA and as such shall prepare CRA agendas, be the custodian of all books and records of the CRA, keep the minutes and a recording of all votes of the CRA's meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the CRA.
 - (i) The City of Stuart's Director of Finance shall serve as the Treasurer of the CRA to keep financial records of the CRA and administer the CRA's budget; shall keep full and accurate accounts and receipts and disbursements of the CRA; shall have custody of all funds of the CRA in the preparation of a proposed annual budget; and shall make and file all financial reports and statements necessary to be made and filed by the CRA.

Sec. 2-111. Duties and Responsibilities

- (a) Authorized actions.
 - 1. The CRA is authorized to carry out all community redevelopment and related activities specified in F.S. §§ 163.358 and 163.370; with the exception of:
 - a. The power to authorize the issuance of revenue bonds as set forth in F.S. § 163.385; and
 - b. The power to approve the acquisition, demolition, removal, or disposal of property as provided in F.S. § 163.370(4)(a) and the power to assume the responsibility to bear loss as provided in F.S. § 163.370(4)(b).
 - 2. The foregoing specifically enumerated powers shall be retained by the city commission.

Sec. 2-112. Conduct of Business.

- (a) Regular meetings shall be held as necessary in the City Commission Chambers at the City Hall of Stuart. No meeting will be convened in the event there is no matter to be considered by the CRA.
- (b) Special meetings may be held at the discretion of the CRA as necessary. Special meetings may be called by the CRA Director, by any two members of the CRA, or by the Chair by requesting the CRA Director give notice of such special meetings in compliance with the City of Stuart's Code of Ordinances.
- (c) The CRA shall follow the Order of Business as set forth in the noticed agenda for the respective meeting. The Order of Business may be suspended by a majority vote of the present members.
- (d) A quorum of the CRA shall be four (4) members. Four affirmative votes shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.
- (e) In all quasi-judicial hearings, the rules set forth in Chapter 11 of the City of Stuart's Land Development Code shall apply.

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- (f) No member of the CRA shall represent a client before the CRA in any matter that will be considered by the CRA.

DIVISION 6. LOCAL PLANNING AGENCY

Sec. 2-113. General.

- (a) The Local Planning Agency ("LPA") is established as provided by the City of Stuart Code of Ordinances and Florida Statutes § 163.3174.
- (b) The LPA shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described herein.

Sec. 2-114. Membership.

- (a) The LPA shall consist of seven (7) members. Each city commissioner shall appoint a single member to the LPA. The two (2) remaining members shall be selected by the entire city commission.
- (b) Members of the LPA shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding the membership, within the City of Stuart or be an owner of real property located within the geographic limits of the City.
- (c) Members of the LPA shall serve annual terms.
- (d) Nomination and election of officers shall occur at the annual organizations meeting of the LPA. The organizational meeting shall occur after the annual reorganization meeting of the City Commission.
- (e) Regular officers of the LPA shall be a Chair and a Vice-Chair who shall be appointed by the LPA at its annual reorganization meeting.
- (f) The Chair shall preside at all meetings of the LPA and shall execute instruments in the name of the LPA as may be required. The Vice-Chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction.
- (g) Upon a vacancy in the office of Chair and/or Vice-Chair, the LPA members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.
- (h) The City of Stuart's Development Director shall serve as the senior staff person and liaison to the LPA.
- (i) The City Clerk, or his/her designee, shall act as a Secretary of the LPA and as such shall prepare LPA agendas, be the custodian of all books and records of the LPA, keep the minutes and a recording of all votes of the LPA's meetings, and publish all notices of meetings in the newspaper and shall perform such other duties as may be requested by the LPA.

Sec. 2-115. Duties and Responsibilities.

B. Duties and responsibilities. The LPA shall:

1. Constitute the local planning agency as that term is defined and construed in F.S. § 163.3164;
2. Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;
3. Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Land Development Code;
4. Make recommendations to the city commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;

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5. Make recommendations to the city commission regarding proposed amendments to the zoning map of the city in the form of zoning and rezoning;
 6. Make recommendations to the city commission regarding proposed annexations to the city;
 7. Consider and make recommendations regarding the consistency of proposed developments with the various elements of the city comprehensive plan;
 8. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings required by these regulations or by the city commission; and
 9. Make other recommendations to the city commission and the city administrative staff upon the request of either regarding land use in the city and the regulation thereof by the city.

Sec. 2-116. Conduct of Business.

- (a) Regular meetings shall be held on the second Thursday of each month in the city commission chambers at City Hall of the City of Stuart. No meeting will be convened in the event that there is no matter to be considered by the LPA.
- (b) Special meetings may be held at the discretion of the LPA as necessary.
- (c) The LPA shall follow the Order of Business as set forth in the noticed agenda for the respective meeting. The Order of Business may be suspended by a majority vote of the present members.
- (d) A quorum of the LPA shall be four (4) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.
- (e) Prior to any quasi-judicial hearing, each CRA member shall disclose any ex-parte communications with the applicant.
- (f) In all quasi-judicial hearings, the rules set forth in Section 11.03.00 of the City of Stuart's Land Development Code shall apply.
- (g) No member of the CRA shall represent a client before the CRA in any matter that will be considered by the CRA.

DIVISION 7. EAST STUART HISTORICAL ADVISORY COMMITTEE

Sec. 2-117. General

- (a) The East Stuart Historical Advisory Committee ("ESHAC") shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described herein.

Sec. 2-118. Membership.

- (a) The ESHAC shall consist of seven (7) members. Each city commissioner shall appoint a single member to the ESHAC. The two (2) remaining members shall be selected by the city commission.
- (b) Members of the ESHAC shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding the membership, within the City of Stuart or be an owner of real property located within the geographic limits of the City.

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- (c) Members of the ESHAC shall serve annual terms.
 - (d) Nomination and election of officers shall occur at the annual organizations meeting of the ESHAC. The organizational meeting shall occur after the annual reorganization meeting of the City Commission.
 - (e) Regular officers of the ESHAC shall be a Chair and a Vice-Chair who shall be appointed by the ESHAC at its annual reorganization meeting.
 - (f) The Chair shall preside at all meetings of the ESHAC and shall execute instruments in the name of the ESHAC as may be required. The Vice-Chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction.
 - (g) Upon a vacancy in the office of Chair and/or Vice-Chair, the ESHAC members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.
 - (h) The Community Redevelopment Executive Director shall serve as the senior staff person and liaison to the ESHAC.
 - (i) The City Clerk, or his/her designee, shall act as a Secretary of the ESHAC and as such shall prepare ESHAC agendas, be the custodian of all books and records of the ESHAC, keep the minutes and a recording of all votes of the ESHAC's meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the ESHAC.

Sec. 2-119. Duties and Responsibilities

- (a) The ESHAC shall provide recommendations to the CRA Director which celebrate and commemorate the history of the East Stuart Community.

Sec. 2-120. Conduct of Business.

- (a) Regular meetings shall be held on a quarterly basis in the city commission chambers at City Hall of the City of Stuart. No meeting will be convened in the event that there is no matter to be considered by the ESHAC.
- (b) Special meetings may be held at the discretion of the ESHAC as necessary.
- (c) The ESHAC shall follow the Order of Business as set forth in the noticed agenda for the respective meeting. The Order of Business may be suspended by a majority vote of the present members.
- (d) A quorum of the ESHAC shall be three (3) members and an affirmative vote of a majority of those present shall be necessary to pass any motion or adopt any order. Three (3) members is only needed for a quorum and should not be interpreted to mean that only three votes necessary to pass a matter if all seven (7) members of the ESHAC are present. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.

Secs. 2-12102—2-138. Reserved.

DIVISION 1. COMMUNITY REDEVELOPMENT AGENCY¹

Sec. 32-236. Agency created.

There is hereby created a public body, corporate and politic, to be known as the Stuart Community Redevelopment Agency. Such agency shall develop and prepare a community redevelopment plan.

(Code 1981, § 12-11.1; Code 1995, § 62-242)

Sec. 32-237. ~~Board of directors; terms, vacancies.~~ Bylaws and Rules of Administration.

The Community Redevelopment Agency's bylaws and rules of administration can be found in Chapter 2 of the city's Code of Ordinances.

- ~~(a) The members of the community redevelopment agency shall include the members of the city commission and two other persons who are appointed as members of the community redevelopment board of directors by the city commission. The terms of office of the city commission members shall coincide with the terms of office for the city commission. The terms of office of the appointed members shall be four years, except that the first person appointed shall initially serve a term of two years. A vacancy occurring during a term shall be filled for the unexpired term by the city commission.~~
- ~~(b) The two appointed members shall be members of the community redevelopment board who shall serve on the community redevelopment agency as ex-officio members. The two appointed members shall reside, or own real property, or be employed in business within the city.~~

~~(Code 1981, § 12-11.3; Code 1995, § 62-243; Ord. No. 1650(A), § 1, 11-9-1998; Ord. No. 1716-00, § 1, 2-28-2000)~~

Sec. 32-238. Employment of agents and employees.

Subject to budget approval by the city commission, the agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation.

(Code 1981, § 12-11.4; Code 1995, § 62-244)

Sec. 32-239. Fiscal year.

The agency shall adopt a fiscal year which shall coincide with the fiscal year of the city.

(Code 1981, § 12-11.5; Code 1995, § 62-245)

¹Editor's note(s)—The editor has entitled the former provisions of Art. VI, §§ 32-326—32-246, as Div. 1, as herein set out, in order to allow additional provisions relating to community redevelopment to be added to this article.

Sec. 32-240. Annual budget.

Although not a department, the agency shall prepare and submit its annual budget to the city commission for approval in accordance with the policies and deadlines set for departments of the city in the preparation of the city's annual budget. Such agency budget shall also specify all anticipated sources of revenues and estimated amounts. The agency shall not appropriate, encumber or spend any funds unless provided for in its budget as approved by the city commission, nor shall it modify its budget without approval of the city commission.

(Code 1981, § 12-11.6; Code 1995, § 62-246)

Sec. 32-241. Report of agency's activities; publication of notice.

The agency shall file with the city commission and with the auditor general, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the city and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(Code 1981, § 12-11.7; Code 1995, § 62-247)

Sec. 32-242. Reserved for future use.~~Appointment and compensation of directors; majority to constitute quorum.~~

- ~~(a) — A director of the community redevelopment agency shall receive no compensation for his services, but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each director shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any director shall be filed with the city clerk, and such certificate is conclusive evidence of the due and proper appointment of such director.~~
- ~~(b) — The powers of a community redevelopment agency shall be exercised by the board of directors thereof. A majority of the directors constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon an affirmative vote of at least four directors.~~

~~{Code 1981, § 12-11.9; Code 1995, § 62-248; Ord. No. 1650(A), § 2, 11-9-1998; Ord. No. 1716-00, § 2, 2-28-2000}~~

Sec. 32-243. Powers of agency; specific limitations.

The community redevelopment agency shall have only such powers as are necessary and convenient to carry out the purposes of this article and which have been specifically provided in F.S. § 163.358.

(Code 1981, § 12-11.10; Code 1995, § 62-249)

Sec. 32-244. Community redevelopment plans—Submittal.

The community redevelopment plan shall conform to the requirements of F.S. § 163.360.

(Code 1981, § 12-11.11; Code 1995, § 62-250)

Sec. 32-245. Same—Contents.

The community redevelopment plan shall contain the information required by F.S. § 163.362.

(Code 1981, § 12-11.12; Code 1995, § 62-251)

Sec. 32-246. Powers contingent upon approval of plan; exceptions.

- (a) The city commission may not exercise any of the powers of F.S. § 163.330 et seq., the Community Redevelopment Act of 1969, unless and until it approves a community redevelopment plan in accordance with this article and chooses to vest itself with any such powers by future ordinance; provided, however, the city commission shall have such powers as are necessary and convenient to carry out the following purposes:
- (1) To provide for the general operation and overhead of the agency and the preparation and approval of its budget.
 - (2) To provide for the preparation, review, and approval of community redevelopment plans.
 - (3) To carry out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in the area of operation.
 - (4) With permission of the owner or other person in control of the premises, to enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings.
 - (5) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control.
 - (6) To apply for and accept grants, contributions, and any other form of financial assistance from the federal government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to community redevelopment and related activities such condition imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this article.
- (b) The city may exercise all or any part or combination of the powers set forth herein or may elect to have such powers, as it shall designate by separate ordinance, exercised by the community redevelopment agency.
- (c) Nothing herein shall be construed to be a limitation on those powers of the city or the exercise thereof which the city had by charter, general law, special law, or ordinance, prior to the enactment of this article.

(Code 1981, § 12-11.13; Code 1995, § 62-252)

Secs. 32-247—32-260. Reserved.