



City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

MARCH 25, 2024

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Rebecca S. Bruner

Vice Mayor Campbell Rich

Commissioner Eula R. Clarke

Commissioner Christopher Collins

Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, Michael J. Mortell

City Attorney, Lee J. Baggett

City Clerk, Mary R. Kindel

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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

1. APPROVAL OF 03/11/2024 CCM MINUTES (RC)
2. ROW DEDICATION LOCATED AT 110 NW DIXIE HWY (INSTALL GATEWAY SIGN) (RC):

RESOLUTION No. 20-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE CONVEYANCE TO THE CITY OF 300 SQUARE FEET RIGHT-OF-WAY ALONG THE SOUTHERN EDGE OF THE PROPERTY LOCATED AT 110 NW DIXIE HIGHWAY TO INSTALL A GATEWAY SIGN; AUTHORIZING THE CITY MANAGER TO EXECUTE A RIGHT-OF-WAY DEED AND OTHER DOCUMENTATION ACCOMPLISHING SAME; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. RFQL #2024-400, CONSTRUCTION MANAGER AT RISK FOR UNDERGROUNDING AND STREETScape PROJECT (RC):

RESOLUTION No. 31-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE AUTHORIZATION TO NEGOTIATE FOR RFQL #2024-400, CONSTRUCTION MANAGER AT RISK FOR UNDERGROUNDING AND STREETScape PROJECT WITH THE ONLY PROPOSER, BURKHARDT CONSTRUCTION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. RATIFICATION OF A CRB & LPA BOARD MEMBER (RC):

RESOLUTION No. 35-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RATIFYING THE ADVISORY BOARD APPOINTMENTS OF A COMMUNITY REDEVELOPMENT BOARD (CRB) AND LOCAL PLANNING AGENCY (LPA) BOARD MEMBER, FULFILLING VACANCIES ON THE BOARDS FOR THE REMAINING CURRENT TERM FROM PRESENT TO DECEMBER 31, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. APPLICATION FOR SUPPLEMENTAL FUNDING FOR S.A.F.E. PROGRAM GRANT (RC):

RESOLUTION No. 36-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR SUPPLEMENTAL FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT S.A.F.E. PROGRAM GRANT TO CONDUCT INVESTIGATIONS AND RELATED ACTIONS INTENDED TO COMBAT ILLEGAL

FENTANYL ACTIVITY; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

6. AUTHORIZATION TO RESCIND HUDSON'S ON THE RIVER VALET PARKING AGREEMENT (RC):

RESOLUTION No. 37-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RESCINDING THE LICENSE AGREEMENT BETWEEN THE CITY OF STUART AND HUDSON'S ON THE RIVER, LLC TO UTILIZE PARKING LOCATED AT NORTH END OF FLAGLER AVENUE FOR THE PURPOSE OF OPERATING A DOWNTOWN VALET PARKING SERVICES PILOT PROGRAM; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

7. AMENDMENTS TO THE CITY OF STUART'S LAND DEVELOPMENT CODE AND CODE OF ORDINANCES (RC):

ORDINANCE No. 2525-2024; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER VIII OF THE CITY OF STUART'S LAND DEVELOPMENT CODE (ADMINISTRATION AND ENFORCEMENT); AND AMENDING PART II, CHAPTERS 2 AND 32 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY; EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. **(WITHDRAWN BY APPLICANT)**

101 S. COLORADO RESTAURANT - REZONE TO URBAN PLANNED UNIT DEVELOPMENT & SITE PLAN APPROVAL (QJ)(RC):

ORDINANCE No. 2524-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN WATERFRONT TO URBAN PLANNED UNIT DEVELOPMENT FOR A 0.234 ACRE PROPERTY, LOCATED AT 101 S. COLORADO AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE COLORADO WATERFRONT RESTAURANT (UPUD); TO RE-PURPOSE THE EXISTING OFFICE BUILDING FOR A 150-SEAT RESTAURANT AND PROVIDE RELIEF FROM VARIOUS PARKING REQUIREMENTS; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMEABLE FOR DEVELOPMENT, DECLARING THE PLAN WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

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.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/25/2024

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 03/11/2024 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 03/11/2024 CCM Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
MARCH 11, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Rebecca S. Bruner
Vice Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel

ROLL CALL

4:00 PM

PRESENT: Mayor Bruner, Vice Mayor Rich, Commissioner Clarke, Commissioner Collins, Commissioner McDonald

INVOCATION

Pastor Edward Skiba, Police Chaplain gave the Invocation.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - "THE SCULPTURES OF STUART" BY GEOFFREY SMITH

Mr. Geoffery Smith exhibited his various art with a presentation on "The Sculptures of Stuart."

PROCLAMATIONS

2. IRISH AMERICAN HERITAGE MONTH (MARCH 2024)

Recipient, Ray Lynch, National Secretary and past Florida State President of the Ancient Order of Hibernians, not present to accept the Proclamation.

3. PROCUREMENT MONTH (MARCH 2024)

City of Stuart Procurement Coordinator, Alaina Knofla, accepted the Proclamation,

provided information on Procurement responsibilities, and expressed gratitude and thanked the City for the recognition.

PRESENTATIONS

4. SERVICE AWARDS - MARCH 2024

David Duran	Police Department	Police Lieutenant	20 Years
Rachael Minor	Police Department	Police Officer	10 Years
Scott Stewart	Streets Maintenance	Equipment Operator I	5 Years
Adam Baker	Fire Rescue	Firemedic	5 Years

COMMENTS BY CITY COMMISSIONERS

Commissioner Clarke

- Commented that she was unable to present a video at this meeting due to a sound problem but will present it at the next meeting.
- Commented that she has received calls about train arms coming down when they shouldn't be in certain locations.
- Announced Sheriff Snyder not running for office, and would like the City to recognize the Sheriff and show our appreciation.

Commissioner Collins

- Commented that he was happy to see Item #7 - Resolution 101-2024 PFAS Resin Replacement on the agenda.

Vice Mayor Rich

- Announced the legislature ratified the new Stormwater Bill.
- Commented that the Community Redevelopment Board (CRB) meeting last week, only had three (3) board members in attendance. They did not have a quorum and business could not be conducted. Requesting input to improve attendance.

Mayor Bruner commented that changing the meeting start time may be helpful and Commissioner Collins commented that it should be the liaison changing their board member.

Vice Mayor Rich continued:

- Commented that the Commission should hold their board members accountable.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Commented briefly on the board membership and noted the Clerk and Attorney have been working on updating the by-laws. The basis to remove a board member is being updated, allowing the appointee to serve at will.

- Announced that this week's LPA meeting had a project called Eden Mar, a letter was received from the applicant for the item to be postponed to the April meeting.
- Commented on Brightline's announcement that the Stuart submittal had been selected.
- Commented on the 5K run, the Kiwanis Club breakfast and the grand opening of the Kiwanis Playground facility; all had good turnouts.
- Announced the City Clerk, Mary Kindel, received her Master Municipal Clerk (MMC) after five (5) years of education and community service.

APPROVAL OF AGENDA

4:37 PM MOTION: Approve.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

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

1. Sally Rose - SE Riverside Dr.; Commented on the traffic increase and on City land possibly being used for 130 more apartments. She feels it is outrageous for tax dollars to be used on government-funded apartments and should not be subsidizing a Fort Lauderdale developer.

2. Albert Brinkley - Central Ave.; Thanked the Commission for listening to him about the right-of-way; wants to meet with each Commissioner to better help them understand his situation. Commented on the statement made that the City is not in the housing business, noted Palm Beach County and St. Lucie County are building low income housing. Asked Commissioners to Read Romans Chapter 13. The community did not want Form Based Code, but it was adopted anyway.

3. Helen McBride - SE Flamingo Ave.; Commented on parking at the Hudson's restaurant, counted thirty-one (31) cones and inquired as to why one business has rights over other businesses.

City Manager and Commissioners discussed Resolution 36-2022 regarding the parking at the Hudsons on the River restaurant. The Commissioners requested that the City Manager bring back pictures of the signs posted and details of the resolution for discussion.

CONSENT CALENDAR

5. APPROVAL OF 02/26/2024 CCM MINUTES (RC)

6. FLORIDA INLAND NAVIGATION GRANT AGREEMENT (RC):

RESOLUTION No. 11-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART TO SUBMIT AN APPLICATION FOR A FLORIDA INLAND NAVIGATION DISTRICT WATERWAY ASSISTANCE PROGRAM GRANT FOR THE CONSTRUCTION PHASE OF A COURTESY DOCK AND WAVE ATTENUATOR; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE;

PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. AWARD OF ITB #2024-101: PFAS RESIN REPLACEMENT (RC):

RESOLUTION No. 18-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF ITB #2024-101, PFAS RESIN REPLACEMENT TO THE LOWEST, AND RESPONSIBLE BIDDER ON AN AS NEEDED BASIS TO AQUEOUS VETS, LLC OF SARASOTA, FLORIDA AUTHORIZING THE CITY TO EXECUTE A FINAL AGREEMENT SUBSEQUENT TO REVIEW AND APPROVAL BY CITY ATTORNEY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. AWARD OF ITB #2024-104: GATEWAY AND DISTRICT SIGNAGE (RC):

RESOLUTION No. 28-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE AWARD OF ITB #2024-104, GATEWAY AND DISTRICT SIGNAGE TO THE LOWEST, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$178,900.00 TO A. THOMAS CONSTRUCTION, INC. OF FORT PIERCE, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. TRANSPORTATION IMPACT FEES BY MARTIN COUNTY (RC):

RESOLUTION No. 30-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART AUTHORIZING THE CITY MANAGER TO SIGN ADMINISTRATIVE AGREEMENTS FOR THE USE OF TRANSPORTATION IMPACT FEES BY MARTIN COUNTY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

4:58 PM MOTION: Approve.

MOVED BY: Troy McDonald

SECONDED BY: Christopher Collins

Motion approved unanimously.

COMMISSION ACTION

10. SUPPORT OF SW PALM CITY ROAD/US 1 INTERSECTION (RC):

RESOLUTION No. 26-2024: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING SUPPORT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION FUNDING FOR ROADWAY RECONSTRUCTION AND THE CONSTRUCTION OF PEDESTRIAN FACILITIES IN THE CITY'S RIGHT-OF-WAY AT THE SW PALM CITY ROAD/US 1 INTERSECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

Beth Beltran, Administrator of the Martin County MPO, came forward and reviewed the process for the scope of work.

5:02 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Campbell Rich
Motion approved unanimously.

11. SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR CREATION OF THE MARTIN COUNTY METROPOLITAN PLANNING ORGANIZATION (RC):

RESOLUTION No. 29-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART AUTHORIZING THE MAYOR TO SIGN A SECOND AMENDMENT OF THE INTERLOCAL AGREEMENT FOR CREATION OF THE MARTIN COUNTY METROPOLITAN PLANNING ORGANIZATION ("MPO") ADDING A FIFTH MARTIN COUNTY COMMISSIONER TO THE MPO BOARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Beth Beltran, Administrator of the Martin County MPO, reported on the board members and reasons for the 5th County Commissioner.

5:05 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Christopher Collins
Motion approved unanimously.

12. BINDING LETTER OF DETERMINATION FOR 213 SE ALAMANDA WAY, STUART, FL (RC):

RESOLUTION No. 32-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART AUTHORIZING THE MAYOR TO EXECUTE A BINDING LETTER OF DETERMINATION FOR 213 SE ALAMANDA WAY, STUART, FL DECLARING THAT LOT 3 WILL BE TREATED AS A LEGAL BUILDABLE LOT IN THE R1A ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided the background for this Resolution.

PUBLIC COMMENT:

1. Linda Shayne - SE Amanda Way; Neighbor of property and supports the project.

5:08 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

13. AMENDMENTS TO THE CITY OF STUART'S LAND DEVELOPMENT CODE AND CODE OF ORDINANCES (RC):

ORDINANCE No. 2525-2024; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER VIII OF THE CITY OF STUART'S LAND DEVELOPMENT CODE (ADMINISTRATION AND ENFORCEMENT); AND AMENDING PART II, CHAPTERS 2 AND 32 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY; EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney, Lee Baggett, reviewed the purpose of the amendments.

5:20 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

5:20 PM

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission Meeting this 25th day of March, 2024.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/25/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

ROW DEDICATION LOCATED AT 110 NW DIXIE HWY (INSTALL GATEWAY SIGN) (RC):

RESOLUTION No. 20-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE CONVEYANCE TO THE CITY OF 300 SQUARE FEET RIGHT-OF-WAY ALONG THE SOUTHERN EDGE OF THE PROPERTY LOCATED AT 110 NW DIXIE HIGHWAY TO INSTALL A GATEWAY SIGN; AUTHORIZING THE CITY MANAGER TO EXECUTE A RIGHT-OF-WAY DEED AND OTHER DOCUMENTATION ACCOMPLISHING SAME; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On March 11, 2024, the City Commission approved the award of the contract for the fabrication, engineering, and installation of five (5) district signs and four (4) "Downtown Stuart" gateway signs with artwork.

As part of the project, staff identified gateway and district sign locations that are desirable and safe within the CRA. The proposed location at 110 NW Dixie Highway was identified as necessary for installing a gateway sign, marking the entry point to Downtown Stuart. Staff is requesting to approve conveyance of 300 square feet of right-of-way dedication along the southern edge of the property located at 110 NW Dixie Highway to install a gateway sign. All other proposed sign locations are within the existing right-of-way.

Funding Source:

N/A

Recommended Action:

Motion to approve Resolution No. 20-2024.

ATTACHMENTS:

1. R20-2024 Deed of Dedication 110 NW Dixie Hwy
2. Exhibit A - Deed of Dedication 110 NW Dixie Hwy
3. Location Map - 110 NW Dixie Hwy
4. Stuart Monument Signage Family
5. Sign Location Map



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 20-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE CONVEYANCE TO THE CITY OF 300 SQUARE FEET RIGHT-OF-WAY ALONG THE SOUTHERN EDGE OF THE PROPERTY LOCATED AT 110 NW DIXIE HIGHWAY TO INSTALL A GATEWAY SIGN; AUTHORIZING THE CITY MANAGER TO EXECUTE A RIGHT-OF-WAY DEED AND OTHER DOCUMENTATION ACCOMPLISHING SAME; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart Community Redevelopment Agency Board and City Commission approved the Gateway and District Monument Signage Family to be located at major entry points to provide a sense of arrival into the City, Downtown Stuart or Districts; and

WHEREAS, the 300 square feet dedication along the southern edge of the property located at 110 NW Dixie Highway, as further described in the legal description and survey included with the proposed Right-of-Way Deed, which is incorporated herein and made a part hereof by this reference (the “Deed”), was identified as necessary for installing a gateway sign marking the entry point to Downtown Stuart along NW Dixie Highway; and

WHEREAS, the City Commission hereby finds the adoption of this resolution to be in the best interest and welfare of the residents of the City of Stuart.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

Resolution Number 20-2024
Deed of Dedication 110 NW Dixie Hwy

SECTION 1: The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

SECTION 2: The conveyance of the right-of-way dedication comprised of 300 square feet along the southern edge of the Property located at 110 NW Dixie Highway to install a gateway sign is hereby approved.

SECTION 3: The City Manager is authorized to execute the Right-of-Way Deed, a copy which is attached hereto as Exhibit “A” and incorporated herein and made a part hereof by this reference, and to accept delivery of same. The City Manager is further authorized to execute such other contractual documents as may be necessary to formalize and/or memorialize the referenced conveyance, subject to approval by the City Attorney as to form and legal sufficiency.

SECTION 4: The City Manager and the City Attorney are authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

SECTION 4: This resolution shall take effect upon adoption.

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

Resolution Number 20-2024
Deed of Dedication 110 NW Dixie Hwy

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

Return to:
Lee J. Baggett, City Attorney
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

Deed of Dedication

THIS DEED OF DEDICATION made this _____ day of _____, 2024,

By: **FERRETTI GROUP OF AMERICA LLC**, the owner of the below described real property, whose post office address is 110 NW Dixie Highway, Stuart, FL 34994.

To: **THE CITY OF STUART**, a municipal corporation of the State of Florida (“Grantee”), whose post office address is 121 SW Flagler Avenue, Stuart, Florida 34994.

WITNESSETH: Grantor, for an in consideration of good and valuable consideration, the receipt, and sufficiency of which is hereby acknowledged, does hereby dedicate to the public and Grantee, in perpetuity, the following described real property lying, being and situate in the City of Stuart, Martin County, Florida, for use as public right-of-way for a gateway sign: See Sketch and Legal Attached Exhibit “A.”

THIS DEDICATION is made for the purpose of creating an additional public right-of-way to place a gateway sign along NW Dixie Highway.

WITNESS our hands and seals on the day and year first above written.

Signed, sealed, and delivered
in the presence of:

GRANTOR:

By: _____

[Printed Witness Name]

NAME _____

TITLE _____

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me on this ____ day of _____, by _____, who: [] is personally known to me, or [] has produced _____ as identification.

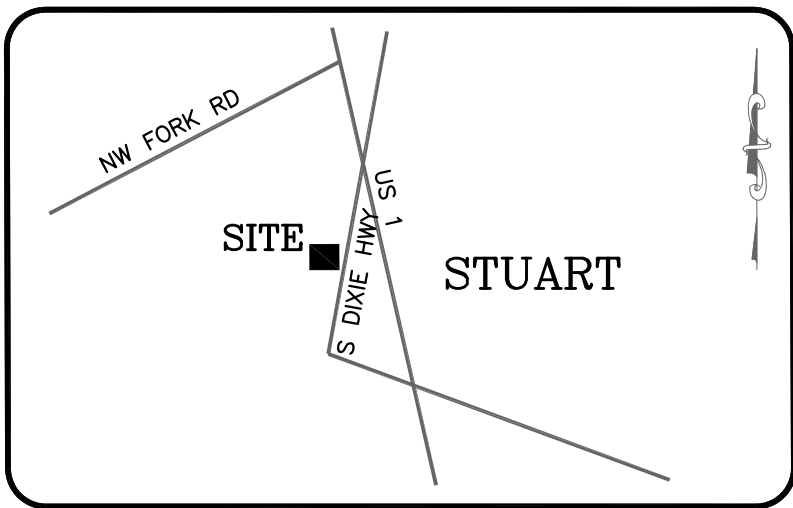
[Printed Notary Name]

Notary Public, State of Florida

My Commission expires:

[Notarial Seal]

Z:\CSDG PROJECTS\236- KIMLEY- HORN & ASSOCIATES INC\031 - Stuart Monument Sign SITE 1G S&D.dwg - Stuart Monument Sign SITE 1G S&D.dwg Layout = SHEET1 Tue Feb 13, 2024 11:11



LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES

1. REPRODUCTIONS OF THIS MAP, UNLESS ELECTRONICALLY SIGNED AND ELECTRONICALLY SEALED, ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. THE WESTERLY RIGHT OF WAY LINE OF N.W. DIXIE HIGHWAY IS ASSUMED TO BEAR NORTH 17°05'01" EAST AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATIVE THERETO.

DESCRIPTION

A PARCEL OF LAND LYING OVER, UNDER AND ACROSS A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2350, PAGE 2280, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF N.W. DIXIE HIGHWAY (A 100 FOOT RIGHT OF WAY) AND THE SOUTH LINE OF SAID CERTAIN PARCEL OF LAND; THENCE NORTH 17°05'01" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 67.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 17°05'01" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET; THENCE NORTH 72°54'59" WEST, DEPARTING SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH 17°05'01" WEST, ALONG A LINE BEING PARALLEL WITH AND 10.00 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 72°54'59" EAST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 300 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION, AS SHOWN HEREON, IS A TRUE AND CORRECT REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CHARGE AND SAID SURVEY IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT SAID SURVEY COMPLIES WITH THE APPLICABLE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

CIVILSURV DESIGN GROUP, INC.

BY: BRIAN C. KIERNAN
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA REGISTRATION NO. 6101

DATE OF SIGNATURE

THIS IS NOT A SURVEY

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CIVILSURV DESIGN GROUP, INC

PHONE (772)323-2244

CIVILSURV
A Tradition of Innovative Engineering
1680 S.W. BAYSHORE BOULEVARD
PORT ST LUCIE, FLORIDA 34984

L.B. No.7805

File :Stuart Monument Sign SITE 1G S&D.dwg

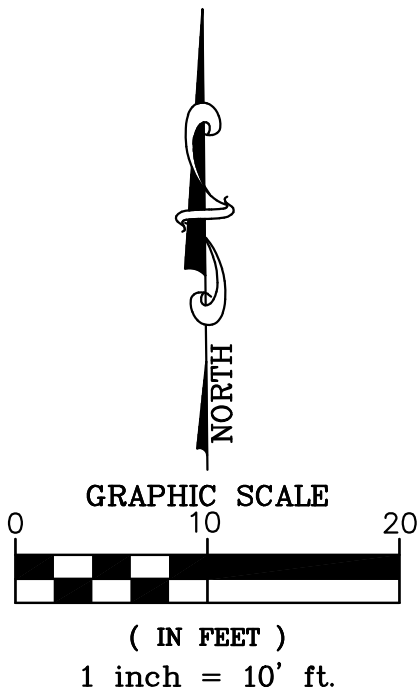
DATE 02/13/24
SCALE N/A
FIELD BK. N/A
DWG. BY BK
CKD. BY SAW

DATE	REVISIONS

SKETCH AND DESCRIPTION:

10 FOOT SIGNAGE EASEMENT
110 N.W. DIXIE HIGHWAY
STUART, FLORIDA

SHEET NO. 1 OF 2 SHEETS



(O.R.B. 2350, PAGE 2280)

POINT OF BEGINNING

POINT OF COMMENCEMENT
INTERSECTION WESTERLY RIGHT OF WAY
LINE OF N.W. DIXIE HIGHWAY AND SOUTH
LINE OF OFFICIAL RECORDS BOOK 2350,
PAGE 2280.

SOUTH LINE O.R.B. 2350, PAGE 2280

LEGEND

 - CENTERLINE
O.R.B. - OFFICIAL RECORDS BOOK

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CIVILSURV DESIGN GROUP, INC

PHONE (772)323-2244

CIVILSURV
A Tradition of Innovative Engineering
1680 S.W. BAYSHORE BOULEVARD
PORT ST LUCIE, FLORIDA 34984

L.B. No.7805

File :Stuart Monument Sign SITE 1G S&D.dwg

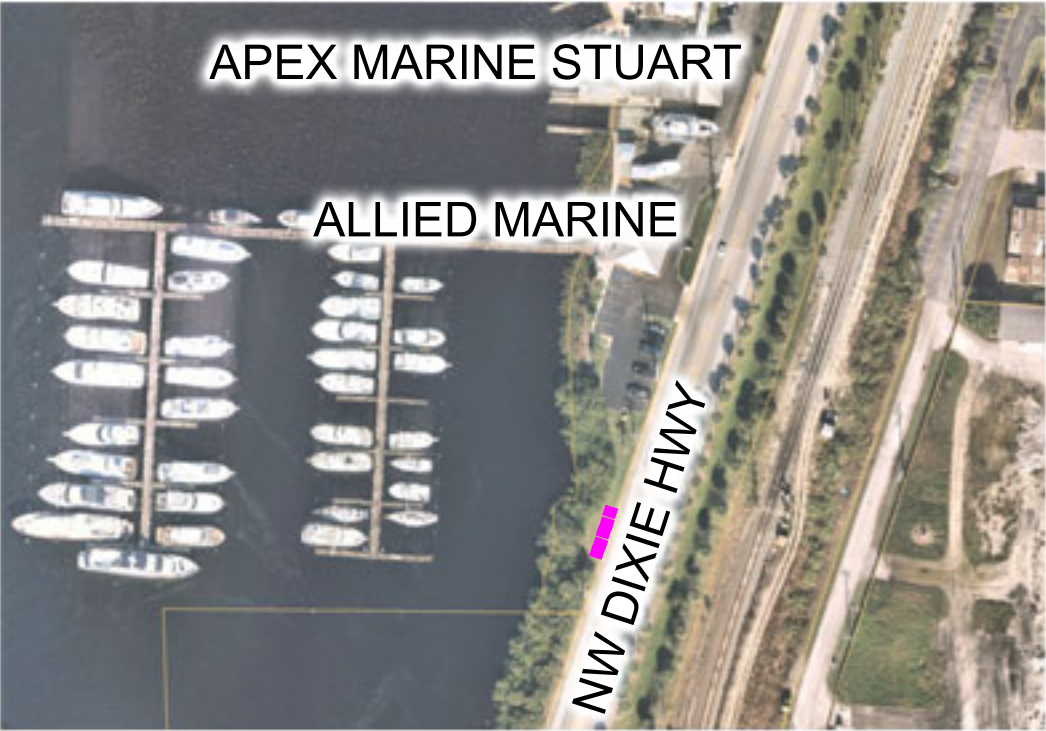
DATE 02/13/24
SCALE 1"=10'
FIELD BK. N/A
DWG. BY BK
CKD. BY SAW

DATE	REVISIONS

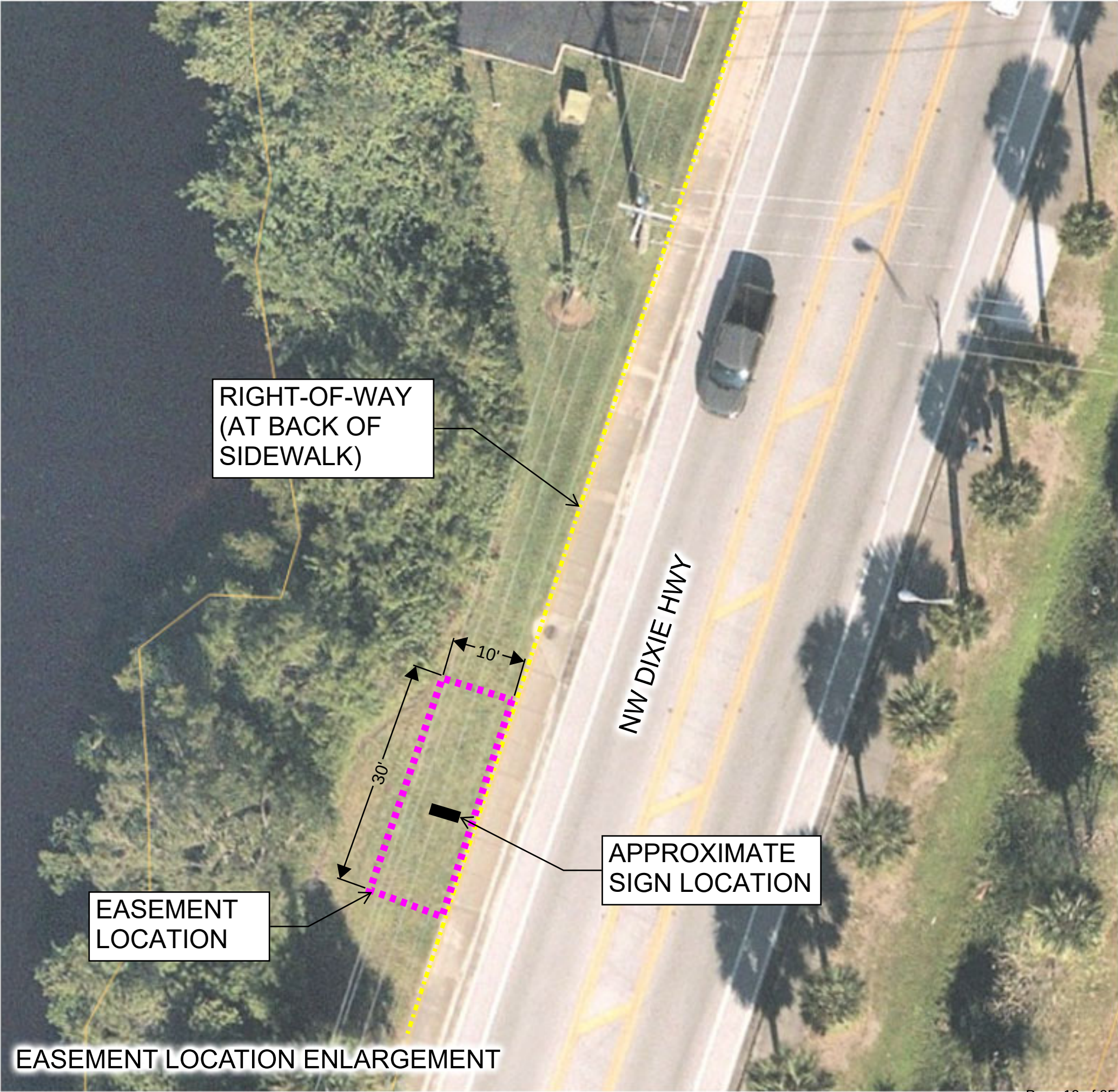
SKETCH AND DESCRIPTION:

10 FOOT SIGNAGE EASEMENT
110 N.W. DIXIE HIGHWAY
STUART, FLORIDA

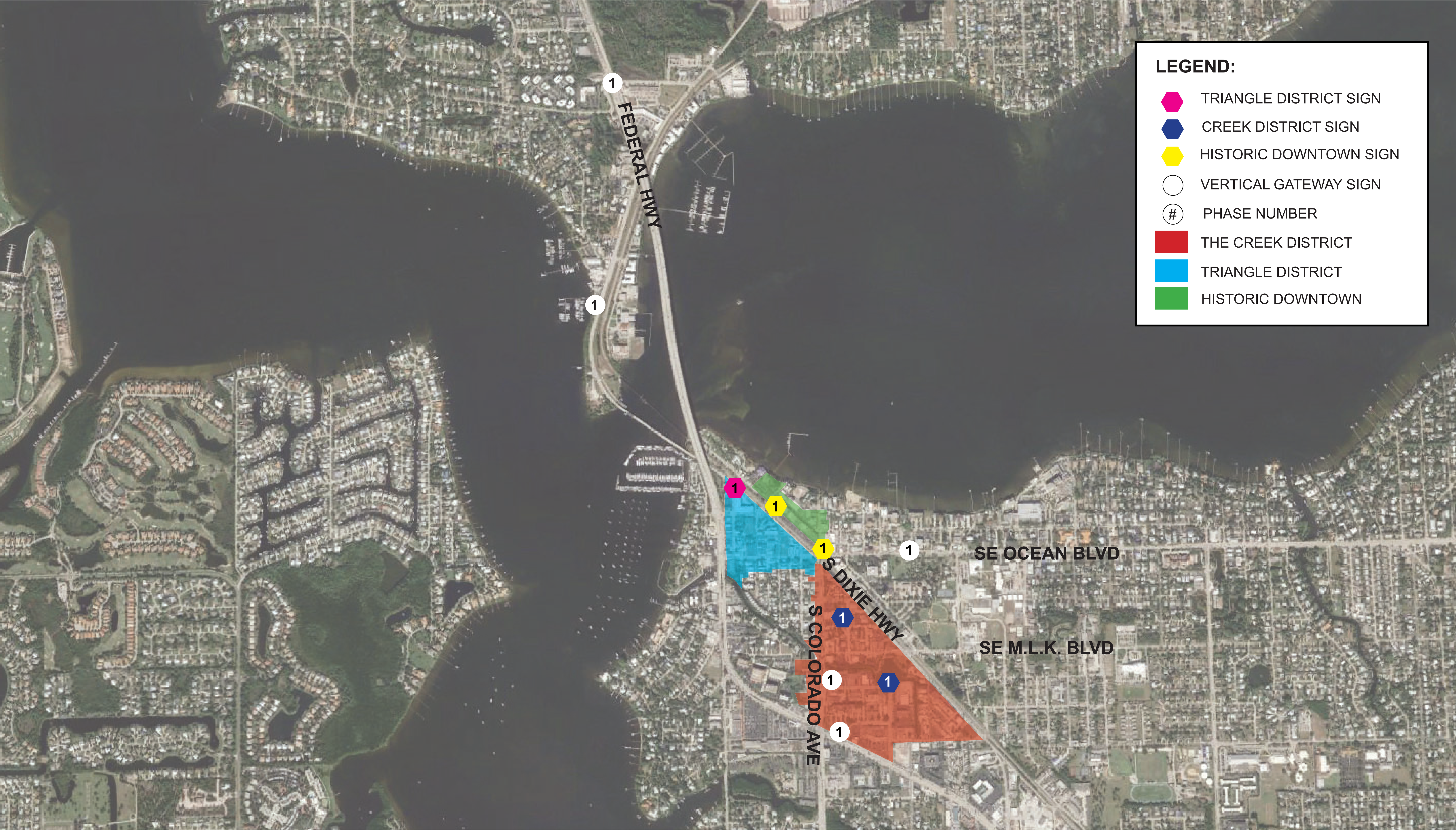
SHEET NO. 2 OF 2 SHEETS

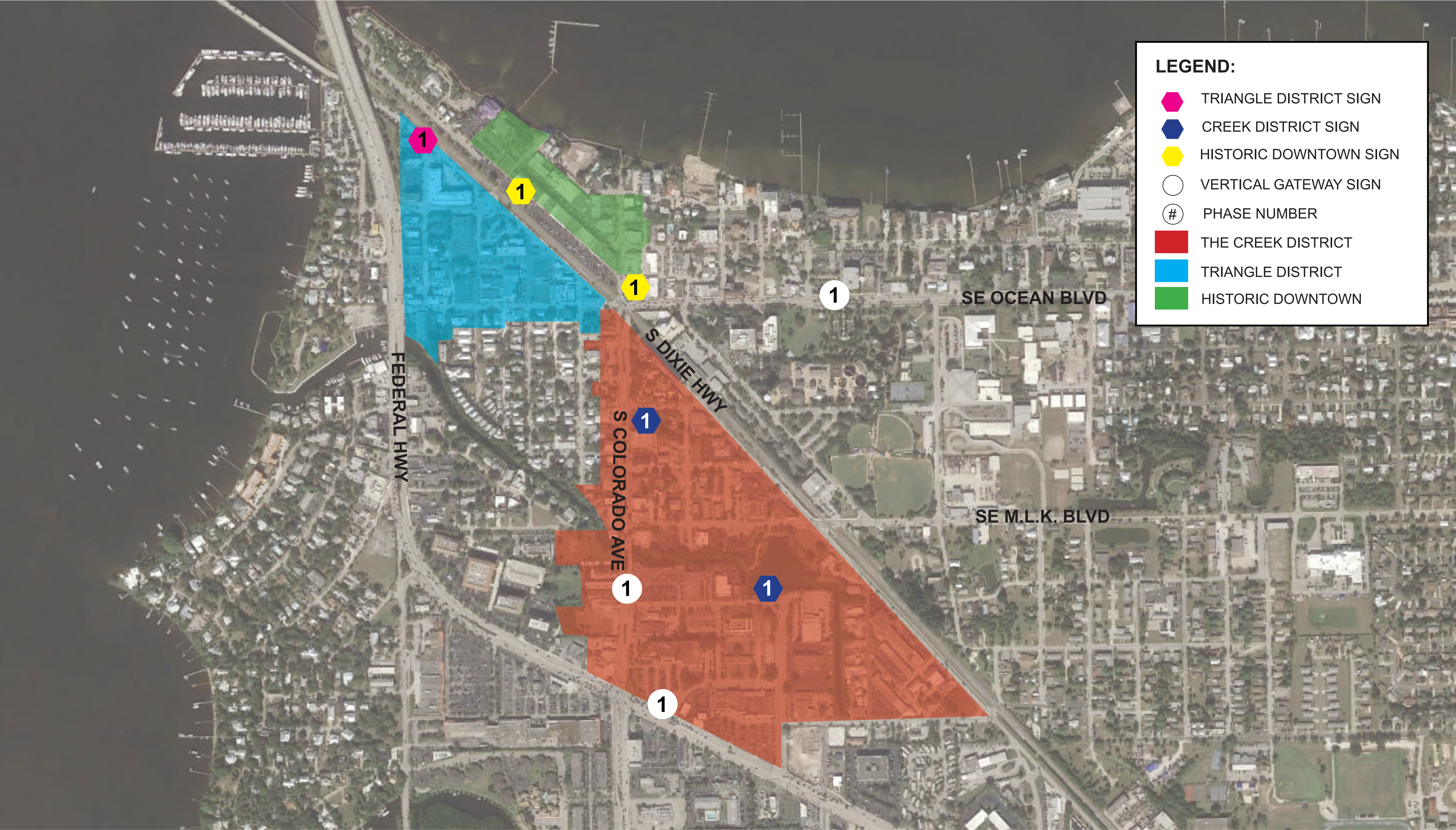


LOCATION MAP



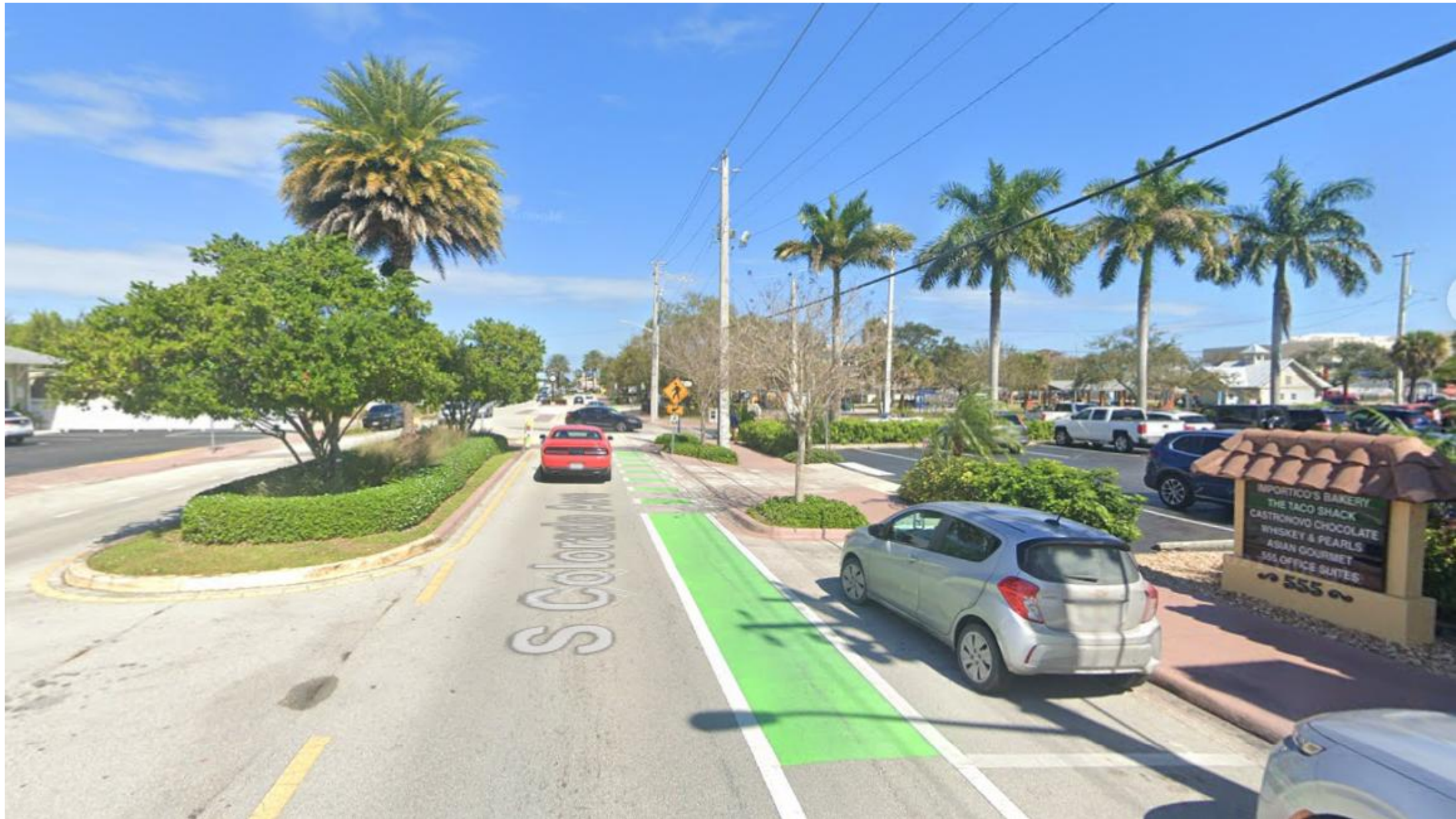








TRIANGLE DISTRICT SIGN LOCATION
ALONG NW DIXIE HWY, WEST OF SW ALBANY AVE



THE CREEK DISTRICT SIGN LOCATION
WITHIN THE MEDIAN ALONG S COLORADO AVE SOUTH OF SE 5TH ST



VERTICAL GATEWAY SIGN LOCATION
ALONG THE NORTH SIDE OF SE FEDERAL HWY
(FINAL LOCATION TO BE DETERMINED)

incorporate as part
of redevelopment
project



HISTORIC DOWNTOWN DISTRICT SIGN LOCATION
SW ST LUCIE AVE SE OF FEC
(WITHIN FEC LEASE AREA, LOCATION MAY CHANGE)



THE CREEK DISTRICT SIGN LOCATION
WEST OF THE KINDRED TRAM STOP IN BETWEEN THE FIRST TWO
OAK TREES TO THE EAST OF THE STOP



VERTICAL GATEWAY SIGN LOCATION
ALONG THE WEST SIDE OF NW DIXIE HWY JUST SOUTH OF THE
ALLIED MARINE (LOCATION REQUIRES EASEMENT WITH OWNER)



HISTORIC DOWNTOWN DISTRICT SIGN LOCATION
ALONG THE ROUNDABOUT NEAR THE INTERSECTION OF SE OCEAN
BLVD AND S COLORADO AVE

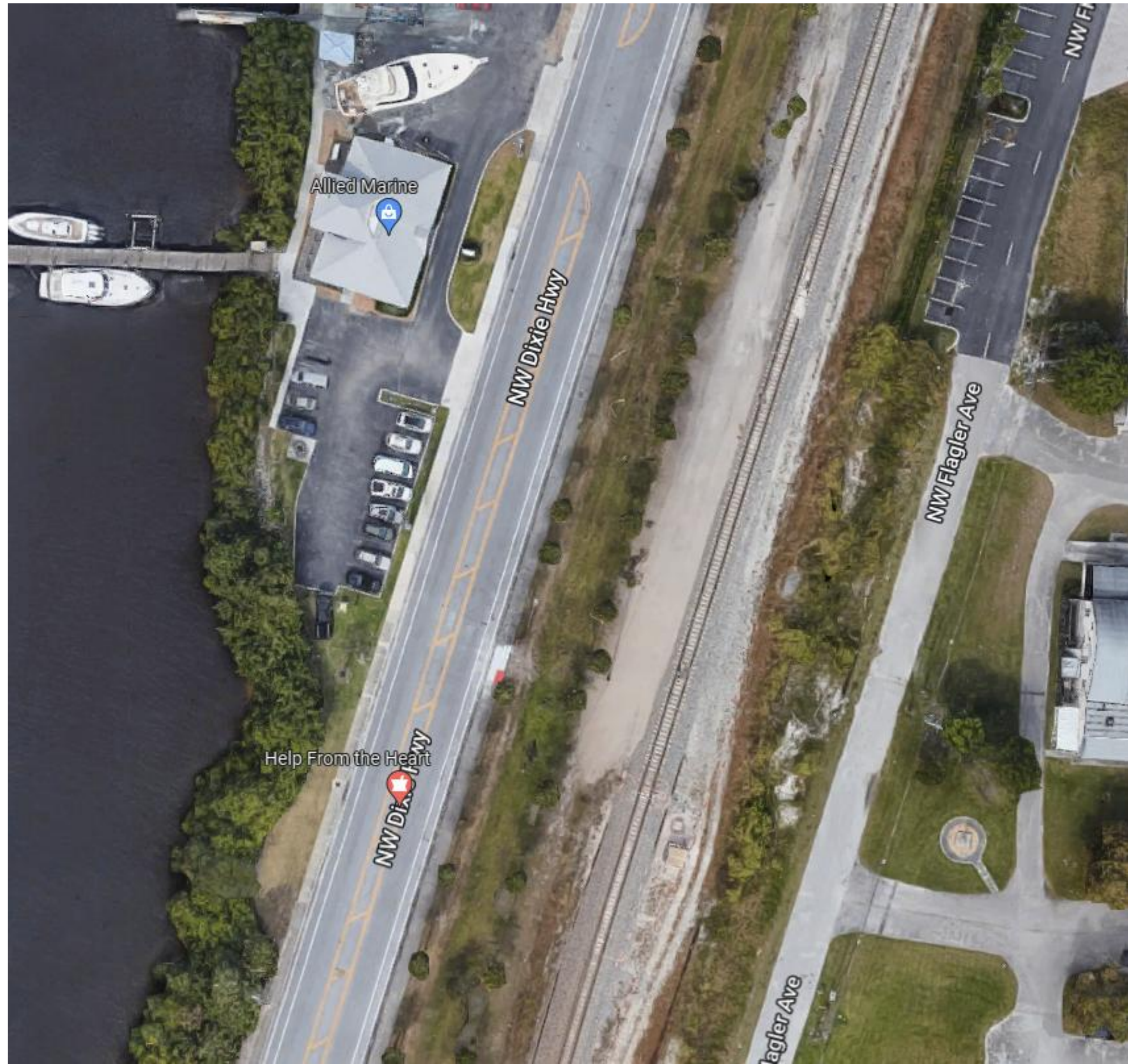


VERTICAL GATEWAY SIGN LOCATION
WITHIN THE MEDIAN REPLACING THE EXITING STATUE ALONG S
COLORADO AVE JUST NORTH OF SE KINDRED ST



VERTICAL GATEWAY SIGN LOCATION
ALONG THE WEST SIDE OF NW FEDERAL HWY

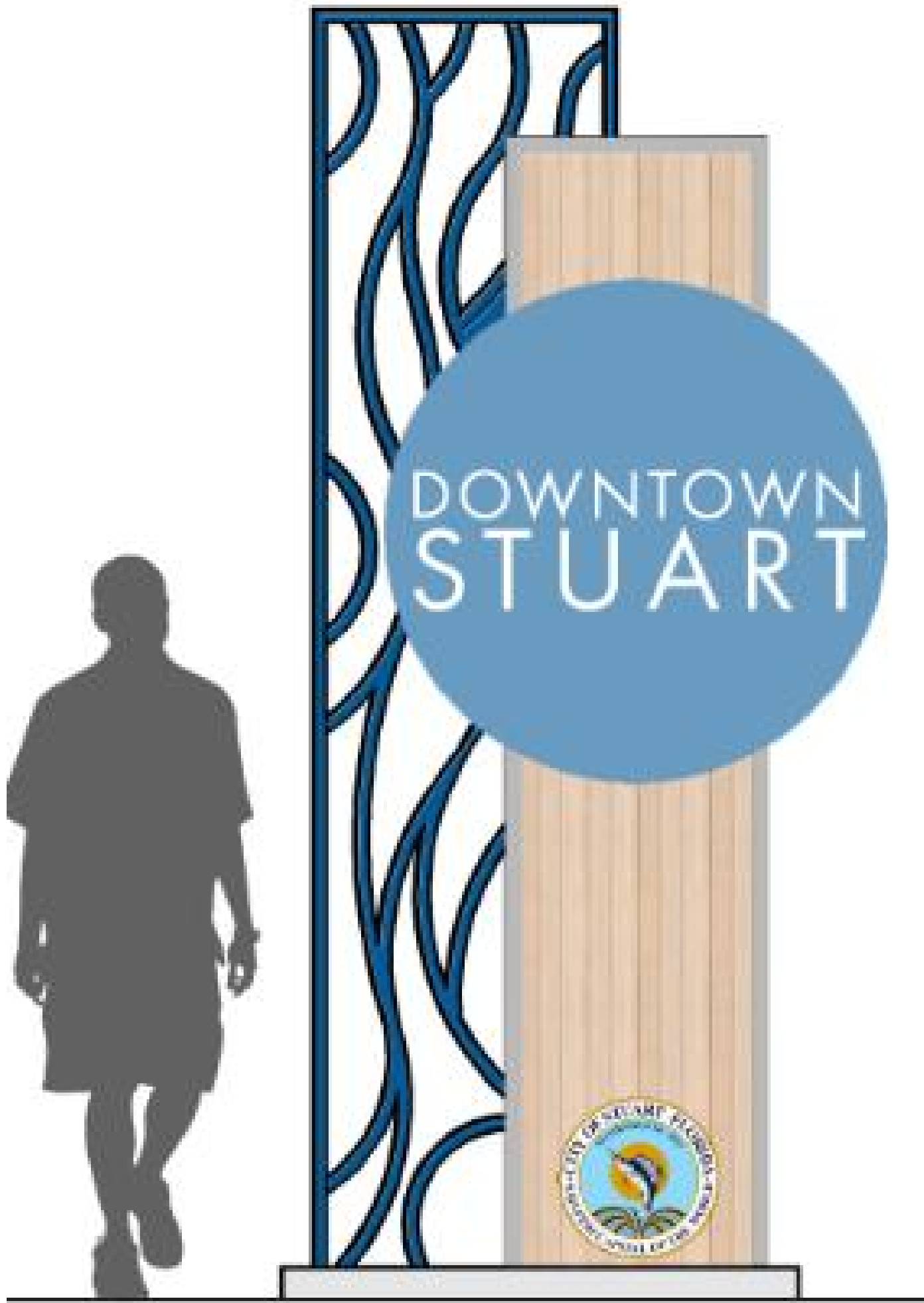
Requires FDOT
permit - in review



VERTICAL GATEWAY SIGN LOCATION
ALONG THE WEST SIDE OF NW DIXIE HWY JUST SOUTH OF THE
ALLIED MARINE (LOCATION REQUIRES EASEMENT WITH OWNER)



APPROXIMATE LOCATION AND SIZE OF SIGN EASEMENT



VERTICAL GATEWAY SIGN

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/25/2024

Prepared by: Alaina Knofla

Title of Item:

RFQL #2024-400, CONSTRUCTION MANAGER AT RISK FOR UNDERGROUNDING AND STREETScape PROJECT (RC):

RESOLUTION No. 31-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE AUTHORIZATION TO NEGOTIATE FOR RFQL #2024-400, CONSTRUCTION MANAGER AT RISK FOR UNDERGROUNDING AND STREETScape PROJECT WITH THE ONLY PROPOSER, BURKHARDT CONSTRUCTION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

In accordance with Chapter 287, Florida State Statutes, the Consultants' Competitive Negotiating Act, the Request for Qualifications #2024-400 was advertised in the Palm Beach Post and simultaneously released on-line by OpenGov Procurement and DemandStar who collectively notified eight hundred and twelve (812) potential proposers and issued forty (40) RFQL packages. The Stuart Procurement & Contracting Services Office issued one (1) RFQL package to an individual and firm who had expressed interest in proposing this project. One (1) proposal was received by the closing time and date of 2:30 pm, Wednesday, February 28, 2024.

There was not a selection committee formed due to one proposal being received.

Funding Source:

107-56563-117

Recommended Action:

Adopt Resolution No. 31-2024

ATTACHMENTS:

1. R31-2024 Authorization to Negotiate



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 31-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE AUTHORIZATION TO NEGOTIATE FOR RFQL #2024-400, CONSTRUCTION MANAGER AT RISK FOR UNDERGROUNDING AND STREETScape PROJECT WITH THE ONLY PROPOSER, BURKHARDT CONSTRUCTION, INC.; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

WHEREAS, the City entered into a competitive process with a Request for Qualifications in order to solicit proposals from qualified Construction Managers at Risk for the City's Downtown Undergrounding and Streetscape Improvements Project.

WHEREAS, one proposal was received on the opening date, which was from Burkhardt Construction, Inc. of West Palm Beach, Florida. A committee was not formed due to only receiving one response.

SECTION 1: The City Commission of the City of Stuart hereby approves the authorization to negotiate RFQL #2024-400 with Burkhardt Construction, Inc.

SECTION 2: This resolution shall take effect upon adoption.

Resolution No. 31-2024
Authorization to Negotiate RFQL# 2024-400, Construction Manager at Risk (CMAR)
Undergrounding and Streetscape

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 25th day of March 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/25/2024

Prepared by: Mary Kindel

Title of Item:

RATIFICATION OF A CRB & LPA BOARD MEMBER (RC):

RESOLUTION No. 35-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RATIFYING THE ADVISORY BOARD APPOINTMENTS OF A COMMUNITY REDEVELOPMENT BOARD (CRB) AND LOCAL PLANNING AGENCY (LPA) BOARD MEMBER, FULFILLING VACANCIES ON THE BOARDS FOR THE REMAINING CURRENT TERM FROM PRESENT TO DECEMBER 31, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Commissioner liaison, Eula Clarke, requests to appoint Aaron Hawkins to the CRB for the remaining term of March 25, 2024 - December 31, 2024.

Commissioner liaison, Troy McDonald, requests to appoint John Reynaud to the LPA for the remaining term of March 25, 2024 - December 31, 2024.

Funding Source:

N/A

Recommended Action:

Motion to approve Resolution No. 35-2024.

ATTACHMENTS:

1. R35-2024 CRB & LPA Advisory Board Member Ratification
2. R35-2024 Attachment A_Board Application_CRB Aaron Hawkins
3. R35-2024 Attachment B_Board Application_LPA John Reynaud



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 35-2024

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, RATIFYING
THE ADVISORY BOARD APPOINTMENTS OF A
COMMUNITY REDEVELOPMENT BOARD (CRB)
AND LOCAL PLANNING AGENCY (LPA) BOARD
MEMBER, FULFILLING VACANCIES ON THE
BOARDS FOR THE REMAINING CURRENT TERM
FROM PRESENT TO DECEMBER 31, 2024;
PROVIDING AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES.**

* * * * *

WHEREAS, appointments to membership on standing City boards shall be made by the City Commission. Each Commissioner shall select an appointment for each board, which is ratified by the Commission as a whole, and

WHEREAS, the Community Redevelopment Board (CRB) and the Local Planning Agency/Planning Advisory Board both have a total of seven (7) board members; two of which shall be selected by the majority vote of the Stuart City Commission. One vacant position exists on the CRB and one vacant position exists on the LPA for Commissioner appointment, for the remaining 2024 term, present through December 31, 2024, and

WHEREAS, Commissioner liaison, Eula Clarke, recommends Mr. Aaron Hawkins as her CRB appointment; application is attached hereto as “Attachment A.”

WHEREAS, Commissioner liaison, Troy McDonald, recommends Mr. John Reynaud as his LPA appointment; application is attached hereto as “Attachment B.”

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA** that:

SECTION 1: The City Commission hereby appoints Aaron Hawkins to the Community Redevelopment Board position.

SECTION 2: The City Clerk shall notify and provide the appointee information regarding the current provisions of the Florida Government-in-the-Sunshine and Code of Ethics for Public Officers and employees statute laws.

SECTION 3: This Resolution shall take effect upon its adoption.

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 25th day of March, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

Advisory Board Application

Advisory Board Application

The City of Stuart recognizes that citizen participation is vital to a customer-oriented government. The City also recognizes the unique contributions made by volunteers and encourages involvement in the policy-making process through service as an Advisory Board Member.

Date	3/11/2024
Full Name	Aaron James Hawkins
Home Phone	7726348025
Cell Phone	7726348025
E-Mail	aaronjamesh7@gmail.com
Home Address, City, Zip	1616 SE Arapahoe Avenue
How Long? Years & Months.	<i>Field not completed.</i> (Per email dated 3/13/24, 26 years and 1 month.)
Current Employer/Occupation	Self-Employed
Business Address	1616 SE Arapahoe Ave
Brief Summary of Education & Work Experience. (Please attach a resume if available.)	I am a data science professional who has 3 years of experience in commercial real estate research and now work as a self-employed consultant to small business professional seeking localized solutions to marketing, data analysis, financial tracking, and business development. I am intimately familiar with the zoning codes and objectives of the City of Stuart as it pertains to redevelopment from my time in commercial real estate. I have a BS in Economics and a MS in International Affairs with a focus in Urban and Regional Development.
If applicable, attach resume here.	New Resume-2023.pdf

Attachment A

Membership in Community Organizations or Professional Groups	I am on the Economic Vitality Chair for Stuart Main Street in downtown Stuart. I am also a member of the financial committee for the Martin County Black Heritage Initiative. I work closely with the Martin County NAACP while not being a full member and am the President of the Treasure Coast Young Democrats.
List Former Advisory Board(s) Affiliations	<i>Field not completed.</i>
Why do you wish to serve on the board(s) indicated?	I wish to bring my local knowledge of and input from the local community to the community redevelopment board to improve its strategic direction as it pertains to the Stuart community and the identified redevelopment areas. I am a born and raised citizens of the City of Stuart and would like to serve my community in any capacity I can.
Are you currently a registered voter in Martin County?	Yes
Are you part of a protected class that requires your personal information be redacted from public view?	No
(Section Break)	
The following criteria will be verified by the City upon appointment	
1. Members must be current residents of the city of Stuart or be property owners of real estate within the City limits. 2. Members shall be over the age of 18. 3. Member shall be appointed to fill specific one-year terms of board membership. 4. Not been convicted of a felony.	
Do you meet all the requirements above?	Yes
Please identify by placing a check mark on	Community Redevelopment Board

Attachment A

the board(s) of your
choice:

The Florida Department of State requires that the City report the number of minority appointments made during the year. (Section 760.80, Florida Statutes)

Please select which applies to you:

Gender	Male
--------	------

Race	African American
------	------------------

Disability	Not Known
------------	-----------

NOTE:

Board Members that belong to the Community Redevelopment Board (CRB), Local Planning Agency (LPA), and Board of Adjustment (BOA) are required to complete an annual Financial Disclosure Form reporting to Florida Commission on Ethics. In addition, a background check will be processed prior to final appointment.

OTHER

APPLICATIONS WILL REMAIN ACTIVE FOR ONE YEAR FROM DATE OF RECEIPT.

MEMBERS WILL BE NOTIFIED WITHIN 5 BUSINESS DAYS OF APPOINTMENT.

Applications may be submitted via e-mail, regular mail, or in person:

City of Stuart, Attention: City Clerk's Office
121 SW Flagler Avenue, Stuart, FL 34994
Phone: (772) 288-5304 Website: www.cityofstuart.fl.us

Email not displaying correctly? [View it in your browser.](#)

Advisory Board Application

Advisory Board Application

The City of Stuart recognizes that citizen participation is vital to a customer-oriented government. The City also recognizes the unique contributions made by volunteers and encourages involvement in the policy-making process through service as an Advisory Board Member.

Date	3/24/2024
Full Name	John B Reynaud
Home Phone	none
Cell Phone	914-384-2150
E-Mail	jbreynaud@aol.com
Home Address, City, Zip	2950 SE OCEAN BLVD 117-4
How Long? Years & Months.	26 years 10 full time
Current Employer/Occupation	retired
Business Address	2950 se ocean blvd 115-1
Brief Summary of Education & Work Experience. (Please attach a resume if available.)	some college. worked for Peckham Industries Inc. Brewster New York for 47 years. A family owned business suppling stone/blacktop/concrete/road oil/liquid asphalt/precast concrete for parking structures or bridges and paving services. Locations in New York, Vermont, Connecticut, Rhode Island. I was Superintendent of paving operations. Estimator for Paving. Plant clerk. Plant asst mgr. salesman until retiring 2014.
If applicable, attach resume here.	<i>Field not completed.</i>
Membership in Community Organizations or Professional Groups	President of Kingswood 3 Condo Assoc.

Attachment B

List Former Advisory Board(s) Affiliations	<i>Field not completed.</i>
Why do you wish to serve on the board(s) indicated?	I think it will be interesting and a good service to the community i live in.
Are you currently a registered voter in Martin County?	Yes
Are you part of a protected class that requires your personal information be redacted from public view?	No
(Section Break)	
The following criteria will be verified by the City upon appointment	
1. Members must be current residents of the city of Stuart or be property owners of real estate within the City limits. 2. Members shall be over the age of 18. 3. Member shall be appointed to fill specific one-year terms of board membership. 4. Not been convicted of a felony.	
Do you meet all the requirements above?	Yes
Please identify by placing a check mark on the board(s) of your choice:	Local Planning Agency/Planning Advisory Board
The Florida Department of State requires that the City report the number of minority appointments made during the year. (Section 760.80, Florida Statutes)	
<i>Please select which applies to you:</i>	
Gender	Male

Attachment B

Race	Caucasian
------	-----------

Disability	Not Known
------------	-----------

NOTE:

Board Members that belong to the Community Redevelopment Board (CRB), Local Planning Agency (LPA), and Board of Adjustment (BOA) are required to complete an annual Financial Disclosure Form reporting to Florida Commission on Ethics. In addition, a background check will be processed prior to final appointment.

OTHER

APPLICATIONS WILL REMAIN ACTIVE FOR ONE YEAR FROM DATE OF RECEIPT.

MEMBERS WILL BE NOTIFIED WITHIN 5 BUSINESS DAYS OF APPOINTMENT.

Applications may be submitted via e-mail, regular mail, or in person:

City of Stuart, Attention: City Clerk's Office
121 SW Flagler Avenue, Stuart, FL 34994
Phone: (772) 288-5304 Website: www.cityofstuart.fl.us

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/25/2024

Prepared by: Jacqui May

Title of Item:

APPLICATION FOR SUPPLEMENTAL FUNDING FOR S.A.F.E. PROGRAM GRANT (RC):

RESOLUTION No. 36-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR SUPPLEMENTAL FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT S.A.F.E. PROGRAM GRANT TO CONDUCT INVESTIGATIONS AND RELATED ACTIONS INTENDED TO COMBAT ILLEGAL FENTANYL ACTIVITY; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The Florida Department of Law Enforcement (FDLE) State Assistance for Fentanyl Eradication (S.A.F.E.) Program provides grant funds to Recipients for the purposes provided for herein, which will benefit the City of Stuart Police Department to further its investigations and related actions intended to combat illegal fentanyl activity. The FDLE has previously awarded the City of Stuart \$115,000 for such efforts via Resolution No.22-2024 BA No.5. The City of Stuart will not be required to provide matching funds for any additional reimbursement grant funds from the S.A.F.E. Program.

Funding Source:

N/A

Recommended Action:

Authorize Resolution No.36-2024.

ATTACHMENTS:

1. R36_Att.1 R22-2024
2. R36-2024 Authorizing S.A.F.E. Supplemental Funds Request and Agreement



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 22-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #05-2024 TO THE FISCAL YEAR 2024 OPERATING BUDGET AND AUTHORIZING GRANT EXPENDITURES FOR THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT'S STATE ASSISTANCE FOR FENTANYL ERADICATION (SAFE) IN FLORIDA PROGRAM , PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

* * * * *

WHEREAS, the Florida Department of Law Enforcement (FDLE) State Assistance for Fentanyl Eradication (S.A.F.E.) Program provides grant funds to Recipients for the purposes provided for herein which will benefit the City of Stuart Police Department to conduct investigations and related actions intended to combat illegal fentanyl activity; and

WHEREAS the City of Stuart Police Department's strategy relating to illegal fentanyl activity will align with the missions of FDLE and the S.A.F.E Program; and

WHEREAS the City continues to implement strategies to improve the safety of all residents, through investigation and other actions related to eradicating illegal fentanyl activity; and

WHEREAS the City of Stuart Commission approved application to the FDLE S.A.F.E. Program via Resolution 119-2023 on November 27th, 2023; and

WHEREAS the City of Stuart, Florida has been awarded grant funds in the amount of \$115,000.00 from the Florida Department of Law Enforcement (FDLE) State Assistance for Fentanyl Eradication (S.A.F.E.) Program; and

WHEREAS, the City of Stuart, Florida Police Department is a full-service police agency and has full authority to enter into this agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AS FOLLOWS:

SECTION 1: The foregoing precatory language is incorporated herein, as if set forth below.

SECTION 2: The City of Stuart Commission authorizes acceptance of reimbursement grant funds in the amount of \$115,000.00 from the Florida Department of Law Enforcement for the SAFE Program:

Grant Funds Received \$115,000 (001-33420-000) State Grant – Public Safety

\$ 83,382.00 (001-56564-190) Equipment

\$ 24,990.12 (001-51514-190) Overtime

\$ 6,627.88 (001-53552-190) Operating Supplies

\$115,000.00 Total

SECTION 3: The City Commission further authorizes the Police Department to allocate the awarded funds in accordance with the terms of the grant and the provision of any services rendered thereby.

(The Remainder of This Page is Left Intentionally Blank)

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED this 12th day of February, 2024.

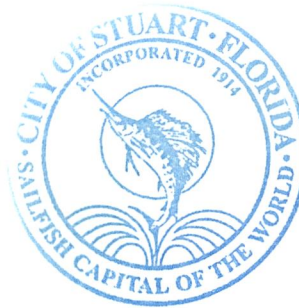
ATTEST:


MARY R. KINDEL *2/15/2024*
CITY CLERK


REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


LEE J. BAGGETT, ESQ
CITY ATTORNEY



FUNDING REQUEST –

FY23-24 STATE FINANCIAL ASSISTANCE FOR FENTANYL ERADICATION (S.A.F.E.) IN FLORIDA PROGRAM

PROJECT ACTIVITIES AND TIMELINE

Grant funds will be used to conduct investigations designed to combat illegal fentanyl activity as approved by the S.A.F.E. Executive Board. The Recipient will be responsible for the tasks and activities defined in the requested case, referenced below.

DESCRIPTION AND/OR CASE NAME	BUDGET REQUEST AMOUNT	ANTICIPATED START DATE	ANTICIPATED COMPLETION DATE
Fentanyl Investigations & Eradication	\$115,000	01/15/2024	06/30/2024

☒ Initial Request ☐ Supplemental Request

BUDGET

Is this case being funded by another agency, grant, or other funding source?

☒ No
☐ Yes (please provide details below)

To support the activities defined in the referenced case, check any categories below that are anticipated costs:

☒ Overtime for personnel (including overtime fringe benefits)
☐ Travel Costs
☐ Supplies ☐ Contractual Services (transcription services, etc.)
☒ Equipment
☐ Training
☒ Other Costs (Title III Cost Details, Undercover Payments, etc. Explain below.):

Undercover Payments, Confidential Funds, and Investigative costs.

Pre-approval for equipment and trainings is required. Please include as much information as possible in the description. Outside of investigative costs, priority will be given to send fiscally constrained counties to the appropriate drug investigation trainings.

CATEGORY	DESCRIPTION	TOTAL COST
Equipment (OCO)	Cellebrite Premium = \$26,425	\$26,425
	Covert DVR system for U/C = \$16,296	\$16,296
	Magnet Forensics = \$20,694	\$20,694
	Apex Raman Spectrometer = \$19,967	\$19,967
Training		
Equipment/Trainings Request Subtotal	Equipment = \$83,382 Training = \$0	\$83,382
(this subtotal should be part of the total budget amount above)		

RECIPIENT CONTACT INFORMATION

RECIPIENT GRANT MANAGER		RECIPIENT CHIEF OFFICIAL		RECIPIENT CHIEF FINANCIAL OFFICER	
Name:	Jacqueline May	Name:	Troy McDonald	Name:	Louis Boglioli, III
Title:	Grants Administrator	Title:	Mayor	Title:	Financial Svcs. Director
Address:	121 SW Flagler Ave, Stuart, FL 34994	Address:	121 SW Flagler Ave Stuart, FL 34994	Address:	121 SW Flagler Ave Stuart, FL 34994
Phone:	772-600-1244	Phone:	772-288-5312	Phone:	772-288-5324
Email:	jmay@ci.stuart.fl.us	Email:	tmcdonald@ci.stuart.fl.us	Email:	lboglioli@ci.stuart.fl.us

AGENCY INFORMATION

Agency Name:	City of Stuart
FEID/FEIN:	59-6000433
Remittance Address:	121 SW Flagler Avenue, Stuart, Florida 34994

I hereby certify that I have reviewed the request above and find them necessary for program activities. I am the signing authority or have been delegated as such by the appropriate official. Information regarding the signing authority is available for review if needed.

Recipient Chief Official or Designee Signature

Date

Recipient Chief Official or Designee Printed Title and Name

FOR FDLE USE

FDLE Case #:
Approved Amount:
Comments:

FDLE Special Agent in Charge (SAC) Signature

Date

FDLE SAC Printed Name

FDLE S.A.F.E. Executive Board Member Signature

Date

FDLE S.A.F.E. Executive Board Member Printed Title and Name



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 36-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY TO SUBMIT AN APPLICATION FOR SUPPLEMENTAL FUNDS FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT S.A.F.E. PROGRAM GRANT TO CONDUCT INVESTIGATIONS AND RELATED ACTIONS INTENDED TO COMBAT ILLEGAL FENTANYL ACTIVITY; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS the Florida Department of Law Enforcement (FDLE) State Assistance for Fentanyl Eradication (S.A.F.E.) Program provides grant funds to Recipients for the purposes provided for herein which will benefit the City of Stuart Police Department to further its investigations and related actions intended to combat illegal fentanyl activity; and

WHEREAS the FDLE has previously awarded the City of Stuart \$115,000 for such efforts via Resolution No.22-2024 BA No.5; and

WHEREAS the City of Stuart will not be required to provide matching funds for any additional reimbursement grant funds from the S.A.F.E. Program; and

Authorization to Submit a Supplemental S.A.F.E. Grant Program Application to FDLE;
to Execute a Grant Agreement, and Make Minor Amendments, if Required.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA, AS FOLLOWS:**

SECTION 1: The precatory language above is hereby adopted as if set forth below.

SECTION 2: The City Commission authorizes submission of a supplemental grant application by the City of Stuart Police Department to the Florida Department of Law Enforcement and State Assistance for Fentanyl Eradication Grant Program (S.A.F.E.); and to execute an agreement, if the grant is awarded; and the City Manager is authorized to make minor amendments to any such agreement; subject to review and approval by the City Attorney.

SECTION 3: This resolution shall take effect immediately upon adoption.

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 3/25/2024

Prepared by: Michelle Vicat

Title of Item:

AUTHORIZATION TO RESCIND HUDSON'S ON THE RIVER VALET PARKING AGREEMENT (RC):

RESOLUTION No. 37-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RESCINDING THE LICENSE AGREEMENT BETWEEN THE CITY OF STUART AND HUDSON'S ON THE RIVER, LLC TO UTILIZE PARKING LOCATED AT NORTH END OF FLAGLER AVENUE FOR THE PURPOSE OF OPERATING A DOWNTOWN VALET PARKING SERVICES PILOT PROGRAM; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

During the last meeting in February as well as the meeting on March 11, 2024, the commission discussed the valet parking at Hudson's on the River. At the March 11, 2024 meeting, the Commission directed staff to set an agenda item to revisit the agreement. Because the agreement is already in place, the only agenda item is a Resolution rescinding Hudson's on the River Valet Parking Agreement. The matter was scheduled as an action item but the Resolution was left blank so the Commission could review the issues and take action if appropriate. To revisit the prior agenda item, the applicant presented information to the Commission that demonstrated that the Sunset Bay valet parking was working but the employees and others from the Sunset Bay Area were parking their cars in front of Hudson's and walking over on the boardwalk in order to reserve spaces on the Sunset Bay side for customers. Hudson's was simply requesting the same opportunity. Staff asked if the board wanted to revisit the Sunset Bay agreement and was told not to include it. It was always a requirement that the valet parking be free to the public and have no requirement that people using the valet be required to visit the restaurant.

Funding Source:

N/A

Recommended Action:

Discuss options

ATTACHMENTS:

1. Hudson's Parking Agreement
2. R37-2024 Hudson's Valet Parking Agreement
3. Valet parking area pictures

LICENSE AGREEMENT **DOWNTOWN VALET PARKING**

THIS LICENSE AGREEMENT made and entered into this 14th day of March, 2022 by the CITY OF STUART, FLORIDA, amunicipal corporation of the State of Florida, 121 S.W. Flagler Avenue, Stuart, Florida 34994, hereinafter the "City," and **HUDSON'S ON THE RIVER, LLC** with a principal address of 351 SW Flagler Ave. Stuart Fl 34994, hereinafter the "Licensee."

WHEREAS, the City of Stuart City Commission authorizes to execute a license agreement to Hudson's On The River, LLC. for the operation of a Downtown Valet Parking Services Pilot Program; and

WHEREAS, the City of Stuart City Commission recognizes the public benefit to provide free valet service as an additional amenity to the downtown; and

WHEREAS, the City of Stuart City Commission finds that providing a free valet parking in the common parking lots will provide more efficient and convenient parking downtown which benefit the downtown businesses, residents and visitors; and

WHEREAS, the City recognizes a need for parking in the Downtown area during certain peak times and further believes that managing the parking spaces at the end of Flagler Avenue will provide a more efficient use of the spaces and in turn provide more parking for the public during the peak times; and

WHEREAS, the City Commission has implemented a public valet parking service in the past at City Hall and the program provided more efficient parking management for the public visiting downtown Stuart; and

WHEREAS, Hudson's on The River, LLC. will provide free valet that is open to the public and intended for anyone to utilize without being required to patronize any business.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, THE CITY DOES HEREBY GRANT THIS EXCLUSIVE LICENSE TO "Hudson's On The River, LLC" to use the City's designated parking areas as identified in **Attachment A**, in accordance with the conditions as set forth below:

1. The Licensee agrees to provide valet service Monday through Saturday, 5:00 PM to 10:00 PM. The Licensee shall be allowed to extend valet beyond 10:00 PM at its discretion but shall not be allowed to reserve spaces prior to 4:00 p.m.
2. Hudson's on The River, LLC shall be allowed to begin reserving spaces by placing cones at 4:00 p.m. as each car vacates the lot.
3. Hudson's on The River, LLC agrees to provide free valet service to any citizen regardless of their patronage at Hudson's Restaurant.
4. The term of this license agreement shall be for 30 days at a time at the discretion of the City Manager. The agreement shall continue to renew on the First day of each Month until May 31, 2023, upon the execution of this agreement signed by both parties. At the discretion of Hudson's on The River LLC, the service may be eliminated during any month in the off season (June 1st to November 30th). The City Manager shall have the right to terminate the license agreement at any time with seven days written notice without demonstrating cause.
5. The Licensee's valet may "stack vehicles", but shall at all times leave the drivable roadway open.
6. **Cancellation of License.** This agreement may be cancelled at any time by the City due to breach of the agreement or at the discretion of the City Manager.
7. **Additional Authorizations Required.** During the term of this License, the Licensee's valet shall obtain and maintain all required business tax receipts, corporate registrations, licenses, permits and approvals, and shall furnish a copy to the City whenever the same is obtained, renewed or otherwise requested. The Licensee's valet shall also furnish a copy, within five (5) days, of any action, report, violation notice or other material item referring to said governmental approvals that is later received by the Licensee or Licensee's valet.
8. **Indemnification.** Licensee and Licensee's valet hereby indemnifies and holds the City, its officials, employees and agents harmless from any and all torts, claims, injuries,

damages, or sums due, arising out of this License, and further agrees to provide a suitable defense for the City in the event that any legal action is instituted against the City for actions or inactions arising out of any injury, tort, damage, or claim as described herein.

9. **Insurance Required.** The Licensee's valet shall provide "all risk" liability insurance coverage for the City in an amount of not less than One Million (\$1,000,000) Dollars per Occurrence. A certificate of insurance showing the "City of Stuart, its officials, agents and employees" as "additional insureds" shall be provided to the City Clerk and shall be maintained throughout the term of the License. Said Certificate shall include the condition that the insurance provided shall not expire without thirty (30) days written notice to the City.
10. **Terms subject to modification.** Unless this License is amended by the City, there are no other terms or conditions express or implied that pertain to the License. However, the City reserves the right to modify the terms and conditions of this License.
11. **Miscellaneous.** If legal action is required to enforce the terms of this License, the prevailing party shall be entitled to reasonable attorney's fees and costs, at all levels. If any material term, condition, or provision of this License is determined to be unenforceable or illegal, for any reason, the entire License may be reformed by joint agreement of the parties, or it may be cancelled by the City. This License supersedes any prior or contemporaneous oral or written agreements of the parties, but the License is nonetheless subject to all applicable governmental laws, ordinances and regulations, and if in conflict with the same and not otherwise deemed illegal, the more stringent provision, as solely determined by the City, shall prevail.

Witness our duly authorized signatures on this License Agreement, as executed on the day and year first above written.

ATTEST:

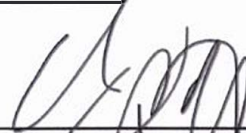

MARY R. KINDEL 4-13-2022
CITY CLERK


DAVID DYE S S 7
CITY MANAGER

APPROVED AS TO
FORM AND
CORRECTNESS:


MICHAEL MORTELL
CITY ATTORNEY

LICENSEE:


HUDSON'S ON THE RIVER, LLC.
Printed name of Managing Member

d.J. chML 1Yaf A-K a.f. S, Jr.
Dated: J. / - - ; J,

Attachment A





CERTIFICATE OF GARAGE INSURANCE

DATE (MM/DD/YYYY)

03/14/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		INSURED	
Jacobs Insurance Agency 2328 S Congress Avenue Suite 2A West Palm Beach FL 33406		JACKIE EGERTON (561) 967-8400 JACKIE@JACOBSFL.COM	
		INSURERS AFFORDING COVERAGE INSURER A: MESA UNDERWRITERS SPECIALTY INSURERS: BUSINESS FIRST INSURANCE COMPANY INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES PROD/CUSTOMER ID: PARK-1C CERTIFICATE#: REVISION#:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LINE	TYPE OF INSURANCE	AUTO	SUB	POLICY NUMBER	POLICY EFF	POLICY EXP	LIMITS
A	GARAGE LIABILITY ☐ ANY AUTO ☐ OWNED ☐ VALET ☒ VALET	☐ HED AUTO ☐ NON OWNED ☐ AUTOS USED ☐ IN GARAGE ☐ BUSINESS	X	MP0009026000056	09/23/2021	09/23/2022	AUTO ONLY (Ea accident) \$ 1,000,000 OTHER THAN AUTO ONLY EA ACCIDENT \$ 1,000,000 AGGREGATE \$ 2,000,000
A	GARAGE KEEPERS LIABILITY ☒ LEGAL LIABILITY ☐ DIRECT BASIS ☐ PRIMARY ☐ EXCESS		X	MP0009026000056	09/23/2021	09/23/2022	☒ COLLISION ☐ LOC ☐ LOC ☐ LOC ☐ LOC
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMSMADE ☐ OCCUR ☐ GENL AGGREGATE LIMIT APPLIES PER ☐ POLICY & ☐ LOC ☐ OTHER						EACH OCCURRENCE \$ PRODUCTS COMPROP AGG \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS COMPROP AGG \$
	UMBRELLA LIAB EXCESS LIAB ☐ RETENTION \$	☐ OCCUR ☐ CLAIMSMADE					EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY EMPLOYEE OR PART-TIME EXECUTIVE OFFICER MEMBER EXCLUDED? (Mandatory in FL) m:AR♦.lrc1,	Y/N	N/A	CS-WK-000002691-1	06/06/2021	06/06/2022	☒ EL; fire EL EACH ACCIDENT \$ 100,000 EL DISEASE EA EMPLOYEE \$ 100,000 EL DISEASE POLICY LIMIT \$ 500,000

REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CITY OF STUART. ITS OFFICIALS, AGENTS AND EMPLOYEES ARE LISTED AS ADDITIONAL INSURED

CERTIFICATE HOLDER	CANCELLATION
CITY OF STUART 121 SW FLAGLER AVE STUART FL 34994	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE ♦♦♦

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CERTIFICATE OF GARAGE INSURANCE

DATE (MM/00/YY)

03/14/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jacobs Insurance Agency 2328 S Congress Avenue Suite 2A West Palm Beach FL 33406	INSURED TPS M.G. LLC THE PARKING SOLUTIONS & VALET CO, LLC 1619 CETONA DR BOYNTON BEACH FL 33436	INSURER JACKIE EGERTON (561) 967-8400 Jr. (561) 967-9088 JACKIE(g)JACOBSFL.COM INSURERS AFFORDING COVERAGE INSURER A: MESA UNDERWRITERS SPECIALTY INSURER B: BUSINESS FIRST INSURANCE COMPANY INSURER C: INSURER D: INSURER E: INSURER F:
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COVERAGES PROD/ CUSTOMER ID: PARK-1C

CERTIFICATE#:

REVISION#:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	ADDL SUBR	POLICY NUMBER	POLICY EFF	POLICY EXPI	LIMITS	
A	GARAGE LIABILITY ANY AUTO OWNED VALET C J NON OWNED AUGUS USED N GARAGE BUSINESS	X	MP0009026000056	09/23/2021	09/23/2022	AUTO ONLY (Ea accident) \$ 1,000,000 OTHER THAN EA ACCIDENT \$ 1,000,000 AGGREGATE \$ 2,000,000	
A	GARAGE KEEPERS LIABILITY LEGAL LIABILITY DIRECT BASIS PRIMARY COMMERCIAL GENERAL LIABILITY CLAIMSMADE EXCESS n OCCUR	X	MP0009026000056	09/23/2021	09/23/2022	COMPL LOC \$ 50,000 Vehicle LOC \$ 645,000 total COLLISION LOC \$ LOC \$	
	GENL AGGREGATE LIMIT APPLIES PER POLICY [] [] LOC OTHER					EACH OCCURRENCE \$ AGGREGATE \$ MED EXP INV (Ea person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMPROP AGG \$	
	UMBRELLA LIAB EXCESS LIAB OCCUR RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$	
B	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY OTHER PARTNER EXECUTIVE OF CERTIFICATE EXCLUDED (Mandatory h N) rJ...e...nder	YIN	NIA	CS-WK-000002691-1	06/06/2021	06/06/2022	EL EACH ACCIDENT \$ 100,000 EL DISEASE - EA EMPLOYEE \$ 100,000 EL DISEASE - POLICY LIMIT \$ 500,000

REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERT. HOLDER IS LISTED AS ADDITIONAL INSURED

CERTIFICATE HOLDER

CANCELLATION

HUDSONS ON THE RIVER 361 SW FLAGLER AVE STUART FL 34994	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 37-2024

**A RESOLUTION OF THE CITY COMMISSION
OF THE CITY OF STUART, FLORIDA TO
RESCIND THE LICENSE AGREEMENT
BETWEEN THE CITY OF STUART AND
HUDSON'S ON THE RIVER, LLC TO UTILIZE
PARKING LOCATED AT NORTH END OF
FLAGLER AVE FOR THE PURPOSE OF
OPERATING A DOWNTOWN VALET PARKING
SERVICES PILOT PROGRAM; PROVIDING AN
EFFECTIVE DATE, AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, the City of Stuart City Commission authorizes to execute license agreement to Hudson's on The River, LLC. for the operation of a Downtown Valet Parking Services Pilot Program; and

WHEREAS, the City of Stuart City Commission recognizes the public benefit to provide free valet service as an additional amenity to the downtown; and

WHEREAS, the City of Stuart City Commission finds that providing free valet parking in the common parking lots during season will provide more efficient and convenient parking downtown which benefit the downtown businesses, residents and visitors; and

WHEREAS, the City recognizes a need for parking in the Downtown area during certain peak times and further believes that managing the parking spaces at the end of Flagler Avenue will provide a more efficient use of the spaces and in turn provide more parking for the public during the peak times; and

WHEREAS, the City Commission has implemented a public valet parking service in the past at City Hall and the program provided more efficient parking management for the public visiting downtown Stuart; and

WHEREAS, Hudson’s on The River, LLC. will provide free valet that is open to the public and intended for anyone to utilize without being required to patronize any business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1:

SECTION 2:

SECTION 3: This resolution shall take effect upon adoption.

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

REBECCA BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA CLARKE, COMMISSIONER
TROY MCDONALD, COMMISSIONER
CHRIS COLLINS, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA BRUNER
MAYOR

REVIEWED FOR FORM AND
CORRECTNESS:

LEE J. BAGGETT
CITY ATTORNEY



CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 3/25/2024

Prepared by: Lee Baggett

Title of Item:

AMENDMENTS TO THE CITY OF STUART'S LAND DEVELOPMENT CODE AND CODE OF ORDINANCES (RC):

ORDINANCE No. 2525-2024; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER VIII OF THE CITY OF STUART'S LAND DEVELOPMENT CODE (ADMINISTRATION AND ENFORCEMENT); AND AMENDING PART II, CHAPTERS 2 AND 32 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY; EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City Commission finds that the Land Development Code and Code of Ordinances need to be amended and updated to consolidate rules of administration and bylaws for City Advisory Boards.

Chapter VIII – Administration and Enforcement, Sections 8.00.01 through 8.00.05 of the City of Stuart's Land Development Code requires deletion in its entirety due to the sections being moved to Part II, Chapter 2, Article III of the City's Code of Ordinances. Additionally, Section 8.07.04 is deleted in its entirety and is reserved for future use. Finally, after review of Chapter VIII, a few scrivener's errors need to be corrected to stay consistent throughout the City's Land Development Code.

Chapter 2, Article III. Boards, Committees and Commissions of the City's Code of Ordinances requires amendment in order to provide clarity, consistency, and deletion of redundancy.

Chapter 32, Article VI. Community Redevelopment, Division 1, Community Redevelopment Agency of the City's Code of Ordinances requires amendment to move Section 32-237 (Bylaws and Rules of Administration) to Chapter 2, Article III of the City's Code of Ordinances. Additionally, Section 32-242 requires deletion in its entirety and is reserved for future use. Finally, after review of Article VI, a few scrivener's errors need to be corrected to stay consistent throughout the City's Code of Ordinances.

Since First Reading, the State passed a new law currently referred to as House Bill 601. Effectively, the law rescinds the SIRB board and as a result, staff has stricken the language for this board from the code. This is the only change from First Reading.

Funding Source:

N/A

Recommended Action:

Approve Ordinance 2525-2024.

ATTACHMENTS:

1. Ordinance 2525-2024 Amendments to LDC and Code of Ordinances
2. Ordinance 2525-2024 Exhibits A-C



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2525-2024

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER VIII OF THE CITY OF STUART'S LAND DEVELOPMENT CODE (ADMINISTRATION AND ENFORCEMENT); AND AMENDING PART II, CHAPTERS 2 AND 32 OF THE CITY OF STUART'S CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE; SEVERABILITY; EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission for the City of Stuart, Florida is authorized by provisions in Chapter 166, Florida Statutes, to establish and adopt ordinances which are intended to serve and provide public benefit to the residents and visitors of the City of Stuart; and

WHEREAS, Part I, Article IV of the City's Charter permits the City Commission to create and establish boards and committees to serve at the pleasure of the City Commission; and

WHEREAS, from time to time, the City Commission updates its regulations to provide benefit to the community, clarify any ambiguities, and be consistent with state and federal laws; and

WHEREAS, the City Commission finds that the Land Development Code and Code of Ordinances need to be amended and updated to consolidate rules of administration and bylaws for City Advisory Boards; and

WHEREAS, Chapter VIII – Administration and Enforcement, Sections 8.00.01 through 8.00.05 of the City of Stuart's Land Development Code requires deletion in its entirety due to the sections being moved to Part II, Chapter 2, Article III of the City's Code of Ordinances. Additionally, Section 8.07.04 is deleted in its entirety and is reserved for future use. Finally, after review of Chapter VIII, a few scrivener's errors need to be corrected to stay consistent throughout the City's Land Development Code; and

WHEREAS, Chapter 2, Article III. Boards, Committees and Commissions of the City's Code of Ordinances requires amendment in order to provide clarity, consistency, and deletion of redundancy; and

WHEREAS, Chapter 32, Article VI. Community Redevelopment, Division 1, Community Redevelopment Agency of the City's Code of Ordinances requires amendment to move Section 32-237 (Bylaws and Rules of Administration) to Chapter 2, Article III of the City's Code of Ordinances. Additionally, Section 32-242 requires deletion in its entirety and is reserved for future use. Finally, after review of Article VI, a few scrivener's errors need to be corrected to stay consistent throughout the City's Code of Ordinances; and

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA:

SECTION 1: **Recitals.** The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance. The regulation of Boards, Committees, and Commissions is found within Chapter 2, Article III, of the City of Stuart Code of Ordinances. The regulation of the Community Redevelopment Agency is found within Chapter 32, Article VI, of the City Code of Ordinances. The regulation of the City Planning Advisory Board (Local Planning Agency) is found within Chapter VIII – Administration and Enforcement, of the Stuart, Florida Land Development Code.

SECTION 2: The City of Stuart Land Development Code, Chapter VIII, Administration and Enforcement is hereby repealed and replaced with such language as set forth in **Exhibit "A"** attached hereto.

SECTION 3: The City of Stuart Code of Ordinances, Chapter 2 – Administration, Article III, Boards, Committees, and Commissions is hereby repealed and replaced with such language as set forth in **Exhibit "B"** attached hereto.

SECTION 4: The City of Stuart Code of Ordinances, Chapter 32 – Planning and Development, Article VI, Community Redevelopment, Division 1, Community Redevelopment Agency is hereby repealed and replaced with such language as set forth in **Exhibit "C"** attached hereto.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 7: The provisions of this Ordinance shall be codified.

SECTION 8: This Ordinance shall take effect immediately upon adoption.

Passed on first reading the 11th day of March, 2024.

Commissioner _____ offered the foregoing Ordinance and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll call vote,
the vote was as follows:

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, 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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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. § 163.257. 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.

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~~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 eCity eEngineer 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 eCity 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 eCity.

C. *Amount and type of security.*

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1. The amount of the security listed in the improvement agreement shall be approved as adequate by the ~~p~~Public ~~w~~Works ~~d~~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 ~~p~~Public ~~w~~Works ~~d~~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 ~~e~~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 ~~e~~City, the maintenance period shall be for a period of three years, beginning with the written acceptance by ~~e~~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 ~~p~~Public ~~w~~Works ~~d~~Director.
 2. Whenever a proposed development provides for the construction of facilities or improvements which are not proposed for dedication to the ~~e~~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. Chapter~~ 718, *Florida Statutes*, 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 eCity aAttorney.

An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the eCity 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 eComprehensive pPlan shall be eliminated upon redevelopment. Historic and archaeological resources as identified in the housing element of the Stuart eComprehensive pPlan are deemed to be consistent with the character of the eCity, its natural resources, and the Stuart eComprehensive pPlan 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 eCity eCommission, 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 eCity dDevelopment dDirector 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 ~~eCity~~ ~~dDevelopment~~ ~~dDirector~~ 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 ~~eCity~~ ~~dDevelopment~~ ~~dDirector~~ 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 ~~eCity~~ ~~eCommission~~ 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 eCity 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 eCity eDevelopment eDirector 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 eCity.
- 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 eCity 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 sSection 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, Article III of the City's Code of Ordinances.

B. Granted by Board of aAdjustment. The Board of aAdjustment may grant a variance from the strict application of the following dimensional requirements of the eCity's Land Ddevelopment Coderegulations and the eCity's Code of Ordinances: sSubsection 2.04.00 regarding lot area requirements and minimum yard setbacks; sSection 6.09.00 regarding setbacks, building separation and heights for accessory structures; sSection 6.03.02 regarding finished floor elevation; sSection 6.09.05, regarding fences, walls, hedges and enclosures; and sSection 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)

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B.C. *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 **bB**oard of **aA**djustment 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.

D.C. *Administrative variances by City dDevelopment dDirector.* The **eC**ity **dD**evelopment **dD**irector may grant minor variances from this **eC**ode pursuant to ~~this sSection, 8.04-08.~~

Sec. 8.05.02. Limitations on granting variances.

- A. *Initial determination.* The **Bb**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 **Bb**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.

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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 **b**Board of **a**Adjustment 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 **b**Board of **a**Adjustment 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 **e**City **d**evelopment **d**epartment 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, Article III of the City's Code of Ordinances and Chapter 11 of the City's Land Development Code.

Secs. 8.05.04—8.05.07. Reserved.

Sec. 8.05.08. Administrative variance

A. *Authority.* The **e**City **d**evelopment **d**irector is hereby granted the power and authority to vary the Land Development Code of the **e**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 **e**City. Pursuant to the following, the **e**City **d**evelopment **d**irector 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.

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3. *Green development.*

- 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 ~~City Fire~~ ~~e~~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 ~~e~~City ~~d~~evelopment ~~d~~irector, a variance may be granted to depart from the strict architectural and building materials, design and location standards as contained in ~~s~~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 ~~e~~City ~~e~~Commission as a condition of zoning approval, plat approval, or development plan approval, the ~~e~~City ~~d~~evelopment ~~d~~irector may approve, approve with conditions or deny any plan document modification.

- C. *City ~~C~~ommission intent.* By adopting this section, the ~~C~~eity ~~e~~Commission intends that the ~~e~~City ~~d~~evelopment ~~d~~irector 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 ~~B~~oard of ~~a~~Adjustment shall not pertain, and the ~~e~~City ~~d~~evelopment ~~d~~irector 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.

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1. The eCity dDevelopment dDirector may defer any application for administrative variance which would otherwise qualify for consideration by the bB oard of aA djustment, or Ccity eCmmission, 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 eCity 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 eCity mManager, by requesting a hearing on the matter. The hearing shall be before the eCity eCommission by filing a "notice of appeal and request for hearing" with the eCity eClerk 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.

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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 eCity and accompanied by fees prescribed by the eCity eCommission.
2. The appealing party assumes the responsibility of all required notification procedures. A public hearing shall be set by the eCity eCommission within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date.
3. The eCity eCommission shall hear the matter, and shall have ten days from the date of the hearing to render a decision.
4. The eCity eCommission 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 City eCommission shall be submitted to the appellant and to the eCity dDevelopment dDirector and/or other administrative department involved in the appeal.
6. All decisions rendered by the eCity eCommission shall be final and binding on all parties.

Sec. 8.07.04. Reserved for future useAdministrative 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~~

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~~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 Board of adjustment.

Appeal by certiorari to the circuit court. Any person who appeared before the Board of 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 eCity eCommission.

An appeal of a final determination of the eCity eCommission 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);

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- (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;
 - (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 eCity 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.

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G. *Appeals.*

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 ~~e~~City ~~e~~Commission include are the zoning bBoard of ~~a~~Adjustment (hereinafter "BOA"), ~~nuisance abatement board, l~~Local ~~p~~Planning Agency advisory board (hereinafter "LPA"), Community Redevelopment Board (hereinafter "CRB"), and East Stuart Historical Advisory Committee (hereinafter "ESHAC"), ~~and Stuart i~~ndependent ~~r~~Review ~~b~~Board (hereinafter "SIRB"),. The Stuart ~~e~~Community ~~r~~Redevelopment ~~a~~Agency (hereinafter "CRA") and the Stuart ~~h~~Housing ~~a~~Authority (hereinafter "SHA") are standing boards which have been created by the ~~e~~City ~~e~~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 held in the ~~C~~eity ~~e~~Commission's 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 ~~e~~City ~~m~~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 ~~e~~City. This section does not apply to the ~~SHA housing authority board.~~
- (c) The legal advisor to ~~a~~ the standing boards shall be the ~~e~~City ~~a~~Attorney, or his/her designee. The ~~e~~City ~~a~~Attorney 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. The City Clerk or his/her designee shall provide proper notice of meetings to the public and to the board members in compliance with state law.~~

(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 of the standing boards.
- ~~(eb) 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 a Appointment; orientation.

- (a) With the exception of the City Commissioners on the CRA, board members shall be appointed to fill specific one-year terms. The City Commission shall ratify 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. Upon appointment by the eCity eCommission, the eCity eClerk shall notify the appointee.
- (b) The eCity eClerk 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~~ory~~ 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.~~
- ~~(ea) Board M~~members 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 each respective board shall be the arbiter of the application of Robert's Rules of Order.~~
- ~~(c) Voting shall be by voice 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 should 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 of Stuart.
 - (h) The Chair or presiding officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Chair or presiding officer to ensure that the rules of operation and decorum contained herein are observed. The Chair or 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 eCity eCommissioner. A board member may be removed from membership by the eCity eCommissioner 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 mManager by the board secretary. Vacancies shall be filled by the eCity eCommission in the same manner as original appointments as soon as is practicable.
- ~~(c) Board members shall be appointed to fill specific one-year terms of board membership. The city commission shall appoint the members of each board during its annual reorganization meeting.~~
- ~~(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 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—2-956. 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. 2-97. Created.~~

~~—The Stuart Independent Review Board's ("SIRB") is hereby created for the purpose of providing independent public review of the conduct of employees of the City.~~

~~—All sections of *Division 1 Generally* hereinabove are hereby incorporated as if set forth herein this Division.~~

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

~~Sec. 2-98. Membership.~~

~~(a) The SIRB independent review board shall consist of five (5) members, appointed by the city commission who shall serve without compensation. Each City Commissioner shall appoint a single member to the SIRB.~~

~~(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. In addition to the minimum membership requirements identified in *Division 1* hereinabove, a prospective member of the SIRB shall:~~

~~(1) Be not less than 18 years of age;~~

~~(2) Be a current resident of Stuart;~~

~~{31} Never have been convicted of a crime;~~

~~{42} Not be an employee of the city;~~

~~(53) Not be a candidate for elective office; and~~

~~(64) 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.~~

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

~~Sec. 2-99. 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.~~

~~(b) At its first annual meeting of each year, 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 chairperson. 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.~~

~~(c) 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 board members present.~~

~~(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. 2-100. Powers and dDuties and responsibilities.~~

~~(a) The independent review board SIRB shall review all completed investigations conducted by the cCity mManager or designee of citizen's written complaints including disciplinary action, if any.~~

~~(b) Completed investigations shall be submitted to the SIRB board in the form of a written report prepared by the cCity mManager. 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 cCity Mmanager. If the SIRB board rejects the recommendation, it shall provide written findings for its decision which shall be provided to the cCity cCommission 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. 2-101. Board review procedure.

- (a) ~~Upon completion of a report by the cCity mManager, 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 cCity mManager 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 cCity mManager, who will respond promptly.~~
 - (c) ~~The decision of the SIRB board shall be based exclusively upon the report of the cCity mManager, and any other material provided to the board by the cCity mManager 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 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. 2-102. General.

- (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. The BOA has been granted the authority from the City Commission to grant variances and lot splits in compliance with the City’s Code of Ordinances and Land Development Code.
- (b) All sections of Division 1 Generally hereinabove are hereby incorporated as if set forth herein this Division.

Sec. 2-103. Membership; Officers and Staff.

- (a) Number. The BOA shall consist of five (5) members. Each City Commissioner shall appoint a single member to the BOA.
- (b) Staff Liaison. The City’s Development Director, or his/her designee, shall serve as the staff person to the BOA.
- (c) 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.
- (d) 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. 2-104. Meetings; Conduct of Business.

- (a) *Regular Meetings.* Regular meetings shall be held on the fourth (4) Thursday of each month. No meeting will be convened in the event there is no matter to be considered by the board.
- (b) *Special Meetings.* Special meetings may be held at the discretion of the BOA as necessary. Special meetings may be held at the discretion of the board as necessary. Special meetings may be called by the Chairperson, the request by any two (2) members of the board to the City's Development Director, or by the City's Development Director.
- (c) A quorum of the BOA shall be three (3) 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 present may receive information only, and take no action other than to adjourn the meeting to a date/time certain and notice of such adjourned meeting shall be given to each member.
- (d) The City's Development Director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.

Sec. 2-105. Duties and Responsibilities.

- (a) The BOA shall have the following duties and responsibilities:
 - (1) Review, hold a hearing and consider applications for variances as provided in Section 8.05.00 of the City Land Development Code;
 - (2) Interpret the provisions of the City Code of Ordinances and Land Development Code so as to accomplish the intent and purpose of the City Comprehensive Plan; and
 - (3) Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.

DIVISION 4. COMMUNITY REDEVELOPMENT BOARD

Sec. 2-106. General.

- (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.
- (b) All sections of *Division 1 Generally* hereinabove are hereby incorporated as if set forth herein this Division.

Sec. 2-107. Membership; Officers and Staff

- (a) *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.
- (b) *Staff Liaison.* The City's CRA Director, or his/her designee, shall serve as the staff person to the CRB.
- (c) *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.
- (d) *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. 2-108. Duties and Responsibilities.

(a) The CRB shall:

- (1) Review, hold a hearing, approve, approve with conditions or deny applications for minor Urban Code conditional use;
- (2) Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development to the City Commission;
- (3) Review all proposed amendments to the Urban Code, including proposed amendments on its own volition, and recommend approval, approval with conditions, or denial to the City Commission;
- (4) Review all proposed amendments to the Community Redevelopment Plan and recommend approval, approval with conditions, or denial to the City Commission;
- (5) Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan to the City Commission;
- (6) Review, hold a hearing and make recommendations to the City Commission on applications for zoning changes for properties within the Community Redevelopment Area as proscribed in Section 3.00.00 of the City Land Development Code;
- (7) Review, hold a hearing and make recommendations to the City Commission on major amendment applications to previously adopted planned unit development ordinances for properties within the Community Redevelopment Area as proscribed in Section 3.00.00 of the City Land Development Code;
- (8) Review, hold a hearing and approve, approve with conditions, or deny applications for public art, as provided in Section 3.01.00 of the City Land Development Code; and
- (9) Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities.

Sec. 2-109. Meetings; Conduct of Business.

- (a) Regular meetings shall be held on the first Tuesday of each month. No meeting will be convened in the event there is no matter to be considered by the board. Special meetings may be held at the discretion of the board as necessary. Special meetings may be called by the Chairperson, the request by any two (2) members of the board to the City's CRA Director, or by the City's CRA Director.
- (b) A quorum of the CRB 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 present may receive information only, and take no action other than to adjourn the meeting to a date/time certain and notice of such adjourned meeting shall be given to each member.
- (c) The City's 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.

DIVISION 5. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-110. 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.
- (d) All sections of Division 1 Generally hereinabove are hereby incorporated as if set forth herein this Division.

Sec. 2-111. 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 term 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.
- (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. 2-112. Duties and Responsibilities

- (a) Authorized actions.

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- (1) The CRA is authorized to carry out all community redevelopment and related activities specified in Florida Statutes §§ 163.358 and 163.370; with the exception of:
 - a. The power to authorize the issuance of revenue bonds as set forth in Florida Statutes § 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.
 - (3) The CRA may recommend to the City Commission amendments to this Division.

Sec. 2-113. Meetings; 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) 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. 2-114. General.

- (a) The Local Planning Agency ("LPA") is established as provided by the City of Stuart Code of Ordinances and Florida Statutes § 163.3174. The LPA shall constitute the local planning agency as that term is defined and construed in Florida Statutes § 163.3164;
- (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.
- (c) All sections of *Division 1 Generally* hereinabove are hereby incorporated as if set forth herein this Division.

Sec. 2-115. Membership; Officers and Staff.

- (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 majority vote of the entire City Commission.
- (b) 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.
- (c) 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.

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- (d) 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.
 - (e) 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.
 - (f) The City of Stuart's Development Director shall serve as the senior staff person and liaison to the LPA.
 - (g) 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. 2-116. Duties and Responsibilities.

(a) The LPA shall:

- (1) Review, hold a hearing and make recommendations to the City Commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;
- (2) Review, hold a hearing and make recommendations to the City Commission regarding proposed amendments to the text of the Stuart Land Development Code;
- (3) Review, hold a hearing, and 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;
- (4) Review, hold a hearing and make recommendations to the City Commission on applications for zoning changes for properties located outside of the Community Redevelopment Area as proscribed in Section 3.00.00;
- (5) Review, hold a hearing and recommendations to the City Commission on applications for a major amendment to a previously adopted planned unit development ordinance for properties located outside of the Community Redevelopment Area as proscribed in Section 3.00.00;
- (5) Review, hold a hearing and make recommendations to the City Commission regarding proposed annexations to the City;
- (6) Consider and make recommendations regarding the consistency of proposed developments with the various elements of the Stuart Comprehensive Plan;
- (7) Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the Stuart Comprehensive Plan, as well as all other public hearings required by these regulations or by the City Commission; and
- (8) 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. 2-117. Meeting; Conduct of Business.

- (a) Regular meetings shall be held on the second Thursday of each month. 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. Special meetings may be called by the Chairperson, the request by any two (2) members of the board to the City's Development Director, or by the City's Development Director.

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- (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 LPA 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 LPA shall represent a client before the LPA in any matter that will be considered by the CRA.

DIVISION 7. EAST STUART HISTORICAL ADVISORY COMMITTEE

Sec. 2-118. 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.
- (b) All sections of *Division 1 Generally* hereinabove are hereby incorporated as if set forth herein this Division.

Sec. 2-119. Membership; Officers and Staff.

- (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 majority of the City Commission.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) The City's CRA Director shall serve as the senior staff person and liaison to the ESHAC.
- (g) 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. 2-120. 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. 2-121. Meetings; Conduct of Business.

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- (a) Regular meetings shall be held on a quarterly basis. 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) 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. 2-122—2-138. Reserved.

PART II - CODE OF ORDINANCES
Chapter 32 - PLANNING AND DEVELOPMENT
ARTICLE VI. - COMMUNITY REDEVELOPMENT
DIVISION 1. COMMUNITY REDEVELOPMENT AGENCY

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, Article III of the City's Code of Ordinances.~~

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~~(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 ~~e~~City ~~e~~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 ~~e~~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 eCity eCommission for approval in accordance with the policies and deadlines set for departments of the eCity in the preparation of the eCity'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 eCity eCommission, nor shall it modify its budget without approval of the eCity eCommission.

(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 eCity eCommission 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 eCity and that the report is available for inspection during business hours in the office of the eCity eClerk 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)~~

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

The eCommunity fRedevelopment aAgency 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 eCommunity fRedevelopment pPlan 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 eCity eCommission 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 eCity eCommission 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.

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- (b) The eCity 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 eCommunity #Redevelopment aAgency.
- (c) Nothing herein shall be construed to be a limitation on those powers of the eCity or the exercise thereof which the eCity 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.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 3/25/2024

Prepared by: Jodi Nentwick

Title of Item:

(WITHDRAWN BY APPLICANT)

101 S. COLORADO RESTAURANT - REZONE TO URBAN PLANNED UNIT DEVELOPMENT & SITE PLAN APPROVAL (QJ)(RC):

ORDINANCE No. 2524-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN WATERFRONT TO URBAN PLANNED UNIT DEVELOPMENT FOR A 0.234 ACRE PROPERTY, LOCATED AT 101 S. COLORADO AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE COLORADO WATERFRONT RESTAURANT (UPUD); TO RE-PURPOSE THE EXISTING OFFICE BUILDING FOR A 150-SEAT RESTAURANT AND PROVIDE RELIEF FROM VARIOUS PARKING REQUIREMENTS; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMEABLE FOR DEVELOPMENT, DECLARING THE PLAN WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

*** APPLICATION WITHDRAWN ***

The applicant is seeking approval to rezone the subject property from Urban Waterfront to Urban Planned Unit Development, requesting relief from various parking requirements and a concurrent site plan to re-purpose the existing office building into a 150-seat waterfront restaurant.

The following relief is being sought through the Urban Planned Unit Development (UPUD) from the following criteria:

- On-site parking exemption
- Offsite valet parking exceeds the maximum 500-foot distance requirement
- Additional curb cut along S. Colorado Avenue
- Removal of on-street city-owned parking space along S. Colorado Avenue

The Development Department reviewed the application submitted, which was a request for valet parking as described above. Following a public outreach meeting, the neighbors and representatives of the applicant raised a proposal to avoid valet parking by allowing a parking exemption similar to those granted in 2012 when the City extended the boardwalk behind the properties on Seminole Street. Currently, the application submitted includes granting valet parking.

The applicant has informed the City that it would prefer to follow the recommendations from the neighbors and pursue a parking exemption in exchange for providing a riparian easement sufficient for the extension of the boardwalk along St. Lucie River. The properties located on Seminole Street from the Boathouse Restaurant to the Owl House were given parking-exempt status in 2012 in exchange for assigning the riparian rights for the extension of the boardwalk.

Funding Source:

N/A

Recommended Action:

The applicant is requesting a continuance to a date certain of March 25, 2024.

ATTACHMENTS: