



A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD March 25, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
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.

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.*

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. IN MEMORY OF BETTY C. SMITH
2. POWERTALK21® DAY - APRIL 21, 2019

PRESENTATIONS

3. MARCH SERVICE AWARDS
4. EMPLOYEE OF THE MONTH, MARCH 2019

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

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

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.*

5. APPROVAL OF 03/11/2019 CCM MINUTES (RC)
6. AUTHORIZATION FOR ILA WITH MARTIN COUNTY FOR USE OF SHIP FUNDS FOR UTILITIES (RC):

RESOLUTION No. 27-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART TO ENTER INTO AN INTERLOCAL AGREEMENT (ILA) WITH MARTIN COUNTY, FLORIDA TO BE ABLE TO PROVIDE UTILITIES TO STATE HOUSING INITIATIVES PARTNERSHIPS (SHIP) APPLICANTS;

AUTHORIZING THE MAYOR TO EXECUTE THE ILA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. AMENDING ICMA-RC CITY MANAGER PLAN (RC):

RESOLUTION No. 34-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OF MARTIN COUNTY, FLORIDA, AMENDING ICMA-RC ACCOUNT 106343, "CITY MANAGER PLAN"; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. ESTABLISH CITY ATTORNEY ICMA-RC PLAN (RC):

RESOLUTION No. 35-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ADOPTION AND EXECUTION OF A 401(a) MONEY PURCHASE PLAN BETWEEN ICMA-RC ACCOUNT NUMBER 100025 AND THE CITY OF STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. AMENDMENT TO APPENDIX A OF THE CITY'S CODE OF ORDINANCES (RC):

RESOLUTION No. 37-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 10, CHAPTER 32 AND CHAPTER 36 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

10. SUPPORT FOR HOUSE BILL 1369 RELATING TO THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM (RC):

RESOLUTION No. 38-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING HOUSE BILL 1369 RELATING TO THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

11. PLAT OF TOWNHOUSES AT FRAZIER CREEK (RC):

RESOLUTION No. 39-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "TOWNHOUSES AT FRAZIER CREEK, A REPLAT OF LOTS 8, 9, 10, AND 11", PREPARED BY STEPHEN J. BROWN, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 4049, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. No. R39-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "CERTUS STU OWNER PLAT", LOTS 1 AND 2", PREPARED BY RICHARD E. BARNES, A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 5173 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. AUTHORIZATION TO APPLY FOR FIND GRANT FOR POLICE BOAT (RC):

RESOLUTION No: 40-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL DESIGNATE THE POLICE CHIEF AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE STUART POLICE DEPARTMENT MARINE PATROL WATERWAY SAFETY PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

13. CD-HRA LLC. (HARBOR CHASE ALF) UTILITY SERVICE AGREEMENT (RC):

RESOLUTION No 41-2019; RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND CD-HRA (STUART) LLC., TO PROVIDE WATER AND SEWER SERVICE TO A 152 BED ASSISTED LIVING FACILITY AT 650 NW FORK ROAD AS MORE FULLY DESCRIBED ON EXHIBIT "A" OF THE UTILITY SERVICE AGREEMENT, PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. MID-YEAR BUDGET ADJUSTMENT FOR FISCAL YEAR 2019 (RC):

RESOLUTION No. 42-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT NO. #7, A "MID-YEAR" ADJUSTMENT TO THE OPERATING BUDGET TO REFLECT VARIOUS UNANTICIPATED CHANGES IN REVENUES AND APPROPRIATIONS.

END OF CONSENT CALENDAR

COMMISSION ACTION

15. NORTHPOINT CONTINUATION OF ITEM:

STAFF RECOMMENDS THE ITEM BE CONTINUED TO A DATE CERTAIN (EITHER APRIL 8TH OR 22ND) IN ORDER FOR STAFF AND THE APPLICANT TO CONTINUE TO WORK ON THE ISSUES RAISED AT THE FEBRUARY 25TH CITY COMMISSION HEARING. STAFF WILL REQUEST THE SPECIFIC DATE AT THE MARCH 25TH HEARING BASED ON THE PROGRESS MADE WITH THE APPLICANT IN WEEK PRECEDING THE HEARING.

NORTHPOINT MAJOR URBAN CONDITIONAL USE - NORTH STUART ACQUISITION AND DEVELOPMENT (RC):

RESOLUTION No. 16-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO NORTH STUART ACQUISITION AND DEVELOPMENT, LLC, OWNER OF PROPERTY LOCATED BETWEEN OLD DIXIE HIGHWAY AND THE FEC RAILROAD, NORTH OF THE ST. LUCIE RIVER, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF A 27,000 SQUARE FOOT OFFICE BUILDING WITH 2,000 SQUARE FEET OF RETAIL SPACE, A 200 SEAT RESTAURANT AND A 27-SPACE PARKING GARAGE ON A 2.73-ACRE SITE; TO ALLOW FOR PARKING WITHIN THE BUILDING ENVELOPE, FOR A CONTINUOUS BUILDING FAÇADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA, FOR REDUCTION IN LANDSCAPE BUFFERS AND A REDUCTION OF SETBACKS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

16. AMENDMENT TO LAND DEVELOPMENT CODE TO CREATE URBAN PUD AND EAST STUART PUD ZONING DESIGNATIONS (RC):

ORDINANCE No. 2401-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING

ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

17. ESTABLISH BICYCLE PARKING AND DESIGN STANDARDS (RC):

ORDINANCE No. 2396-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER VI ENTITLED "6.01.05 BICYCLE AND PEDESTRIAN ACCESS FOR LARGE COMMERCIAL DEVELOPMENTS" AND CREATING A SECTION OF CHAPTER VI ENTITLED "6.01.20. BICYCLE PARKING" THEREBY ESTABLISHING BICYCLE PARKING AND BICYCLE RACKS DESIGN STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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.*

DISCUSSION AND DELIBERATION

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 3/25/2019

Prepared by: RYANNE CAVO

Title of Item:

IN MEMORY OF BETTY C. SMITH

Summary Explanation/Background Information on Agenda Request:

Betty was a constant, gracious and engaging contributor to the governance of our community, her effusive personality, keen intellect and fabulous sense of humor have touched all of our lives. She will be sorely missed and dearly cherished.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation.

ATTACHMENTS:

Description	Upload Date	Type
□ Proclamation - In Memory of Betty C. Smith	3/12/2019	Proclamation

PROCLAMATION

IN MEMORY OF BETTY C. SMITH

It is with deep sadness, and in honor of Betty C. Smith's life's work, that the City of Stuart City Commission issues this Proclamation in memory of our passionate Government Reporter, beloved colleague and friend.

WHEREAS, Betty's contributions to the field of board governance, as a whole, are significant and far-reaching. Her published works communicated the priorities of each entity she served and her work will have a lasting impact on our community for years to come; and

WHEREAS, Betty's selflessly devoted immeasurable time and energy by providing action minutes immediately following public meeting in order to provide better transparency to its citizens and for the many organizational boards she served and supported, Betty was a trusted anchor, deep well of knowledge and wisdom, and source of constant inspiration; and

WHEREAS, she helped many boards effectively navigate the challenges and nuances of Policy Governance, practice, always guiding them to aspire to greater heights of excellence in her written works; and

WHEREAS, Betty was a constant, gracious and engaging contributor to the governance of our community, her effusive personality, keen intellect and fabulous sense of humor have touched all of our lives. She will be sorely missed and dearly cherished; and

NOW THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, issue this Proclamation to honor Betty C. Smith's continuing legacy, rededicating our commitment to keeping our collective vision for excellence in governance alive and ensuring through our continued work in her memory the advancement of a better future for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 25th day of March, 2019.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 3/25/2019

Prepared by: Ryanne Cavo

Title of Item:

POWERTALK21® DAY - APRIL 21, 2019

Summary Explanation/Background Information on Agenda Request:

PowerTalk21® Day is recognized on April 21 to encourage parents and caregivers to embrace their important role in influencing America's youth and their decisions about drinking alcohol.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
▯	Proclamation - PowerTalk21® Day April 21, 2019	3/15/2019	Proclamation

PROCLAMATION

POWERTALK21®DAY APRIL 21, 2019

WHEREAS, the City of Stuart recognizes the importance of parents talking with their teens about alcohol; and

WHEREAS, high school students who use alcohol or other substances are five times more likely to drop out of school or believe good grades are not important; and

WHEREAS, teen alcohol use kills about 4,700 people each year, more than all other illegal drugs combined; and

WHEREAS, the majority of kids say their parents are their primary influence when it comes to decisions about drinking alcohol; and

WHEREAS, PowerTalk21® Day is recognized on April 21 to encourage parents and caregivers to embrace their important role in influencing America's youth and their decisions about drinking alcohol.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida do hereby proclaim April 21, 2019, as

PowerTalk21®Day

in the City of Stuart, Florida and encourages all citizens to join in local and national efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 25th day of March, 2019.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 3/25/2019

Prepared by: R. Johnson

Title of Item:

MARCH SERVICE AWARDS

Summary Explanation/Background Information on Agenda Request:

David Duran	Police	15 years
Rachael Minor	Police	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: jchrulski

Title of Item:

EMPLOYEE OF THE MONTH, MARCH 2019

Summary Explanation/Background Information on Agenda Request:

EMPLOYEE OF THE MONTH, MARCH 2019

The Community Service Department is recommending the "Employee of the Month" to Jessica Tharp for March 2019.

Funding Source:

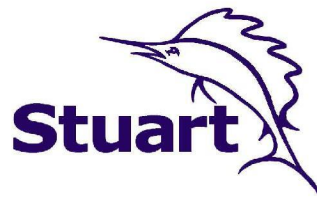
N/A

Recommended Action:

Award March 'Employee of the Month' to Jessica Tharp.

ATTACHMENTS:

Description	Upload Date	Type
□ Memo - Recommending Jessica Tharp	3/14/2019	Cover Memo



Community Services Department
121 S.W. Flagler Avenue • Stuart • Florida • 34994

MEMORANDUM

To: David Dyess, City Manager; Jim Chrulski, Director of Community Services
From: Julie McHenry, Community Services Division Manager
Date: March 12, 2019
Re: March 2019, Employee of the Month - Jessica Tharp

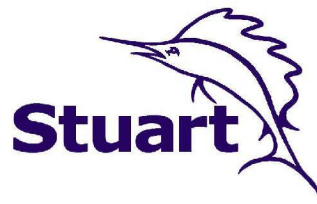
Dear Mr. Dyess and Mr. Chrulski:

It is my privilege to be able to recommend Jessica Tharp as the City's Employee of the Month for this month of March, 2019.

Jessica Tharp was hired by the City of Stuart on March 22, 2017, as a part-time Recreational Leader for the Community Engagement Program. Within two months she moved into a full-time position as an Afterschool Program Leader. As the Recreation Division began expanding, Jessica was the obvious choice of candidates to be promoted and moved into the position of Community Service's Recreation Programs Supervisor.

Jessica has such a passion and experience in the world of recreation. She spent over 12 years with Martin County Park and Recreations Department working in different capacities, and numerous years with Fleet Feet organizing events such as fund raisers and races. She has also recently returned to school and is actively pursuing a Bachelor's Degree in Recreation and Sports Management. Jessica has masterfully brought her work and education experience and has incorporated it into her daily routine for the City of Stuart Community Services Department.

Since her employment with the City of Stuart, Jessica has created, collaborated, and hosted many City of Stuart Community Events such as Families in the Community Kitchen Nutrition Classes, Friday Night Hoops, Spring Fling Carnival, Stars Over Stuart, National Night Out, Parent's Night Out, and Senior Movie Night at the 10th Street Community Center. Jessica has, on behalf of the City, participated in events and committees such as Father Fest, JD. Parker's Trunk or Treat, Martin County Interagency Coalition, Water Smart Treasure Coast Task Force, Lead-N-Seed Youth Mentoring Program, and the East Stuart Partnership. She has taken the lead on creating and hosting *Movie in the Park*, which is a free, family friendly event hosted at Sailfish Park. *Movie in the Park* has attracted hundreds of families and has proven to be a much enjoyed and anticipated event.



Community Services Department
121 S.W. Flagler Avenue • Stuart • Florida • 34994

Jessica is the Community Service's Recreation Department Working on Wellness (WOW) representative and works diligently to ensure City employees receive healthy and delicious snacks, as well as plans for events that promote a healthy and active lifestyle. She also attends Morning on Mainstreet meeting to ensure optimal exposure for Community Services events.

Jessica has taken on an instrumental role of the City wide implementation of CivicRec which is a parks and recreation management software program. This program will take the place of our current reservation system and slated to go live April 1, 2019.

Due to Jessica's drive and motivation, she would make a great candidate for Employee of the Month each month; however, she is being spotlighted this month due to her outstanding oversight and production of the 2nd annual City of Stuart Sailfish 5/10K Race which was held March 2nd, 2019. Due to her commitment to excellence, she was able to exceed the outcomes of last year's race. As compared to 2018, the number of race participants increased from 281 to 333 runners, sponsorships increased by \$1,686: Giving a total increase of profit of \$3,713.00

Due to Jessica's dedication and outstanding work for the City of Stuart, I am proudly recommending her for March's Employee of the Month.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 3/25/2019

Prepared by: M Joy Warren

Title of Item:

APPROVAL OF 03/11/2019 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

APPROVE MINUTES

ATTACHMENTS:

Description	Upload Date	Type
03/11/2019 CCM MINUTES	3/15/2019	Attachment

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD March 11, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel**



5:30 PM ROLL CALL

**Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton,
Commissioner Matheson, Commissioner Meier.**

PLEDGE OF ALLEGIANCE

**Mayor Bruner announced and commented on the passing of Ms. Betty Smith,
Government Reporter and friend to the City of Stuart.**

PROCLAMATIONS

1. CHILDREN'S WEEK 3/24 - 3/29/19

**Marsha Powers, CEO of The Early Learning Coalition came forward to accept the
Proclamation and thanked the Commission for their recognition of this important
event and looks forward to working with the City in the future.**

PRESENTATIONS

**2. SECOND PRESENTATION BY THE MARTIN MPO AND MARLIN CONSULTANT
REGARDING THE CITY OF STUART DOWNTOWN TRAM SYSTEM AND A 5-YEAR
BUSINESS PLAN.**

Lisa Maack and Jeffery Weidner of Marlin Engineering and the MPO presented on their second and final presentation on the 5-year business plan of the tram system.

- Existing funding sources were identified
- Positive local support
- Current App not being used
- Advertising on similar vehicle in other Cities, may maximize revenue
- Increasing reliability, efficiency and effectiveness
- Plan for the future

Commission discussion included the tram route, funding, the parking study and various options.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton – No comments.

Commissioner Matheson – No comments.

Commissioner Meier

- Commented on how nice the new bike racks are throughout the City.
- Attended Helping People Succeed Kiwanis Luncheon to celebrate the completion of the Kiwanis Parke remodel.
- Commented about the Legislative Session and the bills that threaten Home Rule, bills that will undermine our ability of regulate our Cities and Counties. Distributed an Action Alert that he received from the Florida League of Cities (FLC) to all commissioners. The opposition of House Bill 9 is on tonight's agenda. This HB, if passed, will undermine CRA's. Encouraged all to contact their legislators to oppose HB9 and fight for Home Rule.

Vice Mayor Clarke

- Commented on the passing of Betty Smith and sends her condolences to Betty's family.
- Pull Items #8 and #9 from the Consent Calendar.
- Thanked Public Works for the job they do, keeping our streets, sidewalks, and downtown in good condition. Would like flowering trees to replace the trees that are and need to be cut down on East Ocean and other areas.

COMMENTS BY CITY MANAGER

No comments.

APPROVAL OF AGENDA



6:35 PM Motion: Move approval of the Agenda pulling Items #8 and #9.

Motion by: Commissioner Glass Leighton

Seconded by: Vice Mayor Clarke

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

- 1) **David Frohman – Akron Ave.; Opposes changes to the tram program. Willing to pay a fee for the service.**
- 2) **Mrs. Frohman – Akron Ave.; Commented that the tram is often empty, she has a petition to be turned in at a later date. Opposes the changes to the tram service.**
- 3) **Jackie Trancynger – NE Acapulco, Jensen Beach; Thanked the LPA for their deliberation on the Savannah Place property, suggested the Commission look at the traffic study again and postpone the yes vote for the people of Jensen Park Estates.**
- 4) **Jay Bashant – Akron Ave.; Utilizes the tram when friends come to visit, lessening the parking in downtown. Would participate in an annual membership fee. Complemented the tram drivers.**
- 5) **Kellie Pomfrey – Akron Ave.; Feels the new procedures are not successful and feels the communication is lacking in the tram program. Would participate in an annual membership fee.**
- 6) **Dr. Julie Bjornson – Riverboat Drive; Thanked the Commission for banning glyphosate. Provided a copy of an article on citrus greening.**
- 7) **Eric Wickstrom – California; Feels the downtown business owners benefit the most from the tram service and would be willing to contribute to the funding.**
- 8) **Nik Schroth – Palm St.; President of Stuart Mainstreet and announced they wrote a letter in support of the fixed route tram system.**
- 9) **Helen McBride – Flamingo Ave.; A paid tram service would have to represent all of Stuart, and the route would have to be expanded, and not available for only those residents who live on certain streets. All citizens need to be treated equally.**
- 10) **Mark Breckbill – commented on the value of parking for businesses in downtown and the shop owners would bear the brunt of the cost if paid parking is implemented, should be funded over a larger area.**



7:08 PM CONSENT CALENDAR

3. APPROVAL OF 02/25/2019 CCM MINUTES

4. INTERLOCAL AGREEMENT WITH COUNTY FOR FIRE/RESCUE:

RESOLUTION No. 26-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART ("CITY") AND MARTIN COUNTY ("COUNTY") FOR FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES; AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. BUSINESS DEVELOPMENT BOARD (BDB) GRANT AGREEMENT:

RESOLUTION No. 28-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF STUART AND THE BUSINESS DEVELOPMENT BOARD OF MARTIN COUNTY TO PROVIDE TECHNICAL ASSISTANCE AND OTHER RELATIVE ECONOMIC DEVELOPMENT PROJECTS, PROGRAMS, AND SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. BUDGET AMENDMENT FOR CHANNEL AND DOLPHIN SEWER:

RESOLUTION No. 30-2019; RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #6 TO THE 2018-2019 WATER SEWER FUND AUTHORIZING A \$98,412.60 TRANSFER FROM SEWER AVAILABILITY FEES TO WATER DISTRIBUTION AND COLLECTION TEAM, INFRASTRUCTURE. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. BID AWARD FOR CHANNEL AND DOLPHIN SEWER:

RESOLUTION No. 31-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE AWARD OF WORK ORDER NO. 2019-300-W02, CHANNEL AND DOLPHIN LOW PRESSURE SEWER BASINS TO THE LOWEST, MOST RESPONSIVE RESPONSIBLE BIDDER, FELIX AND ASSOCIATES, INC. PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PULLED 8. OPPOSITION TO HOUSE BILL 9 RELATING TO COMMUNITY REDEVELOPMENT AGENCIES:

RESOLUTION No. 36-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING HOUSE BILL 9 RELATING TO COMMUNITY REDEVELOPMENT AGENCIES; AND PROVIDING FOR AN EFFECTIVE DATE.

PULLED 9. SALE OF DIXIE AND MLK PROPERTY:

RESOLUTION No. 32-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL ESTATE SALES AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

Motion: Move approval of Consent, pulling Items 8 and 9.

Motion by: Commissioner Glass Leighton

Seconded by: Vice Mayor Clarke

Motion passed unanimously.

8. OPPOSITION TO HOUSE BILL 9 RELATING TO COMMUNITY REDEVELOPMENT AGENCIES:

RESOLUTION No. 36-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING HOUSE BILL 9 RELATING TO COMMUNITY REDEVELOPMENT AGENCIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Clarke requested the City Attorney review this resolution relating to the CRA. Mortell gave a brief description of the House Bill and the reasons to oppose it.

 **7:11 PM Motion: Motion that we submit Resolution No. 36-2019 opposing House Bill #9 which relates to Community Redevelopment Agencies.**

Motion by: Vice Mayor Clarke

Seconded by: Commissioner Meier

Motion passed unanimously.

9. SALE OF DIXIE AND MLK PROPERTY:

RESOLUTION No. 32-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE A REAL ESTATE SALES AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell reviewed the details of Resolution No. 32-2019.

 **7:13 PM Motion: I'll make a motion for the sale of the Dixie and Martin Luther King property located at the corner of Dixie and Martin Luther King Jr. Blvd. in accordance with Resolution No. 32-2019.**

Matheson: I'd just like to put the stipulation on it, that all net proceeds go to future land acquisitions we're selling City owned land, I think we should do that, or capital improvements. I don't believe this money should be used for operational costs.

Clarke – Yes, I'll amend my motion to put the monies, the \$630,000 into an appropriate, the net proceeds, the appropriate sinking fund or something for land acquisition, or capital improvement.

Motion by: Vice Mayor Clarke

Seconded by: Commissioner Matheson

Abstain: Commissioner Meier (Form 8A Completed)

Motion passed unanimously.

 **7:15 PM COMMISSION ACTION**

10. CONTINUED FROM NOVEMBER 26, 2018 - SAILFISH BALLFIELD AND CITY GARAGE PROPERTY:

RFP #2018-204; SALE (OR LONG TERM LEASE) AND DEVELOPMENT OF TWO CITY OWNED PARCELS SAILFISH BALLFIELD AND CITY GARAGE PROPERTY.

Commissioner Matheson commented that he feels it is best to cancel it in the interest of our residents and tax payers.

Commissioner Meier thanked the companies that submitted the proposals. Though he would like to see either project in the City, he agrees with cancelling the RFP as either of these projects is at the right place, at the right time.

Mayor Bruner commented that the property of the ballfields is a beautiful piece of property and would like to have a workshop where the commissions decide what would be best in that space. Our goal is to move the ballparks over to 10th Street. Interested in several workshops and bring developers in.

Commissioner Meier reported that he does not think that neither a ballpark, nor townhouses are the best use for the property. Not interested in cancelling the RFP if it is going to come back up in a year and not interested in selling it to developers anywhere in the near future.

Commissioner Clarke commented that once a plan is developed for 10th Street, good to review.

Commissioner Glass Leighton commented that the City needs to address revenue for the City. Though green space is vital, we need to figure out a way to pay for what we are using and what we will use in the future.

Public Comment:

- 1) Mark Breckbill – Commented on the missed revenue on the ballfield property and the expense associated with the process of the proposals submitted.
- 2) Sally Dadko Rose – Riverside Dr.; Joined by Linda Shane of Alamanda Way, commented on a petition she has for the opposition of the sale of the Sailfish Park.
- 3) Armond Pasquale – Seminole St.; In favor of saving the ballfields, likes to see more parks/greenspace.
- 4) Helen McBride – Flamingo Ave.; Commented that she would like to see a park in the location of the ballfield.
- 5) Faye James – Florida St.; Disappointed in the rejection of the affordable housing, in favor of developing a full facility on 10th Street.
- 6) Eric Wickstrom – California; Feels there are plenty of parks, the community needs hotels, housing, new people, create new businesses and an art district. 10th St. facility is a beautiful place for recreation. The development would bring in more tax dollars.

Commission discussion included the City's role in this process, the value of public land, the plans being developed for the 10 Street Facility, and the time frame to be expected.

 **7:16 PM Motion: Motion that we do not select either proposal for the sale of the Sailfish Ballfield. [Mortell: Motion to rescind the RFP at this time, to not move forward and not select anyone, but not put it back out, but to end it.]**
Motion by: Commissioner Meier
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

11. LETTER OF TRANSMITTAL WITH CITY COMMENTS TO THE U.S. ARMY CORPS OF ENGINEERS FOR THE 2022 LOSOM:

RESOLUTION No. 29-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING A LETTER OF TRANSMITTAL AND COMMENTS TO PROVIDE THE UNITED STATES ARMY CORPS OF ENGINEERS DURING THE PUBLIC SCOPING PROCESS FOR THE DEVELOPMENT OF THE 2022 LAKE OKEECHOBEE SYSTEM OPERATING MANUAL, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner Matheson thanked Mr. Ben Hogarth, Community Affairs Liaison, for drafting the letter. Commissioner Clarke asked if the Commissioner questions were incorporated. Mr. Hogarth explained what was included in the letter. The letter includes a signature from all Commissioners.

Commissioner Matheson asked Commissioner Glass Leighton if she would amend her motion. Commissioner Glass Leighton agreed.

 **7:56 PM Motion: Move approval.**
Amended Motion: To include staff reaching out to the Town of Sewall's Point and Ocean Breeze and other relevant municipalities to see if they would support our written comments and Ben's work.
Motion by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

ORDINANCE FIRST READING

12. SAVANNAH PLACE APARTMENTS RPUD - FLUM AND RE-ZONING (QUASI-JUDICIAL):

ORDINANCE No: 2398-2019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY ASSIGNING A FUTURE LAND USE DESIGNATION OF "MULTI-FAMILY RESIDENTIAL" FOR A 15.2 ACRE PARCEL ANNEXED BY ORDINANCE NO. 2348-2017, OWNED BY WERNER BOLS, LOCATED ON THE NORTH SIDE OF THE INTERSECTION OF N.E. SAVANNAH ROAD AND N.E. BAKER ROAD, WEST OF THE HOPE CENTER FOR AUTISM AND SOUTH OF JENSEN PARK ESTATES BOTH IN UNINCORPORATED MARTIN COUNTY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE SAVANNAH PLACE

APARTMENTS RESIDENTIAL PLANNED UNIT DEVELOPMENT RPUD CONSISTING OF TWO HUNDRED EIGHTY (280) MULTI-FAMILY UNITS WITHIN SIX (6) INDIVIDUAL FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS INCLUDING A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT 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 FOR OTHER PURPOSES.

Quasi-Judicial

6 People sworn; Kevin Freeman and Tom Reetz of the City of Stuart, Steve Gravett of Kimley-Horn, Doug Fitzwater of Lucido and Associates, Terry McCarthy, Steve Marquart of Captec. Mr. Jim Goldasich of Goldasich Environmental and Associates arrived late and was not sworn.

Tom Reetz, Senior Planner, briefly presented on the Savannah Place Apartments RPUD.

Doug Fitzwater presented on the application. Jim Goldasich presented on the environmental impacts and wetlands, exotics removal and the preservation area. Steve Marquart reviewed the stormwater management plan.

Commission and applicant discussion.

Public Comment:

- 1) Henry Pruitt – St. Lucie Blvd.; Building owner neighboring the property, area has drainage issues, density concerns and recommends the Commission vote this project down.**
- 2) Suzy Hutchenson – Sunset Trace Circle; Helping People Succeed located there and commented on concerns of density and the footage between buildings and increased crime.**
- 3) Kristin Ruceolo – NE Lima Vias; Commented on concern on loss of privacy.**
- 4) Denise Dow – NE Vanda Terr.; Retired to the area and is concerned about the extra 1,000 people coming to live, the environmental effects on the turtles and birds, and the affordable housing and added crime.**
- 5) Lindsay Campbell – NE Lima Vias; opposes having their home exposed to three story buildings. Understands the property should be built, but would like to see it reduced; concerns of school availability and environmental impacts.**
- 6) Michael Getlic – NE Elm Terr.; Commented that though the project is down to three stories, there is another building behind it that is four stories. Suggests the project be built in another area of town.**

 **8:59 PM Motion: Move approval of Item 12 with staffs comment, staff's recommendation.**

Motion by: Commissioner Meier

Seconded by: Commissioner Glass Leighton

Motion passed unanimously.

13. ESTABLISH BICYCLE PARKING AND DESIGN STANDARDS:

ORDINANCE No. 2396-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER VI ENTITLED "6.01.05 BICYCLE AND PEDESTRIAN ACCESS FOR LARGE COMMERCIAL DEVELOPMENTS" AND CREATING A SECTION OF CHAPTER VI ENTITLED "6.01.20. BICYCLE PARKING" THEREBY ESTABLISHING BICYCLE PARKING AND BICYCLE RACKS DESIGN STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas presented on Ordinance No. 2396-2019.

Motion: Move approval.

Motion by: Commissioner Glass Leighton

Seconded by: Vice Mayor Clarke

Motion passed unanimously.

14. AMENDMENT TO LAND DEVELOPMENT CODE TO CREATE URBAN PUD AND EAST STUART PUD ZONING DESIGNATIONS (QUASI-JUDICIAL):

ORDINANCE No. 2401-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Vice Mayor Clarke requested to Table Ordinance No. 2401-2019 to the next meeting and have it further up on the Agenda so people can be there and have the option to comment early.

 **9:32 PM Motion: Table it until the next meeting, put it closer up to the front of the Agenda.**

Motion by: Vice Mayor Clarke

Seconded by: Commissioner Meier

Motion passed 4/1.

Bruner	NO
Clarke	YES
Glass Leighton	YES
Matheson	YES
Meier	YES

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION



9:34 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 25th day of March, 2019.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Michael Mortell, City Attorney

Title of Item:

AUTHORIZATION FOR ILA WITH MARTIN COUNTY FOR USE OF SHIP FUNDS FOR UTILITIES (RC):

RESOLUTION No. 27-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART TO ENTER INTO AN INTERLOCAL AGREEMENT (ILA) WITH MARTIN COUNTY, FLORIDA TO BE ABLE TO PROVIDE UTILITIES TO STATE HOUSING INITIATIVES PARTNERSHIPS (SHIP) APPLICANTS; AUTHORIZING THE MAYOR TO EXECUTE THE ILA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City of Stuart and Martin County desire to work together to improve housing for the low-to-moderate citizens of the City of Stuart and Martin County.

Funding Source:

N/A

Recommended Action:

Approve the Resolution.

ATTACHMENTS:

	Description	Upload Date	Type
▣	R27-2019 Authorization for ILA with MC for SHIP funds	2/27/2019	Resolution add to Y drive
▣	Interlocal Agreement with Martin County re: SHIP funds for utilities	2/27/2019	Attachment
▣	Ship funds presentation	3/4/2019	Backup Material



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

RESOLUTION NO. 27-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART TO ENTER INTO AN INTERLOCAL AGREEMENT (ILA) WITH MARTIN COUNTY, FLORIDA TO BE ABLE TO PROVIDE UTILITIES TO STATE HOUSING INITIATIVES PARTNERSHIPS (SHIP) APPLICANTS; AUTHORIZING THE MAYOR TO EXECUTE THE ILA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart maintains, owns and operates permitted municipal Sanitary Sewer and Potable Water systems within the City of Stuart; and

WHEREAS, Martin County receives and administers the State Housing Initiatives Partnership (SHIP) funds for housing programs; and

WHEREAS, single, family, income eligible homes within the City of Stuart are eligible to apply for SHIP funds; and

WHEREAS, the City of Stuart and Martin County desire to work together to improve housing for the low-to-moderate citizens of the City of Stuart and Martin County.

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

SECTION 1: The City Commission of the City of Stuart, Florida authorizes the City of Stuart to enter into an Interlocal Agreement with Martin County, Florida to be able to provide utilities to State Housing Initiatives Partnerships (SHIP) applicants and authorizes the Mayor and City Clerk to execute any and all document(s) in connection with this Interlocal Agreement upon review and approval of the City Attorney.

SECTION 2: 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of March, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

**INTERLOCAL AGREEMENT
BETWEEN
MARTIN COUNTY, FLORIDA
AND
THE CITY OF STUART, FLORIDA**

THIS AGREEMENT, entered this _____ day of _____, 2019, by and between MARTIN COUNTY, a political subdivision of the State of Florida, with a principal address of 2401 SE Monterey Road, Stuart, FL 34996 (COUNTY) and the CITY OF STUART, a municipal corporation organized under the laws of the State of Florida, with a principal address of 121 SW Flagler Ave, Stuart, FL 34994 (CITY).

WHEREAS, the CITY maintains, owns and operates permitted municipal Sanitary Sewer and Potable Water systems; and

WHEREAS, the COUNTY receives and administers the State Housing Initiatives Partnership (SHIP) funds for housing programs; and

WHEREAS, single-family, income eligible homes within the CITY are eligible to apply for SHIP funds, and

WHEREAS, the COUNTY and CITY desire to improve housing for the low-to-moderate income (LMI) citizens of the COUNTY and CITY, and

WHEREAS, Sections 125.0101, 180.02, and 163.01 et. seq., Florida Statutes, respectively, authorize the COUNTY and CITY to enter into such an interlocal government agreement for provision of the services contemplated by this Agreement; and

WHEREAS, no service area changes or related responsibilities have been altered by this Agreement

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

1. **WATER AND SEWER CONNECTION.** The CITY shall provide connection to its water and sewer services utilizing CITY resources and not through a contractor for eligible households participating in the COUNTY SHIP program and residing within the CITY's service area.
2. **SHIP FUNDS.** The COUNTY, through SHIP funds, shall pay the CITY's utility department

directly for water and sewer connection charges for eligible households participating in the COUNTY SHIP program and residing in the CITY's service area.

3. **NO THIRD-PARTY BENEFICIARIES.** This Agreement shall be construed solely to benefit the parties hereto and no third person, corporation, or other legal entity shall ever have the right to bring action to enforce the terms hereof.
4. **AMENDMENT.** This Agreement may be amended only by written agreement of both parties. No employee or agent has the authority to waive or amend this Agreement.
5. **TERM.** The Term of this Agreement shall be for one year from the date specified at the beginning of this Agreement, and may be renewed for additional one year terms until terminated by the COUNTY upon no less than thirty (30) days written notice to the CITY sent via United States Mail, postage prepaid, to the address above.
6. **LIABILITY.** As between CITY and COUNTY, subject to the limitations of Section 768.28, Fla. Stat., each assumes the responsibility for the negligence of its employees. This provision shall in no way be deemed a waiver of the sovereign immunity afforded to the parties by Florida law, the provisions of Section 768.28, Fla. Stat., or a consent to be sued by third parties.
7. **DISCLAIMER.** Other than the covenants and performance contemplated herein, neither party has made promises, representations or warranties. It is expressly acknowledged and agreed that the terms and provisions of this Agreement are for the benefit of the parties hereto.
8. **WAIVER.** No waiver or estoppel as to or against any party shall result from any failure to exercise or enforce any right or power hereunder, save only to the extent necessarily implied as to the particular matter directly concerned and then only for time being with respect thereto, and not in any way as to the future or as to any other matter.
9. **SEVERABILITY.** If any term, provision or condition contained in this Agreement or any application thereof shall to any extent be held invalid or unenforceable, the remainder of this Agreement or the application of such term, provision or condition to persons or

circumstances other than those in respect to those of which it is invalid or unenforceable shall not be affected thereby, and each term provision and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. **ATTORNEY'S FEES.** If any action is commenced to construe or enforce this Agreement or the rights and duties created hereunder, then each party shall be responsible for its own attorney's fees and costs.

11. **GENERAL.** The parties agree to sign all such documents and do all such things as may be necessary or desirable to completely and effectively carry out the terms and conditions of this Agreement. Time shall be of the essence of this Agreement. Paragraph headings are provided as an organizational convenience and are not meant to be construed as material provisions of this Agreement.

12. **GOVERNING LAW AND VENUE.** Federal Law, as well as the laws of the State of Florida shall govern the validity, performance and enforcement of this Agreement. For purposes of any action suit or other proceeding arising out of or relating to this Agreement, the parties hereto do acknowledge, consent and agree that venue thereof is Martin County, Florida.

13. This Interlocal Agreement shall be filed with the Martin County, Clerk of the Circuit Court and Comptroller, as required by Section 163.01(11), Fla. Stat.

In **WITNESS WHEREOF** the parties have hereunto set their hands and seals this date above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

KRISTA STOREY, ACTING COUNTY ATTORNEY

ATTEST:

CITY OF STUART

MARY KINDEL, CITY CLERK

BECKY BRUNER, MAYOR

APPROVED AS TO FORM:

MICHAEL J. MORTELL, CITY ATTORNEY

Martin County Health and Human Services

435 SE Flagler Ave, Stuart, FL 34994

Program Overview

Housing

- State Housing Initiative Program (SHIP), Down Payment and Home Repair Assistance for moderate to low income
- HOME Investment Partnerships, Down Payment Assistance for low to very low income
- Community Development Block Grant (CDBG), Home Repair, Teardown and Replacement.

Housing

- **State Housing Initiative Program (SHIP):**
 - Funding comes from the State from recording fees.
 - Providing Rehabilitation Assistance to Extremely Very low, Very Low, Low and Moderate income families (example: family of 4 making less than \$72,600/year) up to \$40,000.00.
 - Providing Down Payment Assistance/Closing Cost to first time buyers for up to \$50,000.00.
 - Sewer/Water hook-up.
 - Unsafe or unsanitary conditions include :
 - *Septic tank *Water/well *Leaking Roof *Electric
 - *A/C- Heating *Handicap Assistance needs
 - *Roofing *Windows/Doors

Housing

- Providing Sewer/Drinking Water Hookup Assistance to Extremely Very Low, Very Low and Low income households (example: family of 4 making \$48,400.00) up to \$18,000.00 grant.
- Providing Sewer/Drinking Water Hookup Assistance Moderate households would be a lien.
- The lines have to be already installed in front of homes.

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household									
		1	2	3	4	5	6	7	8	9	10
Martin County (Port Saint Lucie MSA)	30%	12,750	16,460	20,780	25,100	29,420	33,740	37,550	39,950	Refer to HUD	
	50%	21,200	24,200	27,250	30,250	32,700	35,100	37,550	39,950	42,350	44,770
	80%	33,900	38,750	43,600	48,400	52,300	56,150	60,050	63,900	67,760	71,632
Median: 60,500	120%	50,880	58,080	65,400	72,600	78,480	84,240	90,120	95,880	101,640	107,448
	140%	59,360	67,760	76,300	84,700	91,560	98,280	105,140	111,860	118,580	125,356



Housing

Before



03252019 CCM

After



Page 36 of 303

Housing

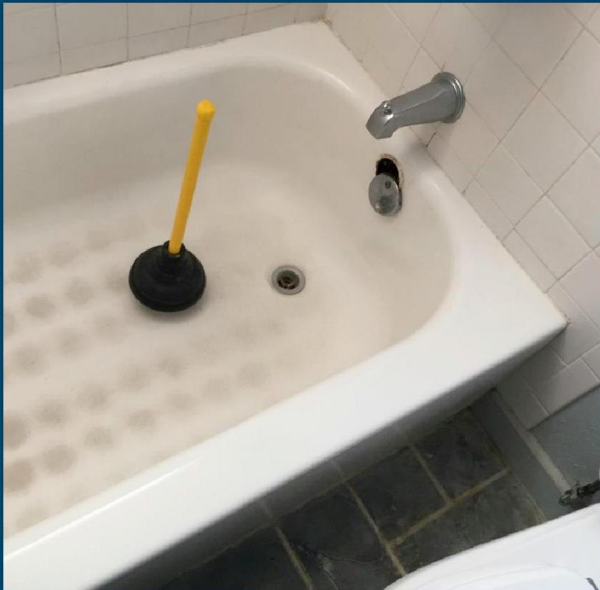
- **Community Development Block Grant (CDBG):**
 - Funding comes from the Department of Economic Opportunity (DEO)
 - Providing Assistance in the un-incorporated areas of Martin County
 - Providing Assistance to Very Low and Low income families (example: family of 4 making less than \$48,400/year)
 - Rehabilitation work up to \$80,000.00
 - Tear down replacement

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household									
		1	2	3	4	5	6	7	8	9	10
Martin County (Port Saint Lucie MSA)	30%	12,750	16,460	20,780	25,100	29,420	33,740	37,550	39,950	Refer to HUD	
	50%	21,200	24,200	27,250	30,250	32,700	35,100	37,550	39,950	42,350	44,770
	80%	33,900	38,750	43,600	48,400	52,300	56,150	60,050	63,900	67,760	71,632
	120%	50,880	58,080	65,400	72,600	78,480	84,240	90,120	95,880	101,640	107,448
	140%	59,360	67,760	76,300	84,700	91,560	98,280	105,140	111,860	118,580	125,356

03252019 Income: 60,500

Housing

Before



After



Housing

- HOME:**

- Down Payment and Closing Cost Assistance:
Providing Assistance in the un-incorporated areas of Martin County
- Rehabilitation:
To assist with the repairs to owner-occupied homes in the un-incorporated areas Martin County.
- Providing Assistance to Very Low and Low income families
(example: family of 4 making less than \$48,400/year)

Contact Information

Dawn Cobb
Housing Program Coordinator
Martin County Board of County Commissioner's
Health and Human Services Program
435 SE Flagler Ave, Stuart, FL 34994
Direct: 772-288-5456, Main: 772-288-5786 dcobb@martin.fl.us

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: L. Boglioli

Title of Item:

AMENDING ICMA-RC CITY MANAGER PLAN (RC):

RESOLUTION No. 34-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OF MARTIN COUNTY, FLORIDA, AMENDING ICMA-RC ACCOUNT 106343, "CITY MANAGER PLAN"; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Amending the deferred compensation plan as prescribed by the City Manager's employment contract.

Funding Source:

Recommended Action:

Motion to adopt Resolution No. 34-2019

ATTACHMENTS:

	Description	Upload Date	Type
▣	R34-2019 Amending ICMA-RC City Manager Plan	3/4/2019	Cover Memo
▣	Acct 106343 ICMA-RC Money Purchase Plan and Trust Agreement	3/20/2019	Exhibit



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

RESOLUTION No. 34-2019

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA, OF MARTIN COUNTY,
FLORIDA, AMENDING ICMA-RC ACCOUNT 106343,
“CITY MANAGER PLAN”; PROVIDING FOR AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, the City of Stuart, Florida, of Martin County, Florida, executed an agreement with ICMA-RC and established account 106343, a 401(A) retirement benefit plan on September 25th 2006, with the adoption of Resolution 178-2006; and

WHEREAS, the City of Stuart, Florida, of Martin County, Florida, adopted the “City Manager Plan” with certain criteria and vesting requirements, and now intends to amend “the Plan” as shown in the attachment.

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

SECTION 1: ICMA-RC account 106343, the “City Manager Plan” shall be amended as presented.

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

RESOLUTION 34-2019
ICMA-RC Plan Amendment

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ICMA RETIREMENT CORPORATION

**GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number 10- 6343 ____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as the City Manager Plan
____ (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

Plan #106343

I. Employer: City of Stuart, Florida

II. Effective Dates

- ☐ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

- ☒ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:
01/01/2019

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

- ☒ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)
- ☐ The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age 55 (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☒ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) City Manager

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment) N/A.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

- ☒ A. **Employer Contributions.** The Employer shall contribute on behalf of each Participant 10 % of Earnings or \$ _____ for the Plan Year (subject to the limitations of Article V of the Plan).
Mandatory Participant Contributions
☐ are required ☒ are not required
to be eligible for this Employer Contribution.

- ☐ B. **Mandatory Participant Contributions for Plan Participation.**

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes ☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☒ No

Contribution Schedule.

- (i) 8 % of Earnings,
(ii) \$ _____, or
(iii) a whole percentage of Earnings between the range of _____ (insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

☐ Yes ☒ No ("Yes" is the default provision under the Plan if no selection is made.)

- ☐ C. **Election Window** (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

- ☐ A. **Fixed Employer Match of Voluntary After-Tax Participant Contributions.** The Employer shall contribute on behalf of each Participant _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____ % of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.
- ☐ B. **Variable Employer Match of Voluntary After-Tax Participant Contributions.** The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):
_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____ % of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

One (1) Annual Payment

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

N/A

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

☐ Yes ☒ No (*"Yes" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime
☐ Yes ☒ No
2. Bonuses
☐ Yes ☒ No
3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:
☐ Yes ☒ No (*"Yes" is the default provision under the Plan if no selection is made.*)
2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.
☐ Effective Date is N/A.
(*Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.*)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (c) of the Plan will apply unless another method has been indicated below.
☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
2. The Limitation Year is the following 12 consecutive month period: _____
3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____
(*The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.*)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	100 %
One	%
Two	%
Three	%
Four	%
Five	%
Six	%
Seven	%
Eight	%
Nine	%
Ten	%

XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

- ☐ Normal Retirement Age
☐ Age 70½ (*"70½" is the default provision under the Plan if no selection is made.*)
☐ Alternate age (after Normal Retirement Age): _____
☒ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

- ☒ Yes ☐ No (*"Yes" is the default provision under the plan if no selection is made.*)

3. Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

- ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

- ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

- ☐ Yes ☒ No (*"No" is the default provision under the Plan if no selection is made.*)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- ☒ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- ☐ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (*"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.*)
- ☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

Final Pay shall be defined as (select one):

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):

- ☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- ☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to ____ % (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

Accrued Leave shall be defined as (select one):

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

- ☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).

☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____ % of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

- ☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____ % (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____ % (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Profit Sharing Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 11th day of February, 2019.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

By: _____

Print Name: Louis J Boglioli III

Print Name: _____

Title: Finance Director

Title: _____

Attest: _____

Attest: _____



ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG
BRC000-214-21268-201405-W1303
REV 3/2015

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: L. Boglioli

Title of Item:

ESTABLISH CITY ATTORNEY ICMA-RC PLAN (RC):

RESOLUTION No. 35-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ADOPTION AND EXECUTION OF A 401(a) MONEY PURCHASE PLAN BETWEEN ICMA-RC ACCOUNT NUMBER 100025 AND THE CITY OF STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Establish a deferred compensation plan the City Attorney as prescribed by employment contract.

Funding Source:

Recommended Action:

Motion to adopt Resolution No. 35-2019

ATTACHMENTS:

	Description	Upload Date	Type
▣	R35-2019 Adopting City Attorney ICMA-RC Plan	3/4/2019	Cover Memo
▣	ICMA-RC Administrative Services Agreement Account 100025 City Attorney	3/4/2019	Cover Memo



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

RESOLUTION No. 35-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ADOPTION AND EXECUTION OF A 401(a) MONEY PURCHASE PLAN BETWEEN ICMA-RC ACCOUNT NUMBER 100025 AND THE CITY OF STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart, Florida has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the City Commission of the City of Stuart, Florida desires that its money Purchase retirement plan be administered by the ICMA Retirement Corporation and that the funds held such plan be invested in the Vantage Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans.

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

SECTION 1: The City Commission hereby adopts the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust a money purchase retirement plan (the “Plan”) and the same shall be maintained for the exclusive benefit of eligible employees and their beneficiaries.

SECTION 2: The Mayor and City Clerk are hereby authorized to execute the Declaration of Trust of the Vantage Trust, and attached hereto as Appendix B, intending this execution to be

RESOLUTION 35-2019
ICMA-RC City Attorney Plan Adoption

operative with respect to any retirement or deferred compensation plan subsequently established by the City, if the assets of the plan are to be invested in the Vantage Trust.

SECTION 3: The City Commission hereby agrees to serve as trustee under the Plan, and to invest funds held under the Plan in the Vantage Trust.

SECTION 4: The City Commission hereby authorizes the Director of Financial Services to be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the Vantage Trust; shall cast, on behalf of the City of Stuart, any required votes under the Vantage Trust; may delegate any administrative duties relating to the Plan to appropriate departments.

SECTION 5: The City Commission hereby authorizes the Director of Financial Services to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

RESOLUTION 35-2019
ICMA-RC City Attorney Plan 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ADMINISTRATIVE SERVICES AGREEMENT

Between

ICMA Retirement Corporation

and

City of Stuart

Type: 401

Account #: 100025

ADMINISTRATIVE SERVICES AGREEMENT

This Administrative Services Agreement (“Agreement”), made as of the day of , 20 ____ between the International City Management Association Retirement Corporation (“ICMA-RC”), a nonprofit corporation organized and existing under the laws of the State of Delaware, and the City of Stuart (“Employer”), a city organized and existing under the laws of the State of Florida with an office at 121 SW Flagler Avenue, Stuart, Florida 34994.

RECITALS

Employer acts as public plan sponsor of a retirement plan (“Plan”), and in that capacity, has responsibility to obtain administrative services and investment alternatives for the Plan;

VantageTrust is a group trust established and maintained in accordance with New Hampshire Revised Statutes Annotated section 391:1 and Internal Revenue Service Revenue Ruling 81-100, 1981-1 C.B. 326, which provides for the commingled investment of retirement funds;

ICMA-RC, or its wholly owned subsidiary, acts as investment adviser to VantageTrust Company, LLC, the Trustee of VantageTrust;

ICMA-RC has designed, and VantageTrust offers, a series of separate funds (the “Funds”) for the investment of plan assets as referenced in VantageTrust’s principal disclosure documents, the VantageTrust Disclosure Memorandum and the Funds’ Fact Sheets (together, “VT Disclosures”); and

ICMA-RC provides a range of services to public employers for the operation of employee retirement plans including, but not limited to, communications concerning investment alternatives, account maintenance, account recordkeeping, investment and tax reporting, transaction processing, and benefit disbursement.

AGREEMENTS

1. Appointment of ICMA-RC

Employer hereby appoints ICMA-RC as Administrator of the Plan to perform all nondiscretionary functions necessary for the administration of the Plan. The functions to be performed by ICMA-RC shall be those set forth in Exhibit A to this Agreement.

2. Adoption of Trust

Employer has adopted the Declaration of Trust of VantageTrust Company and agrees to the commingled investment of assets of the Plan within VantageTrust. Employer agrees that the investment, management, and distribution of amounts deposited in VantageTrust shall be subject to the Declaration of Trust, as it may be amended from time to time and shall also be subject to terms and conditions set forth in disclosure documents (such as the VT Disclosures or Employer Bulletins) as those terms and conditions may be adjusted from time to time.

3. Employer Duty to Furnish Information

Employer agrees to furnish to ICMA-RC on a timely basis such information as is necessary for ICMA-RC to carry out its responsibilities as Administrator of the Plan, including information needed to allocate individual participant accounts to Funds in VantageTrust, and information as to the employment status of participants, and participant ages, addresses, and other identifying information (including tax identification numbers). Employer also agrees that it will notify ICMA-RC in a timely manner regarding changes in staff as it relates to various roles. Such notification is to be completed through the online EZLink employer contact options. ICMA-RC shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant or beneficiary that is furnished by such participant or beneficiary, and ICMA-RC shall not be responsible for any error arising from its reliance on such information. ICMA-RC will provide reports, statements and account information to the Employer through EZLink, the online plan administrative tool.

Employer is required to send in contributions through EZLink, the online plan administration tool provided by ICMA-RC. Alternative electronic methods may be allowed, but must be approved by ICMA-RC for use. Contributions may not be sent through paper submittal documents.

To the extent Employer selects third-party funds that do not have fund profile information provided to ICMA-RC through our electronic data feeds from external sources (such as Morningstar) or third party fund providers, the Employer is responsible for providing to ICMA-RC timely fund investment updates for disclosure to Plan participants. Such updates may be provided to ICMA-RC through the Employer's investment consultant or other designated representative.

4. ICMA-RC Representations and Warranties

ICMA-RC represents and warrants to Employer that:

- (a) ICMA-RC is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement. The ability of ICMA-RC, or its wholly owned subsidiary, to serve as investment adviser to VantageTrust Company is dependent upon the continued willingness of VantageTrust Company for ICMA-RC, or its wholly owned subsidiary, to serve in that capacity.
- (b) ICMA-RC is an investment adviser registered as such with the U.S. Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended.
- (c) ICMA-RC shall maintain and administer the Plan in accordance with the requirements for plans which satisfy the qualification requirements of Section 401 of the Internal Revenue Code and other applicable federal law; provided, however, ICMA-RC shall not be responsible for the qualified status of the Plan in the event that the Employer directs ICMA-RC to administer the Plan or disburse assets in a manner inconsistent with the requirements of Section 401 or otherwise causes the Plan not to be carried out in accordance with its terms; provided, further, that if the plan document used by the Employer contains terms that differ from the terms of ICMA-RC's standardized plan document, ICMA-RC shall not be responsible for the qualified status of the Plan to the extent affected by the differing terms in the Employer's plan document. ICMA-RC shall not be responsible for monitoring state or local law applicable to retirement plans or for administering the Plan in compliance with local or state requirements regarding plan administration unless Employer notifies ICMA-RC of any such local or state requirements.

5. Employer Representations and Warranties

Employer represents and warrants to ICMA-RC that:

- (a) Employer is organized in the form and manner recited in the opening paragraph of this Agreement with full power and authority to enter into and perform its obligations under this Agreement and to act for the Plan and participants in the manner contemplated in this Agreement. Execution, delivery, and performance of this Agreement will not conflict with any law, rule, regulation or contract by which the Employer is bound or to which it is a party.
- (b) Employer understands and agrees that ICMA-RC's sole function under this Agreement is to act as recordkeeper and to provide administrative, investment or other services at the direction of Plan participants, the

Employer, its agents or designees in accordance with the terms of this Agreement. Under the terms of this Agreement, ICMA-RC does not render investment advice, is neither the “Plan Administrator” nor “Plan Sponsor” as those terms are defined under applicable federal, state, or local law, and does not provide legal, tax or accounting advice with respect to the creation, adoption or operation of the Plan and its related trust. ICMA-RC does not perform any service under this Agreement that might cause ICMA-RC to be treated as a “fiduciary” of the Plan under applicable law, except, and only, to the extent that ICMA-RC provides investment advisory services to individual participants enrolled in Guided Pathways Advisory Services.

- (c) Employer acknowledges and agrees that ICMA-RC does not assume any responsibility with respect to the selection or retention of the Plan’s investment options. Employer shall have exclusive responsibility for the Plan’s investment options, including the selection of the applicable mutual fund share class. Where applicable, Employer understands that the VT Retirement IncomeAdvantage Fund is an investment option for the Plan and that the fund invests in a separate account available through a group variable annuity contract. By entering into this Agreement, Employer acknowledges that it has received the Important Considerations document and the VT Disclosures and that it has read the information therein concerning the VT Retirement IncomeAdvantage Fund.
- (d) Employer acknowledges that certain such services to be performed by ICMA-RC under this Agreement may be performed by an affiliate or agent of ICMA-RC pursuant to one or more other contractual arrangements or relationships, and that ICMA-RC reserves the right to change vendors with which it has contracted to provide services in connection with this Agreement without prior notice to Employer.
- (e) Employer acknowledges that it has received ICMA-RC’s Fee Disclosure Statement, prepared in substantial conformance with ERISA regulations regarding the disclosure of fees to plan sponsors.
- (f) Employer approves the use of its Plan in ICMA-RC external media, publications and materials. Examples include press releases announcements and inclusion of the general plan information in request for proposal responses.

6. Participation in Certain Proceedings

The Employer hereby authorizes ICMA-RC to act as agent, to appear on its behalf, and to join the Employer as a necessary party in all legal proceedings involving the garnishment of benefits or the transfer of benefits pursuant to the divorce or separation of participants in the Plan. Unless Employer notifies ICMA-RC otherwise, Employer consents to the

disbursement by ICMA-RC of benefits that have been garnished or transferred to a former spouse, current spouse, or child pursuant to a domestic relations order or child support order.

7. Compensation and Payment

- (a) **Plan Administration Fee.** The amount to be paid for plan administration services under this Agreement shall be 0.55% per annum of the amount of Plan assets invested in VantageTrust. Such fee shall be computed based on average daily net Plan assets in VantageTrust.
- (b) **Compensation for Management Services to VantageTrust, Compensation for Advisory and other Services to the VT III Vantagepoint Funds and Payments from Third-Party Mutual Funds.** Employer acknowledges that, in addition to amounts payable under this Agreement, ICMA-RC receives fees from VantageTrust for investment advisory services and plan and participant services furnished to VantageTrust. Employer further acknowledges that ICMA-RC, including certain of its wholly owned subsidiaries, receives compensation for advisory and other services furnished to the VT III Vantagepoint Funds, which serve as the underlying portfolios of a number of Funds offered through VantageTrust. For a VantageTrust Fund that invests substantially all of its assets in a third-party mutual fund not affiliated with ICMA-RC, ICMA-RC or its wholly owned subsidiary receives payments from the third-party mutual fund families or their service providers in the form of 12b-1 fees, service fees, compensation for sub-accounting and other services provided based on assets in the underlying third-party mutual fund. These fees are described in the VT Disclosures and ICMA-RC's fee disclosure statement. In addition, to the extent that third party mutual funds are included in the investment line-up for the Plan, ICMA-RC receives administrative fees from its third party mutual fund settlement and clearing agent for providing administrative and other services based on assets invested in third party mutual funds; such administrative fees come from payments made by third party mutual funds to the settlement and clearing agent.
- (c) **Employer Fee.** There shall be an annual Employer fee of \$1000. The annual Employer Fee will be billed in equal amounts on a quarterly basis and is payable within 30 days after the quarterly billing cycle. The Employer Fee will be charged as long as there are Plan assets, regardless of the status of the participant(s). The Employer acknowledges that, in the event the Employer fails to pay the Employer fee when due, such fee shall be paid directly from assets held on behalf of the Plans(s) under VantageTrust, i.e., deducting the fees from the Plan participant accounts. Plans that are initially established mid-year will be billed on a pro-rata basis.

- (d) **Redemption Fees.** Redemption fees imposed by outside mutual funds in which Plan assets are invested are collected and paid to the mutual fund by ICMA-RC. ICMA-RC remits 100% of redemption fees back to the specific mutual fund to which redemption fees apply. These redemption fees and the individual mutual fund's policy with respect to redemption fees are specified in the prospectus for the individual mutual fund and referenced in the VT Disclosures.
- (e) **Payment Procedures.** All payments to ICMA-RC pursuant to Section 7(a) shall be paid out of the Plan assets held by VantageTrust or received from third-party mutual funds or their service providers in connection with Plan assets invested in such third-party mutual funds, to the extent not paid by the Employer. All payments to ICMA-RC pursuant to Section 7(c) shall be paid directly by Employer, and shall not be deducted from Plan Assets. The amount of Plan assets administered by ICMA-RC shall be adjusted as required to reflect any such payments as are made from the Plan. In the event that the Employer agrees to pay amounts owed pursuant to this Section 6 directly, any amounts unpaid and outstanding after 30 days of invoice to the Employer shall be withdrawn from Plan assets.

The compensation and payment set forth in this Section 7 are contingent upon the Employer's use of ICMA-RC's EZLink system for contribution processing and submitting contribution funds by ACH or wire transfer on a consistent basis over the term of this Agreement.

8 Contribution Remittance

Employer understands that amounts invested in the Plan are to be remitted directly to Vantagepoint Transfer Agents in accordance with instructions provided to Employer by ICMA-RC and are not to be remitted to ICMA-RC. In the event that any check or wire transfer is incorrectly labeled or transferred to ICMA-RC, ICMA-RC may return it to Employer with proper instructions.

9. Indemnification

ICMA-RC shall not be responsible for any acts or omissions of any person with respect to the Plan or its related trust, other than ICMA-RC in connection with the administration or operation of the Plan. Employer shall indemnify ICMA-RC against, and hold ICMA-RC harmless from, any and all loss, damage, penalty, liability, cost, and expense, including without limitation, reasonable attorney's fees, that may be incurred by, imposed upon, or asserted against ICMA-RC by reason of any claim, regulatory proceeding, or litigation arising from any act done or omitted to be done by any individual or person with respect to the Plan or its related trust, excepting only any and all loss, damage, penalty, liability, cost or expense resulting from ICMA-RC's negligence, bad faith, or willful misconduct.

10. Term

This Agreement shall be in effect and commence on the date all parties have signed and executed this Agreement (“Inception Date”). This Agreement may be terminated without penalty by either party on sixty days advance notice in writing to the other; provided however, that the Employer understands and acknowledges that, in the event the Employer terminates this Agreement (or replaces the Vantagepoint PLUS Fund, offered by VantageTrust, as an investment option in its investment line-up), ICMA-RC retains full discretion to release Plan assets invested in the Vantagepoint PLUS Fund in an orderly manner over a period of up to 12 months from the date ICMA-RC receives written notification from the Employer that it has made a final and binding selection of a replacement for ICMA-RC as administrator of the Plan (or a replacement investment option for the Vantagepoint PLUS Fund).

11. Amendments and Adjustments

- (a) This Agreement may be amended by written instrument signed by the parties.
- (b) ICMA-RC may modify this agreement by providing 60 days’ advance written notice to the Employer prior to the effective date of such proposed modification. Such modification shall become effective unless, within the 60-day notice period, the Employer notifies ICMA-RC in writing that it objects to such modification.
- (c) The parties agree that enhancements may be made to administrative services under this Agreement. The Employer will be notified of enhancements through the Employer Bulletin, quarterly statements, electronic messages or special mailings. Likewise, if there are any reductions in fees, these will be announced through the Employer Bulletin, quarterly statement, electronic messages or special mailing.

12. Notices

Unless otherwise provided in this Agreement, all notices required to be delivered under this Agreement shall be in writing and shall be delivered, mailed, e-mailed or faxed to the location of the relevant party set forth below or to such other address or to the attention of such other persons as such party may hereafter specify by notice to the other party.

ICMA-RC: Legal Department, ICMA Retirement Corporation, 777 North Capitol Street, N.E., Suite 600, Washington, D.C., 20002-4240
Facsimile; (202) 962-4601

Employer: at the office set forth in the first paragraph hereof, or to any other address, facsimile number or e-mail address designated by the Employer to receive the same by written notice similarly given.

Each such notice, request or other communication shall be effective: (i) if given by facsimile, when transmitted to the applicable facsimile number and there is appropriate confirmation of receipt; (ii) if given by mail or e-mail, upon transmission to the designated

address with no indication that such address is invalid or incorrect; or (iii) if given by any other means, when actually delivered at the aforesaid address.

13. Complete Agreement

This Agreement shall constitute the complete and full understanding and sole agreement between ICMA-RC and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations of each party to the other as of its date. This Agreement supersedes all written and oral agreements, communications or negotiations among the parties. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

14. Titles

The headings of Sections of this Agreement and the headings for each of the attached schedules are for convenience only and do not define or limit the contents thereof.

15. Incorporation of Exhibits

All Exhibits (and any subsequent amendments thereto), attached hereto, and referenced herein, are hereby incorporated within this Agreement as if set forth fully herein.

16. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions.

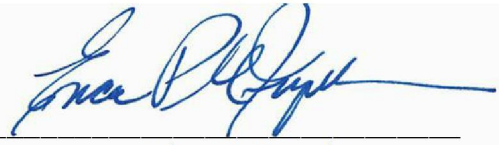
In Witness Whereof, the parties hereto certify that they have read and understand this Agreement and all Schedules attached hereto and have caused this Agreement to be executed by their duly authorized officers as of the Inception Date first above written.

CITY OF STUART

By _____
Signature/Date

By _____
Name and Title (Please Print)

INTERNATIONAL CITY MANAGEMENT
ASSOCIATION RETIREMENT CORPORATION

By 
Erica McFarquhar
Assistant Secretary

Please return an executed copy of the Agreement to a Delivery Address, either:

- (a) Electronically to PlanAdoptionServices@icmarc.org, or
- (b) In paper form to ICMA-RC
ATTN: PLAN ADOPTION SERVICES
777 North Capitol Street NE
Suite 600
Washington DC 20002-4240

Exhibit A

Administrative Services

The administrative services to be performed by ICMA-RC under this Agreement shall be as follows:

- (a) Participant enrollment services, including providing a welcome package and enrollment kit containing instructions and notices necessary to implement the Plan's administration. Employees will enroll online or through a paper form. Employer can also enroll employees through EZLink.
- (b) Establishment of participant accounts for each employee participating in the Plan for whom ICMA-RC receives appropriate enrollment instructions. ICMA-RC is not responsible for determining if such Plan participants are eligible under the terms of the Plan.
- (c) Allocation in accordance with participant directions received in good order of individual participant accounts to investment funds offered under the Plan.
- (d) Maintenance of individual accounts for participants reflecting amounts deferred, income, gain or loss credited, and amounts distributed as benefits.
- (e) Maintenance of records for all participants for whom participant accounts have been established. These files shall include enrollment instructions (provided to ICMA-RC through Account Access or EZLink), beneficiary designation instructions and all other documents concerning each participant's account.
- (f) Provision of periodic reports to the Employer through EZLink. Participants will have access to account information through Investor Services, Voice Response System, Account Access, TextAccess and through quarterly statements that can be delivered electronically through Account Access or by postal service.
- (g) Communication to participants of information regarding their rights and elections under the Plan.
- (h) Making available Investor Services Representatives through a toll-free telephone number from 8:30 a.m. to 9:00 p.m. Eastern Time, Monday through Friday (excluding holidays and days on which the securities markets or ICMA-RC are closed for business (including emergency closings)), to assist participants.
- (i) Making available access to ICMA-RC's web site, to allow participants to access certain account information and initiate certain plan transactions at any time. Account access is normally available 24 hours a day, seven days a week except during scheduled maintenance periods designed to ensure high-quality performance. The scheduled maintenance window is outlined at <https://harper1.icmarc.org/login.jsp>.
- (j) Maintaining the security and confidentiality of client information through a system of controls including but not limited to, as appropriate: restricting plan and participant information only to those who need it to provide services, software

and hardware security, access controls, data back-up and storage procedures, non-disclosure agreements, security incident response procedures, and audit reviews.

- (k) Making available access to ICMA-RC's plan sponsor EZLink web site to allow plan sponsors to access certain plan information and initiate plan transactions such as enrolling participants and managing contributions at any time. EZLink is normally available 24 hours a day, seven days a week except during scheduled maintenance periods designed to ensure high-quality performance. The scheduled maintenance window is outlined at <https://harper1.icmarc.org/login.jsp>.
- (l) Distribution of benefits as agent for the Employer in accordance with terms of the Plan. Participants who have separated from service can request distributions through Account Access or via form.
- (m) Upon approval by the Employer that a domestic relations order is an acceptable qualified domestic relations order under the terms of the Plan, ICMA-RC will establish a separate account record for the alternate payee and provide for the investment and distribution of assets held thereunder.
- (n) Loans may be made available on the terms specified in the Loan Guidelines, if loans are adopted by the Employer. Participants can request loans through Account Access.
- (o) Guided Pathways Advisory Services – ICMA-RC's participant advice service, "Fund Advice", and asset allocation service, "Asset Class Guidance" may be made available through a third party vendor on the terms specified on ICMA-RC's website.
- (p) ICMA-RC will determine appropriate delivery method (electronic and/or print) for plan sponsor/participant communications and education based on a number of factors (audience, effectiveness, etc.).

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Kev Freeman

Title of Item:

AMENDMENT TO APPENDIX A OF THE CITY'S CODE OF ORDINANCES (RC):

RESOLUTION No. 37-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 10, CHAPTER 32 AND CHAPTER 36 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

This item proposes an amendment to Appendix A to the City's Code of Ordinances. The amendments incorporate changes recommended by the Development, Public Works and Community Services departments.

The amendments affect the following Chapters of Appendix A:

- Chapter 10: Buildings and Building Regulations. The amendments incorporate formatting of the table, revised fees and new permit categories.
- Chapter 32: Planning and Development: The amendments incorporate reformatting, revised fees and the alignment of application categories with the city's land development code.
- Chapter 36. Streets, Sidewalks and Other Public Places: The amendments incorporate reformatting, revised fees and new permit categories to align with current operating needs and to increase public usage at the City's athletic fields at Guy Davis Park, City park pavilions, and the 10th Street Community Center.

Funding Source:

N/A

Recommended Action:

Motion to approve Resolution.37-2019

ATTACHMENTS:

Description	Upload Date	Type
□ R37-2019 Appendix A	3/20/2019	Resolution add to Y drive
□ R37-2019 Code Amendment	3/21/2019	Backup Material



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

RESOLUTION NUMBER 37-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING APPENDIX "A" BY AMENDING CHAPTER 10, CHAPTER 32 AND CHAPTER 36 OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, pursuant to various provisions of the City Code, the City Commission has determined that certain rates, fees, and charges for municipal services be amended.

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

SECTION 1: The application types, fees, rates, and charges in Chapter 2 of Appendix "A" are amended to align with the permit and application types designated within the City's Land Development Code.

SECTION 2: The application types, fees, rates, and charges in Chapter 10 of Appendix "A" are amended to align with the permit types required under the building code, the amendments include a new fee for working without a permit at 2.5 times the required permit fee, whichever is greater.

SECTION 3: The application types, fees, rates, and charges in Chapter 36 of Appendix "A" are amended to align with the permit types and cost implications consistent with the provision of those services.

SECTION 4: The City Commission retains jurisdiction over the rate schedule and any administrative costs, which may be later amended from time to time, by Resolution.

SECTION 5: 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 25th day of March, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

Appendix A - FEE, RATE AND CHARGE SCHEDULE

Code Section	Subject	Fees, Rates and Charges
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Chapter 10. Buildings and Building Regulations

10- 1	Building permit fees:	
	(a) The following fees for building permits and other related permits are hereby established and shall be charged and collected prior to issuance:	
	Single-family house, for each inspection required	\$104.00
	General construction:	
	\$0.00 to \$50,000.00, greater of	\$106.00 or \$22.00 for first \$1,000.00 or fraction thereof plus \$6.00 for each additional \$1,000.00 or fraction thereof thereafter Minimum \$106.00
	Over \$50,000.00 up to and including \$100,000.01	\$335.00
	Plus, per \$1,000.00 or fraction thereof above \$50,000.00	\$6.50
	Over \$100,000.00 up to and including \$500,000.00	\$585.00
	\$585.00 for the first \$100,000 Plus, \$6.00 per each additional \$1,000.00 or fraction thereof	\$6.00
	For the 1st \$500,000.00	\$2,796.00
	Plus, \$3.00 per \$1,000.00 or fraction thereof above \$500,000.00	\$3.00
	Swimming pools (based upon 4 required inspections)	\$424.00
	Driveways, paving (based upon 2 required inspections)	\$208.00
	Signs:	\$106.00
	Burglar Alarm	\$106.00
	Minor Misc Permit Includes all sub-permit fees	\$106.00
	Nonelectrical	\$104.00

		Electrical	\$129.00
		(Sign permit fee waived for applications for monument signs that replace existing pole signs with monument signs and which are submitted on or before August 30, 2022)	
		Fences, greater of	\$104.00, or \$20.00 for the first \$1,000.00 plus \$6.00 for each \$1,000.00 thereafter
		Water heater replacement permit fee	\$99.00
		Screen rooms, sheds, carports with foundations (based upon 3 required inspections)	\$312.00
		Manufactured accessory buildings	\$104.00
		Accessory buildings constructed on site (based upon 4 required inspections)	\$416.00
		Electrical, greater of	or \$106.00 Min
			0.15% of building valuation
		Plumbing, greater of	or \$106.00 Min
			\$4.00 per fixture
		Residential renovations and additions greater than \$5,000.00	\$106.00
		Plus number of required inspections based upon plans up to 10,000	\$106.00
		Plan review fee ½ the permit fee or \$142.00 single family residence:	
		Plan revision review to issued permits Residential	\$25.00 per page
		Commercial renovations and additions up to \$10,000.00	\$106.00
		Plus number of required inspections based upon plans	
		Plan revision review to issued permits Commercial	\$50.00 per page
		Demolition:	
		0 to 100,000 cubic feet	\$106.00
		Plus for each additional 1,000 cubic feet above 100,000	\$0.75
		100,000 cubic feet and above	\$104.00
		Plus for each 1,000 cubic feet above 101,000	\$0.75
		Working without a permit, greater of	\$459.00 or
			2.5 times the required

			permit fee whichever is greater
		Re-inspection or inspection, per inspection	\$104.00 \$106.00
		Plan review resubmittal fee, 25% of the plan review fee to be charged in the event a third plan review is necessitated due to the failure of the applicant to adequately respond to the plan review comments of the city development department	
		Landscaping bond, administrative charge	\$255.00
	(b)	Unless otherwise provided by resolution of the city commission, fees set forth in this section shall be increased effective April 1 each year by the lesser of three percent or the Consumer Price Index published by the U.S. Department of Labor, U.S. city average, all items. The computed amount shall be rounded downward to the nearest whole dollar amount.	

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10-2	Scaled model charge:		
		One-story building	\$100.00
		Two-story building	\$150.00
		Three-story building	\$200.00
		Four-story building	\$250.00
10-4	Building permit fees		
	Single family house shall be based upon the number of inspections required, per inspection		\$100.00
10-69	Motor vehicle parking and storage		
	(d)	Administrative variance	\$100.00

-

10-119	Permit required to move a structure on public right of way, application fee		\$100.00
10-202	Certification and renewal fees for contractors and construction tradesmen		
	(1)	For first issue of contractor	\$43.00
	(2)	Renewals for contractor	\$36.00
	(3)	For first issue of journeyman cards	\$15.00
	(4)	Renewals for journeyman cards, yearly	\$10.00

<u>10-1</u>	BUILDING PERMIT FEES	
	<u>(a)</u>	<u>The following fees for building permits and other related permits are hereby established and shall be charged and collected prior to issuance:</u>
		<u>General construction:</u>
		<u>\$0.00 to \$50,000.00, greater of</u> <u>\$106.00 or \$22.00 for first \$1,000.00 or fraction thereof</u> <u>plus \$6.00 for each additional \$1,000.00 or fraction thereof thereafter</u> <u>Minimum \$106.00</u>
		<u>Over \$50,000.00 up to and including \$100,000.01</u> <u>\$342.00, Plus \$7.00 per \$1,000.00 or fraction thereof above \$50,000.00</u>
		<u>Over \$100,000.00 up to and including \$500,000.00</u> <u>\$585.00 for the first \$100,000 Plus, \$6.00 per each additional \$1,000.00 or fraction thereof</u>
		<u>Over \$500,000.00</u> <u>\$2796.00 Plus \$3.00 per \$1,000.00 or fraction thereof above \$500,000.00</u>
		<u>Minor Misc. Permit Includes all sub permit fees</u> <u>\$106.00</u>
		<u>Alarm Decal</u> <u>\$24.00</u>
		<u>Swimming pools (based upon 4 required inspections)</u> <u>\$424.00</u>
		<u>Signs:</u> <u>(Sign permit fee waived for applications for monument signs that replace existing pole signs with monument signs and which are submitted on or before August 30, 2022)</u> <u>\$212.00</u>
		<u>Sign: Nonelectrical</u> <u>\$106.00</u>
		<u>Sign: Electrical</u> <u>\$132.00</u>
		<u>Window and door permits</u> <u>\$106.00</u>
		<u>Fences</u> <u>\$106.00</u>
		<u>Water heater replacement permit fee</u> <u>\$99.00</u>

	<u>Screen rooms, carports with foundations -3 inspections</u>	<u>\$318.00</u>
	<u>Pre-Manufactured accessory buildings</u>	<u>\$106.00</u>
	<u>Accessory buildings constructed on site (based upon 4 required inspections)</u>	<u>\$424.00</u>
	<u>Electrical</u>	<u>Greater of 0.15% of building valuation or \$106.00 Min</u>
	<u>Plumbing</u>	<u>Greater of \$4.00 per fixture or \$106.00 Min</u>
	<u>Residential renovations and additions up to \$5,000.00</u>	<u>\$106.00</u>
	<u>Residential renovations and additions between \$5,000.00- \$10,000.00</u>	<u>\$106.00 Plus number of required inspections based upon plans</u>
	<u>Commercial renovations and additions up to \$10,000.00</u>	<u>\$106.00 Plus number of required inspections based upon plans</u>
	<u>Plan review fee ½ the permit fee or \$142.00 single family residence.</u>	
	<u>Plan revision review to issued permits Residential</u>	<u>\$25.00 per page</u>
	<u>Plan review re-review</u>	<u>\$106.00</u>
	<u>Unlicensed Contractor</u> <u>1st Offense \$500.00</u> <u>2nd Offense \$1000.00</u> <u>3rd and subsequent offense \$2000.00</u>	<u>Up to \$2000.00</u>
	<u>Plan revision review to issued permits Commercial</u>	<u>\$50.00 per page</u>
	<u>Demolition:</u>	<u>\$106.00 Plus \$.75 for each additional 1,000 cubic feet above 100,000</u>
	<u>Working without a permit</u>	<u>4 times the required permit fee</u>
	<u>Re-inspection or inspection, per inspection</u>	<u>\$106.00</u>
	<u>Plan review resubmittal fee, 25% of the plan review fee to be charged in the event a third plan review is necessitated due to the failure of the applicant to adequately respond to the plan review comments of the city development department</u>	
	<u>Any violation of the City code of ordinance ch.10,</u>	<u>\$500.00 Per ea. violation</u>

	<u>Land Development Code, Florida Building Code, unless otherwise regulated</u>	
	<u>Fees set forth to be reviewed April 1 each year and only changed per resolution of the city commission</u>	

(Res. No. 57-2013, § 1, 6-10-2013; Res. No. 81-2011, § 1, 9-12-2011; Ord. No. 2182-09, 7-13-2009; Res. No. 42-2010, §§ 1, 2, 4-26-2010; Res. No. 57-2013, § 1, 6-10-2013; Res. No. 92-2018, §§ 1—6, 9-24-2018)

Chapter 32. Planning and Development

32-2	Zoning approval fees	
	Zoning and rezoning	\$1,468.00
	Zoning to planned unit development	\$3,673.00
	Annexation/contraction of single family residential	No fee
	Annexation/contraction of governmental or nontaxable entity owned land	No fee
	Annexation/contraction of small scale improved property less than ten acres	\$1,836.00
	Annexation/contraction of any other property not mentioned above	\$1,836.00
	Plan designation	\$1,793.00
	Special exception	\$1,574.00
	Major urban code exception	\$1,574.00
	Minor urban code exception	\$524.00
	Variances to board of adjustment	\$839.00
	Administrative variance	\$205.00
	Right of way abandonment	\$787.00
	Plus appraised value from current appraisal	
	Plat approval	\$839.00
	Major planned unit development amendment	\$3,148.00
	Minor planned unit development amendment	\$2,099.00
	Planned unit development agreement amendment	\$1,049.00

	Site plan, major	\$2,099.00
	Site plan, minor and residential	\$1,678.00
	Amendment to approved site plan	\$839.00
	Administrative appeal	\$419.00
	Binding letter of determination	\$314.00
	Mural Permit	\$250.00
	Application for award of floor space for consumption on premises (COP) of alcoholic beverages in the old downtown district	\$1,000.00
	Basic letter of zoning determination	\$41.00
	Plan review resubmittal, 25 percent of the initial review fee in the event modifications are added by the applicant during the review process or after issuance of the building permit or in the event a third plan review is necessary because of the failure of the applicant to adequately respond to plan review comments of the city development department.	
	Unless otherwise provided by resolution of the city commission, fees set forth in this section shall be increased effective April 1 each year by the lesser of three percent or the Consumer Price Index published by the U.S. Department of Labor, U.S. city average, all items. The computed amount shall be rounded downward to the nearest whole dollar amount.	

<u>32-2</u>	<u>APPLICATION TYPE</u>	<u>Fee</u>
	<u>Planned Unit Development (PUD) - Rezoning Designation</u>	<u>\$3,584.00</u>
	<u>Planned Unit Development Amendment (PUD) (Major)</u>	<u>\$3,148.00</u>
	<u>Planned Unit Development Amendment (PUD) (Minor)</u>	<u>\$2,099.00</u>
	<u>Major Development Plan (Site)</u>	<u>\$2,099.00</u>
	<u>Minor Development Plan (Site)</u>	<u>\$1,678.00</u>
	<u>Residential Development Plan</u>	<u>\$839.00</u>
	<u>Amendment to Approved Site Plan</u>	<u>\$839.00</u>
	<u>Plat</u>	<u>\$839.00</u>
	<u>Large Scale Comprehensive Plan Amendment</u>	<u>\$2,099.00</u>
	<u>Small Scale Comprehensive Plan Amendment</u>	<u>\$1,836.00</u>
	<u>Land Development Code Text Amendment</u>	<u>\$1,049.00</u>
	<u>Zoning Map Change - Rezoning non-PUD</u>	<u>\$1,049.00</u>
	<u>Major Conditional Use</u>	<u>\$1,574.00</u>
	<u>Minor Conditional Use</u>	<u>\$524.00</u>
	<u>Urban Code Major Conditional Use</u>	<u>\$1,574.00</u>
	<u>Urban Code Minor Conditional Use</u>	<u>\$524.00</u>
	<u>S.E.Ocean Boulevard Overlay Zone Major Conditional Use</u>	<u>\$1,574.00</u>
	<u>S.E.Ocean Boulevard Overlay Zone Minor Conditional Use</u>	<u>\$524.00</u>

<u>East Stuart Code Major Conditional Use</u>	<u>\$1,574.00</u>
<u>East Stuart Code Minor Conditional Use</u>	<u>\$524.00</u>
<u>Annexation (Single Family Residential)</u>	<u>No Fee</u>
<u>Annexation (Governmental or Non-Taxable Entity)</u>	<u>No Fee</u>
<u>Annexation (Small Scale Improved Property less than 10 acres)</u>	<u>\$1,836.00</u>
<u>Annexation (Other not listed)</u>	<u>\$2,099.00</u>
<u>Variance - Board of Adjustment</u>	<u>\$839.00</u>
<u>Variance - Administrative</u>	<u>\$102.00</u>
<u>Letter of Determination - Binding</u>	<u>\$314.00</u>
<u>Letter of Determination - Zoning</u>	<u>\$41.00</u>
<u>Mural Permit</u>	<u>\$250.00</u>
<u>Revocable Permit - City Manager (residential)</u>	<u>\$102.00</u>
<u>Revocable Permit - City Commission (commercial)</u>	<u>\$256.00</u>
<u>Administrative Appeal</u>	<u>\$419.00</u>
<u>Application for award of floor space for consumption on premises (COP) of alcoholic beverages in the old downtown district</u>	<u>\$1,000.00</u>
<u>Right of Way Abandonment (+ appraised value)</u>	<u>\$787.00</u>
<u>Doggy Dining Application</u>	<u>\$110.00</u>
<u>Doggy Dining Renewal</u>	<u>\$25.00</u>
<u>Plan review resubmittal, 25 percent of the initial review fee in the event modifications are added by the applicant during the review process or after issuance of the building permit or in the event a third plan review is necessary because of the failure of the applicant to adequately respond to plan review comments of the city development department.</u>	
<u>Unless otherwise provided by resolution of the city commission, fees set forth in this section shall be increased effective January 1 each year by the lesser of three percent or the Consumer Price Index published by the U.S. Department of Labor, U.S. city average, all items. The computed amount shall be rounded downward to the nearest whole dollar amount.</u>	

Chapter 36. Streets, Sidewalks and Other Public Places

~~General Public; Private; Nonprofit
(501 (c) 3 Certification of Insurance required).~~

~~Flagler Recreation Center (Reserved)~~

~~East 10th Street Recreation Center~~

<i>Rooms</i>	<i>Fees</i>	<i>Damage Deposit</i>
East 10th Street Recreation Center		

10th Street Room 1 (3 hour min. — 2 hour event w/30 min. setup/30 min. cleanup)	\$50.00/hr.	\$300.00
10th Street Meeting Room (capacity 30 lecture style) (2 hour min. — 1 hour event w/30 min. setup/30 min. cleanup)	\$25.00/hr.	\$100.00
10th Street Game Room (2 hour min. — 1 hour event w/30 min. setup/30 min. cleanup)	\$50.00/hr.	\$300.00
10th Street Daily Rate (8 continuous hours or more)	\$400.00	\$300.00
<i>Miscellaneous Charges</i>		
Late fee (begins 15 minutes after scheduled event end time)	After the first 15 minutes, \$25.00 per 15 minutes or any increment thereof	
Decorating/cleanup time (Additional time)	\$25.00/hr.	NA
Kitchen use	\$25.00/hr. (one time fee)	NA
Alcohol permit	\$75.00/hr. (one time fee)	Additional \$200.00 deposit may be required
Television and VCR/DVD	No charge, based on availability	\$200.00
Speaker, microphone, podium, and/or projection screen	No charge, based on availability	Additional deposit may be required

-

<i>Program Fees</i>	<i>Fees</i>	<i>Damage Deposit</i>
After school and summer program	No charge, based on program funding	N/A
Parent's Night Out	\$5.00 per youth	N/A
Teen Dance	\$2.00 per youth (non-program participants)	N/A
Adult Recreation Activities (i.e. dance, martial arts, bridge)	\$3.00 per session	N/A

-

~~For-Profit Commercial:~~
~~For all groups not meeting the requirement for the nonprofit fee schedule~~

Flagler Recreation Center (Reserved)
East 10th Street Recreation Center

Rooms		Fees	Damage Deposit
10th Street Room 1 (3 hour min. — 2 hour event w/30 min. setup/30 min. cleanup)		\$100.00/hr.	\$300.00
10th Street Meeting Room (capacity 30 lecture style) (2 hour min. — 1 hour event w/30 min. setup/30 min. cleanup)		\$50.00/hr.	\$100.00
10th Street Game Room (2 hour min. — 1 hour event w/30 min. setup/30 min. cleanup)		\$75.00/hr.	\$300.00
<i>Miscellaneous Charges</i>			
Decorating time		\$25.00/hr.	NA
Kitchen use		\$25.00/hr. (one-time fee)	NA
Alcohol permit		\$75.00/hr.	Additional \$200.00 deposit
Television and VCR/DVD		No charge if available	Additional \$200.00 deposit
Speaker, microphone, podium and/or projector screen		No charge if available	Additional deposit required
<i>Park fees</i>	<i>Present fees</i>	<i>Description</i>	
Riverwalk	Free	NA	
Memorial Park Wedding Bridge	Free	NA	
Bandshell	\$25.00/day	NA	
Gazebo	\$25.00/day	NA	
Flagler Park Pavilion 1	\$75.00	Large 34'x34' with 5 picnic tables	
Flagler Park Pavilion 2	\$25.00	Small 17'x17' with 1 picnic table	
Flagler Park Pavilion 3	\$25.00	Small 17'x17' with 1 picnic table	
Flagler Park Pavilion 4	\$25.00	Small 17'x17' with 1 picnic table	
Flagler Park Pavilion 5	\$75.00	Large 21'x6' with 4 picnic tables	
Shepard Park Pavilion 1	\$75.00	Large 24'x30' with 4 picnic tables	
Kiwanis Park Pavilion—Thelma	\$75.00	Large 24'x24' with 4 picnic tables	
Kiwanis Park Pavilion—William	\$75.00	Large 24'x44' with 4 picnic tables	
Memorial Park Pavilion 1	\$50.00	Medium 20'x20' with 2 picnic tables	
Memorial Park Pavilion 2	\$50.00	Medium 20'x20' with 2 picnic	

		tables
Memorial Park Pavilion 3	\$25.00	Small 12'x12' with 1 picnic table
Memorial Park Pavilion 4	\$25.00	Small 12'x12' with 1 picnic table
Memorial Park Pavilion 5	\$25.00	Small 12'x12' with 1 picnic table
MLK Park Pavilion 1	\$50.00	Medium 18'x24' with 2 picnic tables
Poppleton Creek Park Pavilion 1	\$50.00	Medium 32'x32' with 3 picnic tables
Poppleton Creek Park Pavilion 2	\$50.00	Medium 32'x32' with 3 picnic tables
10th St Guy Davis Park Pavilion 1	\$50.00	Medium 20'x20' with 2 picnic tables
Riverwalk	Free	NA
Memorial Park Wedding Bridge	Free	NA
Bandshell	\$25.00/day	NA
Gazebo	\$25.00	NA

-

~~Athletic Field Rental Fees~~

Athletic Field Rentals	Fees	Duration
<i>Sailfish Park</i>		
Softball/baseball field reservations	\$25.00 per field (3 hrs.)	3 hours
<i>Guy Davis/10th Street Park</i>		
Soccer/football field reservations	\$25.00 per field (3 hrs.)	3 hours
	\$25.00 concession stand (3 hrs.)	
<i>Field Light Charges</i>		
Softball/baseball field	\$10.00 per field	3 hours
Soccer/football field	\$10.00 per field	3 hours
Softball/baseball	\$175.00 (2 fields)	Per day
Additional fields	\$100.00 (per field)	Per day
Field lights		
Baseball field	\$15.00	Per hour

Soccer and football fields	\$20.00	Per hour
Field Lining Fee	\$125.00 (per field)	
<i>Maintenance</i>		
Additional costs incurred by city after normal hours	\$25.00 (per hr.)	Per employee per day
<i>Banner Program Fees</i>		
Application	\$25.00 (per application)	
Advertising	\$500.00 (per banner)	Per 6 months

-

Special Events Fees and Charges Private/Public Property

Special Event Fees	Fees	Security Deposit
Application fee	\$25.00 non-refundable	
Late submission fee	\$50.00	
Fire inspection for special events tents		
1 Tent	\$100.00	
2 to 5 tents	\$200.00	
6 or more tents, including but not limited to those in exhibits, trade shows and festivals	\$300.00	
<i>Private property fee</i>		
Level 1A (25—50) people	\$25.00	
Levels 1, 2, 3, 4	\$50.00	
<i>Public Property Level and Attendance</i>	<i>Fees</i>	<i>Security Deposit</i>
Level 1, 500 or less	\$125.00	\$200.00
Level 2, 500—1,000	\$200.00	\$400.00
Level 3, 1,000—5,000	\$300.00	\$800.00
Level 4, 5,000 or plus	\$600.00	\$2,000.00
4'x6' Event Banner permit Nonprofit organizations and community events only (10-day limit)	\$25.00 (2 max)	
Banner permit for grand opening event (limit of 30 days)	\$25.00	
Street pole banner (pennant) Nonprofit organizations	\$8.00 each (30 max)	

and community events only (30-day limit)		
<i>Extra duty police department coverage</i>		
No alcohol event	\$32.00 per hour per officer	
Alcohol event	\$40.00 per hour per officer	
Administrative fee	\$10.00	
<i>Extra duty fire department coverage</i>		
Fire department personnel	\$50.00 per hour per person	
Administrative fee	10.00	
<i>Sanitation Fees</i>		
Six-yard dumpster	\$66.60 Includes delivery and cleaning	
90-gallon cart	\$7.00 Includes delivery and cleaning	
Recycle carts	No Charge Includes delivery and cleaning	
Administrative fee	\$5.00	
<i>Public Works fees</i>		
Barricades (with flasher)	\$0.55 per barricade per day	
Cones	\$0.40 per cone per day	
Light towers	\$80.00 per day	
Message boards (1)	\$55.00 per day	
Directional/arrow boards (1)	\$40.00 per day	
Administrative Fee	\$5.00	
<i>Pavilions:</i>		
Small	\$35.00	
Medium	\$75.00	
Large	\$125.00	

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~~The city reserves the right to deny any special event application or request that either competes directly or indirectly with annual events that regularly occur within the city.~~

<u>EAST 10TH STREET RECREATION CENTER</u>		
<u>ROOMS</u>	<u>FEES</u>	<u>DAMAGE DEPOSIT</u>
<u>10TH STREET RECREATION CENTER</u>		
<u>10th Street – Multipurpose Room</u> (capacity 50-150 lecture style)	<u>\$30.00/hr.</u>	<u>\$200.00</u>
<u>10th Street – Meeting Room</u> (capacity 50 lecture style)	<u>\$25.00/hr.</u>	<u>\$100.00</u>
<u>10th Street – Daily Rate</u> (8 X \$30 continuous hours or more) from (8am-11pm)	<u>\$300.00</u>	<u>\$200.00</u>
<u>10th Street – Bereavement Rate</u>	<u>\$25.00/hr.</u>	<u>NA</u>
<u>MISCELLANEOUS CHARGES</u>		
<u>Late fee</u> (begins 15 minutes after scheduled event end-time)		<u>After the first 15 minutes, \$25.00 per 15 minutes or any increment thereof</u>
<u>Kitchen Use</u>	<u>\$25.00 (One-time fee)</u>	<u>NA</u>
<u>Community Days (Tuesdays and Thursdays) for 501(c) Organizations</u>	<u>1 per a month (6pm-9pm only)</u>	<u>N/A</u>

<u>ATHLETIC FIELD RENTAL FEES</u>		
<u>USE</u>	<u>FEES</u>	<u>DURATION</u>
<u>SAILFISH BALL PARK</u>		
<u>Softball / Baseball Field #1-4 Reservations</u>	<u>\$25.00 per field (3 hrs.)</u>	<u>3 Hours</u>
<u>Additional hours of use</u>	<u>\$10.00 per field</u>	<u>Per Hour</u>
<u>Tennis Courts</u>	<u>FREE</u>	<u>N/A</u>
<u>ATHLETIC FACILITIES/GUY DAVIS PARK</u>		
<u>Baseball/Soccer / Football Field Reservations</u>	<u>\$25.00 per field (3 hrs.)</u>	<u>3 Hours</u>
<u>Additional hours of use</u>	<u>\$10.00 per field</u>	<u>Per Hour</u>
<u>Tennis Courts</u>	<u>FREE</u>	<u>N/A</u>
<u>CONCESSION STAND</u>	<u>\$25.00</u>	<u>3 Hours</u>
<u>FIELD LIGHTING CHARGES</u>		
<u>Softball / Baseball Field</u>	<u>\$15.00 per field</u>	<u>Per Hour</u>
<u>Soccer / Football Field</u>	<u>\$15.00 per field</u>	<u>Per Hour</u>
<u>FIELD LINING CHARGES</u>		
<u>Baseball/ Softball /Kickball</u>	<u>\$25.00 per field</u>	<u>Per Request</u>
<u>Soccer</u>	<u>\$125.00 per field</u>	<u>Per Request</u>
<u>Football/Lacrosse</u>	<u>\$150.00 per field</u>	<u>Per Request</u>

<u>TOURNAMENT FEES</u>		
<u>Tournament Deposit</u>	<u>\$150.00 per event</u>	<u>Refundable or can be applied to any additional fees incurred</u>
<u>Baseball/Softball Fields</u>	<u>\$175.00 (2 Fields)</u>	<u>Per Day (does not include lining or lighting)</u>
<u>Additional Baseball/Softball Fields</u>	<u>\$100.00 per field</u>	<u>Per Day (does not include lining or lighting)</u>
<u>Soccer/Football/Lacrosse/Rugby</u>	<u>\$100.00 per field</u>	<u>Per Day (does not include lining or lighting)</u>
<u>Staffing fees incurred after normal hours</u>	<u>\$25.00 per hour</u>	<u>Per employee, per day (can be paid out of Tournament Deposit)</u>
<u>Concession</u>	<u>\$100.00</u>	<u>Per Use</u>
<u>TENNIS COURTS – Tournament/Instructional only</u>	<u>\$25.00</u>	<u>3 Hours</u>

City Manager (or designee) reserves the right to enter into collaborated agreements with qualified 501(c) 3 organizations and offer priority scheduling.

<u>PARK/PAVILION RENTALS</u>		
<u>PARK</u>	<u>FEES</u>	<u>DESCRIPTION</u>
<u>FLAGLER PARK PAVILION 1</u>	<u>\$85.00 /Day</u>	<u>Large 34'x34' with 5 picnic tables</u>
<u>FLAGLER PARK PAVILION 2</u>	<u>\$35.00 /Day</u>	<u>Small 17'x17' with 1 picnic table</u>
<u>FLAGLER PARK PAVILION 3</u>	<u>\$35.00 /Day</u>	<u>Small 17'x17' with 1 picnic table</u>
<u>FLAGLER PARK PAVILION 4</u>	<u>\$35.00 /Day</u>	<u>Small 17'x17' with 1 picnic table</u>
<u>FLAGLER PARK PAVILION 5</u>	<u>\$85.00 /Day</u>	<u>Large 21x6' with 4 picnic tables</u>
<u>SHEPARD PARK PAVILION 1</u>	<u>\$85.00 /Day</u>	<u>Large 24'x30' with 4 picnic tables</u>
<u>KIWANIS PARK PAVILION – THELMA</u>	<u>\$85.00 /Day</u>	<u>Large 24'x24' with 4 picnic tables</u>
<u>KIWANIS PARK PAVILION – WILLIAM</u>	<u>\$85.00 /Day</u>	<u>Large 24'x24' with 4 picnic tables</u>
<u>MEMORIAL PARK PAVILION 1</u>	<u>\$55.00 /Day</u>	<u>Medium 20'x20' with 2 picnic tables</u>
<u>MEMORIAL PARK PAVILION 2</u>	<u>\$55.00 /Day</u>	<u>Medium 20'x20' with 2 picnic tables</u>
<u>MEMORIAL PARK PAVILION 3</u>	<u>\$35.00 /Day</u>	<u>Small 12'x12' with 1 picnic table</u>
<u>MEMORIAL PARK PAVILION 4</u>	<u>\$35.00 /Day</u>	<u>Small 12'x12' with 1 picnic table</u>
<u>MEMORIAL PARK PAVILION 5</u>	<u>\$35.00 /Day</u>	<u>Small 12'x12' with 1 picnic table</u>
<u>MLK PAVILION 1</u>	<u>\$55.00 /Day</u>	<u>Medium 18'x24' with 2 picnic tables</u>
<u>POPPLETON CREEK PARK PAVILION 1</u>	<u>\$55.00 /Day</u>	<u>Medium 32'x32' with 3 picnic tables</u>
<u>POPPLETON CREEK PARK PAVILION 2</u>	<u>\$55.00 /Day</u>	<u>Medium 32'x32' with 3 picnic tables</u>
<u>10TH ST GUY DAVIS PARK PAVILION 1</u>	<u>\$55.00 /Day</u>	<u>Medium 20'x20' with 2 picnic tables</u>
<u>HANEY CREEK PARK PAVILION 1</u>	<u>\$55.00 /Day</u>	<u>Medium 32'x32/ with 3 picnic tables</u>
<u>RIVERWALK STAGE</u>	<u>FREE</u>	<u>NA</u>

<u>MEMORIAL PARK WEDDING BRIDGE</u>	<u>FREE</u>	<u>NA</u>
<u>BANDSHELL</u>	<u>\$25.00/day</u>	<u>NA</u>
<u>GAZEBO</u>	<u>\$25.00/day</u>	<u>NA</u>

Events that exceed the pavilion area may require a Special Event Permit.

<u>SPECIAL EVENTS FEES AND CHARGES</u>	
<u>PRIVATE / PUBLIC PROPERTY SPECIAL EVENT FEES</u>	<u>FEES</u>
<u>APPLICATION FEE (Non-Refundable)</u>	<u>\$25.00</u>
<u>LATE SUBMISSION FEE</u>	<u>\$10.00 per day after deadline</u>
<u>FIRE INSPECTION (TENTS)</u>	
<u>1 Tent</u>	<u>\$100.00</u>
<u>2 to 5 Tents</u>	<u>\$200.00</u>
<u>6 or more tents, including but not limited to those in exhibits, trade shows and festivals</u>	<u>\$300.00</u>

<u>PRIVATE PROPERTY FEE & ATTENDANCE</u>		
<u>All Events</u>	<u>\$50.00</u>	<u>NA</u>
<u>PUBLIC PROPERTY LEVEL & ATTENDANCE</u>		
<u>Level 1 – 25 - 100</u>	<u>\$75.00</u>	<u>\$100.00</u>
<u>Level 2 – 101 - 500</u>	<u>\$150.00</u>	<u>\$200.00</u>
<u>Level 3 – 501 -1000</u>	<u>\$300.00</u>	<u>\$400.00</u>
<u>Level 4 – 1,001-5,000</u>	<u>\$400.00</u>	<u>\$800.00</u>
<u>Level 5 – 5,001 or more</u>	<u>\$600.00</u>	<u>\$2000.00</u>
<u>BANNER FEES</u>		
<u>Event Banner 4’X6’</u> <i><u>(non-profit organizations and community events only)</u></i>	<u>\$25.00 each (2 max)</u>	<u>10 day limit</u>
<u>Grand Opening Event Banner</u>	<u>\$25.00 (1max)</u>	<u>30 day limit</u>
<u>Street Pole Banner (Pennant)</u> <i><u>(non-profit organizations and community events only)</u></i>	<u>\$8.00 each (30 max)</u>	<u>30 day limit</u>
<u>Advertising banner at fields</u>	<u>\$500.00 (per banner)</u>	<u>Per 6 Months</u>
<u>EXTRA DUTY FIRE DEPARTMENT</u>		
<u>EMT</u>	<u>\$50.00 per hour / per EMT</u>	
<u>Fire Medic</u>	<u>\$50.00 per hour / per FM</u>	
<u>Administrative fee (processing fee/coordination/planning)</u>	<u>\$10.00</u>	
<u>Safety Inspection</u>	<u>\$35.00</u>	
<u>SANITATION</u>		
<u>95 Gallon Green Carts for event One per every 100 participants or less.</u>	<u>\$25.00 for the 1st green cart and \$7.00 for each additional 95 Gallon Green Cart.</u>	<u>Includes delivery and cleaning</u>

<u>Dumpster: 500 participants or less 4 Cubic Yard</u>	<u>\$140.00</u>	<u>Includes delivery and cleaning</u>
<u>Dumpster: 500-1,000 participants 8 Cubic Yards</u>	<u>\$180.00</u>	<u>Includes delivery and cleaning</u>
<u>Dumpster: 1,000 participants or more 8 Cubic Yards per 1,000 participants</u>	<u>\$180.00 each</u>	<u>Includes delivery and cleaning</u>
<u>Recycle Carts</u>	<u>No Charge</u>	<u>Includes delivery and cleaning</u>
<u>Administrative Fee</u>	<u>\$5.00</u>	
<u>PUBLIC WORKS</u>		
<u>Barricades (with flasher)</u>	<u>Up to 5 barricades \$20.00 plus \$-.55 \$2.00 per additional barricade / per day</u>	
<u>Cones</u>	<u>Up to 10 cones \$20.00 plus \$-.40 \$1.00 per additional cone / per day</u>	
<u>Light Towers</u>	<u>\$ 80.00 per day / each</u>	
<u>Message Boards (1)</u>	<u>\$ 55.00 per day</u>	
<u>Directional/Arrow Boards (1)</u>	<u>\$ 40.00 per day</u>	
<u>Bleachers</u>	<u>\$ 80.00 per day / each</u>	<u>Includes Delivery</u>
<u>Administrative Fee</u>	<u>\$5.00</u>	
<u>Tram</u>	<u>\$20.00 per hour</u>	<u>2 hours minimum</u>
<u>RECREATION CENTER CLOSINGS</u>	<u>\$400.00 per day</u>	

City Manager (or designee) reserves the right to exempt certain activities from a Level 1 Special Event.

<u>SPECIAL EVENTS ADDITIONAL FEES EXTRA DUTY POLICE</u>	<u>FEES</u>	
<u>Police Officer</u>	<u>\$40.00 per hour / per officer</u>	<u>2 hour minimum</u>
<u>Event Commander (required with 5+ simultaneous officers)</u>	<u>\$45.00 per hour / per officer</u>	<u>2 hour minimum</u>
<u>Administrative Fee (processing fee/coordination/planning)</u>	<u>\$10.00</u>	

The City of Stuart reserves the right to deny any Special Event application or request that either competes directly or indirectly with annual events that regularly occur within the City of Stuart.

(Res. No. 230-04; Res. No. 140-07; Res. No. 95-09, 10-26-2009; Res. No. 57-2013, § 1, 6-10-2013; Ord. No. 59-2015, § 1, 6-22-2015 ; Res. No. 76-2015, § 1, 8-10-2015 ; Res. No. 92-2018 , §§ 1—6, 9-24-2018)

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: bhogarth

Title of Item:

SUPPORT FOR HOUSE BILL 1369 RELATING TO THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM (RC):

RESOLUTION No. 38-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING HOUSE BILL 1369 RELATING TO THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

HB 1369 was filed during the 2019 Florida Legislative Session and would establish the Florida Climate and Resiliency Research Program within the Office of Resilience & Coastal Protection; provide program purpose & participants; and require program submit Florida Resiliency Plan to Governor & Legislature at specified intervals.

Funding Source:

N/A

Recommended Action:

Approval of Resolution in support of HB 1369.

ATTACHMENTS:

Description	Upload Date	Type
☐ R38-2019 Supporting HB 1369 Relating to the Florida Climate and Resiliency Research Program	3/14/2019	Resolution add to Y drive
☐ R38-2019 House Bill 1369 Relating to the Florida Climate and Resiliency Research Program	3/14/2019	Attachment



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 38-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
STUART, FLORIDA, SUPPORTING HOUSE BILL 1369 RELATING TO
THE FLORIDA CLIMATE AND RESILIENCY RESEARCH PROGRAM;
AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the U.S. Centers for Disease Control and Prevention has stated that “Widespread scientific consensus exists that the world’s climate is changing. Some of these changes will likely include more variable weather, heat waves, heavy precipitation events, flooding, droughts, more intense storms, sea level rise, and air pollution. Each of these impacts could negatively affect public health;” and

WHEREAS, the U.S. Global Change Research Program (USGCRP) released the Fourth National Climate Assessment (NCA4) to Congress in 2018, which is the most comprehensive global climate change report ever conducted by the United States; and

WHEREAS, in the NCA4 the USGCRP has stated that, “Coastal communities and the ecosystems that support them are increasingly threatened by the impacts of climate change. Without significant reductions in global greenhouse gas emissions and regional adaptation measures, many coastal regions will be transformed by the latter part of this century, with impacts affecting other

regions and sectors. Even in a future with lower greenhouse gas emissions, many communities are expected to suffer financial impacts as chronic high-tide flooding leads to higher costs and lower property values;” and

WHEREAS, House Bill 1369 relating to the Florida Climate and Resiliency Research Program was filed during the 2019 Florida Legislative Session; and

WHEREAS, HB 1369 would establish an interagency program within the Office of Resilience and Coastal Protection for the purpose of assisting the state in understanding, assessing, predicting, and responding to the effects of climate change; and

WHEREAS, HB 1369 would consolidate the efforts of various public agencies and authorities in addressing a myriad of environmental, public health and safety, and economic variables linked to global climate change impacts; and

WHEREAS, the Florida Climate and Resiliency Research Program would include participants and representatives from climate collaboratives in Florida including the Southeast Florida Regional Climate Change Compact, and other resiliency coalitions which the City of Stuart may one day be a party to; and

WHEREAS, the City of Stuart is a coastal community who is at high-risk for severe weather events, coastal flooding, storm surge, marine ecosystem destruction, and sea level rise; and

WHEREAS, it is the sense of the City Commission of the City of Stuart that the dangers and devastating impacts associated with global climate change are clear and convincing; and

WHEREAS, the City of Stuart supports House Bill 1369 and the creation of an interagency program within the Office of Resiliency and Coastal Protection designed to consolidate and coordinate state efforts in addressing this global threat statewide.

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

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

SECTION 2: The City Commission of the City of Stuart, Florida authorizes this resolution in support of House Bill 1369 Relating to the Florida Climate and Resiliency Research Program and also urges the Florida Legislature to adopt the bill into law.

SECTION 3: This Resolution shall become effective 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

1 A bill to be entitled
2 An act relating to the Florida Climate and Resiliency
3 Research Program; creating s. 403.919, F.S.;
4 establishing the program within the Office of
5 Resilience and Coastal Protection; providing for
6 program purpose and participants; requiring the
7 program to submit the Florida Resiliency Plan to the
8 Governor and Legislature at specified intervals;
9 providing plan requirements; directing the office to
10 provide staff support; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 403.919, Florida Statutes, is created
15 to read:

16 403.919 Florida Climate and Resiliency Research Program.—

17 (1) The Florida Climate and Resiliency Research Program,
18 an interagency program, is established within the Office of
19 Resilience and Coastal Protection for the purpose of assisting
20 the state in understanding, assessing, predicting, and
21 responding to the effects of climate change.

22 (2) (a) The program shall prepare an assessment that
23 analyzes, integrates, evaluates, and interprets the effects of
24 climate change on the natural environment, land and water
25 resources, biological diversity, agriculture, energy production

26 and use, economic growth, employment, financial risk, disaster
27 preparedness, human health and welfare, housing, and
28 transportation within the state, as well as current trends in
29 climate change, both human-induced and natural, and projected
30 major trends for the subsequent 25 to 100 years.

31 (b) The assessment must:

32 1. Include a Florida greenhouse gas inventory; and

33 2. Identify and evaluate public expenditures by local
34 governments, including past expenditures, present expenditures,
35 and reasonably anticipated expenditures over the next 5, 10, and
36 20 years, related to, but not limited to:

37 a. Rebuilding communities and economies impacted by
38 extreme weather events.

39 b. Upgrading septic and sewage infrastructure affected by
40 a rising water table.

41 c. Improving drinking water treatment infrastructure to
42 protect against frequent downpours and chronic flooding.

43 d. Increasing public health response to tropical disease
44 and vector-borne epidemics.

45 e. Implementing energy resiliency technologies to support
46 essential healthcare and assisted living facilities, emergency
47 response centers, and community shelters.

48 f. Addressing the affordable housing crisis, especially as
49 displacement causes climate gentrification of low-income
50 communities.

51 g. Increasing beach renourishment efforts as rising seas
52 lead to increased yearly erosion.

53 (3) The program shall consist of the following
54 participants:

55 (a) The Secretary of Environmental Protection or his or
56 her designee.

57 (b) The executive director of the Fish and Wildlife
58 Conservation Commission or his or her designee.

59 (c) The Commissioner of Agriculture or his or her designee
60 from the Office of Energy.

61 (d) The chair of the Public Service Commission or his or
62 her designee.

63 (e) The Chief Financial Officer or his or her designee.

64 (f) The coordinator of the Office of Economic and
65 Demographic Research or his or her designee.

66 (g) The executive director of the Department of Economic
67 Opportunity or his or her designee from the Division of
68 Community Development.

69 (h) The director of the Division of Emergency Management
70 or his or her designee.

71 (i) The Surgeon General or his or her designee.

72 (j) The Secretary of Transportation or his or her
73 designee.

74 (k) The Chief Science Officer of the Office of
75 Environmental Accountability and Transparency.

76 (1) A representative from each of the following Florida
77 climate collaboratives:

- 78 1. The Public-Private Regional Resiliency Committee.
79 2. The Southeast Florida Regional Climate Change Compact.
80 3. The Tampa Bay Regional Resiliency Coalition.
81 4. East Central Florida Regional Resilience Collaborative.

82
83 Additional representatives from resiliency coalitions may be
84 included in the program as such coalitions are established.

85 (m) A representative from the Florida Housing Corporation.

86 (n) A representative from the Florida Climate Institute.

87 (o) Three representatives from nongovernmental
88 organizations that are not included on this list who have
89 expertise in public health, energy, planning, land management,
90 and conservation.

91 (4) Beginning January 1, 2020, and at least once every 4
92 years thereafter, the program shall deliver the Florida
93 Resiliency Plan to the Governor, the President of the Senate,
94 and the Speaker of the House of Representatives. The plan shall
95 include the program's assessment of the causes and effects of
96 climate change in the state and recommendations on strategies to
97 mitigate those effects and improve resiliency throughout the
98 state.

99 (5) The director of the Office of Resilience and Coastal
100 Protection shall coordinate and oversee the program and provide

HB 1369

2019

101 staff support to assist the program in the performance of its
102 duties.

103 Section 2. This act shall take effect July 1, 2019.

Page 5 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1369-00

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Tom Reetz

Title of Item:

PLAT OF TOWNHOUSES AT FRAZIER CREEK (RC):

RESOLUTION No. 39-2019: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "TOWNHOUSES AT FRAZIER CREEK, A REPLAT OF LOTS 8, 9, 10, AND 11", PREPARED BY STEPHEN J. BROWN, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 4049, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. No. R39-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "CERTUS STU OWNER PLAT", LOTS 1 AND 2", PREPARED BY RICHARD E. BARNES, A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 5173 PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On January 14, 2019 the City Commission adopted Ordinance 2395-2019, allowing for development of two buildings comprised of 4 units each known as the Townhouses at Frazier Creek Residential Planned Unit Development.

Exhibit C, Development Conditions, condition #24 of the approving ordinance requires plat approval prior to any development activity. The owner now seeks approval of a plat for the "Townhouses at Frazier Creek" project.

The City's Consultant, Northstar Geometrics has reviewed the plat for consistency with Chapter 177, Florida Statutes and the City's Land Development Code and provided comments which the applicant has addressed. See NorthStar review comments attached.

Funding Source:

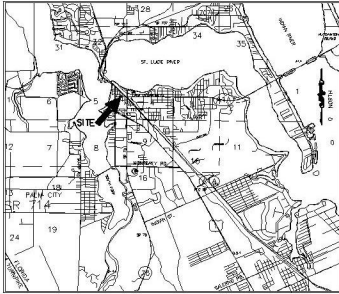
N/A

Recommended Action:

Move to approve Resolution No. 39-2019.

ATTACHMENTS:

Description	Upload Date	Type
□ Townhouses at Frazier Creek Pg1	3/15/2019	Backup Material
□ Townhouses at Frazier Creek Pg2	3/15/2019	Backup Material
□ Boundary Survey & Topographic Survey	3/15/2019	Backup Material
□ Review comments	3/15/2019	Backup Material



LOCATION MAP
(NOT TO SCALE)

LEGAL DESCRIPTION

LOTS 8, 9, 10 & 11, BLOCK 4, KITCHING'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 86, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

SAID PROPERTY CONTAINS 24,599.98 SQUARE FEET, 0.57 ACRES, +/-.

GENERAL PLAT NOTES

1. BEARINGS ARE BASED ON THE SOUTH LINE OF BLOCK 4, PLAT OF KITCHING'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 86, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, CALCULATED AS SOUTH 89°02'1" EAST, CALCULATED BEARINGS ARE BASED ON STATE PLANE COORDINATE VALUES AND REFERENCED TO THE NAD 1983 STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE 0901, AND ARE IN UNITS OF U.S. SURVEY FEET.
2. PLAT CONTAINS 24,599.98 SQUARE FEET, 0.57 ACRES, +/-.
3. PLAT CONTAINS 8 LOTS.
4. THIS PLAT, AS RECORDED IN ITS ORIGINAL FORM IN THE PUBLIC RECORDS, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREON AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER FORM OF THE PLAT, WHETHER GRAPHIC OR DIGITAL.
5. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

CERTIFICATE OF SURVEYOR AND MAPPER

I, STEPHEN J. BROWN, HEREBY CERTIFY THAT THE PLAT OF TOWNHOUSES AT FRAZIER CREEK, IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT SUCH SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION, THAT SUCH SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AS REQUIRED BY LAW, THAT PERMANENT CONTROL POINTS (PCP'S), AND LOT CORNERS WILL BE SET FOR THE REQUIRED IMPROVEMENTS WITHIN THE PLATED LANDS, AND FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND APPLICABLE ORDINANCES OF THE CITY OF STUART, FLORIDA.

DATED THIS ____ OF ____, 2019.

BY:
STEPHEN J. BROWN
REGISTERED LAND SURVEYOR # 4049
STATE OF FLORIDA
LB# 6484

SURVEYOR
(OFFICIAL SEAL)

THE PLAT OF TOWNHOUSES AT FRAZIER CREEK

BEING A REPLAT OF LOTS 8, 9, 10 AND 11, KITCHING'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 86, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, PUBLIC RECORDS, AND LYING IN A PORTION OF SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA

CERTIFICATE OF OWNERSHIP AND DEDICATION

GARY HUENAGEL, AS MANAGER OF FRAZIER CREEK TWO, LLC, DOES HEREBY CERTIFY THAT FRAZIER CREEK TWO, LLC, IS THE OWNER OF THE PROPERTY DESCRIBED ON THIS PLAT OF TOWNHOUSES AT FRAZIER CREEK.

1. TRACT "A", AS SHOWN ON THIS PLAT OF TOWNHOUSES AT FRAZIER CREEK IS HEREBY DEDICATED TO THE TOWNHOUSES AT FRAZIER CREEK HOMEOWNER'S ASSOCIATION, INC., (HEREINAFTER REFERRED TO AS "THE ASSOCIATION"), FOR OPEN SPACE AND PURPOSES AS DETERMINED BY THE ASSOCIATION. SAID TRACT "A" TO BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR ANY AREA WITHIN A COMMON AREA ON THIS PLAT.

SIGNED AND SEALED THIS ____ DAY OF ____, 2019, BY SAID OWNER.

WITNESS: _____

PRINT NAME: _____

WITNESS: _____

PRINT NAME: _____

FRAZIER CREEK TWO, LLC

BY: _____

GARY HUENAGEL, MANAGER

PRINTED NAME: GARY HUENAGEL

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF MARTIN

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED GARY HUENAGEL, WELL KNOWN TO BE THE MANAGER OF FRAZIER CREEK TWO LLC, AND HE ACKNOWLEDGED THAT HE EXECUTED SUCH CERTIFICATE OF OWNERSHIP AND DEDICATION AS SUCH MANAGER OF SAID COMPANY, AND THAT IT IS THE FREE ACT AND DEED OF SAID COMPANY.

HE IS: [] PERSONALLY KNOWN TO ME, OR [] HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST AFORESAID THIS ____ DAY OF ____, 2019.

NOTARY PUBLIC

THIS ____ DAY OF ____, 2019.

STATE OF FLORIDA AT LARGE
COMMISSION NO. _____

(STAMP)

MY COMMISSION EXPIRES: _____

STEPHEN J. BROWN, INC.

SURVEYORS-DESIGNERS
LAND PLANNERS-CONSULTANTS

619 E 5th STREET
STUART, FLORIDA 34994
772-288-7176
sjbinc@bellsouth.net

CLERK'S RECORDING CERTIFICATE

I, CAROLYN TIMMANN, Clerk of the Circuit Court of Martin County, Florida, hereby certify that this plat was filed for record in Plat Book ____ Page ____, Martin County, Florida, Public Records, this ____ day of ____, 20__.

Carolyn Timmann
Circuit Court Clerk,
Martin County, Florida
BY: _____

File No. _____

Deputy Clerk
(Circuit Court Seal)

CLERK OF
THE COURT

PARCEL CONTROL NUMBER: _____

TITLE CERTIFICATION

I, TERENCE P. MCCARTHY, A MEMBER OF THE FLORIDA BAR, HEREBY CERTIFIES THAT AS OF ____, 2019, AT ____:

1. I HAVE EXAMINED THE TITLE OF THE HEREON DESCRIBED PROPERTY AND THAT I FIND THE PROPERTY VESTED IN FRAZIER CREEK TWO, LLC.
2. ALL TAXES THAT ARE DUE AND PAYABLE PURSUANT TO SECTION 197.192 F.S., HAVE BEEN PAID.
3. THERE ARE NO RECORDED MORTGAGES ENCOMBERING THE LAND DESCRIBED HEREON.

DATED THIS ____ OF ____, 2019.

BY: _____

TERENCE P. MCCARTHY

ATTORNEY-AT-LAW, FLORIDA BAR NO. 168849

MCCARTHY, SUMMERS, BOSKO, WOOD,
NORMAN, BASS & NELBY, P.A.
2400 SE FEDERAL HIGHWAY
4TH FLOOR
STUART, FL 34994

CITY COMMISSION APPROVAL

THIS PLAT IS HEREBY APPROVED BY THE UNDERSIGNED ON THE DATES INDICATED

DATE: _____

MAYOR, CITY OF STUART: BECKY BRUNER

DATE: _____

ATTES:
CLERK: NARY KONDEL

DATE: _____

CITY ATTORNEY: MICHAEL J. MORTEL

DATE: _____

CITY ENGINEER: JOSEPH CAPRA, CAPTEC ENGINEERING, INC.

DATE: _____

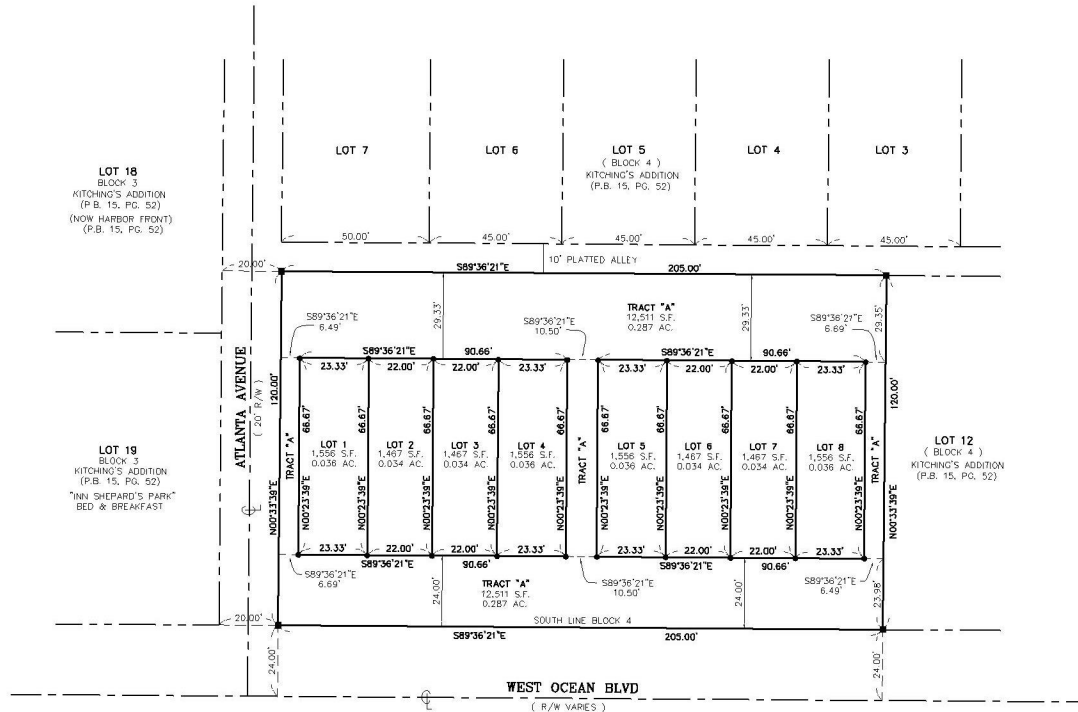
PLAT REVIEWER: GREGORY FLEMING, P.S.M.

TOWNHOUSES AT FRAZIER CREEK
SHEET 1 OF 2

JOB # 2256-32-01_03-15-19

THE PLAT OF
TOWNHOUSES AT FRAZIER CREEK

BEING A REPLAT OF LOTS 8, 9, 10 AND 11, KITCHING'S ADDITION, AS RECORDED
IN PLAT BOOK 2, PAGE 86, OF THE PUBLIC RECORDS OF PALM BEACH (NOW
MARTIN) COUNTY, PUBLIC RECORDS, AND LYING IN A PORTION OF SECTION 5,
TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA



SHEPARD PARK
(NOT PLATTED)

CLERK'S RECORDING CERTIFICATE

I, CAROLYN TIMMANN, Clerk of the Circuit Court of Martin County, Florida, hereby certify that this plat was filed for record in Plat Book _____, Page _____, Martin County, Florida, Public Records, this _____ day of _____, 20____.

Carolyn Timmann
Circuit Court Clerk,
Martin County, Florida
BY: _____
Deputy Clerk
(Circuit Court Seal)

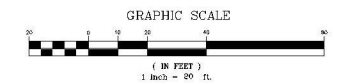
File No. _____

CLERK OF THE COURT

PARCEL CONTROL NUMBER: _____

LEGEND

- = SET P.R.M.
- = SET 5/8" IRON BAR & CAP WITH "PSM 4049 S. J. BROWN"
- PRM = PERMANENT REFERENCE MONUMENT 4"x4" CM WITH DISK, PSM # 4049
- CM = CONCRETE MONUMENT
- P.S.M. = PROFESSIONAL SURVEYOR MAPPER
- C = CENTERLINE
- R/W = RIGHT-OF-WAY
- P.B. = PLAT BOOK
- P.G. = PAGE
- S.F. = SQUARE FEET
- AC. = ACREAGE



NOTES

1. THIS PLAT, AS RECORDED IN ITS ORIGINAL FORM IN THE PUBLIC RECORDS, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREON AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER FORM OF THE PLAT, WHETHER GRAPHIC OR DIGITAL.
2. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
3. BEARINGS ARE BASED ON THE SOUTH LINE OF BLOCK 4, PLAT OF KITCHING'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 86, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, CALCULATED AS SOUTH 89°36'21" EAST. CALCULATED BEARINGS ARE BASED ON STATE PLANE COORDINATE VALUES AND REFERENCED TO THE NAD 1983 STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE 0901, AND ARE IN UNITS OF U.S. SURVEY FEET.

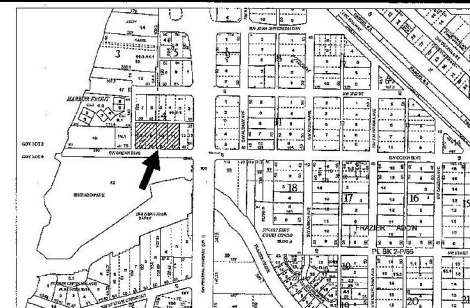
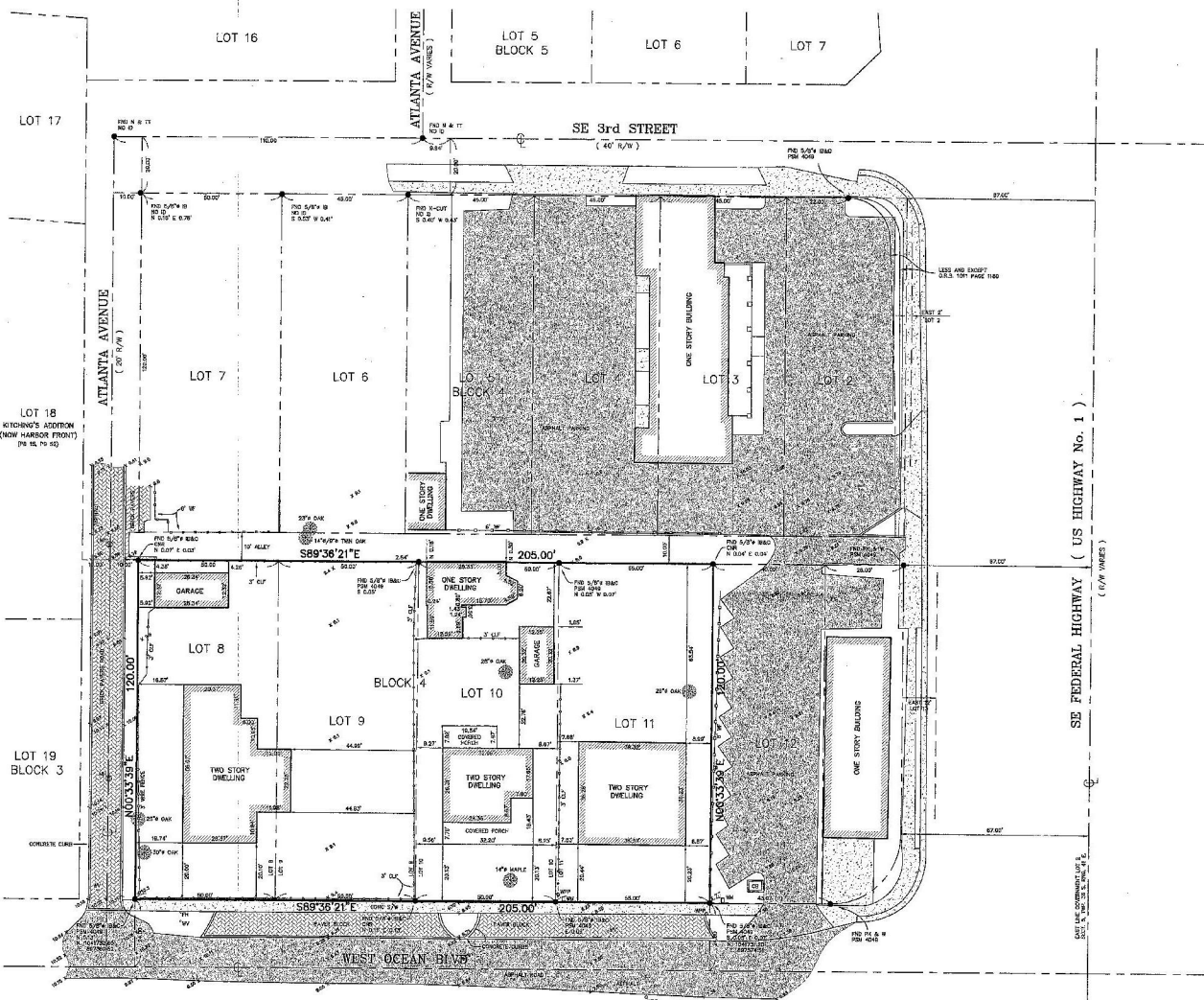
STEPHEN J. BROWN, INC.

**SURVEYORS-DESIGNERS
LAND PLANNERS-CONSULTANTS**

619 E 5th STREET
STUART, FLORIDA 34994
772-288-7176
sjbinc@bellsouth.net

TOWNHOUSES AT FRAZIER CREEK
SHEET 2 OF 2

JOB # 2256-32-01_03-15-19



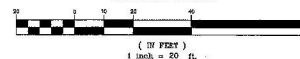
LOCATION MAP

LEGAL DESCRIPTION

LOTS 8, 9, 10 & 11, BLOCK 4, KITCHING'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 86, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.



GRAPHIC SCALE



Date of field survey:
02/01/2005
07/27/2018

1. PROPERTY ADDRESS: 513, 517 & 521 S.W. OCEAN BLVD
2. CERTIFIED TO:
-GARY HUFNAGEL

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4008, STATE OF FLORIDA

NOTES:

1. Survey of description as furnished by Client.
2. Lands shown hereon were not classified for easements and/or rights-of-way of record.
3. BEARINGS ARE BASED ON THE SOUTH LINE OF BOOK A, PLAT OF KITCHING'S ADDITION, AS RECORDED IN PLAT BOOK 2, PAGE 86, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA. CALCULATED AS BEING BEYOND THE CALCULATED BEARING AND BASED ON STATE PLANE COORDINATE VALUES AND REFERENCED TO THE NAD 83 STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE 8001, AND ARE IN UNITS OF U.S. SURVEY FEET.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on benchmark 8983023.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 1208502345, dated 12/10/2005, subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.
8. The expected use of the survey and map is for residential.
9. All measurements are in accordance with the United States standard, in feet.
10. Additions or deletions to survey maps or records by other than the signing party or parties is prohibited without written consent of the signing party or parties.

REVISIONS	BY
UPDATE SURVEY 05/17/2018	S.J.B.

BOUNDARY & TOPOGRAPHIC SURVEY
STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER 6464
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 9TH STREET, SUITE 100, PALM BEACH, FLORIDA 33404 EMAIL: sjbrown@sjbrown.net PHONE: (772) 288-7176

PREPARED FOR: HUFNAGEL

DRAWN	R.F.C.
CHECKED	S.J.B.
DATE	07/30/2018
SCALE	1" = 20'
SHEET NO.	2758-32-02
SHEET	ONE
OF	ONE SHEETS



NORTHSTAR GEOMATICS

SURVEYING/MAPPING • GIS • ASSET INVENTORY

March 13, 2019

Mr. Thomas Reetz
Senior Planner
City of Stuart Development Department
Via email

RE: Plat Review # 1 – TOWNHOMES OF FRAZIER CREEK

Dear Mr. Reetz:

As you requested, I have reviewed the above referenced plat for conformance with Florida Statutes Chapter 177 and City of Stuart Ordinance No. 1804-01 and Article IV Subdivisions. My review of this plat does not include verifying accuracy of legal descriptions, plat geometry, mathematical calculations or acreages shown on this plat.

My first review comments are as follows:

1. City Ordinance No. 1804-01 requires digital CAD file in Florida State Plane Coordinates be provided before plat recordation.
2. PRM's must be field verified by reviewing surveyor prior to final approval. Platting surveyor to notify reviewer when PRM's are ready for inspection and must accompany reviewer on inspection.
3. In Clerk's recording information, add "parcel control number _____" just below clerk's information box and provide space for clerk seal that does not overlap text.
4. FS 177.061 requires specific information to be placed directly under surveyor's signature including entity LB #. Refer to 177.061 for specifics.
5. Bearing basis in survey notes does not match bearing on map page and word Block has misspelling.
6. Flood zone reference is not required and should be removed as FEMA maps are updated over time
7. A written response to each comment above must be provided with next review.

Please contact me directly if you have any questions or require additional information.

Sincerely,

Gregory S. Fleming
For NorthStar Geomatics, Inc.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Ryanne Cavo

Title of Item:

AUTHORIZATION TO APPLY FOR FIND GRANT FOR POLICE BOAT (RC):

RESOLUTION No: 40-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL DESIGNATE THE POLICE CHIEF AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE STUART POLICE DEPARTMENT MARINE PATROL WATERWAY SAFETY PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The project will consist of purchase of a 24' RIB rigid hull, center console boat for the police department's marine patrol. The boat will be utilized to patrol all waterways within the boundaries of the City of Stuart and as requested by agencies under a mutual aid agreement, as well as other boating safety programs and equipment.

Funding Source:

50/50 Grant Match with Florida Inland Navigation District (FIND) and The City of Stuart, Florida totaling \$100,000.00.

Recommended Action:

Motion to authorize the application for the FIND grant.

ATTACHMENTS:

Description	Upload Date	Type
❑ R40-2019 Resolution	3/15/2019	Resolution add to Y drive
❑ R40-2019 Application for FIND Grant	3/18/2019	Attachment



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

RESOLUTION No. 40-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY OF STUART POLICE DEPARTMENT TO APPLY FOR AND, IF SUCCESSFUL DESIGNATE THE POLICE CHIEF AS THE AUTHORIZED REPRESENTATIVE TO EXECUTE THE GRANT, AND SUBSEQUENTLY APPROVE THE EXPENDITURE OF THE GRANT FUNDS FROM THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, TO FUND THE STUART POLICE DEPARTMENT MARINE PATROL WATERWAY SAFETY PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart, Florida is interested in carrying out the following described project for the enjoyment of the citizenry of the City of Stuart and the State of Florida:

Project Title:	Stuart Police Department Marine Patrol Waterway Safety
Total Estimated Cost:	\$100,000.00
Project Description:	The project will consist of purchase of a 24' RIB rigid hull, center console boat for the police department's marine patrol. The boat will be utilized to patrol all waterways within the boundaries of the City of Stuart and as requested by agencies under a mutual aid agreement, as well as other boating safety programs and equipment.

WHEREAS, the Florida Inland Navigation District (FIND) financial assistance is required for the program mentioned above,

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

SECTION 1: The project described above is hereby authorized.

SECTION 2: The City of Stuart shall make application to FIND in the amount of 50% of the actual cost of the project on behalf of said City of Stuart.

SECTION 3: The City of Stuart certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said City of Stuart for public use.
4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352(1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

SECTION 4: This resolution shall take effect upon adoption.

Resolution 40-2019

FIND GRANT: STUART POLICE DEPT. MARINE PATROL WATERWAY SAFETY

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:

as follows:

REBECCA S. BRUNER, MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of March, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

FY 2019

WATERWAYS ASSISTANCE

PROGRAM

APPLICATION PACKAGE

Part 2. Attachment E

THE FOLLOWING ATTACHMENT E-1 THROUGH E-8 FORMS, IN ADDITION TO THE REQUIREMENTS OF ITEMS 10 THROUGH 13 OF THE APPLICATION CHECKLIST, CONSTITUTE YOUR FORMAL APPLICATION.

SUBMIT THE APPLICATION INFORMATION IN THE ORDER LISTED ON THE CHECKLIST.

**An electronic copy (pdf) may be emailed to JZimmerman@aicw.org,
or a completed hardcopy of the application may be delivered to:
FIND, 1314 Marcinski Rd., Jupiter, FL 33477
Application must be received by the deadline, no exceptions.**

ATTACHMENT E - APPLICANT TIPS SHEET

(Mistakes Common to the application process and how to avoid them)

Scheduling – The new application is available by January each year, and District funding is available AFTER October 1st of each year. Applicants should plan their schedule to avoid commonly missed deadlines: Application due – 29th of March; Property control/Technical sufficiency items – 24th of May, Permits – 15th of September. **(Staff suggestion: Begin to secure property control and permits PRIOR to applying for funding.)**

Property Control Verification – Please have your attorney complete and sign the form in the application verifying applicant property control. In the case of leases or management agreements, please forward a copy to the District well in advance of the deadline to verify consistency with our program rules. *(Staff suggestion: Resolve this requirement outside the application “window”).*

Project Costs Eligibility – Please note the eligible project costs in Rule Section 66B-2.008, F.A.C. If you are not sure about an item’s eligibility, ask! Note: Any ineligible cost, including in-house project management and administration, is also not eligible for an applicant’s match. Make sure you have delineated your required minimum cost-share on the project cost estimate. **(Staff suggestion: If you have questions about the eligibility of an item, work up a mock cost-sheet and send it to our office well before the deadline.)**

Cost-Share – Although the applicant must provide a minimum of 50% of the total project costs (25% for eligible public navigation dredging), there is no specific requirement to split each item. (Staff suggestion: You may want to organize project element in a certain manner for easier accounting.)

Pre-Agreement Expenses - Rule 66B-2.005(3), F.A.C. requires any activity in the submitted project cost estimate occurring PRIOR to October 1st to be considered as pre-agreement expenses. The Board’s past philosophy has been to fund only those projects that require District funding assistance to be completed. It is best to avoid pre-agreement expenses if possible. Note, that pre-agreement expenses must be limited to 50% or less of the total project costs, and they are eligible for only ½ of the original District funding. *(Example: A project with a total cost of \$200,000 is Board-approved for one-half construction PRIOR to October 1st. In this case, District funding will be limited as follows: Only 50% of the \$100,000 project cost prior to October 1st is eligible as project expenses (i.e. \$50,000). Then only ½ of the eligible project expenses (\$50,000) are eligible for District funding assistance (i.e. \$25,000).*

Submitted Materials & June Presentation –The Board must review and evaluate every application and each year we receive about 90 applications for consideration. The final product for the Commissioner’s review is two 8-1/2” x 11” spiral-bound notebooks containing the essential information for the application. **NOTE: make sure your final submitted material is the same material you will be presenting to the Board at our June meeting. This will avoid confusion and strengthen your presentation.** *(Staff suggestion: Limit the submitted materials to the requested information, in the required format and make sure it is consistent with your June presentation. Do not submit additional material at the June presentation!)*

ELECTRONIC SUBMISSIONS – **Grant applications are being accepted by email or hardcopy.** Grant applications may be submitted via email as a pdf attachment (permits attached separately). Make sure to label your pdf attachment with the applicant and project title. You will receive a confirmation email letting you know your application has been received. Email your completed application to JZimmerman@aicw.org Or you may send hardcopy applications to FIND, 1314 Marcinski Rd, Jupiter, FL 33477.

Applications must be received by the District by 4:30 pm on March 29, 2019.

ATTACHMENT E-1.
APPLICATION CHECKLIST 2019
(To be completed by the Applicant)

Project Title:	City of Stuart Police Department Marine Patrol Waterway Safety
Applicant:	City of Stuart Police Department

This checklist and the other items listed below in items 1 through 13 constitute your application. The required information shall be submitted in the order listed.

An electronic copy may be emailed to JZimmerman@aicw.org. Application must be received by the deadline, no exceptions.

All information will be printed on 8 ½"x11" paper to be included in agenda books bound by staff.

	<u>YES</u>	<u>NO</u>
1. District Commissioner Review (prior to March 4th) (NOTE: <u>For District Commissioner initials ONLY!</u> (District Commissioner must initial the yes line on this checklist for the application to be deemed complete)	_____	_____
2. Application Checklist – E-1 (Form No. 90-26, 2 pages) (Form must be signed and dated)	_____	_____
3. Applicant Info/Project Summary – E-2 (Form No. 90-22, 1 page) (Form must be completed and signed)	_____	_____
4. Project Information – E-3 (Form No. 90-22a, 1 page)	_____	_____
5. Application and Evaluation Worksheet – E-4 ⁽⁺⁾ (Form No.91-25) (One proper sub-attachment included, 7 pages) Must answer questions 1-10. No signatures required	_____	_____
6. Project Cost Estimate – E-5 (Form No. 90-25, 1 page) (Must be on District form)	_____	_____
7. Project Timeline – E-6 (Form No. 96-10, 1 page)	_____	_____
8. Official Resolution Form – E-7 (Form No. 90-21, 2 pages) (Resolution must be in District format and include items 1-6)	_____	_____

ATTACHMENT E-1 (Continued)

APPLICATION CHECKLIST (To be completed by the Applicant)

	<u>YES</u>	<u>NO</u>
9. Attorney's Certification (Land Ownership) – E-8 (Must be on or follow format of Form No. 94-26, (Legal descriptions NOT accepted in lieu of form)	_____	_____
10. County/City Location Map	_____	_____
11. Project Boundary Map	_____	_____
12. Clear & Detailed Site Development Plan Map	_____	_____
13. Copies of all Required Permits- ACOE, DEP, WMD (Required of development projects only)	_____	_____

The undersigned, as applicant, acknowledges that Items 1 through 12 above constitutes a complete application and that this information is due in the District office no later than 4:30 PM, March 29, 2019. By May 24, 2019 my application must be deemed complete (except for permits) or it will be removed from any further consideration by the District. I also acknowledge that the information in Item 13 is due to the District no later than September 15, 2019. If the information in Item 13 is not submitted to the District office by September 15, 2019, I am aware that my application will be removed from any further funding consideration by the District.

LIAISON: _____ TITLE: _____

**** SIGNATURE - PROJECT LIAISON ****

DATE

FIND OFFICE USE ONLY

Date Received: _____

Local FIND Commissioner Review: _____

All Required Supporting Documents: _____

Applicant Eligibility: _____

Project Eligibility: _____ Available Score: _____

Compliance with Rule 66B-2 F.A.C.: _____

Eligibility of Project Cost: _____

ATTACHMENT E-2

WATERWAYS ASSISTANCE PROGRAM FY 2018 PROJECT APPLICATION APPLICANT INFORMATION – PROJECT SUMMARY

APPLICANT INFORMATION			
Applicant: City of Stuart			
Department: Police Department			
Project Title: Stuart Police Department Marine Patrol Waterway Safety			
Project Director: Brian C. Bossio		Title: Sergeant	
Project Liaison: <i>(if different from Project)</i>		Title:	
Mailing Address:		830 Se Martin Luther King Jr Boulevard	
City: Stuart		Zip Code: 34994	
Email Address: bbossio@ci.stuart.fl.us		Phone #: 772-288-5339	
Project Address:		N/A	

***** I hereby certify that the information provided in this application is true and accurate. *****

SIGNATURE: _____ DATE: _____

PROJECT NARRATIVE (Please summarize the project in space provided below in 2 paragraphs or less.)

This project is for the purchase of a patrol boat for the Stuart Police Department Marine Patrol. The vessel would be used to patrol all waterways within the City of Stuart jurisdiction. Also, with a Mutual Aid agreement with the Martin County Sheriff's Office, the vessel will also be used in the waterways of Martin County and off of the coast in the Atlantic Ocean. Some of the functions of the boat include: enforcing boating laws, intercept illegal immigrants and narcotics, protect marine life, and assist citizens in distress. There is no state or federal agencies that are permanently stationed for law enforcement support, other than MCSO. The Stuart Police Department is the primary responder for incidents that occur in our jurisdiction.

The boat will also be utilized for our "Cops and Bobbers" program. This is a behavioral incentive based program. Four children are chosen by staff of the City of Stuart Summer Camp for good behavior, respectfulness, or some other positive behavior recognized by the staff. The children are treated to a day on the waterways of Martin County. In addition to fishing, we also show them some of the natural resources and educate the kids about issues with the river and other environmental topics. "Cops and Bobbers" has been a success and quite often, this is the first opportunity for the children to ride on a boat and to see the beautiful waterways for the first time. Staff has reported that behavior of the kids dramatically improves by those attempting to earn a place on the weekly trip.

Form No. 90-22, Rule 66B-2, (New 12/17/90, Rev.07-30-02, 04-24-06)

ATTACHMENT E-3 - PROJECT INFORMATION 2019

Applicant: Stuart Police Department		Project Title: Stuart Police Marine Patrol Waterway Safety	
Total Project Cost: \$100,000	FIND Funding Requested: \$50,000	% of Total Cost: 50	
Amount and Source of Applicant's Matching Funds: \$50,000.00 City Funds			

1. Ownership of Project Site (check one): Own: ☐ Leased: ☐ Other: ☒

2. If leased or other, please describe lease or terms and conditions:

N/A

3. Has the District previously provided assistance funding to this project or site? Yes: ☐ No: ☒

4. If yes, please list:

N/A

5. What is the current level of public access in terms of the number of boat ramps, boat slips and trailer parking spaces, linear feet of boardwalk (etc.)? (as applicable):

There are over 10 miles of shoreline, approximately 4,000 LF of public boardwalk, multiple large marinas, waterfront public parks with pavilions, a public floating dock with fifteen boat slips, a two lane boat ramp, seven boat slips, eleven boat trailer parking spaces, children's playgrounds, restrooms and vehicle parking.

6. How many additional ramps, slips, parking spaces or other access features will be added by this project?

N/A

7. Are fees charged for the use of this project? No ☒ Yes ☐ **

****If yes, please attach additional documentation of fees and how they compare with fees from similar public & private facilities in the area.**

Please list all Environmental Resource Permits required for this project:

AGENCY	Yes / No / N/A	Date Applied For	Date Received
WMD	N/A		
DEP	N/A		

ACOE	N/A		
------	-----	--	--

Form No. 90-22a (New 10-14-92, Rev. 04-24-06, 4-15-07)

ATTACHMENT E-4

WATERWAYS ASSISTANCE PROGRAM APPLICATION AND EVALUATION WORKSHEET

DIRECTIONS: All applicants will complete questions 1 through 6, and then based on the type of project, complete one and only one subsection (E-4A, B, C, D or E) for questions 7-10.

****Please keep your answers brief and do not change the pagination of Attachment E-4****

All other sub-attachments that are not applicable to an applicant's project should not be included in the submitted application.

Project Title:	Stuart Police Department Marine Patrol Waterway safety
Applicant:	Stuart Police Department

1) PRIORITY LIST:

- a) **Denote the priority list category of this project from Attachment C in the application.** (The application may only be of **one** type based upon the predominant cost of the project elements.)

Priority 14 Waterway boating safety programs and equipment.

- b) **Explain how the project fits this priority category.**

This project is for the purchase of a rigid hull, center console boat for our Marine Patrol. The vessel will primarily be used to patrol all waterways with the City of Stuart jurisdiction and as requested by agencies under a mutual aid agreement. The vessel will also be used to enforce boating laws, intercept narcotics, and to protect marine life and the environment. Our marine unit is also necessary for occasional search and rescue operations that occasionally arise from suicidal individuals on the New Roosevelt Bridge which is within the City of Stuart jurisdiction. The boat will also be utilized for our community outreach efforts with our "Cops and Bobbers" program. This program is a behavioral incentive for children in our community who attend our City sponsored programs. Sworn Officers take children of the program for a day of fishing and provide education regarding our natural resources of our waterways.

(For reviewer only)

Max. Available Score for application _____

Question 1. Range of Score (1 to ____ points)

2) WATERWAY RELATIONSHIP:

- a) Explain how the project relates to the ICW and the mission of the Navigation District.

The ICW in Martin County runs from the south county line to the north county line. In addition, the ICW also runs from over to the western county line as the waterway splits in the county. Potentially over 70 miles of the ICW will be patrolled by the new vessel.

- b) What public access or navigational benefit to the ICW or adjoining waterway will result from this project?

Public Navigation is improved when hazards are removed, inexperienced boaters will receive assistance/education, and laws are enforced.

(For reviewer only)
(1-6 points)

3) PUBLIC USAGE & BENEFITS:

- a) How is the public usage of this project clearly identified and quantified? Estimate the amount of total public use.

The Vessel will not be used publicly. However, it will be used to patrol surrounding waterways. This vessel will benefit the community as it will be utilized for public safety purposes.

- b) Discuss the regional and local public benefits that will be provided by the project. Can residents from other counties of the District reasonably access and use the project? Explain.

Martin County has hundreds of miles of waterway that are used both for recreation and commercial boaters. Additional law enforcement presence and patrols will result in a safer experience overall.

- c) Are there any restrictions placed on commercial access or use of this site?

N/A

(For reviewer only)
(1-8 points)

4) TIMELINESS

- a) **Describe current status of the project and present a reasonable and effective timeline for the completion of the project consistent with Attachment E-6.**

The vessel will be put into service immediately after purchase. When the grant contract is finalized the boat will be purchased- approximately 3 months.

- b) **Briefly explain any unique aspects of this project that could influence the project timeline.**

Minor delays could be experienced if new boat models are behind in production from the factory due to high demand.

(For reviewer only)
(1-3 points)

5) COSTS & EFFICIENCY:

- a) **List funding sources and the status and amount of the corresponding funding that will be utilized to complete this project.**

The City of Stuart has budgeted \$50,000 for this project. Any additional unanticipated costs over the \$100,000 purchase price will be paid for by the City of Stuart.

- b) **Identify and describe any project costs that may be increased because of the materials utilized or specific site conditions.**

It is not anticipated that any costs will be increased.

- c) **Describe any methods to be utilized to increase the cost efficiency of this project.**

The City of Stuart commits to a full and appropriate maintenance schedule for the boat in order to ensure that it can be used for the longest period of time possible.

- d) **If there are any fees associated with the use of this facility, please detail. In addition, please provide a listing of the fees charged by similar facilities, public and private, in the project area.**

No additional fees are associated with this project.

(For reviewer only)
(1-6 points)

6) PROJECT VIABILITY:

- a) What specific need in the community does this project fill? Is this project referenced or incorporated in an existing maritime management, public assess or comp plan?**

The vessel will primarily be used to patrol all waterways with the City of Stuart jurisdiction and as requested by agencies under a mutual aid agreement. The vessel will also be used to enforce boating laws, intercept narcotics, and to protect marine life and the environment. Our marine unit is also necessary for occasional search and rescue operations that occasionally arise from suicidal individuals on the New Roosevelt Bridge which is within the City of Stuart jurisdiction. The boat will also be utilized for our community outreach efforts with our “Cops and Bobbers” program. This program is a behavioral incentive for children in our community who attend our City sponsored programs. Sworn Officers take children of the program for a day of fishing and provide education regarding our natural resources of our waterways.

- b) Clearly demonstrate how the project will continue to be maintained and funded after District funding is completed.**

The City of Stuart will maintain the vessel according to the manufacturer’s specifications and department policies. The boat will be placed on a regular schedule for maintenance to ensure full lifespan is achieved.

- c) Will the program result in significant and lasting benefits? Explain.**

The City of Stuart is nearly surrounded by waterways. The use of this vessel will enhance public safety as well as emergency response for calls for service for the life of the boat.

- d) Please describe any environmental benefits associated with this project.**

The vessel will also be made available to other city departments that may request an officer to operate the boat to assess issues within the St. Lucie River. The boat will also be used to check on the dumping of waste in our marinas from those who reside on their vessels and take enforcement action if City Ordinances are being violated.

(For reviewer only)
(1-7 points)

FIND FORM NO. 91-25

Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

**ATTACHMENT E-4A
DEVELOPMENT & CONSTRUCTION PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A
DEVELOPMENT OR CONSTRUCTION PROJECT BUT **IS NOT** AN INLET
MANAGEMENT OR BEACH RENOURISHMENT PROJECT.

7) PERMITTING:

- a) **Have all required environmental permits been applied for? (USACE, DEP and WMD)**
If permits are NOT required, explain why not.

The use of the vessel will be registered with the State of Florida. No other permitting will be necessary.

- b) **If the project is a Phase I project, list the tasks scheduled to obtain the necessary permits and engineering work and provide a general cost estimate for the future Phase II work.**

N/A

- c) **Detail any significant impediments that may have been identified that would potentially delay the timely issuance of the required permits.**

The only delays could potentially be delivery of the boat due to a backlog with the manufacturer.

(For reviewer only)
(1-4 points)

8) PROJECT DESIGN:

- a) **Has the design work been completed? If this is a Phase I project, has a preliminary design been developed?**

N/A

- b) **Are there unique beneficial aspects to the proposed design that enhance public usage or access, minimize environmental impacts, improve water quality or reduce costs?**

N/A

(For reviewer only)
(1-2 points)

9) CONSTRUCTION TECHNIQUES:

- a) **Briefly explain the construction techniques to be utilized for this project. If a Phase 1, elaborate on potential techniques.**

There is no construction to consider.

- b) **How are the utilized construction techniques appropriate for the project site?**

The vessel will be constructed by the manufacturer to their specifications and materials.

- c) **Identify any unusual construction techniques that may increase or decrease the costs of the project.**

The manufacturer has a backlog of orders or other unanticipated issues, delivery could be delayed.

(For reviewer only)
(1-3 points)

10) CONSTRUCTION MATERIALS:

- a) List the materials to be utilized for this project. What is the design life of the proposed materials compared to other available materials?

N/A

- b) Identify any unique construction materials that may significantly alter the project costs.

N/A

(For reviewer only)
(1-3 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25A
Rule 66B-2.005 (Effective Date: 3-21-01, revised 4-24-06, 1-27-14)

**ATTACHMENT E-4B
ENVIRONMENTAL EDUCATION PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN
ENVIRONMENTAL EDUCATION PROJECT

7) THOROUGHNESS:

- a) Who is the primary target audience or user group for the project and how were they identified?**

The primary target audience for this project is the recreational and commercial boating community, the citizens and visitors of the City of Stuart, and participants of our “Cops and Bobbers” program.

- b) How have the needs of the target audience been evaluated and met?**

Martin County has over 70 miles of ICW. We have responded to emergencies on the water and assisted boaters and citizens.

- c) How many people will the program serve on an annual basis? What will be the measurable results?**

The vessel will be utilized year-round with random patrols, targeted patrols, and our community programs with children. It is impossible to quantify crimes that have been deterred to police presence, however, the community will certainly benefit citizens and the boating community as public safety will be the primary focus with the use of the boat. The added patrolling will aid in the protection of the coastal borders from the criminal elements. The vessel should last a minimum of 15 years which will ensure the safety and security for many years.

*(For reviewer only)
(1-5 points)*

8) DELIVERABLES:

- a) Describe the materials and project deliverables to be produced by this project.

The Vessel requested is a 24 foot rigid hull inflatable boat (RIB boat) with twin engines.

- b) Is there a clear and effective plan of dissemination of the materials produced through the project? Please describe.

N/A

(For reviewer only)
(1-2 points)

9) EXPERIENCE & QUALIFICATIONS:

- a) Please briefly describe the qualifications of the program administrator(s), including prior experience, and areas of expertise.

Several sworn officers will be qualified to operate the vessel. We will require a Coast Guard approved class for the operators as well as practical proficiency to be demonstrated by each operator. All of our operators will also be required to have experience operating a boat of this type.

- b) What previous projects of this nature have been completed by the program manager?

The Stuart Police Department has owned and utilized vessels for the past 20 years.

(For reviewer only)
(1-2 points)

10) PROJECT GOALS:

a) What are the long-term goals of this project as it relates to the ICW?

The long-term goals of this proposal are to: enhance public safety on the waterways, educate recreational boaters, response to emergencies, law enforcement, and for education purposes with our “Cops and Bobbers” program.

b) What is the expected duration/frequency of this program?

N/A

(For reviewer only)

(1-3 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25B

Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

ATTACHMENT E-4C
LAW ENFORCEMENT & BOATING SAFETY PROJECTS

WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A LAW
ENFORCEMENT OR BOATING SAFETY PROJECT

7) VIABILITY:

- c) Describe how the project will address particular public health, safety, or welfare issues of the Navigation District's Waterways.**

The project will allow our Marine Unit to better protect the public through increased police access, response time and aquatic agility. The new vessel is designed for the most rigorous environments and conditions and is well suited for insertion/extraction, law enforcement, search and rescue, and other first responder missions. The boat is lightweight and easy to maneuver, deploy, dock, store, and transport. The boat's shallow draught, high maneuverability, speed and relative immunity to damage in low- speed collisions are advantages in its use for law enforcement.

- d) How does the project provide significant benefits or enhancements to the District's Waterways?**

The vessel will primarily be used to patrol all waterways with the City of Stuart jurisdiction and as requested by agencies under a mutual aid agreement. The vessel will also be used to enforce boating laws, intercept narcotics, and to protect marine life and the environment. Our marine unit is also necessary for occasional search and rescue operations that occasionally arise from suicidal individuals on the New Roosevelt Bridge which is within the City of Stuart jurisdiction.

(For reviewer only)
(1-3 points)

8) EXPERIENCE & QUALIFICATIONS:

- a) List the personnel tasked with the implementation of this project, their qualifications, previous training and experience.**

Several sworn officers will be qualified to operate the vessel. We will require a Coast Guard approved class for the operators as well as practical proficiency to be demonstrated by each operator. All of our operators will also be required to have experience operating a boat of this type.

- b) Have the personnel participated in or received state marine law enforcement training?**

Our operators have received training from the USCG and ongoing proficiency demonstrations regularly.

*(For reviewer only)
(1-2 points)*

9) DELIVERABLES:

- a) Describe the anticipated, long-term measurable results of implementing this project.**

The vessel will be utilized year-round with random patrols, targeted patrols, and our community programs with children. It is impossible to quantify crimes that have been deterred to police presence, however, the community will certainly benefit citizens and the boating community as public safety will be the primary focus with the use of the boat. The added patrolling will aid in the protection of the coastal borders from the criminal elements. With proper maintenance, the life span of this boat should last approximately 15 years.

- b) What is the range or area of coverage for this project? Please provide a map of the coverage area.**

The ICW in Martin County runs from the south county line to the north county line. In addition, the ICW also runs from over to the western county line as the waterway splits in the county. Potentially over 70 miles of the ICW will be patrolled by the new vessel.

- c) Does the project fulfill a particular community need?**

The project will allow our Marine Unit to better protect the public through increased police access, response time and aquatic agility. The new vessel is designed for the most rigorous environments and conditions and is well suited for insertion/extraction, law enforcement, search and rescue, and other first responder missions. The boat is lightweight and easy to maneuver, deploy, dock, store, and transport. The boat's shallow draft,

high maneuverability, speed and relative immunity to damage in low- speed collisions are advantages in its use for law enforcement.

For reviewer only)
(1-4 points)

10) EDUCATION:

a) What are the educational benefits (if any) of this proposed project?

The boat will also be utilized for our community outreach efforts with our “Cops and Bobbers” program. This program is a behavioral incentive for children in our community who attend our City sponsored programs. Sworn Officers take children of the program for a day of fishing and provide education regarding our natural resources of our waterways.

b) How does the project or program provide effective public boating education or expand boater safety?

The vessel will primarily be used to patrol all waterways with the City of Stuart jurisdiction and as requested by agencies under a mutual aid agreement. The vessel will also be used to enforce boating laws, intercept narcotics, and to protect marine life and the environment. Our marine unit is also necessary for occasional search and rescue operations that occasionally arise from suicidal individuals on the New Roosevelt Bridge which is within the City of Stuart jurisdiction. The boat will also be utilized for our community outreach efforts with our “Cops and Bobbers” program. This program is a behavioral incentive for children in our community who attend our City sponsored programs. Sworn Officers take children of the program for a day of fishing and provide education regarding our natural resources of our waterways.

(For reviewer only)
(1 -3 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25C

Rule 66B-2.005 (Effective Date: 3-21-01, revised 4-24-06, 1-27-14)

ATTACHMENT E-4D
INLET MANAGEMENT and PUBLIC NAVIGATION PROJECTS

WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS AN INLET
MANAGEMENT or PUBLIC NAVIGATION PROJECT

7) WATERWAY RELATIONSHIP:

- a) How does the project directly benefit the Atlantic Intracoastal Waterway (AICW)?

- b) Identify any long-term sedimentation problems and briefly discuss any methods or activities that will address these issues.

- c) Will the project inhibit sediment inflow into, or reduce the dredging frequency of the AICW?

(For reviewer only)
(1-5 points)

8) PUBLIC ACCESS:

- a) Will the project enhance public access to or from the waterways? Describe in brief detail.

- b) List the upstream publicly accessible facilities with improved access as a result of this project.

(For reviewer only)
(1 -3 points)

9) BENEFICIAL PROJECT ELEMENTS:

- a) Are there additional economic benefits to be realized by implementing this project?

- b) Briefly spell out any water quality, environmental or habitat benefits to be realized by this project.

(For reviewer only)
(1 -2 points)

10) PROJECT MAINTENANCE:

a) When was this area last dredged? What is the expected frequency of future dredging?

b) Explain the funding mechanism for the long-term maintenance of the project.

c) Describe the long-range dredge material management plans.

(For reviewer only)
(1 -2 points)

**RATING POINT
TOTAL** _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

Form No. 91-25D
Rule 66B-2.005 (Effective Date: 3-21-01, Revised 4-24-06, 1-27-14)

**ATTACHMENT E-4E
BEACH RENOURISHMENT PROJECTS**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED IF YOUR PROJECT IS A BEACH
RENOURISHMENT PROJECT

7) WATERWAY RELATIONSHIP:

- a) Describe how the District and other navigation interests will benefit from the implementation of this project.

(For reviewer only)
(1 -4 points)

8) VIABILITY:

a) Is the project site defined as critically eroded area by a statewide beach management plan?
NO.

b) Cite the quantifiable rate of erosion in this area.

N/A

c) Is the project an important component of an overall beach management effort?

(For reviewer only)
(1 -4 points)

9) PUBLIC BENEFITS:

a) Are there quantifiable public benefits demonstrated by the project?

b) Is there adequate public access to the project area? Please describe location and amount.

(For reviewer only)
(1-2 points)

10) PROJECT FUNDING:

- a) Describe any assistance funding from other sources.

- b) Clarify the availability of long-term funding for this project.

(For reviewer only)
(1 -2 points)

RATING POINT
TOTAL _____

(Note: The total maximum score possible is dependent upon the project priority category but cannot exceed 50 points unless the project qualifies as an emergency-related project. The minimum score possible is 10 points. A score of 35 points or more is required to be considered for funding.)

**ATTACHMENT E-4F
EMERGENCY RECONSTRUCTION**

**WATERWAYS ASSISTANCE PROGRAM
APPLICATION AND EVALUATION WORKSHEET**

THIS ATTACHMENT IS TO BE COMPLETED ONLY IF YOUR PROJECT IS A WATERWAY PROJECT THAT WAS DAMAGED BY A NATURAL DISASTER AS DECLARED BY A STATE OF EMERGENCY UNDER CHAPTER 252, FLORIDA STATUTES.

11 (Extra) STORM DAMAGE EVALUATION:

- a) List the State of Emergency declaration order or proclamation & the name and date of the storm/event.

- b) Has this site/project previously received funding from FIND?

- c) Detail the other funding mechanisms and financial assistance that will be applied to defray the reconstruction costs or damage repair.

- d) What is the current status of your FEMA paperwork for the project?

(For reviewer only)
(0-3 points)

ATTACHMENT E-5

FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM 2019

PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

Project Title:	City of Stuart Police Department Marine Patrol Waterway Safety
Applicant:	Stuart Police Department

Project Elements <i>(Please list the MAJOR project elements and provide general costs for each one. For Phase I Projects, please list the major elements and products expected)</i>	Quantity or Total Estimated Cost <i>(Number and/or Footage etc.)</i>	Applicant's Cost <i>(To the nearest \$50)</i>	FIND Cost <i>(To the nearest \$50)</i>
24' Rigid Hull Inflatable Boat with emergency lighting and equipment. 2 twin outboard engines 1 aluminum boat trailer	\$100,000.00	\$50,000	\$50,000.00

**TOTALS =	\$50,000.00	\$ 50,000.00	\$100,000.00
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**ATTACHMENT E-6
WATERWAYS ASSISTANCE PROGRAM 2019**

PROJECT TIMELINE

Project Title:	City of Stuart Police Department Marine Patrol Waterway Safety
Applicant:	City of Stuart Police Department

The applicant is to present a detailed timeline on the accomplishment of the components of the proposed project including, as applicable, completion dates for: permitting, design, bidding, applicant approvals, initiation of construction and completion of construction.

NOTE: All funded activities must begin AFTER October 1st
(or be consistent with Rule 66B-2.005(3) - Pre-agreement expenses)

After approval of FIND funds and after October 1, 2019, up-to six months, or before April 1, 2020.

ATTACHMENT E-7

RESOLUTION FOR ASSISTANCE 2019 UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM

WHEREAS, THE Stuart Police Department is interested in carrying out the
Following described project for the enjoyment of the citizenry of Stuart and the State of
Florida:

Project Title City of Stuart Police Department Marine Patrol Waterway Safety

Total Estimated Cost \$ 100,000

Brief Description of Project: The purchase of a 24' RIB style vessel for operational use by
the City of Stuart Police Department

AND, Florida Inland Navigation District financial assistance is required for the program
mentioned above,

NOW THEREFORE, be it resolved by the Stuart Police Department,
the project described above be authorized,

AND, be it further resolved that said the Stuart Police Department
make application to the Florida Inland Navigation District in the amount of 50% of the actual
cost of the project in behalf of said Stuart Police Department.

AND, be it further resolved by the Stuart Police Department
(Name of Agency)
that it certifies to the following:

1. That it will accept the terms and conditions set forth in FIND Rule 66B-2
F.A.C. and which will be a part of the Project Agreement for any assistance awarded under
the attached proposal.
2. That it is in complete accord with the attached proposal and that it will carry out
the Program in the manner described in the proposal and any plans and specifications attached
thereto unless prior approval for any change has been received from the District.

(1)

3. That it has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said_City of Stuart for public use.

4. That it will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P. L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by persons with disabilities as well as other federal, state and local laws, rules and requirements.

5. That it will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.

6. That it will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

This is to certify that the foregoing is a true and correct copy of a resolution duly and legally adopted by the_City of Stuart Commission at a legal meeting held on this_day of_20

_____.

Attest

Signature

Title

Title

(2)

ATTACHMENT E-8

ATTORNEYS CERTIFICATION OF TITLE 2019

(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE (City or County) ATTORNEY
(Address)

_____, 2019

TO WHOM IT MAY CONCERN:

I, _____, am the Attorney for the (City or County), Florida. I hereby state that I have examined a copy of a (deed, lease, management agreement, etc.) from _____ to the (City or County) dated _____ conveying _____ (type of interest, ie. Fee simple, easement, 25 year lease, etc.) in the following described property:

(Brief Legal Description of Property)

I have also examined a document showing that this property is listed on the tax rolls as belonging to the (City or County). Finally, I have also examined such documents and records as necessary for this certification.

This property is what is now called "(Name of Property as Referenced in the WAP application)".

I certify that the (City or County) does in fact (own, lease, etc.) this property for _____ years.

Very truly yours,

(Name)
(City or County) Attorney

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: David D. Peters

Title of Item:

CD-HRA LLC. (HARBOR CHASE ALF) UTILITY SERVICE AGREEMENT (RC):

RESOLUTION No 41-2019; RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND CD-HRA (STUART) LLC., TO PROVIDE WATER AND SEWER SERVICE TO A 152 BED ASSISTED LIVING FACILITY AT 650 NW FORK ROAD AS MORE FULLY DESCRIBED ON EXHIBIT "A" OF THE UTILITY SERVICE AGREEMENT, PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

To provide water and sewer service to the Harbor Chase 152 bed Assisted Living Facility, the City requires on-site water and sewer improvements and the City has agreed to calculated water and sewer availability fees that will be evaluated one year after service has been provided.

Funding Source:

N/A

Recommended Action:

Adopt Resolution 41-2019 authorizing the Mayor and City Clerk to execute a Utility Service Agreement with CD-HRA (Stuart), LLC.

ATTACHMENTS:

Description	Upload Date	Type
□ R41-2019 Utility Service Agreement	3/20/2019	Resolution add to Y drive
□ Utility Service Agreement with CD-HRA (Stuart), LLC	3/18/2019	Attachment



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

RESOLUTION NUMBER 41-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF STUART AND CD-HRA (STUART) LLC., TO PROVIDE WATER AND SEWER SERVICE TO A 152 BED ASSISTED LIVING FACILITY AT 650 NW FORK ROAD AS MORE FULLY DESCRIBED ON EXHIBIT "A" OF THE UTILITY SERVICE AGREEMENT, PROVIDING FOR EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

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

SECTION 1: The City Commission of the City of Stuart hereby authorizes the Mayor and City Clerk to execute a Utility Service Agreement between the City of Stuart and CD-HRA (Stuart), LLC., to provide water and sewer service to the property at 650 NW Fork Road as more fully described on Exhibit "A" of the Utility Service Agreement. A copy of the Utility Service Agreement is attached hereto as Exhibit "A". The original will be recorded in the Official Records of Martin County and is on file in the office of the City Clerk.

SECTION 2: This resolution shall take effect upon adoption

Resolution No.41-2019
UTILITY SERVICE AGREEMENT
CD-HRA (Stuart) LLC

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 25th day of March, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

UTILITY SERVICE AGREEMENT

THIS UTILITY SERVICE AGREEMENT made and entered into this 18th day of March 2019, by and between CD-HRA (STUART), LLC, a Colorado limited liability company, , its successors and assigns, hereinafter referred to as "*Developer*" and City of Stuart, a municipal corporation of the State of Florida, hereinafter referred to as "*City*".

WHEREAS, *Developer* owns certain lands located in Martin County, Florida described on Exhibit "A" attached hereto and thereby made a part hereof as if fully set out in this paragraph and hereinafter referred to as "Property", and

WHEREAS, *Developer*, intends to develop the "Property" by erecting thereon improvements which will require water and sewer service; and

WHEREAS, *City* is willing to provide, in accordance with the provisions and stipulations hereinafter set out, water and sewer service, and to operate such facilities that the "Property" will receive adequate water and sewer service; and

NOW, THEREFORE, for and in consideration of the mutual undertakings and agreements herein contained and assumed, *Developer* and *City* hereby covenant and agree as follows:

1. The following definitions and references are given for the purpose of interpreting the terms as used in the Agreement and apply unless the context indicates a different meaning:
 - (a) "Service" means *City* water and sewer service to the "Property."
 - (b) "Point of Delivery" means the point where the pipes of *City* are connected with the pipes which are owned, operated and maintained by *Developer*.

2. The *City* has advised *Developer* will be obligated to connect to the *City's* water and sewer system as identified in the CAPTEC Engineering design drawings dated January 29, 2019 as identified on Exhibit "B" attached hereto and hereby made a part hereof.
3. The *City* has advised *Developer* will be obligated to pay *City* connection fees for connection to the system as an "availability fee" to defray capital facilities costs in the amount of \$161,644.00 based on a calculated 40.16 Equivalent Residential Connections (ERC's) with water availability fees of \$77,629.28, sewer availability fees of \$84,014.72 water and sewer deposits of \$1,040.00. Payment must be made prior to the issuance of a City of Stuart site permit.
4. The *City* and the *Developer* agree that the calculated values for water and sewer usage and corresponding availability fees are reasonable estimates. Accordingly, both the *City* and the *Developer* agree that the actual water and sewer usage will be reviewed to confirm the estimates were reasonable. The review period will begin on the 365th day from when water and sewer service was activated and end 365 days thereafter. Should availability fee adjustments be required, the *Developer* will be obligated to pay the additional availability fees in accordance with fee schedule identified in City of Stuart Ordinance 2167-08. Payment for any additional availability fees will be paid to the *City* by the *Developer* within 60 calendar days of the *City's* notification.
5. *Developer* under City of Stuart Ordinance No. 1315-93, will be obligated to pay *City* monthly water service and associated fees as required in City of Stuart Resolution 118-94, as the same may be amended from time to time.

6. Said water and sewer service fees to be based on the current rates as applied to the actual volume of domestic water used for domestic use from the *City* water system as measured by a water meter installed by the *Developer* at the point of connection.
7. Upon the continued accomplishment of all the prerequisites contained in this Agreement to be performed by the *Developer*, *City* covenants and agrees that it will allow the connection of the water distribution and sewage collection facilities installed by *Developer* to the central water and sewer facilities of *City* in accordance with the terms and intent of this Agreement. Such connection shall be in accordance with rules and regulations of the Department of Health and Rehabilitative Services. *City* agrees that once it provides water service to the "Property" and *Developer* or others have connected consumer installations to system, that thereafter, *City* will continuously provide, in accordance with the other provisions of this Agreement, including rules and regulations and rate schedules, water service to the "Property" in a manner which conforms with all requirements of the Department of Health and Rehabilitative Services and other governmental agencies having jurisdiction over the water supply operation of *City*.
8. Notwithstanding any provision in this Agreement, *City* may establish, revise, modify and enforce rules, regulations and rates covering the provision of water services to the "Property" so long as such modifications or revisions apply to all water service customers. Such rules, regulations and rates are subject to the approval of the *City*. Such rules and regulations shall at all times be reasonable and subject to regulation as may be provided by law or contract. Rates charged to *Developer*, or consumers located upon the "Property" shall be identical to rates charged for the same classification of service in the particular service area. All rules, regulations and rates in effect, or placed in effect in accordance with

the preceding, shall be binding upon *Developer*, upon any other entity holding by, through or under *Developer*; and upon any consumer of the water service provided to the "Property" by *City*.

9. *Developer*, or any owner of any parcel of the "Property," or any occupancy of any residence or building located thereon, shall not have the right to and shall not connect any consumer installation to the water facilities of *City* until approval for such connection has been granted by the *City*. The parties hereto further agree that the expense of constructing all consumer installation and all costs of operating and maintaining any consumer installation shall be that of *Developer*, or other than *City*.
10. This Agreement shall be binding upon and shall inure to the benefit of *Developer*, *City* and their respective assigns and successors by merger, consolidation or conveyance. This Agreement shall not be sold, conveyed, assigned or otherwise disposed of by *Developer*, without the written consent of *City* first having been obtained. *City* agrees not to unreasonably withhold such consent. The capacity reserved herein may only be applied to the "Property" described in Exhibit "A", and no portion of the capacity can be transferred to any other "Property."
11. Until further written notice by either party to the other, all notices provided for herein shall be in writing and transmitted by mail or hand delivery to *Developer* CD-HRA (Stuart) LLC C/O Confluent Development , LLC, 2240 Blake Street, Suite 200, Denver, Colorado, 80205 and to *City*, City of Stuart, Public Works Department, 121 S.W. Flagler Avenue, Stuart, Florida 34994.

12. The rights, privileges, obligations and covenants of *Developer* and *City* shall survive the completion of the work of *Developer* with respect to completing the water and sewer facilities and services to any phased area and to the "Property" as a whole.
13. This Agreement shall supersede all previous agreements or representations, either verbal or written, heretofore in effect between *Developer*, and *City*, made with respect to the matter herein contained, and when duly executed, constitutes the agreement between the *Developer* and *City*. No additions, alterations or variations of terms of the Agreement shall be valid, nor can provisions of this Agreement be waived by either party, unless such additions, alterations variations or waiver are expressed in writing and duly signed.
14. In the event of litigation between the parties regarding any provision of the Agreement, each side shall pay its own attorney fees and court costs regardless of the outcome of the litigation.

FOR THE CITY OF STUART, FLORIDA

Mayor, Rebecca S. Bruner

ATEST:

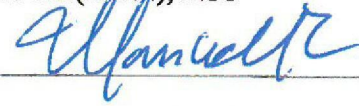
City Clerk Mary Kindel

APPROVED AS TO FORM AND CORRECTNESS

City Attorney Michael Mortell

CD-HRA (Stuart), LLC

BY _____


Marshall Burton, President
And CEO for
Confluent Development, LLC,
Its manager

Witness

Witness

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

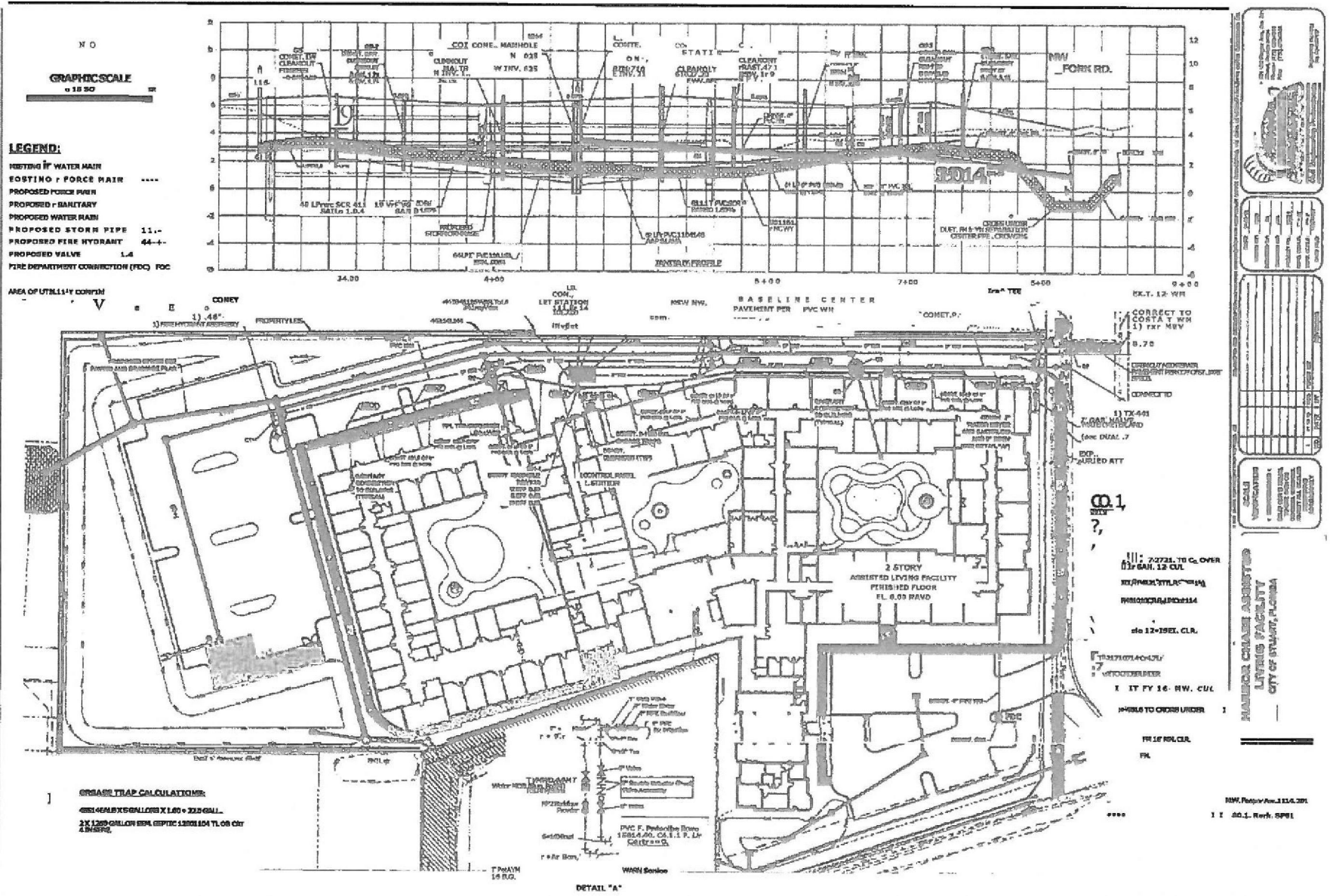
PARCEL 1

BEGINNING AT THE POINT WHERE THE WEST LINE OF GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, INTERSECTS THE NORTH LINE OF RIVERSIDE PARK SUBDIVISION, ACCORDING TO THE PLAT BOOK 4, PAGE 98, ST. LUCIE (NOW MARTIN) COUNTY, FLORIDA, PUBLIC RECORDS; THENCE RUN NORTH 89°31'12" WEST ALONG THE NORTH LINE OF RIVERSIDE PARK SUBDIVISION A DISTANCE OF 304.5 FEET TO A POINT THENCE NORTHERLY TO A POINT ON THE SOUTH LINE OF A CERTAIN RIGHT-OF-WAY FOR PUBLIC THOROUGHFARE AS DESCRIBED IN D.R. BOOK 142, PAGE 4, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, 154.24 FEET WESTERLY OF A CONCRETE MONUMENT LOCATED AT THE NORTHWEST CORNER OF LAND CONVEYED TO HUMBLE OIL AND REFINING COMPANY BY DEED RECORDED IN D.R. BOOK 145, PAGE 405, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG SAID RIGHT-OF-WAY TO SAID MONUMENT; THENCE RUN SOUTH 18°41'32" EAST ALONG THE WEST LINE OF SAID HUMBLE OIL, A DISTANCE OF 250 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTHERLY TO A POINT ON THE WEST LINE OF GOVERNMENT LOT 2, 264.65 FEET NORTHERLY OF THE SOUTHWEST CORNER OF GOVERNMENT LOT 2. THENCE SOUTH 0°08'48" WEST A DISTANCE OF 264.65 FEET TO THE POINT OF BEGINNING.

PARCEL 2

LANDS LYING IN GOVERNMENT LOTS 2 AND 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST AND BEING IN THE CITY OF STUART, MARTIN COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCE AT A CONCRETE MONUMENT ON THE WEST LINE OF GOVERNMENT LOT 3 IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST; SAID POINT BEING SITUATED 1804.08 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 32, AS MEASURED ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3; SAID POINT ALSO BEING THE NORTHWEST CORNER OF "BAHAMA TERRACE SECTION 3" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 18, OF THE PUBLIC RECORDS OF MARTIN COUNTY FLORIDA; THENCE RUN SOUTH 89 DEGREES 36'32" EAST ALONG THE NORTH OF SAID "BAHAMA TERRACE SUBDIVISION" FOR A DISTANCE OF 1383.51 FEET TO A POINT ON THE WESTERLY R/W LINE OF U.S. HIGHWAY NO. 1; THENCE RUN SOUTH 18 DEGREES 41'32" EAST FOR A DISTANCE OF 31.74 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED: THENCE CONTINUE SOUTH 18 DEGREES 41'32" EAST ALONG SAID R/W LINE OF U.S. HIGHWAY NO. 1 FOR A OF 250.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 36'32" WEST FOR A DISTANCE OF 200.00 FEET TO A POINT; THENCE RUN NORTH 18 DEGREES 41'32" WEST FOR A DISTANCE OF 250.00 FEET TO A POINT, SAID POINT BEING SITUATED ON THE SOUTH RIGHT OF WAY LINE OF A CERTAIN RIGHT OF WAY FOR PUBLIC THOROUGHFARE AS DESCRIBED IN OFFICIAL RECORDS BOOK 142, PAGE 47, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; AND THENCE RUN SOUTH 89 DEGREES 36'32" EAST ALONG SAID SOUTH RIGHT OF WAY FOR A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT CERTAIN LOT, PIECE OR PARCEL OF LAND VESTED IN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, AS DISCLOSED BY THE STIPULATED FINAL JUDGEMENT ENTERED 719/93, RECORDED 7120193 IN O.R. BOOK 1022, PAGE 1067, MARTIN COUNTY RECORDS DESCRIBED AS FOLLOWS:
THAT PART OF GOVERNMENT LOT 2 IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST IN MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND 4"x4" CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2; THENCE SOUTH 00 DEGREES 10'20" EAST ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2, A DISTANCE OF 1461.52 FEET TO A POINT ON THE BASELINE, A DISTANCE OF SURVEY FOR THE STATE ROAD 5 (U.S. 1); THENCE SOUTH 18 DEGREES 59'53" EAST ALONG SAID BASELINE, A DISTANCE OF 357.88 FEET, THENCE SOUTH 71 DEGREES 00'07" WEST, A DISTANCE OF 104.56 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING A POINT ON THE SOUTHERLY EXISTING RIGHT OF WAY LINES FOR NORTH FORD ROAD; THENCE SOUTH 89 DEGREES 55'30" EAST ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 32.50 FEET TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 5 (U.S. 1); THENCE SOUTH 18 DEGREES 59'53" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 250.00 FEET TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE AS DESCRIBED IN D.R. BOOK 870, PAGE 2530, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. THENCE SOUTH 89 DEGREES 56'41" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 23.44 FEET AND THE BEGINNING OF A CURVE CONCAVE WESTERLY; HAVING A CHORD BEARING OF NORTH 18 DEGREES 21'11" WEST, THENCE NORTHERLY ALONG SAID CURVE HAVING A RADIUS OF 11,366.66 FEET, THROUGH AN ANGLE OF 01 DEGREES 11'46", AN ARC DISTANCE OF 237.28 FEET TO THE END OF CURVE; THENCE NORTH 54 DEGREES 26'26" WEST, A DISTANCE OF 19.33 FEET TO THE POINT OF BEGINNING. CONTAINING 5.19± ACRES



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: L. Boglioli

Title of Item:

MID-YEAR BUDGET ADJUSTMENT FOR FISCAL YEAR 2019 (RC):

RESOLUTION No. 42-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT NO. #7, A “MID-YEAR” ADJUSTMENT TO THE OPERATING BUDGET TO REFLECT VARIOUS UNANTICIPATED CHANGES IN REVENUES AND APPROPRIATIONS.

Summary Explanation/Background Information on Agenda Request:

The City adopts an annual budget, and though all efforts are made to include as many items and contingencies as possible, there are changes in costs, revenues, and unforeseen economic conditions. It is good practice for the City to visit the fiscal budget for periodic reviews. This mid-year budget review has resulted in the adjustments attached.

Funding Source:

Recommended Action:

Motion to adopt consent agenda, or motion to adopt Resolution 42-2019

ATTACHMENTS:

	Description	Upload Date	Type
▢	R42-2019 Mid-Year Budget Adjustment for Fiscal Year 2019	3/19/2019	Cover Memo
▢	2019 Mid-Year Budget Adjustment Master Schedule	3/19/2019	Cover Memo



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

RESOLUTION No. 42-2019

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA AUTHORIZING BUDGET
AMENDMENT NO. #7, A “MID-YEAR” ADJUSTMENT TO
THE OPERATING BUDGET TO REFLECT VARIOUS
UNANTICIPATED CHANGES IN REVENUES AND
APPROPRIATIONS.**

* * * * *

WHEREAS, the City of Stuart, Florida, of Martin County, Florida, adopted a budget for the year ending 09/30/2019, or the Fiscal Year 2019, based on the best and most current information available at the time of development, and

WHEREAS, since that time actual revenues collected to date have varied, unanticipated expenditures have occurred, and project priorities have adjusted, it is the intent to adjust the adopted budget at the mid-year point to reflect those activities.

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

SECTION 1: The 2019 Fiscal Year Budget is hereby amended in total as follows, and in detail as prescribed by the attached:

General Fund Revenues: \$163,141
General Fund Appropriations: \$73,527

Leased Prop Revenues: \$31,337
Leased Prop Appropriations: \$31,337

Water/Sewer Revenues: \$23,685
Water/Sewer Appropriations: \$23,685

SECTION 2: Effective Date; This Resolution shall become effective immediately upon its passage and adoption.

RESOLUTION 42-2019
Mid-Year Budget Adjustment 2019

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

FY 2019 Mid-Year Budget Adjustment Schedule

Fund	Division	Account	Revenue Adjust	Expense Adjust	Justification
GENERAL					
001		334400	89,614.00	-	FDOT Grant for TRAM operation
001	001	337200	22,000.00	-	"GIVEME" Grant proceeds
001	1201	564	-	8,000.00	Narcotic medication vaults for ambulances
001	1201	564	-	9,000.00	Ferno Stair Chairs
001	1201	552	-	5,000.00	Ferno Scoop Backboards
001	001	381110	31,337.00	-	Transfer from Lease Property Fund
001	1215	546	-	6,000.00	A/C Unit repairs and replacements
001	1215	546	-	25,337.00	Painting Cray House, Flagler Place, and Stuart Feed Store
001	001	381430	6,617.00	-	Transfer from Stormwater
001	1220	546	-	6,617.00	Glyphosate Alternative: Increased cost of vegetative control
001	001	381107	13,573.00	-	FEC street crossing upgrades at Fern Street
001	1230	546	-	13,573.00	
001	1240	531	-	10,000.00	Digital Media and GIS work
001	1242	552	-	(4,000.00)	
001	1242	562	-	(3,200.00)	
001	1242	552	-	(2,800.00)	
			<u>163,141.00</u>	<u>73,527.00</u>	
CRA					
107	1117	581	-	10,000.00	Mural/Stucco Program
107	1117	591		13,573.00	FEC street crossing upgrades at Fern Street
107	1117	591		23,685.00	Channel Sewer Basin 50% Cost Sharing with Enterprise funds
107	1117	595		(47,258.00)	Reduction in "Transfer to Reserves"
			<u>-</u>	<u>-</u>	
LEASED PROPERTY					
110	110	389971	31,337.00	-	From Fund Balance
110	9110	591	-	31,337.00	Transfer to General Fund
			<u>31,337.00</u>	<u>31,337.00</u>	
WATER AND SEWER					
410	410	381107	23,685.00	-	Channel Sewer Basin 50% Cost Sharing with Enterprise funds
410	1610	563	-	23,685.00	
			<u>23,685.00</u>	<u>23,685.00</u>	
STORMWATER					
430	1890	595	-	(6,617.00)	Glyphosate Alternative: Increased cost of vegetative control
430	1890	591	-	6,617.00	Transfer to General Fund
			<u>-</u>	<u>-</u>	

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Stephen Mayer

Title of Item:

NORTHPOINT CONTINUATION OF ITEM:

STAFF RECOMMENDS THE ITEM BE CONTINUED TO A DATE CERTAIN (EITHER APRIL 8TH OR 22ND) IN ORDER FOR STAFF AND THE APPLICANT TO CONTINUE TO WORK ON THE ISSUES RAISED AT THE FEBRUARY 25TH CITY COMMISSION HEARING. STAFF WILL REQUEST THE SPECIFIC DATE AT THE MARCH 25TH HEARING BASED ON THE PROGRESS MADE WITH THE APPLICANT IN WEEK PRECEDING THE HEARING.

NORTHPOINT MAJOR URBAN CONDITIONAL USE - NORTH STUART ACQUISITION AND DEVELOPMENT (RC):

RESOLUTION No. 16-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO NORTH STUART ACQUISITION AND DEVELOPMENT, LLC, OWNER OF PROPERTY LOCATED BETWEEN OLD DIXIE HIGHWAY AND THE FEC RAILROAD, NORTH OF THE ST. LUCIE RIVER, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF A 27,000 SQUARE FOOT OFFICE BUILDING WITH 2,000 SQUARE FEET OF RETAIL SPACE, A 200 SEAT RESTAURANT AND A 27-SPACE PARKING GARAGE ON A 2.73-ACRE SITE; TO ALLOW FOR PARKING WITHIN THE BUILDING ENVELOPE, FOR A CONTINUOUS BUILDING FAÇADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA, FOR REDUCTION IN LANDSCAPE BUFFERS AND A REDUCTION OF SETBACKS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

A full summary of the project will be written after staff and the applicant work out the remaining issues and the final documents have been reviewed by staff.

Funding Source:

N/A

Recommended Action:

STAFF RECOMMENDS THE ITEM BE CONTINUED TO A DATE CERTAIN (EITHER APRIL 8TH OR 22ND) IN ORDER FOR STAFF AND THE APPLICANT TO CONTINUE TO WORK ON THE ISSUES RAISED AT THE FEBRUARY 25TH CITY COMMISSION HEARING. STAFF WILL REQUEST THE SPECIFIC DATE AT THE MARCH 25TH HEARING BASED ON THE PROGRESS MADE WITH THE APPLICANT IN WEEK PRECEDING THE HEARING.

ATTACHMENTS:

Description	Upload Date	Type
▢ Staff Report	2/18/2019	Staff Report
▢ R16-2019	2/18/2019	Resolution add to Y drive
▢ Site Plan	1/30/2019	Exhibit
▢ Landscape Plan	1/30/2019	Exhibit
▢ Architectural Elevations and footprints	1/30/2019	Exhibit
▢ Survey	1/30/2019	Exhibit
▢ Traffic Statement	1/30/2019	Attachment
▢ Drainage Statement	1/30/2019	Attachment
▢ Paving and Drainage Plan	1/30/2019	Attachment
▢ Utilities Plan	1/30/2019	Attachment
▢ Application	1/30/2019	Attachment

CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

MEETING DATE: February 25, 2019

PREPARED BY: Stephen Mayer
Senior Planner

PROJECT NAME: Northpoint – North Stuart Acquisition and Development, LLC

TITLE OF ITEM: Request to consider a Major Urban Code Conditional Use approval to allow the development of a 27,000 square foot office building with 2,000 square feet of retail space, a 200 seat restaurant and a 27-space parking garage on 2.73 acres of land. The Applicant has requested for parking within the building envelope, a continuous building façade of more than 100 feet in width without providing an additional vista, a reduction of the buffer requirements and setbacks within the City of Stuart Community Redevelopment Area.



I. APPLICATION SUMMARY

The applicant, **North Stuart Acquisition and Development, LLC**, is requesting a major urban code conditional use approval as per Section 3.01.06 of the City of Stuart Land Development Code. The applicant has recently under contract to purchase the property, and if granted, the conditional use would allow for the development of a commercial project consisting of a 27,000 square foot office building with 2,000 square feet of retail space, a 200 seat restaurant and a 27-space parking garage in the City's urban waterfront zoning district.

The applicant is required to request a Major Urban Code Conditional use due to requesting eight (8) variances to the urban code: 1) a relief from a prohibition to parking within the building envelope, 2) an increase in the maximum height from 3 stories and 35 feet to 4 stories and 45 feet, 3) allowing a vista designated along the sides of the property, 4) allowing for a continuous building façade of more than 100 feet in width without providing an additional vista to the river, 5) a reduction of the 10' landscape buffer along the right of way, along the FEC railroad, and the 6' landscape area between parking rows, 6) balconies and balcony rails on the waterside elevation are not at least 50% of the fenestration, 7) reduction of the side setback to 5 feet instead of 10 feet along the FEC railroad side and 8) sidewalks are 6 feet rather than 8 feet in width.

In lieu of not providing an additional vista, the developer has provided for a central vista that is more visible to the right of way due to the shape of the property and the visibility constraints on either side, thus increasing the actual view of the river from the street, and the impact of the structure on the views of adjoining property owners is negligible due to the nature of the adjoining properties, that being the FEC railroad and the old Roosevelt (Dixie) bridge.

The acceptance of parking under the building footprint is due to the street level providing the unique opportunity to have sufficient parking, without the parking being visible from the street. The unusual contour of the property dipping sharply to the water allows the parking to be hidden under the buildings. Also, the developer is providing 54 public parking spaces that will benefit the City.

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted, however, the applicant is not proposing such uses. The proposed building height of a four story building and 45 feet would require a waiver of the urban code. The proposal includes a 4 story building over a level of parking and an observation deck for a total height of 45 feet from the finished floor to eave of the of the fourth floor roof. The total height of the office building including roof access shall be capped at 60 feet.

The reductions of setbacks and landscape buffer requirements along Old Dixie and the FEC railroad is justified by the unique shape of the property and the provision of 54 public parking spaces that will benefit the City.

The provisions of Sec 6.01.04 of the Land Development Code promotes the installation of 8' sidewalks where practicable. However, in this instance the constraints to the site both externally and internally determined by the physical characteristics of the site, type of project, and adjacent land uses may warrant the reduction of sidewalk widths internal

and external to the site.

II. HISTORY

The property is currently undeveloped, cleared and vacant.

III. ZONING AND LAND USE

Site Location	Property between Old Dixie Highway and the FEC Railroad tracks, north of the St. Lucie River,	
Parcel Size (area)	2.73 Acres	
Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	<i>North</i>	Downtown Redevelopment
	<i>South</i>	Downtown Redevelopment
	<i>East</i>	Downtown Redevelopment
	<i>West</i>	Downtown Redevelopment
Subject Property Overlay Zoning	Urban Waterfront	
	<i>North</i>	Urban Waterfront
	<i>South</i>	St. Lucie River
	<i>East</i>	FEC Railroad
	<i>West</i>	Urban Waterfront
Proposed Use	2 commercial buildings (one office building with retail component and one restaurant)	
Present Use	Undeveloped	
Land Use Plan	Downtown Redevelopment	
ROADWAY AND UTILITIES		
Street Functional Classifications	Old Dixie Highway is an arterial under the maintenance of the FDOT.	
Utilities	Sewer and Water are provided by the City of Stuart.	

IV. CITY DEPARTMENTAL REVIEWS

<i>Public Works</i>	Approved subject to revision to the sites dumpster size and location.
<i>Fire/Building</i>	Approved subject to more detailed review at the Building and Site Permit stage
<i>Police</i>	Approved subject to more detailed review at the Building and Site Permit stage
<i>Kimley-Horn Engineering</i>	See attached comments.

V. EXISTING CONDITIONS:



The property is undeveloped and is currently owned by the City of Stuart.

VI. PUBLIC NOTIFICATION:

The legal notification requirements have been met for this request of a **Major Urban Code Conditional Use** approval. In accordance with the requirements set forth in Section 11 of the City of Stuart's Land Development Code. Documentation of the public notice is part of the record as well as on file within the City Development Department.

VII. STANDARDS FOR URBAN CODE CONDITIONAL USE REVIEW: LAND DEVELOPMENT CODE – SECTION 3.01.06

1. The proposed use is not contrary to the established land uses in the immediate area.

The Future Land Use of all of the properties within proximity to the site is Downtown and the property is situated within the City of Stuart Community Redevelopment Area (CRA). The list of permitted uses included in the Urban Code are applicable to all property situated within the CRA, and include commercial and residential uses. The proposed commercial use of retail, office and restaurant will comply with the list of uses list in the Urban Code and is therefore consistent with the established land uses.

- 2. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.**

Approval of the urban code conditional does not consider a residential use component.

- 3. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the comprehensive plan.**

Approval of the urban code conditional use would not be contrary to the adopted land use plan or other relevant goals, objectives, and policies concerning retail use. The Downtown Future Land Use references individual projects and sites consisting of single uses. A commercial building is consistent with this language and would not detract from the mixture of commercial uses that exist downtown, and would increase the commercial opportunities for such uses.

- 4. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

There are no proposed changes to the existing district boundary.

- 5. The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.**

The proposed mixed use development will rely on on existing infrastructure to accommodate the vehicular traffic flow utilizing the site..

- 6. The proposed use will not create drainage or a storm water quality problem.**

The development of the entire site will be performed in accordance with approved building permits, which will ensure that the required drainage and stormwater quality is obtained.

- 7. The proposed use will not significantly reduce light or air to adjacent areas.**

The proposed 4 story office building over a level of parking will not reduce light of

air to adjacent areas because of the adjacent uses are transportation related and will not be built upon.

- 8. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.**

The uses are permitted throughout the CRA district.

- 9. The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.**

The proposed commercial use buildings are in scale with the uses permitted by right in the Community Redevelopment Area district. The proposal is a development project to vacant site and its appearance, as demonstrated by the illustrative elevations, are consistent with the intent and quality of construction the City desires of the Community Redevelopment Area.

- 10. There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.**

A major urban code conditional use would be required for the proposed uses in all of the Community Redevelopment Area and is a permitted use within Section 3 of the Urban Code.

IX. CONDITIONAL USE REVIEW FACTORS TO BE CONSIDERED BY THE DECISION MAKER: SEC. 11.01.10(G)(6)

In applying the above standards, the decision-maker will consider each of the following factors:

- 1. Ingress and egress to the property and the proposed structures to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.**

The proposal has been reviewed by the Fire and Public Works Departments who have no objections to the proposed use.

- 2. Off-street parking and loading areas including consideration of the economic impact thereof on adjacent properties and of any noise and glare created by the location of offstreet parking and loading areas on adjacent and nearby properties.**

The proposal does not have off-street parking. The parking is on site.

- 3. Refuse and service areas including consideration of the economic impact thereof on adjacent properties and of any noise and odor created by the location of refuse and service areas on adjacent and nearby properties.**

The applicant will use the refuse and service areas associated with the proposed

site plan and acceptable to the City's Public Works Department.

4. **Utilites including condideration of hook-up locations and availability and compatibility of utilites for the proposed uses.**

Public Works has reviewed the proposal and have no objections in regard proposed connections to utilities.

5. **Screening and buffering including consideration of the type, dimensions, and character thereof to preserve and improve compatibility and harmony among the proposed uses and structures specially permitted and the uses and structures of adjacent and nearby properties.**

The applicant proposes adequate landscaping within the site as per the lanscaping shown on the site plan. The applicant will maintain an unobstructed view from public right-of-way to the St. Lucie River on both ends of the site and between the office and restuarant.

6. **Signage and exterior lighting including consideration of glare, traffic safety, and economic effects thereof on adjacent and nearby properties.**

All signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc. The exterior lighting will not have a negative effects on adjacent and nearby properties.

7. **Required yards and open spaces.**

The proposal includes wider than required corridors (vistas) and common deck space at the rear of the site.

8. **Height of proposed structures including consideration of the effects thereof on adjacent and nearby properties.**

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. The proposed building height of a four story building is 45 feet requires a waiver to the code, since there is no residential or hotel components of the building. The proposal includes a 4 story building over a level of parking for a total height of 45 feet from the finished floor to eave of the of the fourth floor roof (observation deck). The total height of the office building including shall not exceed 60 feet.

VIII. STAFF RECOMMENDATION

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.01.06 of the City of Stuart's Urban Code, staff recommends **APPROVAL** of the applicant's request to consider a **MAJOR URBAN CODE CONDITIONAL USE** to allow the development in accordance with the conditions attached the draft Resolution 16-2019.

On February 5, 2019, the Community Redevelopment Board considered the merits of the proposal and recommended the application be forwarded to the City Commission for final action of approval.



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

RESOLUTION NUMBER 16- 2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO NORTH STUART ACQUISITION AND DEVELOPMENT, LLC, OWNER OF PROPERTY LOCATED BETWEEN OLD DIXIE HIGHWAY AND THE FEC RAILROAD, NORTH OF THE ST. LUCIE RIVER, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF A 27,000 SQUARE FOOT OFFICE BUILDING WITH 2,000 SQUARE FEET OF RETAIL SPACE, A 200 SEAT RESTAURANT AND A 27-SPACE PARKING GARAGE ON A 2.73-ACRE SITE; TO ALLOW FOR PARKING WITHIN THE BUILDING ENVELOPE, FOR A CONTINUOUS BUILDING FAÇADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA, FOR REDUCTION IN WIDTH OF THE SIDE VISTAS, FOR AN INCREASE IN ALLOWABLE BUILDING HEIGHT, FOR A REDUCTION IN THE MINIMUM PERCENTAGE OF BALCONIES ALONG THE WATERSIDE ELEVATION, FOR REDUCTION IN LANDSCAPE BUFFERS AND A REDUCTION OF SETBACKS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, the City Commission of Stuart, Florida, has adopted and administers Section 3.01.06 of the Land Development Code; and

WHEREAS, the Applicant, North Stuart Acquisitions and Development, LLC, is requesting a Major Urban Code Conditional Use approval to allow for development of a 27,000 square foot office building with 2,000 square feet of retail space, a 200 seat restaurant and a 27-space parking garage on 2.73 acres of land, and

WHEREAS, the Applicant has requested a relief from 1) a prohibition to parking within the building envelope, 2) an increase in the maximum height from 3 stories and 35 feet to 4 stories and 45 feet, 3) allowing a vista designated along the sides of the property, 4) allowing for a continuous building façade of more than 100 feet in width without providing an additional vista to the river, 5) a reduction of the 10' landscape buffer along the right of way, along the FEC railroad, and the 6' landscape area between parking rows, 6) balconies and balcony rails on the waterside elevation are not at least 50% of the fenestration, 7) reduction of the side setback to 5 feet instead of 10 feet along the FEC railroad side and 8) sidewalks are 6 feet rather than 8 feet in width; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses, within three hundred (300) feet of the proposed location; and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing at a regularly scheduled meeting to consider the application of the Petitioner and recommended approval of the Major Urban Code Conditional Use on February 5, 2019; and

WHEREAS, City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting to consider the application of the Petitioner to approve the Major Urban Code Conditional Use on February 25, 2019.

WHEREAS, the conditional use approval shall run with the land; and

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

SECTION 1: Subject to the conditions attached hereto, the City Commission hereby approves a Major Urban Code Conditional Use approval to North Stuart Acquisition and Development, LLC, as owner of certain real property located at between Old Dixie Highway and the FEC Railroad tracks, north of the St. Lucie River, as detailed within the attached legal description.

SECTION 2: A legal description of the property is set forth in “**Exhibit A**” attached hereto and made a part hereof by reference.

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

SECTION 4: The purpose of this Urban Waterfront Sub-district Conditional Use approval is to allow for the development of a 27,000 square foot office building with 2,000 square feet of retail space, a 200 seat restaurant and a 27-space parking garage, varying from code requirements by allowing relief from 1) a prohibition to parking within the building envelope, 2) an increase in the maximum height from 3 stories and 35 feet to 4 stories and 45 feet, 3) allowing a vista designated along the sides of the property, 4) allowing for a continuous building façade of more than 100 feet in width without providing an additional vista to the river, 5) a reduction of the 10’ landscape buffer along the right of way, along the FEC railroad, and the 6’ landscape area between parking rows, 6) balconies and balcony rails on the waterside elevation are not at least 50% of the fenestration, 7) reduction of the side setback to 5 feet instead of 10 feet along the FEC railroad side and 8) sidewalks are 6 feet rather than 8 feet in width, as per the details included on the site plan, landscape plan and architectural elevations included as “**Exhibit C**”.

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

Resolution # 16-2019
North Stuart Acquisitions and Development, LLC – Northpoint
Major Urban Code Conditional Use Approval

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING DEVELOPMENT ORDER, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

North Stuart Acquisitions and Development,
LLC

Witness #1:

Applicant: Richard Geisinger

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this ____ day of _____, 2019, by _____.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____

Resolution # 16-2019
North Stuart Acquisitions and Development, LLC – Northpoint
Major Urban Code Conditional Use Approval

Exhibit “A” Legal Description:

(NOT TO SCALE)

LEGAL DESCRIPTION

PARCEL 1

A PORTION OF GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST MARTIN COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 5; THENCE S89°49'23"W ALONG THE NORTH LINE OF SAID SECTION 5 FOR 285.48 FEET TO THE POINT OF BEGINNING; SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE NORTHEAST AND HAVING A TANGENT BEARING OF S12°41'38"E. THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 922.81 FEET AND A CENTRAL ANGLE OF 19°52'01" FOR 319.68 FEET TO AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND HAVING A TANGENT BEARING OF S39°31'40"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 597.53 FEET AND A CENTRAL ANGLE OF 14°49'38" FOR 154.63 FEET TO A POINT OF TANGENCY; THENCE S54°21'18"E FOR 92.61 FEET TO A POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; THENCE ALONG THE MEAN HIGH WATER LINE FOR THE FOLLOWING FOUR (4) COURSES: (1) N07°17'00"W FOR 81.26 FEET; (2) N00°25'23"W FOR 47.14 FEET; (3) N00°48'09"W FOR 41.70 FEET; (4) N06°07'37"W FOR 26.27 FEET TO AN INTERSECTION WITH A LINE BEING 50.00 FEET SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL TO THE CENTERLINE OF RAILROAD TRACKS AS LAID OUT AND IN USE (12/12/02). THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE FOR THE FOLLOWING TWO (2) COURSES: (1) N46°19'29"W FOR 129.38 FEET TO A POINT OF CURVATURE WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 802.22 FEET AND A CENTRAL ANGLE OF 15°26'20" FOR 216.17 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED NORTH LINE OF SECTION 5; THENCE S89°49'23"W FOR 69.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 54,719 SQUARE FEET OR 1.256 ACRES MORE OR LESS.

AND TOGETHER WITH

PARCEL 2

A PORTION OF GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST MARTIN COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN AT THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 5; THENCE S89°49'23"W ALONG THE NORTH LINE OF SAID SECTION 5 FOR 96.59 FEET TO AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE BEING 50.00 FEET NORTHEASTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL TO THE CENTERLINE OF RAILROAD TRACKS AS LAID OUT AND IN USE (12/12/02) AND HAVING A TANGENT BEARING OF S35°52'01"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID PARALLEL CURVE HAVING A RADIUS OF 702.22 FEET AND A CENTRAL ANGLE OF 10°27'28" FOR 128.17 FEET TO A POINT OF TANGENCY; THENCE S46°19'29"E FOR 16.33 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; THENCE MEANDER ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING FOUR (4) COURSES: (1) N08°26'25"E FOR 25.24 FEET; (2) N00°49'02"W FOR 22.74 FEET; (3) N05°58'57"E FOR 31.58 FEET; (4) N01°50'29"E FOR 28.95 FEET TO AN INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID SECTION 5; THENCE S89°49'23"W FOR 6.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 6,018 SQUARE FEET MORE OR LESS.

SAID PARCELS BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND DEDICATIONS.

Exhibit “B” Conditions of Approval

1. The project shall adhere to the site plan prepared by CAPTEC Engineering, Inc., dated 11.14.18
2. The project shall adhere to the architectural elevations, prepared by Robert Britt, Architect, Inc. dated 10.14.18, and shall be constructed of concrete masonry units.
3. The project shall adhere to the landscape plan by Boggs, Planning and Landscape Architecture, and not dated.
4. Except as provided herein, all development shall comply with City Code.
5. Any sidewalks damaged during construction shall be repaired and/or replaced by the applicant as per the City’s specification.
6. Notwithstanding the illustration shown on the site plan, all signage shall be in accordance with the City’s Land Development Regulations with regards to size, dimensions, color, etc.
7. Site lighting shall not negatively impact adjacent properties and shall not create a visual nuisance. Decorative exterior light fixtures shall be approved prior to the issuance of any development permits.
8. The applicant shall comply with all applicable Handicap Accessibility standards.
9. Final Development Plans and Construction Drawings shall be reviewed and approved by all necessary City departments prior to the issuance of any building permits.

10. Any and all regulatory agency permits, including but not limited to Martin County, the South Florida Water Management District, and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.
11. Prior to issuance of a building permit, the applicant shall either contribute the required art fee of one percent of the vertical construction cost or provide work of art on the development pursuant to Section 3.01.08
12. Dock Facilities are for the expressed use of the public, the property owner and tenants of the property. Leasing of dock slips to entities other than guests or owners of the commercial tenants of the project is prohibited. Dock & slips are illustrative in nature and not final documents.
13. All dock facilities and marine related bulkheads, hardened shorelines, etc. shall be maintained by the property owner, any new marine related improvements, modification, repairs and permitting associated with such facilities shall be accomplished by, and the responsibility of, the association. There shall be no liveaboards permitted by definition of the Department of Environmental Protection. The term “liveaboard” is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period.
14. Sloping revetments and interlocking blocks shall be used in high energy areas to more effectively dissipate wave forces, boat wakes and reduce the effects of bottom scouring. Bulkheads and seawalls shall only be used to protect existing development and shall be located landward of riverine wetlands and their ecotones. Permits for replacement of deteriorating seawalls shall be granted only when alternative revetments and interlocking blocks are not feasible.
15. The applicant shall obtain a Certificate of Occupancy for both buildings prior to March 1, 2022.
16. The following uses shall be permitted:
 - a. Retail
 - b. Office, Professional
 - c. Restaurant

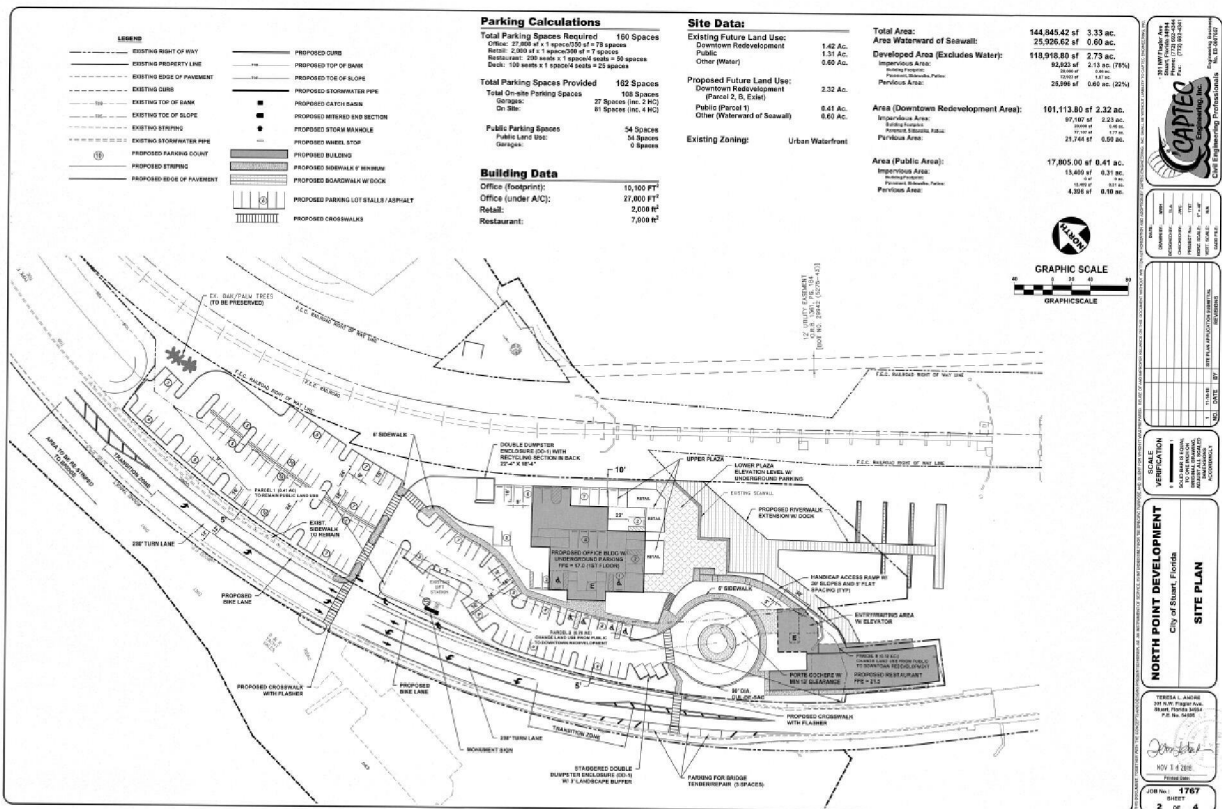
LEGEND

- 1. ROAD
- 2. WATER
- 3. STRUCTURE
- 4. FENCE
- 5. POWER LINE
- 6. TELEPHONE LINE
- 7. RAILROAD
- 8. AIRCRAFT
- 9. BOAT
- 10. TREE
- 11. ROCK
- 12. SAND
- 13. GRAVEL
- 14. CLAY
- 15. SILT
- 16. LOESS
- 17. COAL
- 18. IRON
- 19. COPPER
- 20. ZINC
- 21. LEAD
- 22. NICKEL
- 23. CHROMIUM
- 24. MANGANESE
- 25. VANADIUM
- 26. MOLYBDENUM
- 27. SILICON
- 28. ALUMINUM
- 29. SODIUM
- 30. POTASSIUM
- 31. CALCIUM
- 32. MAGNESIUM
- 33. BARIUM
- 34. STRONTIUM
- 35. YTIUM
- 36. ZIRCONIUM
- 37. NIOBIUM
- 38. MOLYBDENUM
- 39. RUTHENIUM
- 40. RHODIUM
- 41. PALLADIUM
- 42. SILVER
- 43. GOLD
- 44. PLATINUM
- 45. IRIDIUM
- 46. OSMIUM
- 47. RUTHENIUM
- 48. RHODIUM
- 49. PALLADIUM
- 50. SILVER
- 51. GOLD
- 52. PLATINUM
- 53. IRIDIUM
- 54. OSMIUM
- 55. RUTHENIUM
- 56. RHODIUM
- 57. PALLADIUM
- 58. SILVER
- 59. GOLD
- 60. PLATINUM
- 61. IRIDIUM
- 62. OSMIUM
- 63. RUTHENIUM
- 64. RHODIUM
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- 66. SILVER
- 67. GOLD
- 68. PLATINUM
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- 92. PLATINUM
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- 97. PALLADIUM
- 98. SILVER
- 99. GOLD
- 100. PLATINUM

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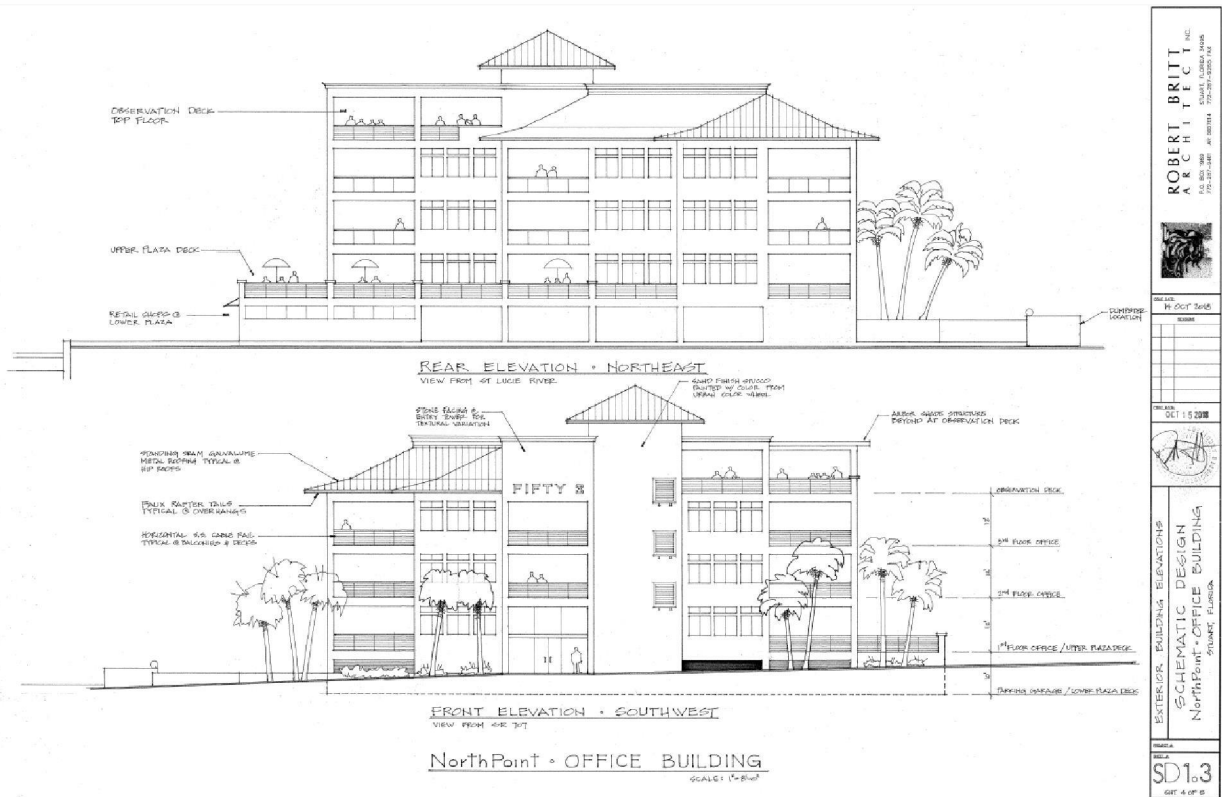
PROJECT: NORTH POINT DEVELOPMENT
 LOCATION: MARTIN COUNTY, FLORIDA
 DATE: 10/10/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1" = 100'

Exhibit "C" Site Plan

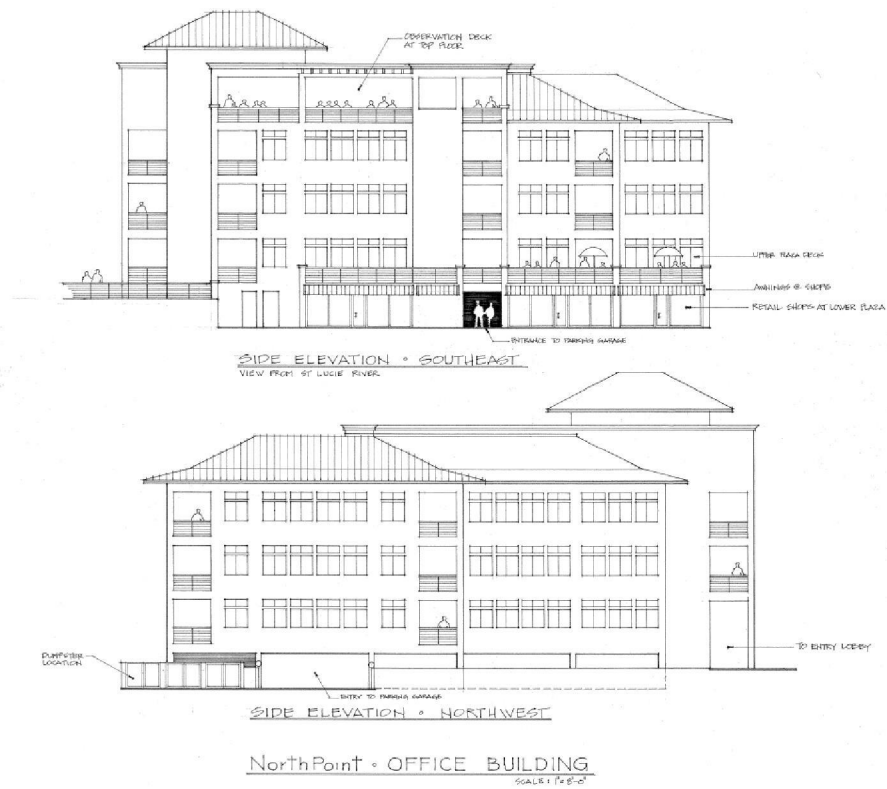


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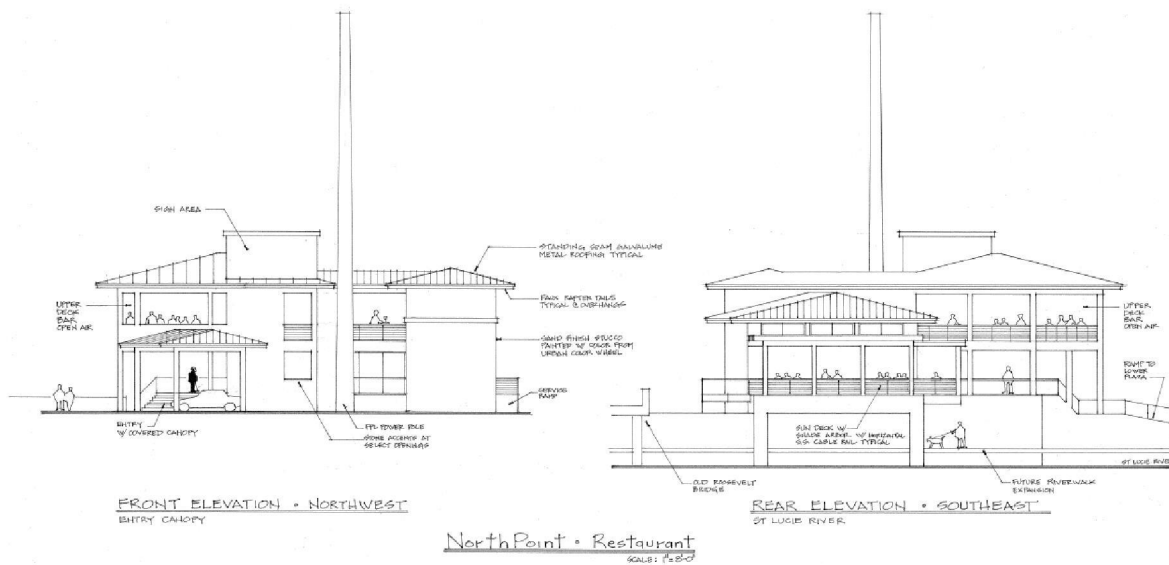
Exhibit “C” Elevations



Resolution # 16-2019
 North Stuart Acquisitions and Development, LLC – Northpoint
 Major Urban Code Conditional Use Approval

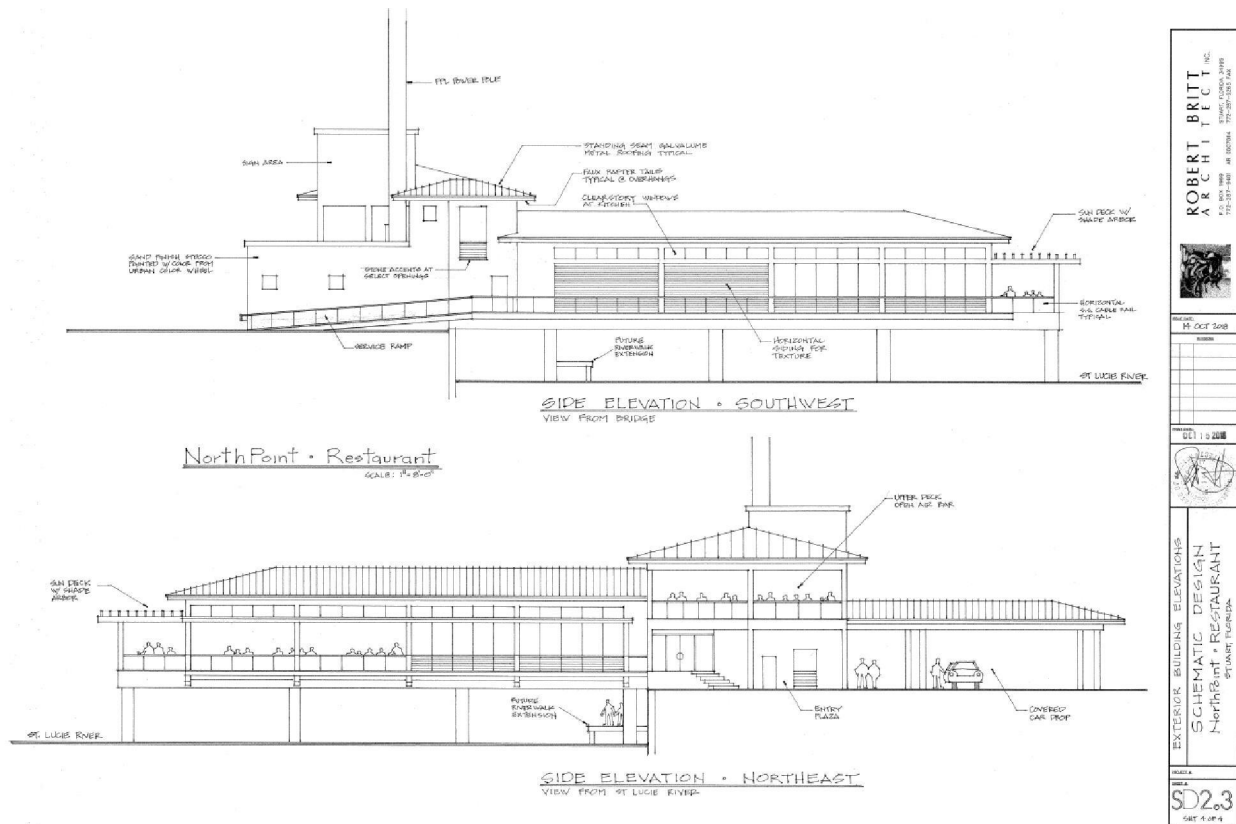


ROBERT BRITT ARCHITECT INC. 1000 N. 10TH AVE. SUITE 1000 TAMPA, FL 33604 TEL: 813.251.1000 FAX: 813.251.1001	
	
PROJECT	PHOTO 2018
DATE	
DATE	01/15/2018
	
EXTERIOR BUILDING ELEVATIONS SCHEMATIC DESIGN NorthPoint - OFFICE BUILDING TAMPA, FLORIDA	
SHEET SD14 14 OF 15	



ROBERT BRITT ARCHITECT INC. 1111 N. 1ST ST. SUITE 100 ST. LOUIS, MO 63102 TEL: 314.241.1111 FAX: 314.241.1112	
PROJECT: 16-001-001 SHEET: 16-001-001	
DATE: DEC 15, 2018	
DRAWN BY: R. BRITT CHECKED BY: R. BRITT PROJECT: 16-001-001	
EXTERIOR BUILDING ELEVATIONS SCHEMATIC DESIGN NORTHPOINT • RESTAURANT ST. LOUIS, MO	
SCALE: 1/8"=1'-0" SHEET: 16-001-001	

Resolution # 16-2019
 North Stuart Acquisitions and Development, LLC – Northpoint
 Major Urban Code Conditional Use Approval



LEGEND

---	EXISTING RIGHT OF WAY	---	PROPOSED CURB
---	EXISTING PROPERTY LINE	---	PROPOSED TOP OF BANK
---	EXISTING EDGE OF PAVEMENT	---	PROPOSED TOE OF SLOPE
---	EXISTING CURB	---	PROPOSED STORMWATER PIPE
---	EXISTING TOP OF BANK	---	PROPOSED CATCH BASIN
---	EXISTING TOE OF SLOPE	---	PROPOSED MITERED END SECTION
---	EXISTING STRIPING	---	PROPOSED STORM MANHOLE
---	EXISTING STORMWATER PIPE	---	PROPOSED WHEEL STOP
---	PROPOSED PARKING COUNT	---	PROPOSED BUILDING
---	PROPOSED STRIPING	---	PROPOSED SIDEWALK 6' MINIMUM
---	PROPOSED EDGE OF PAVEMENT	---	PROPOSED BOARDWALK W/ DOCK
---		---	PROPOSED PARKING LOT STALLS / ASPHALT
---		---	PROPOSED CROSSWALKS

Parking Calculations

Total Parking Spaces Required	160 Spaces
Office: 27,000 sf x 1 space/350 sf = 78 spaces	
Retail: 2,000 sf x 1 space/300 sf = 7 spaces	
Restaurant: 200 seats x 1 space/4 seats = 50 spaces	
Deck: 100 seats x 1 space/4 seats = 25 spaces	
Total Parking Spaces Provided	162 Spaces
Total On-site Parking Spaces	108 Spaces
Garages:	27 Spaces (inc. 2 HC)
On Site:	81 Spaces (inc. 4 HC)
Public Parking Spaces	54 Spaces
Public Land Use:	54 Spaces
Garages:	0 Spaces

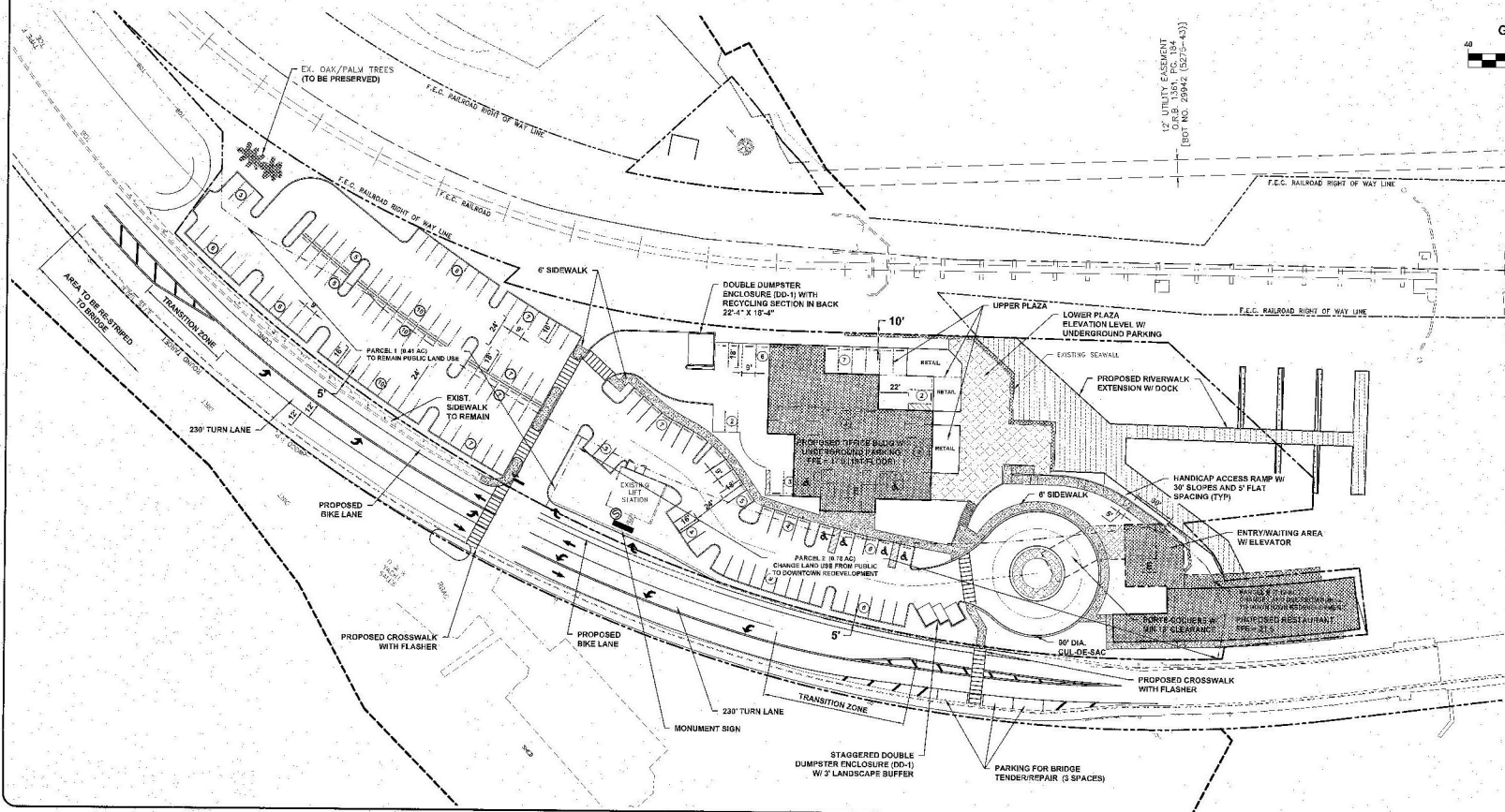
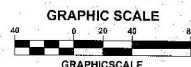
Building Data

Office (footprint):	10,100 FT ²
Office (under A/C):	27,000 FT ²
Retail:	2,000 ft ²
Restaurant:	7,900 ft ²

Site Data:

Existing Future Land Use:	
Downtown Redevelopment	1.42 Ac.
Public	1.31 Ac.
Other (Water)	0.60 Ac.
Proposed Future Land Use:	
Downtown Redevelopment	2.32 Ac.
(Parcel 2, B, Exist)	
Public (Parcel 1)	0.41 Ac.
Other (Waterward of Seawall)	0.60 Ac.
Existing Zoning:	Urban Waterfront

Total Area:	144,845.42 sf	3.33 ac.
Area Waterward of Seawall:	25,926.62 sf	0.60 ac.
Developed Area (Excludes Water):	118,918.80 sf	2.73 ac.
Impervious Area:	92,923 sf	2.13 ac. (78%)
Building Footprint:	29,000 sf	0.66 ac.
Pavement, Sidewalks, Paths:	77,923 sf	1.77 ac.
Pervious Area:	25,996 sf	0.60 ac. (22%)
Area (Downtown Redevelopment Area):	101,113.80 sf	2.32 ac.
Impervious Area:	97,107 sf	2.23 ac.
Building Footprint:	29,000 sf	0.66 ac.
Pavement, Sidewalks, Paths:	77,923 sf	1.77 ac.
Pervious Area:	21,744 sf	0.50 ac.
Area (Public Area):	17,805.00 sf	0.41 ac.
Impervious Area:	13,409 sf	0.31 ac.
Building Footprint:	0 sf	0 ac.
Pavement, Sidewalks, Paths:	13,409 sf	0.31 ac.
Pervious Area:	4,396 sf	0.10 ac.



301 NW Flagler Ave.
Stuart, Florida 34994
Phone: (772) 892-4344
Fax: (772) 892-4341

COMPIC
Civil Engineering Professionals

REGISTERED PROFESSIONAL ENGINEER
No. 18,000,727

DATE:	NOV 14 2016
DRAWN BY:	TEA
CHECKED BY:	TEA
PROJECT NO.:	1767
PROJECT NAME:	NORTH POINT DEVELOPMENT
SCALE:	1" = 40'
DATE:	NOV 14 2016
NO.:	1
BY:	TEA
REVISION:	

SCALE VERIFICATION
1" = 40'
SOLID BAR IS EQUAL TO ORIGINAL DRAWING
ORIGINAL DRAWING
REPRODUCTION
ACCOMMODATION

NORTH POINT DEVELOPMENT
City of Stuart, Florida

SITE PLAN

TERESA L. ANDRE
301 N.W. Flagler Ave.
Stuart, Florida 34994
P.E. No. 54095

Teresa Andre

NOV 14 2016

JOB No.:	1767
SHEET	2
OF	4

PLANT LIST

Trees and Palms

Cc	Coccothrinax argentea	Silver Palm	7	FG, 4' c.t.
Cs	Ceiba speciosa	Floss Silk Tree	1	FG, 20' specimen
Bu	Bursera simaruba	Gumbo Limbo	1	FG, 20' specimen
Ca	Cocos nucifera	Green Malaysian Coconut Palm	22	FG, 18' h.w.
Li	Lagerstroemia indica	Muskegee Crepe Myrtle	8	65 gal, 12' ht, 6' spnd.
IC	Ilex cassine	Dahoon Holly	12	65 gal, 14' ht, 6' spnd.
Li	Ligustrum lucidum	Glossy Privet	7	65 gal, 7' x 7'
Mg	Magnolia virginiana	'D.D. Blanchard'	4	65 gal, 14' ht, 3' cal.
Qv	Quercus virginiana	Live Oak	13	65 gal, 14' ht, 3' cal, 6' spnd.
So	Sabal palmetto	Cabbage Palm	39	10' x 15' 14' skinned
Co	Condia bolsonieri	White Gelger	2	45 gal, 12' ht, 3' cal.
Ca	Cassia surattensis	Glaucous Cassia	9	45 gal, 12' ht, 3' cal.
Cha	Chamaecyparis humilis	European Fan Palm	1	25 gal, 10' ht
Cf	Clusia flava	Small Leaf Clusia	8	FG, 12' ht, 6' spnd, matching
Pr	Phoenix rostrata	Seagull Date Palm	1	FG, 18-16' mts, specimen
Ph	Phoenix coarctata	Pinyon Date Palm	2	FG, 5' dbh
Pa	Plumeria acuminata	Frangipani	1	45 gal, 12' ht.
Pe	Pythosperma elegans	Softpine Palm	17	FG, 12-15' o.a.
Sp	Senna polyphylla	Desert Senna	3	25 gal, 7' ht

Shrubs and Groundcover

Key	Botanical Name	Common Name	Qty.	Specification
Alc	Alcaulia pycnantha	Dwarf Elephant Eart	52	7 gal.
Bou	Bougainvillea	Helene Johnson Dwarf	81	3 gal, 24" o.c.
Car	Carissa microcarpa	Emerald Skunkbush	102	3 gal, 18" o.c.
Chy	Chrysanthemum leucanthemum	Red Tip Chrysanthemum	164	24" ht, 30" o.c.
Cri	Croton	Croton Lily	1	15 gal.
Cro	Croton sp.	'Mammy' Croton	54	14" ht. x 14" spr., full
Dio	Dioscorea	Variegated Mexican Cyclad	24	10 gal.
Eug	Eugenia foetida	Spotted Shrub	73	15 gal, 6' ht., full
Fic	Ficus microcarpa	Green Island Ficus	22	3 gal, 18" o.c.
For	Forsteria segregata	Florida Privet	98	24" ht, 24" o.c.
For	Forsteria segregata	Florida Privet	42	48" ht., 30" o.c.
Gal	Gelsemium sempervirens	Carolina Jessamine	44	3 gal, 24" o.c.
Ham	Hamelia patens 'Compacta'	Dwarf Firebush	45	24" ht, 24" o.c.
Jac	Jatropha integrifolia	Jatropha	14	10 gal. Bush
Lir	Liriodendron	Variegated Liriodendron	230	1 gal, 18" o.c.
Myr	Myrsine fraxinifolia	Shrimp Stopper	250	30" ht, 30" o.c.
Muh	Muhlenbergia capillaris	Pink Muhlenbergia	62	3 gal, 30" o.c.
Phi	Philodendron sp.	Ruby Philodendron	100	3 gal, 24" o.c.
Tie	Trachelospermum asiaticum	'Minnie' Jasmine	240	1 gal, trailing, 18" o.c.
Vib	Viburnum coccineum	'Mrs. Shiller's Delight'	65	18" ht, 24" o.c.

LANDSCAPE NOTES

All plant material to be Florida #1 and conform to nursery grades and standards.

All required trees shall be 12" minimum height with a 6" canopy spread.

No less than 50% of required trees shall be shade or canopy trees.

Palms shall be a minimum 10' height and can be used for tree credit at a 2:1 ratio.

All required shrubs shall be 24" height at the time of planting.

A minimum 50% of required plant material to be Florida native species.

Tree location and variety will consider FPL guidelines where necessary.

All landscaping shall be maintained at all times and present a clean and orderly appearance.

All landscaping to be maintained free of posts, disease and litter.

Any vegetation that dies shall be replaced with the same variety as designed.

No Cypress or red mulch to be used. A 3" depth of Mulch or Fertilizer (or approved equal) to be used in all beds. Mulch to be kept a distance of 24" away from tree trunk.

Landscaping within vehicular use areas shall be protected by a 6" (6) inch non-mountable curb.

Turf grass shall be a St. Augustine cultivar to reduce water consumption and maintenance.

An irrigation system will provide 100% coverage to all landscape areas using water wise methods.

LANDSCAPE DATA

Total Site Development Area = 2.73 acres - 118,918.80 sq. ft.

Required Site Trees @ 1/2500 s.f. of Developed Area = 48

Total Landscape Area required (20%) = 23,783.76 s.f.; provided 25,996 s.f. (22%)

Required Interior Landscape Area = 11,892 s.f.

Provided Interior Landscape Area = 15,175 s.f.

Total Length of Property Abutting R.O.W. = 725'

Required Trees @ 1/30 I.F. = 24

Total Length of Property Abutting Adjacent Property = 350'

Required Trees @ 1/30 I.F. = 12

Total Trees Required @ 1/30 = 36; Provided 40 Palms = 20 Trees + 30 Trees = 50

Total Trees Provided = 82 Palms = 41 Trees + 65 Trees = 106

Required Perimeter Hedge @ 1/2.5' = 3,075 / 2.5 = 430 Provided



COMPUTER FILE REF.	FIELD BK./PG.

BOGGS
PLANNING & LANDSCAPE ARCHITECTURE
100 AVENUE A SUITE 2E
FORT PIERCE, FLORIDA 34950

- REVISIONS -

BY DATE

BY	DATE

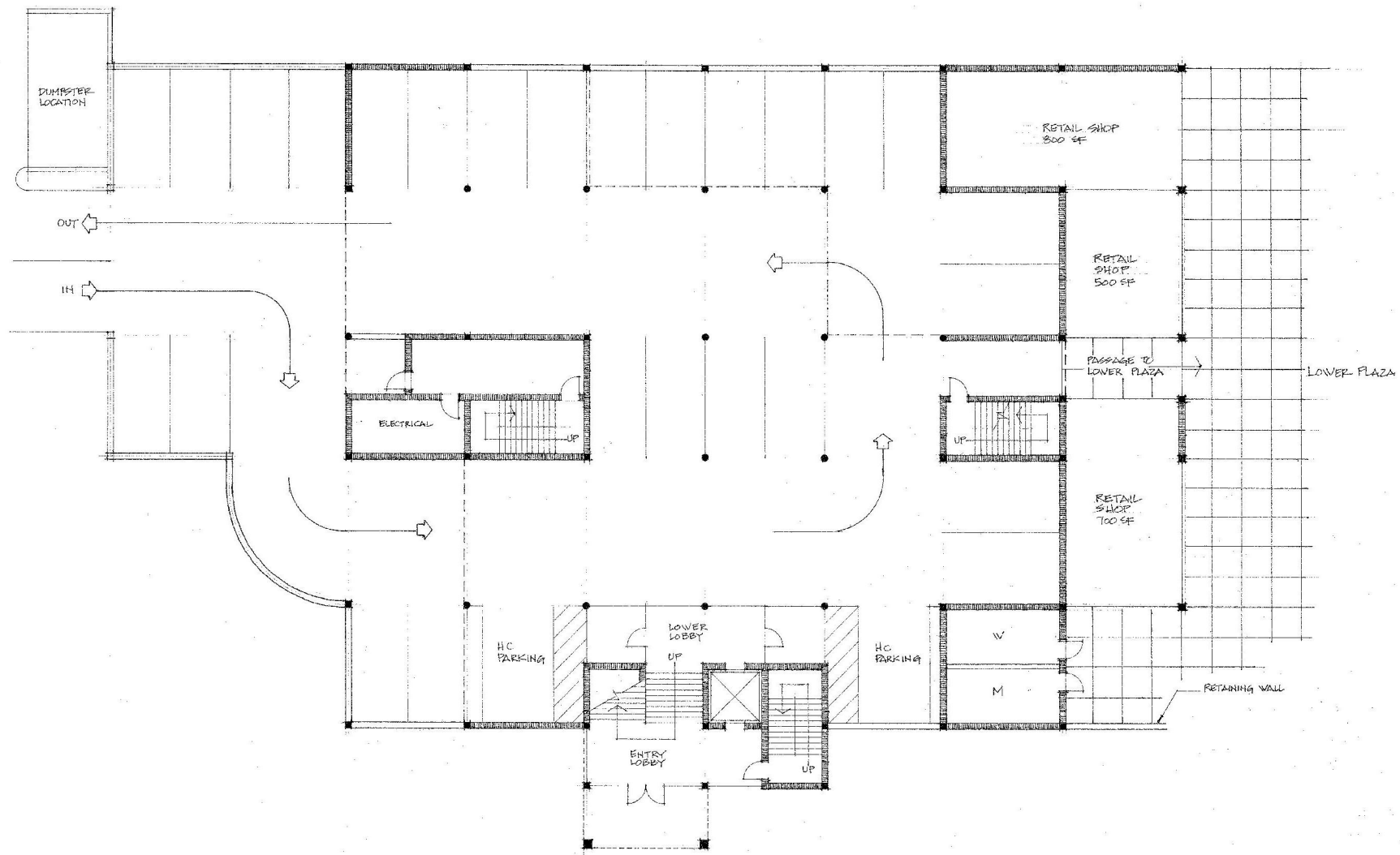
NORTH POINT
CITY OF STUART, FLORIDA
PRELIMINARY LANDSCAPE PLAN

HORIZ. SCALE 1"=40'
JOB NO.
SHEET 1 of 1



NORTH POINT DEVELOPMENT

Stuart, Florida 34994



NorthPoint • OFFICE BUILDING

PLAN @ PARKING GARAGE

SCALE: 1" = 8'-0"

GARAGE AREA = 12,400 SF
 RETAIL SHOPS + TOILETS = 2,400 SF
 TOTAL AREA = 14,800 SF

PARKING 20 CARS

ROBERT BRITT
 ARCHITECT INC.
 STUART, FLORIDA 34985
 P.O. BOX 1869
 772-287-8001 AR 0002914



ISSUE DATE:
 14 OCT 2018

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT DATE:
 OCT 15 2018



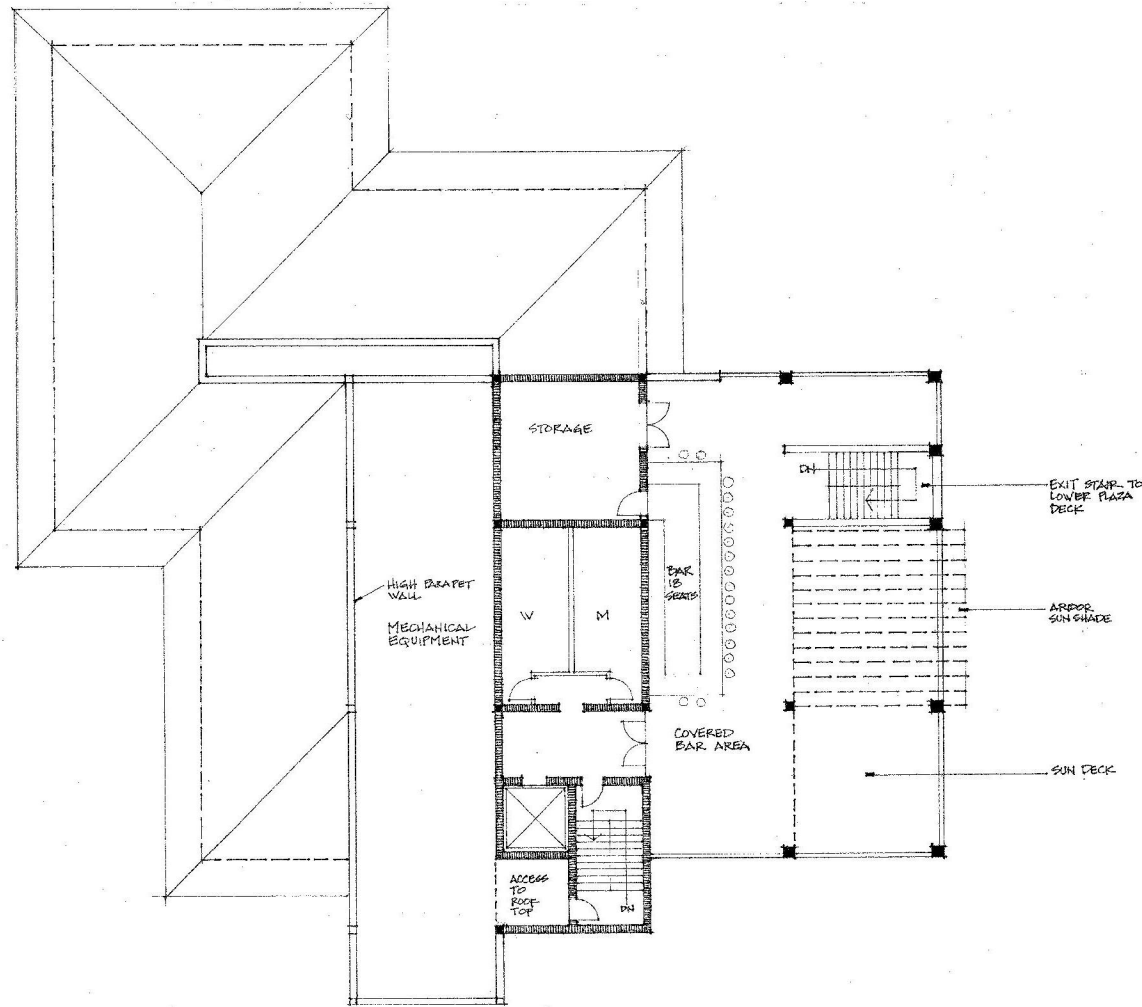
FLOOR PLAN, PARKING GARAGE
 SCHEMATIC DESIGN
 NorthPoint • OFFICE BUILDING
 STUART, FLORIDA

PROJECT NO.

DATE

SD 1.0

SHEET 1 OF 5



NorthPoint • OFFICE BUILDING
 PLAN @ OBSERVATION DECK
 TOTAL AREA = 4125 SF
 SCALE: 1" = 8'-0"

ROBERT BRITT
 ARCHITECT INC.
 STUART, FLORIDA 34985
 P.O. BOX 1969 772-287-9285 FAX
 772-287-9401 AR 0007014



DATE: 14 OCT 2018

SHEET:

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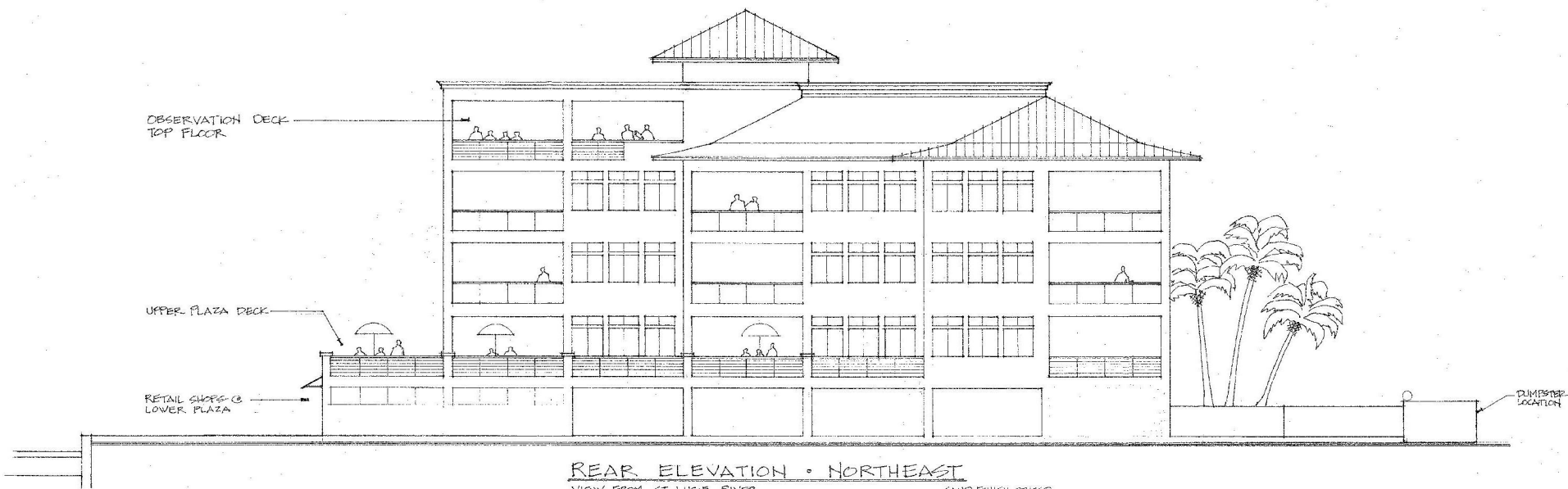
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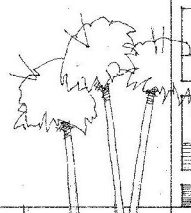
CLIENT:



STANDING SEAM GALVALUME
METAL ROOFING TYPICAL @
HIP ROOFS

FAUX RAFTER TAILS
TYPICAL @ OVERHANGS

HORIZONTAL SS CABLE RAIL
TYPICAL @ BALCONIES & DECKS



STONE FACING @
ENTRY LOVER FOR
TEXTURAL VARIATION

SAND FINISH STUCCO
PAINTED W/ COLOR FROM
URBAN COLOR WHEEL

ARCH. SHADE STRUCTURE
BEYOND AT OBSERVATION DECK

OBSERVATION DECK

3RD FLOOR OFFICE

2ND FLOOR OFFICE

1ST FLOOR OFFICE / UPPER PLAZA DECK

PARKING GARAGE / LOWER PLAZA DECK

FRONT ELEVATION • SOUTHWEST
VIEW FROM SR 707

NorthPoint • OFFICE BUILDING

SCALE: 1" = 8'-0"

ROBERT BRITT
ARCHITECT INC.
STUART, FLORIDA 34955
P.O. BOX 1989
772-257-5401 AR 000704
772-257-9555 FAX



DATE: 11 OCT 2018

REVISION

DATE: 06/15/2018



EXTERIOR BUILDING ELEVATIONS
SCHEMATIC DESIGN
NorthPoint • OFFICE BUILDING
STUART, FLORIDA

SHEET #

SD1.3

SHT 4 OF 5



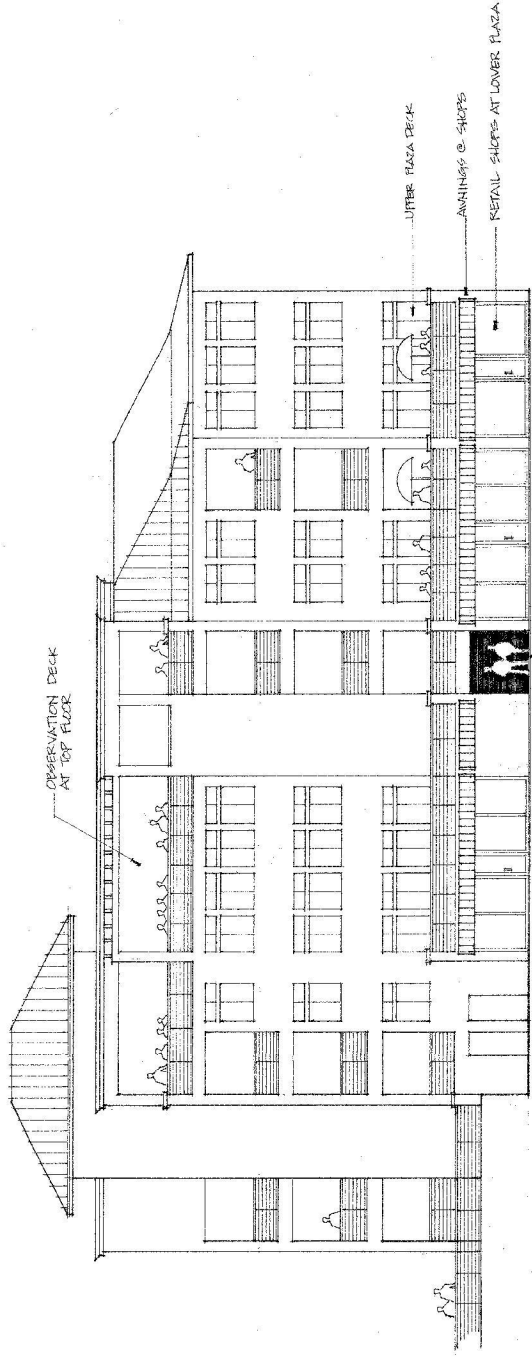
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SHEET: 14 OF 14

PROJECT: 01175208

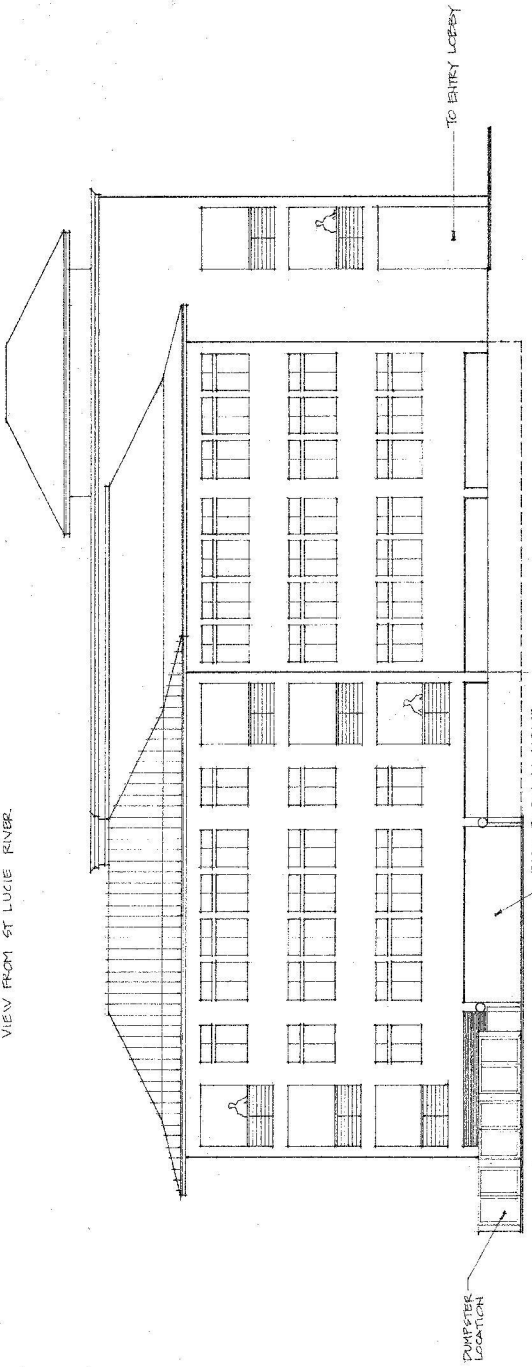


EXTERIOR BUILDING ELEVATIONS
SCHEMATIC DESIGN
NorthPoint • OFFICE BUILDING
STUART, FLORIDA

SD14
SHEET 14 OF 14

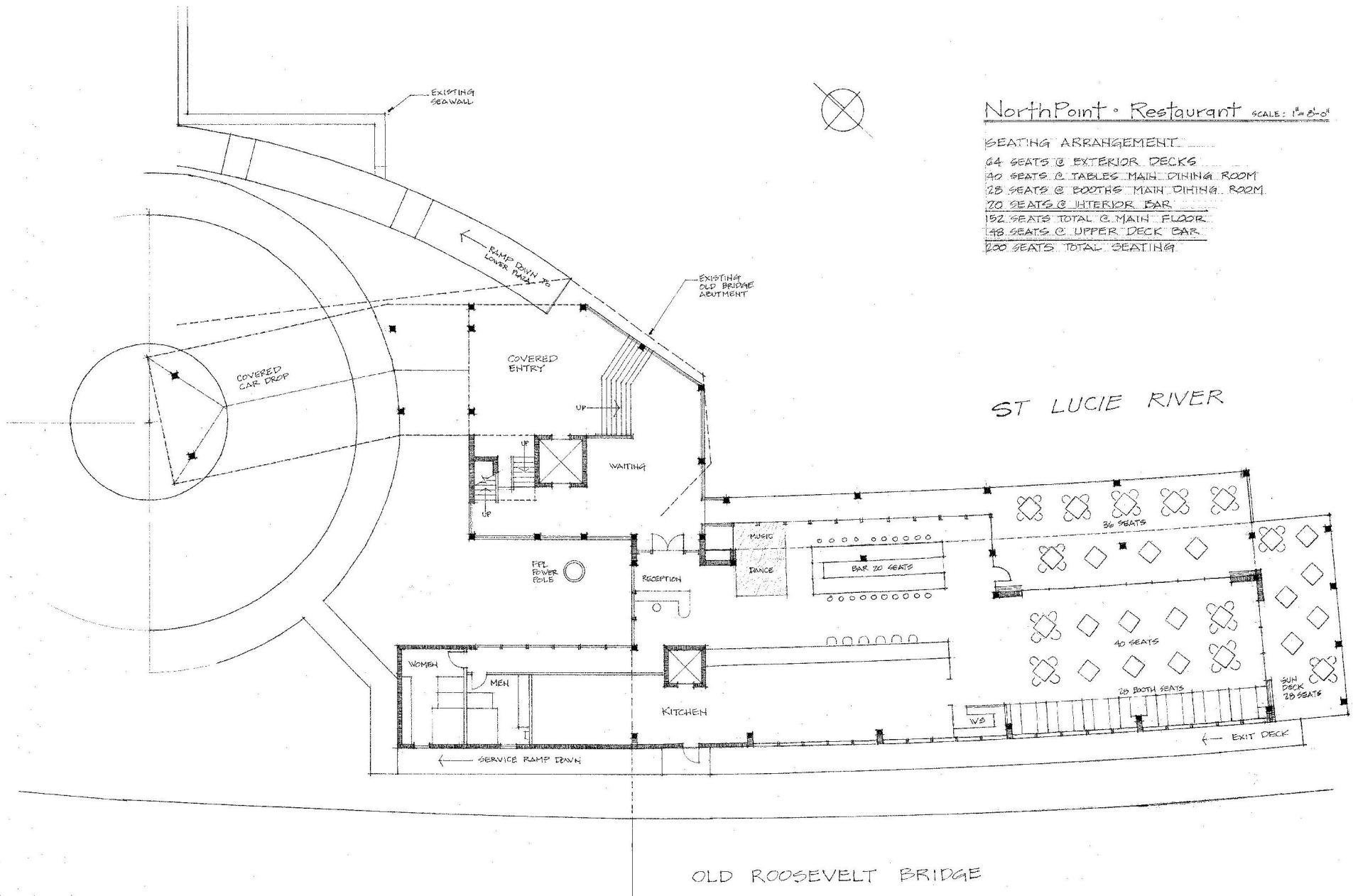


SIDE ELEVATION • SOUTHEAST
VIEW FROM ST LUCIE RIVER



SIDE ELEVATION • NORTHWEST

NorthPoint • OFFICE BUILDING
SCALE: 1"=8'-0"



NorthPoint • Restaurant SCALE: 1" = 20'-0"

SEATING ARRANGEMENT

64 SEATS @ EXTERIOR DECKS
 40 SEATS @ TABLES MAIN DINING ROOM
 28 SEATS @ BOOTHS MAIN DINING ROOM
 20 SEATS @ INTERIOR BAR
 192 SEATS TOTAL @ MAIN FLOOR
 48 SEATS @ UPPER DECK BAR
 240 SEATS TOTAL SEATING

ROBERT BRITT
 ARCHITECT INC.
 STUART, FLORIDA 34955
 772 287-9401 AR 0001014
 P.O. BOX 1869
 772 287-9401



DATE: 14 OCT 2018

14 OCT 2018

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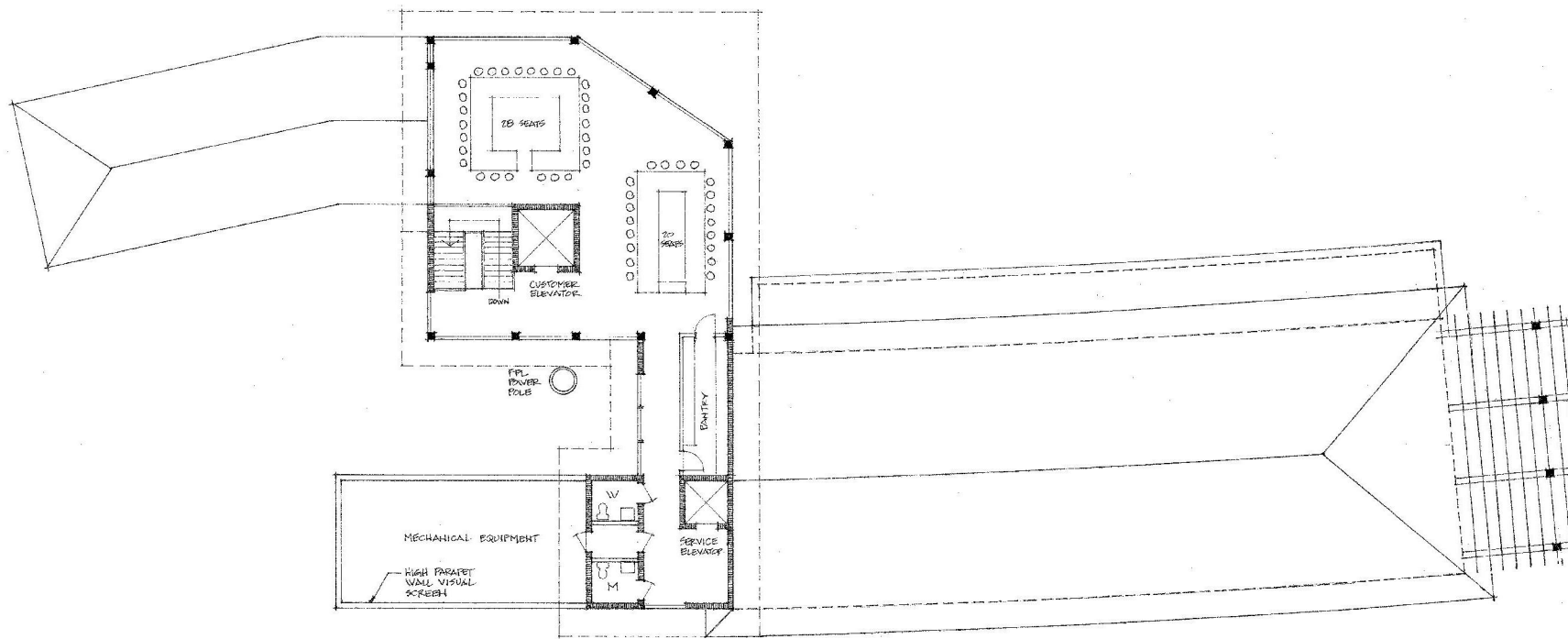
14 OCT 2018

14 OCT 2018

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14 OCT 2018

14 OCT 2018



NorthPoint - RESTAURANT SCALE: 1"=8'-0"

UPPER DECK BAR - MAX 48 SEATS

ROBERT BRITT
ARCHITECT INC.
STUART, FLORIDA 34995
P.O. BOX 983
772-287-9401 AR 0007014

FLOOR PLAN UPPER DECK BAR

SCHEMATIC DESIGN
NorthPoint - RESTAURANT
STUART, FLORIDA

DATE: 14 OCT 2018

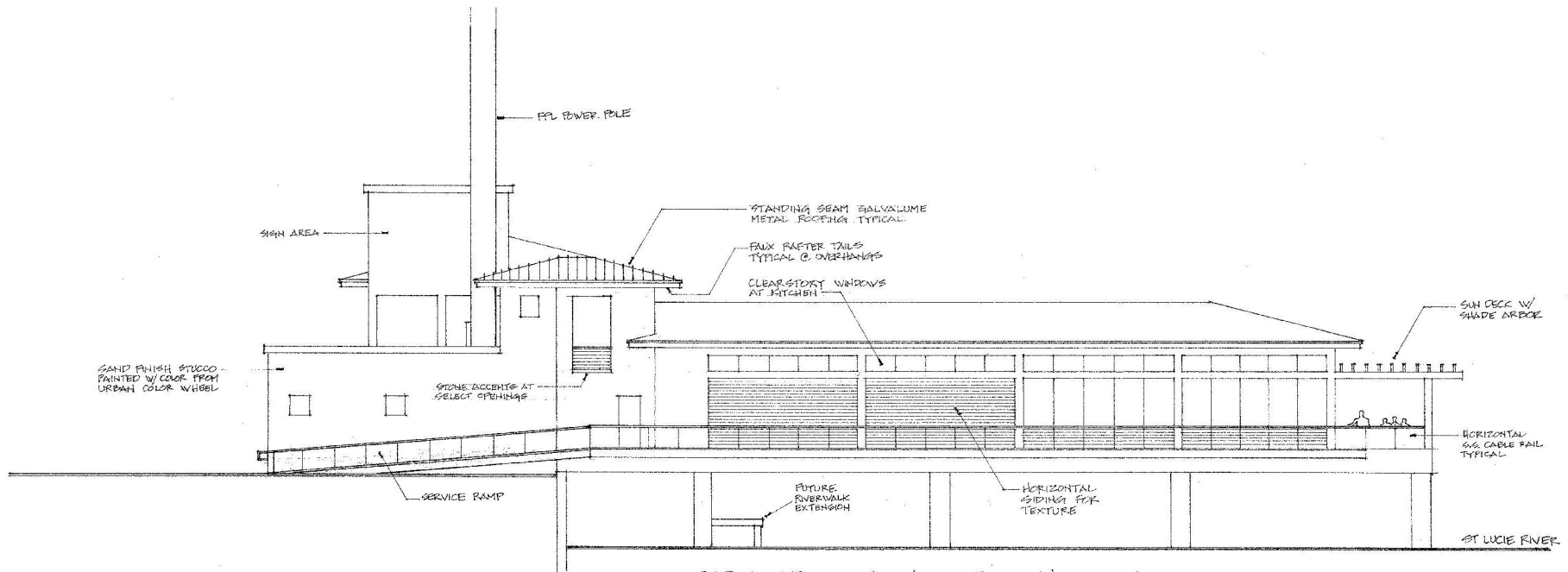
14 OCT 2018

PROJECT: SD2.1

SD2.1

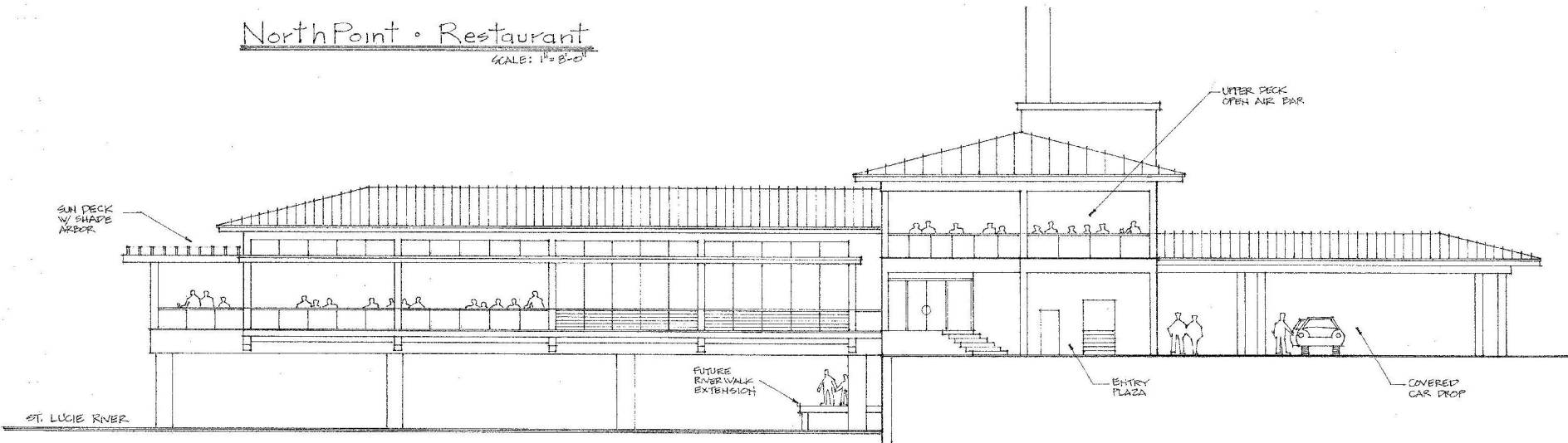
SHT 2 OF 4

SHT 2 OF 4



SIDE ELEVATION • SOUTHWEST
VIEW FROM BRIDGE

NorthPoint • Restaurant
SCALE: 1" = 8'-0"



SIDE ELEVATION • NORTHEAST
VIEW FROM ST LUCIE RIVER

ROBERT BRITT
ARCHITECT
P.O. BOX 1809
STUART, FLORIDA 34955
772-287-9641
AR 060314
AR 060314



DATE: 14 OCT 2018

PROJECT:

NO. 1

NO. 2

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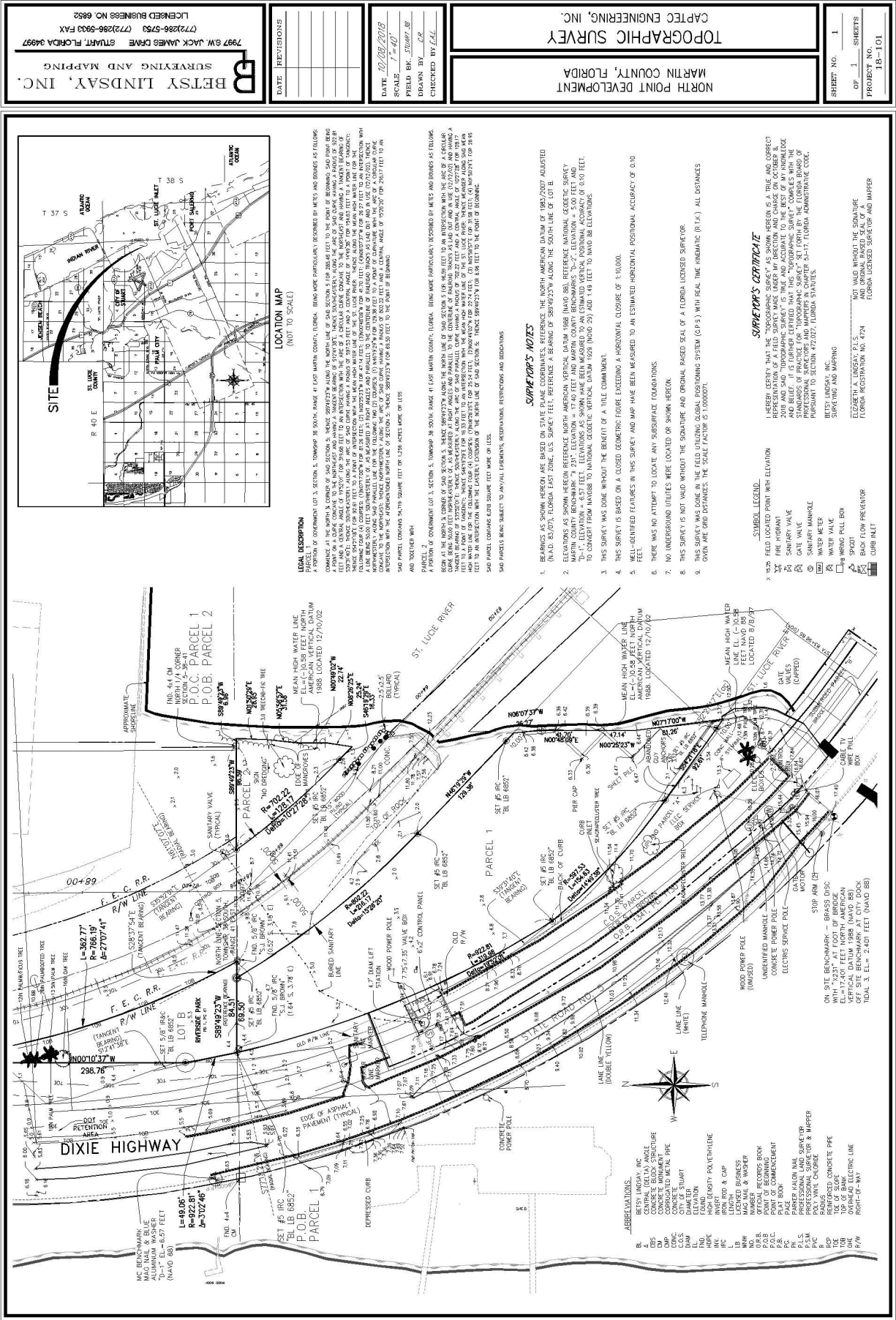
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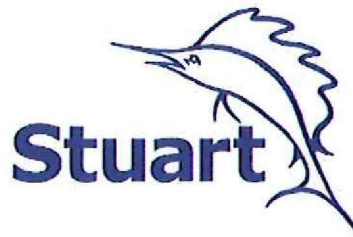
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North Point Development
Project No. 1767

TRAFFIC STATEMENT



PREPARED FOR:
CITY OF STUART

PREPARED BY:



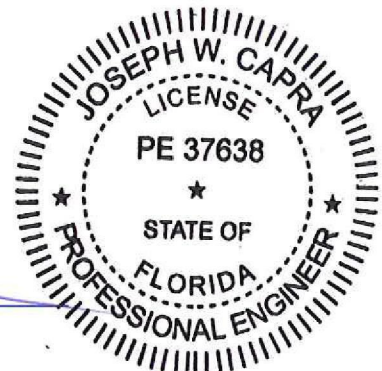
Engineering Business # EB-0007657

Joseph W. Capra, P.E.
Florida P.E. License # 37638

CAPTEC Engineering, Inc.
301 NW Flagler Avenue
Stuart, Florida 34994
(772) 692-4344



October 8, 2018





NORTH POINT DEVELOPMENT
STUART, FLORIDA



TRAFFIC STATEMENT

This Traffic Statement is being submitted as part of an application submittal to the City of Stuart. The site is located on the east side of County Road 707 just north of the old Roosevelt Bridge in the City of Stuart, Martin County, Florida.

The project consists of (2) buildings with office, retail and restaurant, roadway, parking, walkways, and associated stormwater management, drainage, paving, grading, and utility improvements.

PROJECT DESCRIPTION

The proposed development is an Institute of Transportation Engineers (ITE) Land Use Code # 710: Office, # 820: Retail and # 931: Restaurant.

PROJECT TRAFFIC

The ITE Trip Generation Manual 9th Edition was utilized to calculate the proposed trips:

Description/ITE Code	Units	ITE Vehicle Trip Generation Rates								Proposed Units
		Weekday	AM	PM	Pass-By	AM In	AM Out	PM In	PM Out	
General Office 710	KSF ²	9.74	1.47	1.42	10%	88%	12%	18%	82%	27.3
Shopping Center 820 Rate	KSF ²	37.75	3.00	4.21	48%	54%	46%	50%	50%	2.2
Quality Restaurant 931	Seats	2.60	0.15	0.29	44%	80%	20%	61%	39%	221.0

Total Generated Trips			Total Distribution of Generated Trips					
Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By
266	40	39	32	4	4	6	29	4
83	7	9	2	2	3	2	2	4
575	33	64	15	4	15	22	14	28
924	80	112				31	45	37

CONCLUSION

Therefore, this analysis reveals that the proposed project will generate:

- 924 Daily trips, 80 AM peak hour trips, 112 PM peak hour trips

The greatest peak hour peak direction is 45 PM exiting trips. Based upon our preliminary review, potential trip distribution analysis would be above the City of Stuart LDR Sec 4.05.02 threshold for de minimus (20 trips) and the project will require a more detailed traffic study as part of development approval, which can be provided during the final design submittals.

Please refer to the site plan and civil design plans for the site location map and adjacent roadway network.

END OF TRAFFIC STATEMENT

North Point Development

SR 707, Stuart FL 34994

Project No. 1767

Drainage Statement:

INTRODUCTION

The following drainage statement is for the proposed North Point Development, located in the City of Stuart within Martin County, Florida. The intent of the proposed project is to construct a three story office building, a restaurant, and associated parking, paving, drainage and utility infrastructure.

SITE LOCATION AND DESCRIPTION

The project site is approximately 3.33 acres and is located in Section 32, Township 37S, Range 41E in Stuart, Martin County, Florida. The project site is bordered by SR 707 (Dixie Highway) to the west, Florida East Coast (FEC) Railroad to the east, and the St. Lucie River to the south. See *Exhibit 1*.

The soil survey of Martin County, Florida states the only surface soil type on-site is 36 – Arents, 0 to 2 percent slopes. Enclosed is a copy of the USDA Soil Survey Map. See *Exhibit 2*.

DRAINAGE

Stormwater from the proposed site will drain into a system of storm drains and pipes equipped with an exfiltration system on-site, eventually flowing into the existing SR 707 retention area north of the project.

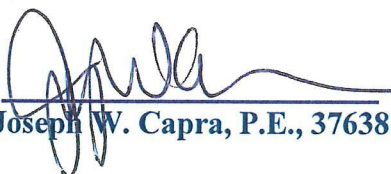
The required water quality treatment volume is 0.42 Ac-Ft, based on the South Florida Water Management District's required 2.5 inches over the percent net impervious. Approximately 695 linear feet of exfiltration system will be installed containing 0.47 Ac-Ft of storage.

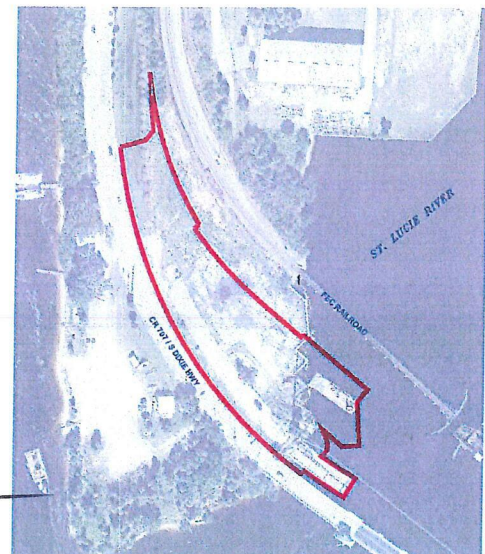
The 100-year 3-day zero discharge peak stage is 11.30 ft.-NAVD and the minimum proposed finished floor elevation is 17.00 ft.-NAVD.

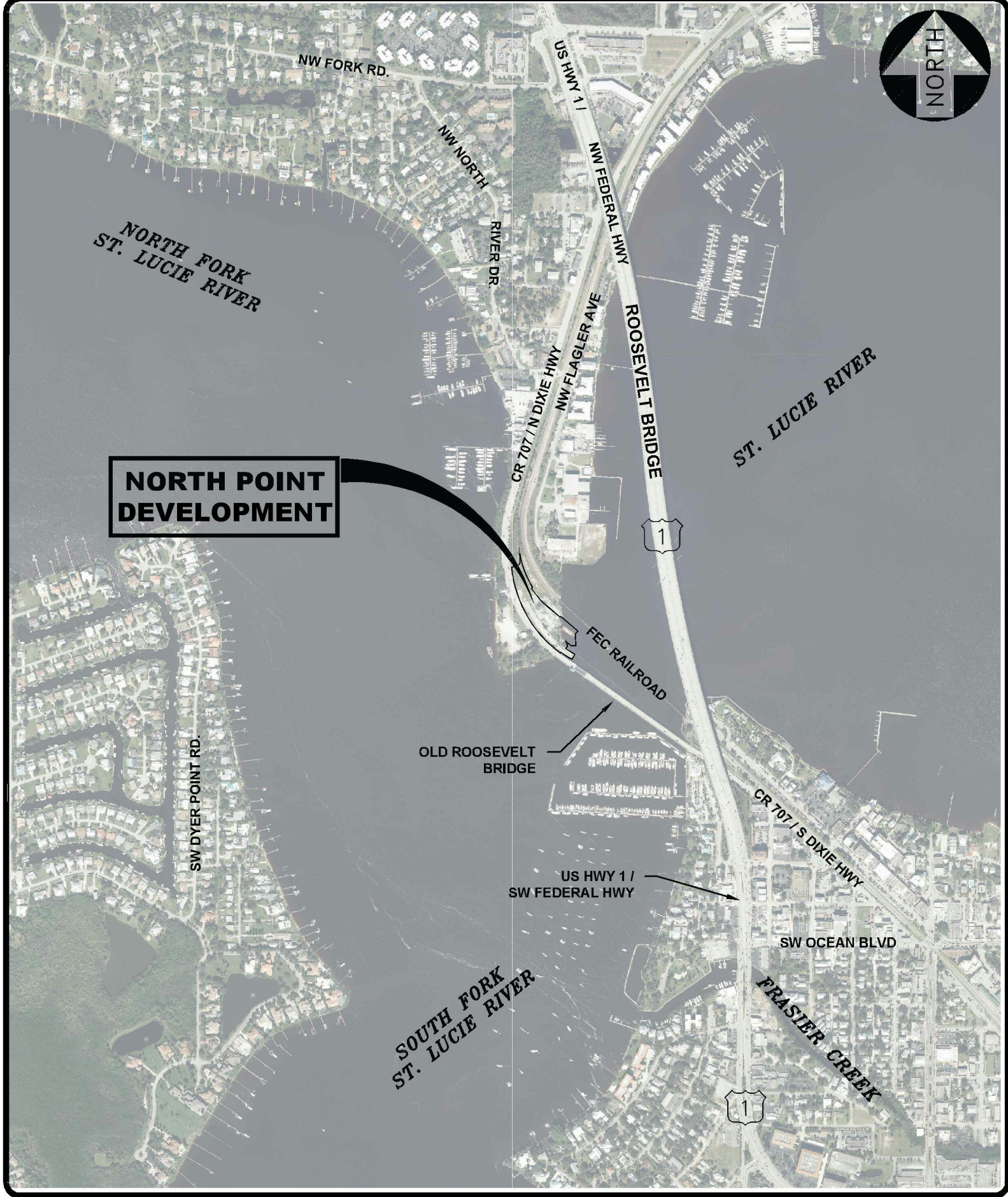
See *Exhibits 3-5* for drainage calculations.



PREPARED BY:
Joseph Capra, P.E. #37638
CAPTEC Engineering, Inc.
301 NW Flagler Avenue
Stuart, Florida 34994
(772) 692-4344
EB-0007657
November 14, 2018

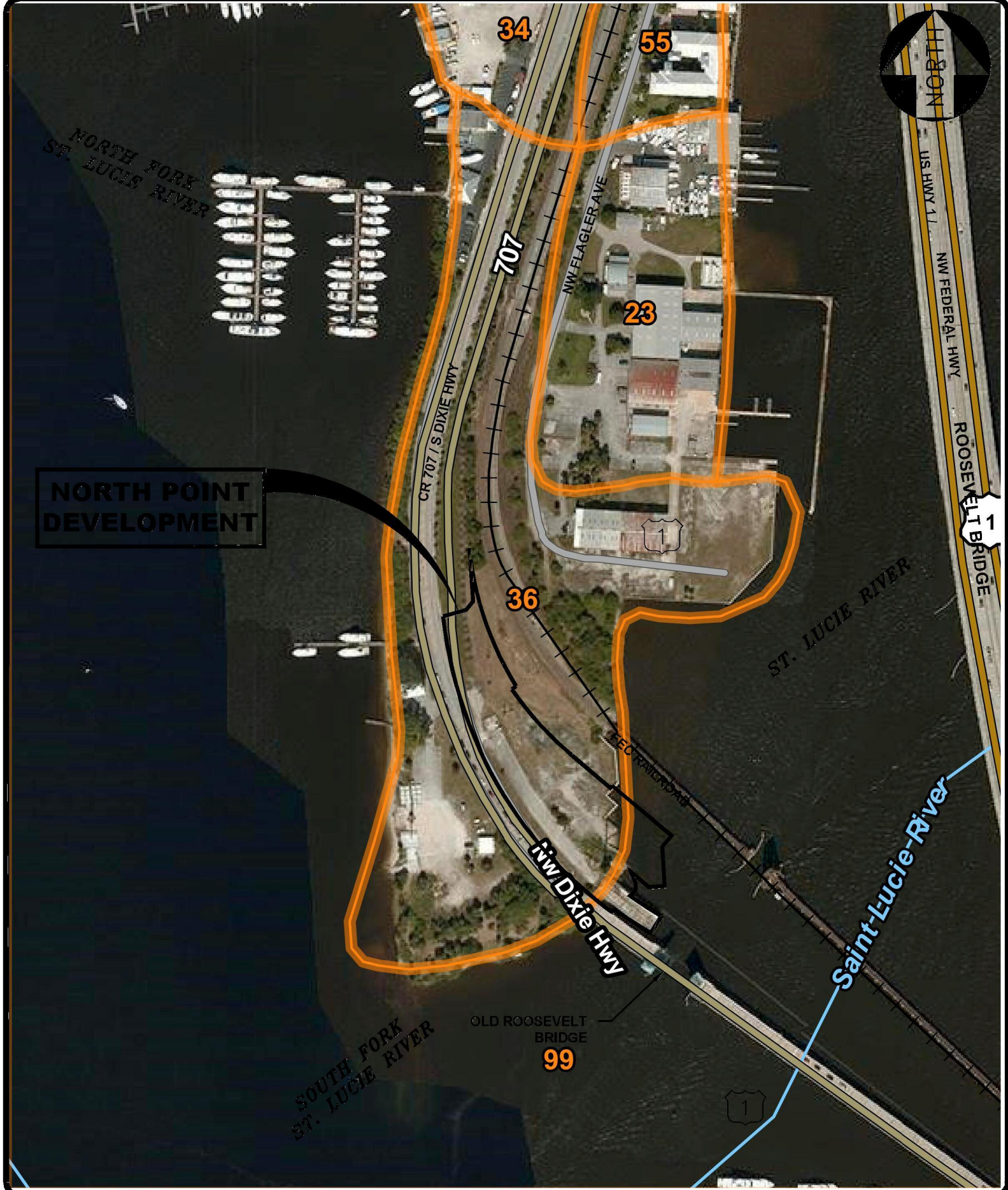

Joseph W. Capra, P.E., 37638





• 301 NW Flagler Ave
 Stuart, Florida 34994
 Phone: (772) 692-4344
 Fax: (772) 692-4341
 03252019 CCM
 Engineering Business
 No. EB-0007657

EXHIBIT 1 - LOCATION MAP
1767 - North Point Development



• 301 NW Flagler Ave
Stuart, Florida 34994
Phone: (772) 692-4344
Fax: (772) 692-4341

03252019 CCM
Engineering Business
No. EB-0007657

EXHIBIT 2 - SOILS MAP
1767 - North Point Development



Site Data

Calculate Basin Area

Total Site Area = **3.33 Ac.**

River Area = **0.60 Ac.**

Total Proposed Developed Basin Area = 2.73 Ac.

Calculate Impervious Area

Buildings = **0.46 Ac.**

Pavement/Curb/Sidewalks = **1.67 Ac.**

Total Impervious Area = 2.13 Ac.

Total Pervious Area = 0.60 Ac.

Calculate CN

The proposed DCIA area = **0.46 Ac.**

Remaining Site Area = **2.27 Ac.**

Land Type	Hydrologic Soil Group	Area	CN
Pervious	A	0.60 Ac.	39
DCIA Area		0.46 Ac.	98
NonDCIA Area	61%	1.67 Ac.	
Total Composite CN			64



Water Quality Storage

South Florida Water Management District

1.) Required Water Quality Treatment Volume

- a) First inch of runoff
 $Va = 2.73 * 1 \text{ In.} * (1 \text{ Ft./12 In.}) = \mathbf{0.23 \text{ Ac.-Ft.}}$
- b) Runoff from 2.5 * % net impervious
 $\text{Runoff} = 2.5 * (\text{Impervious Area}) / (\text{Basin-Bldg. Area-Lake Area})$
 $= 2.5 * (1.71 / (2.73 - 0.41 - 0)) = \mathbf{1.85 \text{ In.}}$
 $Vb (\text{sfwmd}) = (2.73) * 1.85 * (1 \text{ Ft./12 In.}) = \mathbf{0.42 \text{ Ac.-Ft.}}$
- c) Since $Vb (\text{sfwmd}) > Va$ the water quality volume required = $\mathbf{0.42 \text{ Ac.-Ft.}}$

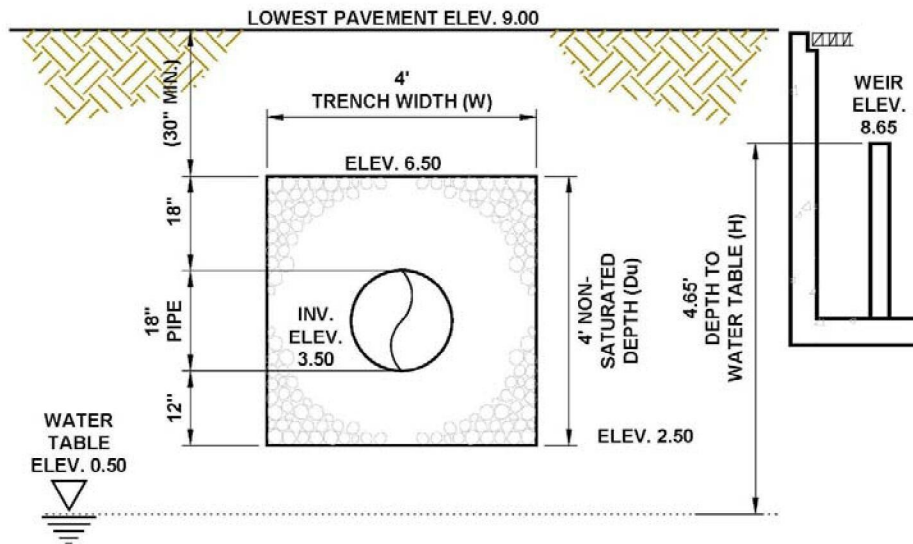
2.) Provided Water Quality Treatment Volume

Wet Retention (Exfiltration) * = $\mathbf{0.47 \text{ Ac.-Ft.}}$ 100% Required = $\mathbf{0.47 \text{ Ac.-Ft.}}$
Total = $\mathbf{0.47 \text{ Ac.-Ft.}}$

	Elevation (NGVD)	
	Required	Provided
Finished Floor (100 yr. 3 day zero discharge)	$\mathbf{11.30}$	$\mathbf{17.00}$

Exfiltration Design

a)
$$V = L * (k * (H * W + 2 * H * D_U - D_U * D_U + 2 * H * D_S) + (0.000139 * W * D_U))$$



Where:

V = Volume (Ac.-In.)

L = Length of Exfiltration (FT.)

k = Hydraulic Conductivity (cfs/Ft²-Ft-Hd) *

H = Water Table Depth

W = Width of Trench

D_U = Unsaturated Depth

D_S = Saturated Depth

= **695.00 Ft.**

= **4.24E-05**

= **6.00 Ft.**

= **6.00 Ft.**

= **6.00 Ft.**

= **0.00 Ft.**

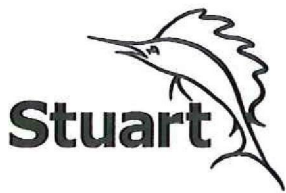
$$V = 695 * (0.000042 * (6 * 6 + 2 * 6 * 6 - 6^2 + 2 * 6 * 0) + (0.000139 * 6 * 6))$$

= **5.60 Ac.-In.**

Exfiltration Trench Volume Provided: = **5.60 Ac.-In.**

= **0.47 Ac.-Ft.**

Required Exfiltration = **0.42 Ac.-Ft.**



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

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

Application for Urban Code Conditional Use Permit

Project ID# _____
(Staff Entry)

Pre-App Conference Date: September 27, 2018	Application Date: October 15, 2018
Project Name: North Point Development	
Parcel ID#05-38-41-000-000-00031-0 & Parcel ID#05-38-41-000-000-00030-7	Project Address:
Zoning/CRA Sub-district:	
Subdivision: N/A	Lot(s): N/A
Fee: \$1,536.00 – Major Urban Code Conditional Use Permit (Community Redevelopment Board and City Commission Approval) Fee: \$512.00 – Minor Urban Code Conditional Use Permit (Community Redevelopment Board) (This does not include fees that may be charged as a result of application reviews by the City's consultants or any required recording fees)	
A <u>Minor Urban Code Conditional Use Permit</u> shall be required for relief from the following regulations of the urban code; paint colors; public art, and architectural materials.	
A <u>Major Urban Code Conditional Use Permit</u> shall be required for relief from the following regulations of the urban code; density, permitted uses, setbacks, location of parking, location of buildings and structures, conflicts with utilities, curb cuts, historic buildings, pitched roofs in the old downtown district, number of stories, building height not to exceed 45 feet, parking located within a building envelope, location of a formula business, and architectural requirements.	
Submittal Requirements: A completed application form, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, the payment of fees, and pertinent information per application type as determined by the Development Director.	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the Community Redevelopment Board (CRB) public hearing followed by a recommendation to the City Commission.	
Justification: Please provide justification supporting the request for an Urban Code Conditional Use Permit (include additional pages if needed).	

(over)

General Information

General Information

(Please Print or Type)

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

Name:	Richard C. Geisinger, Jr.
Title:	Manager
Company:	North Stuart Acquisitions & Development, LLC
Company Address:	54 NW Dixie Highway
City/State/Zip Code:	Stuart, Florida 34994
Telephone Number:	(772) 215-1094
Facsimile Number:	N/A
Email Address (optional):	richardgeisingerjr@gmail.com

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

Name:	Joseph W. Capra, P.E.
Title:	President
Company:	CAPTEC Engineering, Inc.
Company Address:	301 NW Flagler Avenue
City/State/Zip Code:	Stuart, Florida 34994
Telephone Number:	(772) 692-4344
Facsimile Number:	(772) 692-4341
Email Address (optional):	jcapra@gocaptec.com ; tandre@gocaptec.com ; kkrumbholz@gocaptec.com

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

Name:	Richard C. Geisinger, Jr.
Title:	Manager
Company:	North Stuart Acquisitions & Development, LLC

03252019 GCM

Company Address:	54 NW Dixie Highway
City/State/Zip Code:	Stuart, Florida 34994
Telephone Number:	(772) 215-1094

Facsimile Number: N/A

Email Address (optional):
richardgeisinger@gmail.com

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

4. Signed this 10th day of October, 2018.

North Stuart Acquisitions & Development, LLC

Richard C. Geisinger, Jr.

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

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 10th day of October by Richard C. Geisinger, Jr. who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

Getty E. Marino
Notary Signature

Commission expires: 12.22.18



GETTY E. MARINO
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF185114
Expires 12/22/2018

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Kev Freeman

Title of Item:

AMENDMENT TO LAND DEVELOPMENT CODE TO CREATE URBAN PUD AND EAST STUART PUD ZONING DESIGNATIONS (RC):

ORDINANCE No. 2401-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED “ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY” AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Note this item continued from March 11th, 2019 City Commission Meeting.

Staff has since amended the proposed code to clearly define the applicability of the UPUD to be only within the adopted CRA Area.

The discussion around a potential mandated community outreach by PUD applicants will be best dealt with under a separate amendment to the Land Development Code at Chapter XI: Processing of plan applications, which will require separate public notification.

Commission should also note that this proposed amendment does not amend the underlying zoning code or comprehensive plan designations but provides a better tool to implement existing code in the adopted CRA and East Stuart Code district.

The intent of the comprehensive plan and the community redevelopment area (CRA) is to promote a compact urban form and development pattern. This code amendment addresses three issues related to promoting that intent:

1. The existing land development code does not provide adequate direction in terms of the form and design of proposed development within the 2016 expanded area of the CRA.
2. The option for a planned unit development within the CRA does not provide an approach to redevelopment that is consistent with the aims of the CRA or the comprehensive plan.
3. The option for a planned unit development within the East Stuart Code District does not provide an approach to development that is consistent with the aims of the East Stuart Code or the comprehensive plan.

Therefore, this proposed land development code text amendment allows for the designation of Planned Unit Development (PUD) that conforms to either the Urban District Code or to the East Stuart Code, depending upon location. Included in the amendments are code changes that ensure compliance with the City's comprehensive plan and clarify the land development code and its application.

The amendments do not amend the allowed density, which is determined by the comprehensive plan.

The proposed amendments do not amend the underlying future land uses or zoning designations but allow for a Planned Unit Development zoning designation as part of a formal rezoning process. Moreover, the area of the expanded CRA boundary retains the existing underlying future land use.

Funding Source:

N/A

Recommended Action:

Motion to Approve Ordinance 2401-2019 on first reading

ATTACHMENTS:

Description	Upload Date	Type
▣ Staff Report	3/13/2019	Staff Report
▣ Ordinance 2401 - 2019	3/13/2019	Ordinance add to Y drive
▣ Presentation - UPUD-ESPUD	3/13/2019	Ordinance add to Y drive

CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

MEETING DATE: 11th March, 2019

PREPARED BY: Kev Freeman
Development Director

PROJECT NAME: Land Development Code Amendment to create the Urban Planned Unit (UPUD) and East Stuart Planned Unit Development zoning designations

TITLE OF ITEM: ORDINANCE No. 2401-2019: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QJ)(RC)

I. SUMMARY

Comprehensive Plan Objectives and Policies;

Objective B1. - Compact urban form.

Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart in order to achieve a compact urban form.

Objective B3. - Desirable pattern of land uses.

Promote and enhance a pattern of land uses that are compatible; that are convenient to City residents, businesses, and visitors; that avoid inappropriate or wasteful use of land; and that encourage efficient use of land, resources and facilities. Future land uses shall be designated to support the existing or planned community character, thereby prohibiting the development or expansion of uses which are inconsistent with the community's character. Reduce blighted areas through redevelopment. Land development and use regulations shall include provisions to ensure consistency with this Comprehensive Plan.

Objective C1. - Urban Code Overlay Zone.

The City shall implement the Stuart Urban Code Overlay Zone in the CRA which provides for adequate parking; encourages the ability of people to live, work, and shop without need of a car; defines urban spaces with buildings; creates interesting and pleasant itineraries along sidewalks; conceals parking lots; promotes alternative modes of transportation; and provides for harmony of architectural style.

Policy B1.1. The City shall continue to market itself as a hub for commercial, social, and institutional governmental activities in Martin County. Provide for commercial opportunities within Stuart beyond the historical conditions in order to provide alternatives to urban sprawl.

Policy C3.5. The City shall promote compact urban form and discourage urban sprawl consistent with FLUE Objective B1 and Policy B1.1.

The intent of the Community Redevelopment Area (CRA) is to promote a compact urban form and development pattern. This code amendment addresses three issues related to promoting that intent:

1. The existing land development code does not provide adequate direction in terms of the form and design of proposed development within the 2016 expanded area of the CRA.
2. The option for a planned unit development within the CRA does not provide an approach to redevelopment that is consistent with the aims of the CRA or the comprehensive plan.
3. The option for a planned unit development within the East Stuart Code District does not provide an approach to development that is consistent with the aims of the East Stuart Code or the comprehensive plan.

Therefore, this proposed land development code text amendment allows for the designation of Planned Unit Development (PUD) that conforms to either the Urban District Code or to the East Stuart Code, depending upon location. Included in the amendments are code changes that ensure compliance with the City's comprehensive plan and clarify the land development code and its application.

The amendments do not amend the allowed density, which is determined by the comprehensive plan.

The proposed amendments do not amend the underlying future land uses or zoning designations but allow for a Planned Unit Development zoning designation as part of a formal rezoning process. Moreover, the area of the expanded CRA boundary retains the existing underlying future land use.

The item has been presented to the Community Redevelopment Board and to the Local Planning Agency. Both boards unanimously recommended approval.

II. HISTORY

The Community Redevelopment Area was expanded in February 2016. At that time the underlying future land use and zoning designations were left in place and remain so to date.

III. OUTLINE OF PROPOSED LAND DEVELOPMENT CODE AMANDMENTS TO CHAPTER II, ZONING DISTRICT USES ALLOWED, DENSITY, INTENSITY

- a. Table 2 (multiple tables) of Residential, Business, Public Service, Industrial, Hospital and RPUD, CPUD, MXPUD, PSPUD and IPUD District Uses are consolidated into a singlar table (Table 2).
- b. Uses allowed within the proposed Urban PUD and East Stuart PUD are controlled by section 3.01.00 Urban Code and section 3.02.00 East Stuart Code respectively.
- c. Section 2.03.03 removes the phrase 'density bonus'.
- d. Table 3a Removes reference to PUD and Urban Code Districts, which are placed in a new table 3b to include UPUD and PSPUD.
- e. Section 2.06.19 permits rooftop dining in UPUD and ESPUD districts.
- f. Section 2.07.00 A. amendments to include 'resilient' living and working environment and allows for imaginative stormwater infrastructure solutions.
- g. Section 2.07.00 B. PUD defined, includes UPUD and ESPUD districts.
- h. Section 2.07.00 D.3. Density. Sets density in RPUD's to meet that which is prescribed in the Comprehensive Plan.
- i. Section 2.07.00 D.4.c Floor Area Ratio to comply with Comprehensive Plan.
- j. Section 2.07.00 E. Creates the Urban Planned Unit Development zoning district requirements.
- k. Section 2.07.00 F. Creates the East Stuart Planned Unit Development zoning district requirements.

IV. STAFF RECOMMENDATION

Move to approve Ordinance 2401-2019



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

ORDINANCE NUMBER 2401-2019

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
AMENDING THE EXISTING SECTION OF CHAPTER II
ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY,
INTENSITY" AND CREATING ADDITIONAL ZONING DISTRICT
DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT
AND EAST STUART PLANNED UNIT DEVELOPMENT;
PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE,
AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's comprehensive plan to discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill to achieve a compact urban form; and

WHEREAS, the purpose of this Land Development Code amendment is to establish standards for compact planned unit development within the designated community redevelopment area; and

WHEREAS, the purpose of this Land Development Code amendment is to establish standards for compact planned unit development within the designated East Stuart code overlay area; and

WHEREAS, the Land Development Code amendments were presented to the Community Redevelopment Board on 13th February, 2019; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on 21st February, 2019 and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

|

Chapter II

ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

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2.07.00

DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

2.00.00. GENERALLY

Sec. 2.00.01. Purpose.

The purpose of this chapter is to: (a) identify the implementing zoning districts for the future land use categories contained in the City's Comprehensive Plan; (b) establish development approval processes for specific uses and (c) identify measurable development standards (e.g. building height, setback, lot size, density).

Sec. 2.00.02. Exceptions and Additional Standards.

The Urban Code District, East Stuart District and S.E. Ocean Boulevard Overlay Zone are established by the City of Stuart based on the need for special protective measures, additional design standards, and redevelopment incentives in those areas. Due to the special nature of these areas, the uses and development standards allowed are described in Chapter 3 of this Land Development Code. The additional design standards described in Chapter 3 of this code will be applied in the case of any proposed planned unit development (PUD) within these areas or within the defined Community Redevelopment Area (CRA).

2.01.00. ZONING DISTRICTS

Sec. 2.01.01. Relationship of zoning districts to future land use map categories.

Land use classifications for Stuart are identified and described in the Future Land Use Element of the Comprehensive Plan and delineated on the future land use map. *Table 1 – Zoning District/Future Land Use Category Compatibility* reflects the zone districts and the future land use categories that the zone districts implement.

Sec. 2.01.02. Designation of districts.

The designated zoning districts within the City are:

- A. R-1A Residential - Single Family Estate; R-1 Residential - Single Family General;
- B. R-2 Residential - Duplex;
- C. R-3 Residential - Multi-Family/Office;
- D. B-1 Business Limited;
- E. B-2 Business General;
- F. B-3 Business Restricted;
- G. B-4 Limited Business/Manufacturing;
- H. P Public Service;
- I. I Industrial;
- J. H Hospital;
- K. Planned Unit Development (PUD)
 - 1. Residential (RPUD)
 - 2. Commercial (CPUD)
 - 3. Public Service (PSPUD)
 - 4. Industrial (IPUD)
 - 5. Mixed Use (MXPUD)

- 6. Urban (UPUD)
- 7. East Stuart (ESPUD);
- 5.

- L. Urban District
 - 1. Urban General (UG)
 - 2. Urban Center (UC)
 - 3. Urban Neighborhood (UN)
 - 4. Urban Highway (UH)
 - 5. Urban Waterfront (UW);
- M. East Stuart District
 - 1. Business and Mixed Use (BMU)
 - 2. General Residential and Office (GRO)
 - 3. Single-family and Duplex (SFD)
- N. S.E. Ocean Boulevard Overlay

Sec. 2.01.03. - TABLE 1

ZONING DISTRICT/FUTURE LAND USE CATEGORY COMPATIBILITY

		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
FUTURE LAND USE CATEGORIES	Low Density Residential	X	X	X									RPUD <u>UPUD</u>			X
	Multi-family Residential				X								RPUD CPUD MXPU D <u>UPUD</u>			X
	Office/Residential				X								RPUD CPUD MXPU D <u>UPUD</u>			X
	Commercial					X	X	X	X				CPUD IPUD MXPU D <u>UPUD</u>			X
	Industrial								X		X		CPUD IPUD MXPU D <u>UPUD</u>			
	Public					X	X	X	X	X	X	X	CPUD PSPUD	X	X	X

		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
 													MXPU D <u>UPUD</u>			
	Institutional			X	X	X	X	X		X		X	RPUD MXPU D <u>UPUD</u>	X		X
	Recreation	X	X	X	X	X	X	X		X			PSPUD MXPU D <u>UPUD</u>	X		X
	Downtown Re-development	X	X	X	X	X	X	X	X	X			RPUD CPUD PSPUD MXPU D <u>UPUD</u>	X		
	Neighborhood Special District												RPUD CPUD MXPU D PSPUD	X		
	East Stuart	X	X	X	X	X	X	X	X	X	X			RPUD CPUD MXPU D PSPUD <u>ESPUD</u>	X	X

		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
	Conservation	X	X	X	X	X	X	X	X	X	X	X	PSPUD	X		
	Marine Industrial										X		RPUD CPUD PSPUD IPUD MXPU D <u>UPUD</u>	X		

2.02.00. USES ALLOWED IN ZONING DISTRICTS

Sec. 2.02.01. Generally.

It is the purpose of this section to identify the uses allowed in each zoning district (~~See Table 2 – Residential uses, and PUDs (Planned Unit Development) Districts Uses; Table 3 – Business uses and PUD Districts Uses; and Table 4 – Public Service, Industrial, Agriculture, Hospital and PUD Districts uUses~~).

- A. Consideration of uses not specifically listed. If a use is not listed within a specific zoning district, then the use is not allowed. However, a proposed use that is not listed within a particular zoning district, but which is determined by the city development director to have a character, similar nature, and impact to a permitted use in that district, the city development director may make a determination of comparability to the applicant. Conditions may be placed on the decision. A determination by city development director that a proposed use is not similar to a permitted use may be appealed according to procedures in Chapter VIII.

In making such finding, the city development director may assess all relevant characteristics of the proposed use, including but not limited to the following, as applicable:

- a. The typical volume and type of sales (retail or wholesale); size and type of items sold; and nature of inventory on the premises;
- b. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
- c. The nature and location of storage and outdoor display of merchandise; whether storage is enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders hazardous or not);
- d. The type, size, and typical massing of buildings and structures associated with the unlisted use;
- e. Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site; trip purposes and whether trip purposes can be shared by other uses on the site;
- f. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
- g. The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;

- h. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- i. The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses allowed in the zoning district.

Sec. 2.02.02. TABLE 2

Residential and PUD Districts Uses	R-1A	R-1	R-2	R-3	R-M	RPUD	CPU D	MXPU D
Accessory dwelling units, detached (refer to Section 6.09.02)	P	P	P	P		A		A
Assisted living facilities of 4 or fewer persons (refer to supplemental standards in Section 2.06.03)	P	P	P	P	P	A		
Assisted living facilities of 5 or more persons (refer to supplemental standards in Section 2.06.03)				C U	CU	A		
Adult day care centers (less than 5 acres)				C U	P	A	A	A
Bed & breakfast inns	-	-	-	P	-	A	A	A
Child care center (less than 5 acres) (refer to supplemental standards in Section 2.06.05)	-	-	-	C U	P	A	A	A
Community centers	-	-	P	P	-	A	A	A
Community garden (refer to supplemental standards in Section 2.06.08)	P	P	P	P	P	A	A	A
Community residential home of 7-14 residents	-	-	-	C U	CU	A	A	A
Duplex dwelling units	-	-	P	P	-	A	-	A
Family day care home in a residence	P	P	P	P	P	A	A	A
Golf course						A	A	A
Governmental buildings	-	-	P	P	-	A	A	A
Group home of six or fewer residents	P	P	P	P	-	A	A	A
Home occupations (refer to supplemental standards in Section 2.06.10)	P	P	P	P	-	A	A	A
Libraries	-	-	P	P	-	A	A	A
Massage therapy establishments				P		A	A	A
Multi family dwelling units	-	-	-	P	P	A	-	A
Nursing homes	-	-	-	P	-	A	A	A
Office, business or professional	-	-	-	P	-	A	A	A
Office, low intensity medical				P		A	A	A
Office, medical				P		A	A	A
Pain management clinics (refer to supplemental standards in Section 2.06.16)				C U			CU	
Public facilities and services	P	P	P	P	P	A	A	A
Public parks	P	P	P	P	P	A	A	A
Public utilities ⁴	P	P	P	P	P	A	A	A
Religious institution (less than 5 acres)			C U	P		A	A	A
Religious institution (more than 5 acres)				C U		A	A	A

Residential and PUD Districts Uses	R-1A	R-1	R-2	R-3	R-M	RPUD	CPU D	MXPU D
Residential units combined with non-residential uses	-	-	-	P	-	A	A	A
Rooming and boarding houses	-	-	-	P	-	A	A	A
Schools—private, parochial, , or technical (less than 5 acres)	CU	C U	C U	C U	-	A	A	A
Single family dwelling unit	P	P	P	P	-	A	-	A
Stealth Communication Facilities—In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	-	-	-	P	-	A	A	A
Stealth Communication Facilities—In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in Section 2.06.12).	-	-	-	C U	-	A	A	A
Studio (art, dance, music, exercise)				P		A	A	A

Footnotes:

P—Use Permitted By Right; subject to all other applicable requirements of the Code.

CU—Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process

A—Allowed through city commission public hearing process

☐—Prohibited

Sec. 2.02.03. TABLE 3

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Adult businesses (refer to supplemental standards in Section 2.06.11)	-	CU	-	-		
Adult day care centers	P	P	P	CU	A	A
Automatic amusement center and game room		P			A	A
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.06)		P			A	A
Automobile sales provided all repair and service shall be done within an enclosed building (refer to supplemental standards in Section 2.06.06)	-	P	-	-	A	A
Bakery, retail and/or wholesale warehouses	-	P	-	P	A	A
Banks/financial institutions	P	P	-	P	A	A
Barbershop, beauty salons, specialty salons	P	P	-	-	A	A
Bars	P	P	-	-	A	A
Boat building, indoors	-		-	-	A	-
Boat sales and service (refer to supplemental standards in Section 2.06.06)		P			A	A
Boat storage, dry		P		P	A	A
Bowling alleys	-	P	-	-	A	A
Bus and train (passenger) station/terminals	-	P	-	-	A	A
Car wash		P			A	A
Catering shops	P	P			A	A
Cemeteries	-	P	-	-	A	A
Child care center (refer to supplemental standards in Section 2.06.05)	P	P	P	CU	A	A
Clubs, lodges, and fraternal organizations	-	P	-	-	A	A
Cold storage					A	
Community garden (refer to supplemental standards in Section 2.06.08)	P	P	P	P	A	A
Craft distillery	P	P		P	A	A
Crematoriums		CU			A	A
Dry boat storage		P		P	A	A
Drycleaning establishment		P		P	A	A
Family day care home in a residence	P	P	-	-	A	A
Farm equipment and supply sales establishments, including open storage					A	A
Flea markets					A	
Funeral homes	-	P	-	-	A	A
Funeral homes with crematorium		CU			A	A
Gasoline or other motor fuel stations (refer to supplemental standards in Section 2.06.06)	-	P	-	-	A	A

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Golf course					A	A
Golf driving range (not accessory to golf course)		P			A	A
Golf course, miniature		P			A	A
Health club		P			A	A
Health spas	-	P	-	-	A	A
Hotels, motels	P	P	-	-	A	A
Industrial, low impact within enclosed facility				P		A
Kennels	-	P	-	-	A	A
Laundry establishments (self service)	-	P	-	P	A	A
Libraries	P		P		A	A
Massage therapy establishments	P	P	P		A	A
Microbrewery	P	P		P	A	A
Manufactured/mobile home park/RV park					A	
Multi-family dwelling units	P	-	-	-	-	A
Museums	P	P			A	A
Newspaper or publishing plant				P	A	A
Office, business or professional	P	P	P	P	A	A
Office, low intensity medical	P	P	P	P	A	A
Office, medical	P	P	P	P	A	A
Office, veterinary	P	P	P	P	A	A
Outdoor storage (refer to standards in Section 6.10.00)	P	P	-	P	A	A
Parking garages (private or government provided public)	P	P	-	-	A	A
Parking lots (private or government provided public)	P	P	-	-	A	A
Place of public assembly		P			A	A
Pool hall/billiard parlor		P			A	A
Public facilities and services	P	P	P	P	A	A
Public parks	P	P	P	P	A	A
Public utilities [†]	P	P	P	P	A	A
Radio and/or television broadcast stations	-	P	-	P	A	A
Religious institutions		P			A	A
Repair services	-	P	-	P	A	A
Residential units combined with non-residential uses	P	P	P	-	A	A
Restaurants, convenience and general	P	P	-	-	A	A
Restaurants, limited	-	-	-	P	-	A
Retail, bulk merchandise	-	P	-	P	A	A
Retail, department store		P			A	A
Retail, furniture stores		P			A	A
Retail, intensive sales and service	P	P			A	A

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Retail, non-intensive sales and service		P		P	A	A
Retail, regional mall		P			A	A
Retail, strip shopping center		P		P	A	A
Rooftop dining area (refer to supplemental standards in Section 2.06.19)	CU	CU			CU	CU
Skating rink, rolling or ice	-	P	-	-	A	A
School private, parochial, technical	P	P	-	-	A	A
Shooting range, indoor (refer to Supplemental Standards Sec. 2.06.16)		P		P	A	
Sign painting and/or sign manufacturing shops within enclosed facility without outdoor storage	-	P	-	P	A	A
Stealth telecommunications facilities in excess of 45 feet in height (refer to supplemental standards in Section 2.06.12)	CU	CU	-	CU	A	A
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	P	P	-	P	A	A
Studio (art, dance, music, exercise)		P			A	A
Swimming pools		P			A	A
Telecommunications towers	-	CU	-	CU	A	A
Theaters	P	P	-	-	A	A
Urban farm (refer to supplemental standards in Section 2.06.08)	P	P	P	P	A	A
Warehouse, general storage	-	-	-	P	A	A
Warehouse, mini storage	-	-	-	P	A	A
Warehouse, wholesale and distribution				P	A	A

Footnotes:

P Use Permitted By Right; subject to all other applicable requirements of the Code.

CU Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process

A Allowed through city commission public hearing process

☐ Prohibited

1 Refer to Section 6.02.00. Utilities

Sec. 2.02.04. TABLE 4

Public Service (P), Industrial (I), Hospital (H) and PUD Districts Uses	P	I	A- 1	H	PSPU D	IPU D	MXPU D
Adult businesses (refer to supplemental standards in Section 2.06.11)	-	C U		-	-	A	
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.06)	-	P		-	-	A	A
Boat building, outdoors		P				A	
Boat storage, dry		P				A	A
Religious institutions	P	-		-	A		A
Governmental buildings	P	P		-	A	A	A
Cold storage	-	P		-	-	A	A
Commercial nursery or tree farm		P				A	A
Community centers	P				A		A
Community garden (refer to supplemental standards in Section 2.06.08)	P	P		P	A	A	A
Drycleaning plants		P				A	A
Farm equipment and supplies sales establishment, including open storage	-	P		-	-	A	A
Gasoline or other motor fuel stations, including tank farms	-	P		-	-	A	A
Golf course	A				A		A
Hospital (new hospital construction shall not exceed over 45 feet in height) 1	-	-		P	-		-
Hospital auxiliary uses (within main hospital or freestanding building) 2	-	-		P	-		-
Industrial, high impact		P				A	A
Industrial, low impact		P				A	A
Libraries	P				A		
Museums	P				A		A
Newspaper or publishing plants	-	P		-	-	A	A
Pain management clinics (refer to supplemental standards in Section 2.06.16)				C U			
Places of public assembly	P	-		-	-		-
Planned industrial parks (refer to supplemental standards in Section 2.06.07)	-	P		-	-	A	A
Public facilities and services	P	P	P	P	A	A	A
Public parks	P	P	P	P	A	A	A
Public utilities ³	P	P	P	P	A	A	A
Radio and/or television broadcast stations	P	-		-	A		A
Railroad freight stations/terminals	-	P		-	-	A	A
Repair services		P				A	A
Retail, intensive and non-intensive	-	C U		-	-	A	A
Schools— private, parochial at the elementary, junior high, or technical level	P	-		-	A		A
Shooting range, indoor (refer to supplemental		P				A	

Public Service (P), Industrial (I), Hospital (H) and PUD Districts Uses	P	I	A- 1	H	PSPU D	IPU D	MXPU D
standards in Section 2.06.16)							
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in an enclosed building	-	P		-	-	A	A
Stealth telecommunications facilities in excess of 45 feet in height (refer to supplemental standards in Section 2.06.12)	C U	C U		-	A	A	A
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	P	P		-	A	A	A
Storage yards	-	P		-	-	A	A
Swimming pools	P				A		A
Telecommunication towers (refer to supplemental standards in Section 2.06.12)	-	C U		-	-	A	A
Telecommunications towers to be located on real property not owned by the City of Stuart (refer to supplemental standards in Section 2.06.12)	C U	-		-	A		A
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the City Commission (refer to supplemental standards in Section 2.06.12)	P	-		-	A		A
Truck terminals	-	P		-	-	A	A
Urban farm (refer to supplemental standards in Section 2.06.08)		P				A	A
Warehouse, general storage	-	P		-	-	A	A
Warehouse, mini storage	-	P		-	-	A	A
Warehouse, wholesale or distribution		P				A	A

Footnotes:

~~P— Use Permitted By Right; subject to all other applicable requirements of the Code. _____~~

~~CU— Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process _____~~

~~A— Allowed through city commission public hearing process _____~~

☐ Prohibited

~~1— Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.~~

~~2— e.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.~~

~~3—Refer to Section 6.02.00. Utilities.—~~

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Residential Land Uses																
Accessory dwelling units, detached (refer to Section 6.09.02)	P	P	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Assisted living facilities of 4 or fewer persons (refer to supplemental standards in Section 2.06.03)	P	P	P	P	-	-	-	-	-	-	-	A	-	-	-	-
Assisted living facilities of 5 or more persons (refer to supplemental standards in Section 2.06.03)	-	-	-	CU	-	-	-	-	-	-	-	A	-	-	-	-
Community residential home of 7- 14 residents	-	-	-	CU	-	-	-	-	-	-	-	A	A	A	-	-
Duplex dwelling unit	-	-	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Family day care home in a residence	P	P	P	P	P	P	-	-	-	-	-	A	A	A	-	-
Group home of 6 or fewer residents	P	P	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Home occupations (refer to supplemental standards in Section 2.06.09)	P	P	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Multi-family dwelling units	-	-	-	P	P	-	-	-	-	-	-	A	-	A	-	-
Residential units combined with non-residential uses	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Single-family dwelling unit	P	P	P	P	-	-	-	-	S	-	-	A	-	A	A	-
Transient Residential Land Uses and Overnight Accommodations																
Bed and Breakfast Inns	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Hotels/motels	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Rooming and boardinghouses	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Institutional Uses																
Adult day care centers (< 5 acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
(> 5 acres)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Cemeteries	-	-	-	-	-	P	-	-	-	-	-	-	A	-	-	-
Child care center (< 5 acres) (> 5 acres) (refer to supplemental standards in Section 2.06.04)	- -	- -	- -	CU -	P P	P P	P P	CU CU	- -	- -	- -	A -	A A	A A	- -	- -
Community centers	-	-	P	P	-	-	-	-	P	-	-	A	A	A	A	-
Crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Funeral homes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Funeral homes with crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Governmental buildings	-	-	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Libraries	-	-	P	P	P	-	P	-	P	-	-	A	A	A	A	-
Museums	-	-	-	-	P	P	-	-	P	-	-	-	A	A	A	-
Religious institutions (<5 acres) (>5 acres)	- -	- -	CU -	P CU	- -	P P	- -	- -	P -	- -	- -	A -	A A	A A	A A	- -
Schools – private, parochial, or technical (< 5 acres) (>5 acres)	CU CU	CU CU	CU CU	CU -	P P	P P	- -	- -	P -	- -	- -	A A	A A	A A	A A	- -
Health Care Uses																
Hospital (new hospital construction shall not exceed over 45 feet in height) ⁱ	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-

ⁱ Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Hospital auxiliary uses (within main hospital or freestanding building) ⁱⁱ											P					
Massage therapy establishment	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Nursing homes	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Pain management clinics (refer to supplemental standards in Section 2.06.14)	-	-	-	CU	-	-	-	-	-	-	CU	-	CU	-	-	-
Commercial Uses																
Adult business (refer to supplemental standards in Section 2.06.10)	-	-	-	-	-	CU	-	-	-	CU	-	-	-	-	-	A
Automatic amusement center and game room	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile rental/leasing	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	P	-	-	A	-	-	A
Automobile sales provided all repair and service shall be done within an enclosed building (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Bakeries, retail and/or wholesale warehouses	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Banks/financial institutions	-	-	-	-	P	P	-	P	-	-	-	-	A	A		

ⁱⁱ e.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Barbershop, beauty salons, specialty salons	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Bars	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Boat building, indoors	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Boat building, outdoors	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A
Boat sales and service (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Boat storage, dry	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Bowling alleys	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Car washes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Catering shops	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Clubs, lodges, fraternal organizations	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Craft distillery	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-
Drycleaning establishment	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Drycleaning plant	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Farm equipment and supply sales establishments, including open storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Flea markets	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Gasoline or other motor fuel stations (refer to supplemental standards in Section 2.06.05 and 2.06.20)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Gasoline or other motor fuel stations, including tank farms (refer to supplemental standards in Section 2.06.05 and 2.06.20)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Health clubs	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Health spas	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Kennels	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Laundry establishments (self-service)	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Manufactured home, mobile home or RV parks	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Marinas including the sale, display, and storage of new and used boats for sale, and the repair and maintenance of boats.	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Microbrewery	-	-	-	-	P	P	-	P	-	P	-	-	A	A	-	-
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Office, business or professional	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, veterinary	-	-	-	-	P	P	P	P	-	-	-	-	A	A	-	-
Outdoor storage (refer to standards in Section 6.10.00)	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-
Place of public assembly	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Pool hall/billiard parlor	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Repair services	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Restaurants, convenience and general	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Restaurants, limited	-	-	-	-	-	-	-	P	-	-	-	-	-	A	-	-
Retail, bulk merchandise	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Retail, department store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, furniture store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, intensive sales	-	-	-	-	P	P	-	P	-	CU	-	-	A	A	-	A
Retail, non-intensive sales and service	-	-	-	-	-	P	-	P	-	CU	-	-	A	A	-	A
Retail, regional mall	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, strip shopping center	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Rooftop dining areas (refer to supplemental standards in Section 2.06.19)	-	-	-	-	CU	CU	-	-	-	-	-	-	CU	CU	-	-
Shooting range, indoor (refer to supplemental	-	-	-	-	-	P	-	P	-	P	-	-	A	-	-	A

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
standards in Section 2.06.16)																
Skating rink, rolling or ice	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Studio (art, dance, music, exercise)	-	-	-	P	-	P	-	-	-	-	-	A	A	A	-	-
Theaters	-	-	-	-	P	P	-	-	-	-	-	-	A	A		
Recreational Uses																
Golf course	-	-	-	-	-	-	-	-	P	-	-	A	A	A	A	-
Golf driving range (not accessory to golf course)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Golf course, miniature	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Public parks	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Swimming pools	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Utility and Service Uses																
Public facilities and services	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Public utilities (refer to Section 6.02.00)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Industrial Uses																
Cold storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Fuel production facilities	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	CU
Industrial, high-impact	-	-	-	-	-	-	-	-	-	P	-	-	-	CU	A	A
Industrial, low-impact *within enclosed facility	-	-	-	-	-	-	-	P*	-	P	-	-	-	A	-	A
Industrial parks, planned (refer to supplemental standards in Section 2.06.07)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in enclosed facility	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Telecommunications Uses																
Radio and/or television broadcast stations	-	-	-	-	-	P	-	P	P	-	-	-	A	A	A	-

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.11)	-	-	-	P	P	P	-	P	P	P	-	A	A	A	A	A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in Section 2.06.11).	-	-	-	CU	CU	CU	-	CU	CU	CU	-	A	A	A	A	A
Telecommunications towers (refer to supplemental standards in Section 2.06.11)	-	-	-	-	-	CU	-	CU	-	CU	-	-	A	A	-	A
Telecommunications towers to be located on real property not owned by the City of Stuart (refer to supplemental standards in	-	-	-	-	-	-	-	-	-	CU	-	-	-	A	-	A

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Section 2.06.11)																
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the City Commission (refer to supplemental standards in Section 2.06.12)	-	-	-	-	-	-	-	-	CU	-	-	-	-	A	A	-
Storage, Transportation and Logistics Uses																
Accessory structures (refer to Section 6.09.00)	P	P	P	P								A		A		
Bus and train (passenger) station/terminals	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Parking garages (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Parking lots (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Railroad freight stations and terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Truck terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Storage yards	-	-	-	-	-	-	-	-	-	P	-	-	-	-	A	A
Warehouse, general storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Warehouse, mini-storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Warehouse, wholesale and distribution	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Agricultural Uses																
Commercial nursery/tree farm	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A
Community gardens (refer to supplemental standards in Section 2.06.08)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Urban farms (refer to supplemental standards in Section 2.06.08)	-	-	-	-	P	P	P	P	-	P	-	A	A	A	-	A

Footnotes:

1. Uses permitted in an Urban Planned Unit Development will be restricted to those listed as being permitted in sec. 3.01.00 Urban Code
2. Uses permitted in an East Stuart Planned Unit Development are restricted to those listed as being permitted in sec. 3.02.00 East Stuart Code.

P - Use Permitted By Right; subject to all other applicable requirements of the Code.

CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process

A - Allowed through city commission public hearing process

☐ - Prohibited

2.03.00. DENSITY

Sec. 2.03.01. Generally.

Except as expressly provided herein, the densities for all zoning districts are set forth in *Table 3 – Maximum Dwelling Units per Acre* and percentages of residential and non-residential uses and Floor Area Ratio (FAR) for all zoning districts are set forth in *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR)*.

Sec. 2.03.02. Density.

- A. The residential density for R-3, R-M, and B-1 of up to ten dwelling units per acre shall not be applicable to existing PUD zoning districts nor to those created hereafter.
- B. Nothing in this section shall prevent a land owner from requesting a change of zone from a multi-family zone to RPUD. In such an event, however, the densities set forth in *Table 3 – Maximum Dwelling Units per Acre* for an RPUD must be followed. Such lands as may be used in creating such density calculations, shall not be used in any other calculation at any time, and a unity of title declaration shall be required to be recorded in the public records of Martin County, Florida.

Sec. 2.03.03. Planned Unit Development (PUD) density.

The density for a planned unit development shall not exceed those densities set forth in *Table 3~~b~~* – *Maximum Dwelling Units per Acre* for Planned Unit Developments (PUD), ~~unless a density bonus has been~~ such density will only be granted by the city commission as part of a planned unit development zoning agreement.

Sec. 2.03.04. ALF density.

The residential density for an ALF is set forth in *Table 3 – Maximum Dwelling Units per Acre* for each respective zoning district. This density does not include adult care facilities. They will be governed by the residential district density in which they are located.

Sec. 2.03.05 Maximum dwelling units per acre table

The following *Table 3~~a~~* – *Maximum Dwelling Units per Acre* reflects the potential maximum dwelling units per acre for each zoning district.

Sec. 2.03.06 Intensity of development: Lot area and Floor Area Ratio (FAR) table

The following *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR)* reflects the percentages of residential and/or non-residential uses allowed on a lot and a ratio of the floor area of a building to the area of the lot in the future land use categories.

TABLE 3_a

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts																			
	R1- A	R- 1	R- 2	R-3	RPUD ¹	B- 1	B-2	B- 3	B- 4	CPU D	P	I	IPU D	H	PSP UD	MXP UD	Urba n Code Dist rict	East Stuart		
																		GR O	BM U	SF D
Low Density Residential	4	5	7		42/73/15 ⁴					-			-		-	-	-			
Multi-family Residential				10	42/73/15 ⁴	10	L	L		-			-		-	15 ⁵	-			
Office/Residential				10	15	10	10	10		52/78/40 ²			-		-	15 ⁵	-			
Commercial				10	-	10	L	L		52/78/40 ²			-		-	15 ⁵	-			
Downtown Redevelopment				15/ 30 ^{2,7}	15	15/ 30 ⁷				52/78/40 ²			-		-	15 ⁵	15/30 ⁶			
Neighborhood/ Special Dist.					15					52/78/40 ²			-		-	15 ⁵	15/30 ⁶			
Industrial					-					-			-		-	-	-			
East Stuart					-					-			-		-	15 ⁵	-	17 15/30 ¹⁰	17 15/30 ¹⁰	17
Marine/Industrial				15	-		15			-			-		-	15 ⁵	15/30 ⁶			
Public					-					-	E		-		-	-	-			
Recreation					-					-			-		-	-	-			
Institutional					42/73/15 ⁴					-			-		-	-	-			

Conservation																			
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R-1A Single Family - Estate; R-1 Single Family - General; R-2 Duplex; R-3 Multi-Family/Office; R-M Residential Multi-Family; B-1 Business -Limited; B-2 Business-General; B-3 Business-Restricted; B-4 Limited Business/Manufacturing; P Public Service; I Industrial; H Hospital; Planned Unit Development (PUD) includes Residential (RPUD), Commercial (CPUD), Public Service (PSPUD), Industrial (IPUD), and Mixed Use (MXPUD); Urban Code District includes Urban General (UG), Urban Center (UC), Urban Neighborhood (UN), Urban Highway (UH), Urban Waterfront (UW); East Stuart District includes Business and Mixed Use (BMU), General Residential and Office (GRO), Single-family and Duplex (SFD).

Footnotes:

1 = Assisted Living Facility (ALF) is allowed a maximum of 30 units per acre in land use classification multi-family residential, office/residential, and downtown redevelopment.

~~2 = Single Family Detached Dwelling Unit~~

~~3 = Single Family Attached Dwelling Unit~~

~~4 = Multi Family Dwelling Unit~~

~~5 = Potential Bonus Units Allowable. Where not less than 50% of the total residential units of site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded (Refer to Land Development Code Table 2.07.00.C).~~

~~6 = Up to 30 units with Major Urban Code Conditional Use~~

~~72 = Based on R-1 Density Requirements~~

~~8 = Based on R 2 Density Requirements~~

~~9 = Based on R 3, B 1 and B 2 Density Requirements~~

~~10 = Up to 30 with East Stuart District Conditional Use Approval~~

E = Only Residential dwelling unit allowed and only by Conditional Use

L = Limited. No maximum density established by Land Development Code or Comprehensive Plan at this time. Rather, the term "Limited" is used instead of a numerical value.

☐ = Not Permitted

TABLE 3b**MAXIMUM DWELLING UNITS PER ACRE FOR PLANNED UNIT DEVELOPMENT (PUD)**

<u>Comprehensive Plan Land Use Designation</u>	<u>RPUD</u>		<u>CPUD</u>		<u>MXPUD²</u>		<u>IPUD</u>		<u>UPUD</u>		<u>ESPUD</u>		<u>PSPUD</u>	
	<u>Out CRA</u>	<u>In CRA</u>	<u>Out CRA</u>	<u>In CRA</u>	<u>Out CRA</u>	<u>In CRA</u>	<u>Out CRA</u>	<u>In CRA</u>	<u>Out CRA</u>	<u>In CRA</u>	<u>Out CRA</u>	<u>In CRA</u>	<u>Out CRA</u>	<u>In CRA</u>
<u>Low Density Residential¹</u>	<u>8.72 to 11.62</u>	<u>8.72 to 11.62</u>	=	=	=	=	=	=	=	<u>8.72 to 11.62</u>	=	=	=	=
<u>Multi-family Residential</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>15</u>	<u>15</u>	=	=	=	<u>30</u>	=	=	=	=
<u>Office/Residential</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>15</u>	<u>15</u>	=	=	=	<u>30</u>	=	=	=	=
<u>Commercial</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>15</u>	<u>10</u>	<u>15</u>	=	=	=	<u>15</u>	=	=	=	=
<u>Downtown Redevelopment</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>15</u>	<u>15</u>	=	=	=	<u>30</u>	=	=	=	=
<u>Neighborhood/ Special Dist.</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	=	=	=	<u>15</u>	=	=	=	=
<u>Industrial</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=
<u>East Stuart</u>	=	<u>17</u>	=	<u>17</u>	=	<u>15</u>	=	=	=	=	=	<u>17</u>	=	=
<u>Marine/Industrial</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	=	=	=	<u>15</u>	=	=	=	=
<u>Public</u>	=	=					=	=	=	=	=	=	=	=
<u>Recreation</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=
<u>Institutional</u>	<u>30</u>	<u>30</u>							=	<u>30</u>	=	=	=	=
<u>Conservation</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=

Footnotes

1. Units per acre in an eligible PUD in the Low Density Residential designation are limited to 8.72 maximum for single family units to 11.62 maximum for duplex units.
2. Density bonus is available in an MXPUD

TABLE 4
INTENSITY OF DEVELOPMENT – LOT AREA AND FLOOR AREA RATIO (FAR)

Future Land Use Categories	% Lot Area Residential	% Lot Area Non-Residential	Non-Residential (maximum FAR)	>2.0 FAR
Low Density Residential	95-100	0-5	<0.75 FAR	N/A
Multi-family Residential	70-100	0-30	<3.0 FAR ¹ / ^{<1.5 FAR²}	<20 Acres ¹
Office/Residential	0-25	75-100	<3.0 FAR ¹ / ^{<1.5 FAR²}	<10 Acres ¹
Commercial	0-15	85-100	<3.0 FAR ¹ / ^{<1.5 FAR²}	<50 Acres ¹
Downtown Redevelopment	0-70	0-70	<4.0 FAR	<50 Acres ¹
Neighborhood/Special Dist.	30-90	10-70 ³	3.0 FAR ¹ / ^{<2.0 FAR²}	<10 Acres ¹
Industrial	N/A	100	3.0 FAR ¹ / ^{<1.0 FAR²}	<10 Acres ¹
East Stuart	70-100	0-30	<1.5 FAR	N/A
Marine/Industrial	0-25	0-75	<3.0 FAR	<5 Acres ¹
Public	N/A	100	<1.0 FAR	N/A
Recreation	N/A	100	<0.5 FAR	N/A
Institutional	N/A	100	<.75 FAR	N/A
Conservation	N/A	100	<10% ISR ⁴	N/A

Footnotes:

- 1 = Inside Community Redevelopment Agency (CRA) Boundary
2 = Outside CRA Boundary
3 = Recreation Uses Shall Not Exceed 25 Percent of the Land Area
4 = ISR: Impervious Surface Ratio. Not to exceed 10,000 sq. feet

Note: The numbers in this table should be interpreted as follows (using a 1 acre lot and the Low Density Residential Future Land Use Category as an example):

1. The maximum amount of a 1 acre lot (43,560 square feet) that can be used for non-residential activities is 5% or 2,178 square feet.
2. The maximum Floor Area Ratio (FAR) allowed in this land use category is .75.
3. .75 of 2,178 square feet is 1,633 square feet which represents the maximum size of the non-residential structure that could be constructed within this land use category.

Sec. 2.06.19. Rooftop dining

- A. Definitions.* The term “rooftop dining” is found in Chapter XII of this Code.
- B. Procedure and locations.* Rooftop dining shall be permitted in the B-1 and B-2 zoning districts by Major Conditional Use Approval; in the Urban District by a Major Urban Code Conditional Use Approval; in East Stuart by an East Stuart District Major Conditional Use Approval, or in Commercial Planned Unit Development (CPUD), Urban Planned Unit Development (UPUD), East Stuart Planned Unit Development (ESPUD) or Mixed Use Planned Unit Development (MXPUD). Any existing CPUD, UPUD, ESPUD or MXPUD may qualify for a rooftop dining area by obtaining a major PUD amendment.
- C. Standards.* Rooftop dining areas shall be subject to the following conditions:
- a. The rooftop dining area shall be associated with an establishment doing business within the principal building. The floor immediately below the rooftop area must be occupied by a nonresidential use.
 - b. The preferred main access to the rooftop shall be from the interior space of the business within the principal building, provided an exterior access may be permitted upon demonstration of a de minimum impact on surrounding properties.
 - c. Use of the rooftop shall not exceed the hours of operation for the principal use, but in no event shall the rooftop be open and occupied later than 10:00 PM.
 - d. No live entertainment, music, speakers, television, or public address system shall be permitted on the rooftop. The windows and doors to areas where such noise originates shall be closed (except when being used as permitted means of egress), or such areas must be sound-proofed so as to prevent sound from being heard at the street level of the building.
 - e. Service areas, preparation stations and similar facilities shall be ancillary in nature, as determined by the City Commission, and shall service the rooftop dining area only.
 - f. All lights associated with the rooftop dining area shall be designed to effectively eliminate glare and not be directed towards property lines. All lighting associated with rooftop dining areas shall be turned off when the area is not in use.
 - g. Walls or railings shall comply with the applicable Florida Building Code requirements.
 - h. All applications for rooftop dining shall be accompanied by an engineer’s or architect’s certification that the proposed use is compliant with all applicable codes, including ADA, Building Code and Life Safety Code standards, and that the subject building is structurally capable of supporting the additional loads.

- i. Seats associated with rooftop dining areas shall not be creditable towards obtaining a 4COP-SRX license; and the square footage of rooftop dining area will not be subject to the 30% gross floor area limitation in the Old Downtown Section as regulated by Section 4-3 of the Stuart Code of Ordinances.
- j. The number of rooftop seats permitted in the Old Downtown District shall be capped at 24 per establishment unless a supplemental parking arrangement is proposed by the applicant and accepted by the City Commission.
- k. To prevent litter and the possibility of intrusion by rodents, birds or other pests, rooftop dining areas shall at all times, when the area is not in use, be kept free of trash, debris and food waste.

D. Expiration and revocation.

- a. Approval for a rooftop dining area shall expire automatically upon the sale of the establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a new conditional use permit.

2.07.00 DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

- A. *Purpose.* The purpose of this section 2.07.00 is to provide an alternative means of residential, commercial, public service and industrial land development and an alternative zoning procedure that may be used to establish residential, commercial, public service and industrial planned unit development zoning districts at appropriate locations and in accordance with the planning and development objectives of the city.

A planned unit development (PUD) established according to the provisions of this section may depart from the strict application of use, setback, parking requirements, and other requirements of standard zoning districts. A PUD shall be consistent with the overall planning and development goals and objectives of the city as reflected by the City of Stuart Comprehensive Plan. A primary purpose of this section is to provide a set of zoning requirements as a starting point from standards by which such flexibility may be accomplished while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section is to establish a more complete resilient living and working environment through the application of enlightened and imaginative approaches to community planning, stormwater infrastructure and property design. A PUD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development and the protection of adjacent existing and future development. Therefore, the PUD alternative may allow uses and design concepts which are not specifically allowed in standard zoning districts.

To the extent that any provisions of this section conflict with any other provisions of this Code, the provisions of this section shall prevail.

(Ord. No. 1877-02, § 2, 7-22-02)

- B. *PUD defined.* A PUD may be a residential planned unit development (RPUD), a commercial planned unit development (CPUD), a mixed-use planned unit development (MXPUD), ~~and~~ industrial planned unit development (IPUD), a urban planned unit development (UPUD), a East Stuart planned unit development (ESPUD) or a public service planned unit development (PSPUD). A PUD shall consist of land under unified control which may be planned and developed as a whole as a single development operation or as an approved programmed series of development operations by multiple developers. A typical PUD will include principal and accessory uses and structures substantially related to the character of the development itself and to the surrounding area of which it is a part.

As used above, "unified control" means that all land to be included within a PUD shall be owned or otherwise under the legal control of the person or legal entity which has applied for PUD district zoning. Such person or entity shall be legally capable of providing a commitment to the city that the PUD development will comply with all PUD documents, plans, standards and conditions ultimately approved by the city.

A PUD district shall consist of the approved PUD classification and the regulations thereof set forth in this section 2.07.00, and as well as any other documents specifically included within the PUD ordinance adopted by the city commission. The ordinance approving a PUD shall be deemed a zoning ordinance. The provisions of the PUD zoning ordinance shall replace all conflicting development regulations set forth in this Code which would otherwise apply to the development site. The PUD ordinance shall be recorded in the public records of Martin County. The PUD applicant shall also execute a PUD agreement that incorporates the terms and conditions that are set forth in the PUD ordinance.

The applicant may proceed with development only after a plat, if required by the city commission, is recorded in the Martin County public records and after certification by the city development director that the construction plans and other required documents substantially conform to all documents approved as part of the PUD ordinance. The applicant must produce evidence that would bind his successors in title to any commitments made upon approval of PUD.

(Ord. No. 1777-01, § 1, 4-9-01; Ord. No. 1865-02, § 1, 6-24-02; Ord. No. 1877-02, § 2, 7-22-02; Ord. No. 2077-06, § 2, 7-10-06)

- C. *PUD district to be shown on official zoning map of the city.* The boundaries of land zoned PUD by ordinance of the city commission shall be indicated as such on the official zoning map of the city.
- D. *Residential planned unit development districts.*
1. *Location.* An RPUD may be located anywhere in the city in any area defined and described as "low density residential," "multi-family residential," "office/residential," "institutional," "downtown redevelopment", "neighborhood/special district", "East Stuart", or

“marine/industrial” by the Future Land Use Element of the City of Stuart’s comprehensive plan.

2. *Uses.* The buildings, structures, land and water within an RPUD may be used for any of the following uses:
 - a. A combination of uses permitted in the zoning classifications of R-1A, R-1, R-2 and R-3 districts.
 - b. Residential uses not specifically permitted in the R-1A, R-1, R-2 or R-3 districts but which are of a like nature and quality to those uses permitted in said districts as determined by the City Commission.
 - c. Commercial uses which are compatible with the residential uses permitted in the RPUD district provided the commercial uses shall not comprise more than 30 percent of the total development site and shall be buffered from the residential uses by site design and landscaping.
 - d. A vertical as well as horizontal combination of residential and commercial uses which are mutually compatible as determined by the City Commission provided the commercial uses shall not comprise more than 30 percent of the total development gross square footage
3. *Density.* The ~~netgross~~ residential density for an RPUD shall not exceed the maximum permitted as prescribed by ~~the following:~~ policy A7.2 of the City of Stuart Comprehensive Plan relating to Gross Densities:
 - ~~a. Single family, detached: Four dwelling units per acre.~~
 - ~~b. Single family, attached: Seven dwelling units per acre.~~
 - ~~c. Multiple family residential: 15 dwelling units per acre.~~
4. *General.* The following general requirements shall apply to an RPUD district:
 - a. RPUD standards regarding circulation, parking, utilities, drainage, open space, density and other standards shall apply as described in this code except as modified by the city commission as reflected by the adopted RPUD ordinance.
 - b. Open space. Not less than 30 percent of the RPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the RPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.
 - c. Maximum building area. ~~Building coverage shall not exceed the maximum Floor Area Ratio (FAR) as defined in the Comprehensive Plan and section 2.03.06 Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR). Not more than 30 percent of the total development site shall be covered by buildings.~~

- d. Native vegetation. Excluding wetlands defined by the SFWMD, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

(Ord. No. 2054-05, § 1, 11-28-05)

E. Urban planned unit development (UPUD) districts.

- a. Location. An UPUD may be located only within the defined Community Redevelopment Area of the city.
- b. Density. An UPUD shall not exceed the density outlined in policy A7.2 of the City of Stuart Comprehensive Plan relating to Gross Densities of the underlying future land use designation as defined and described "low-density residential", "office/residential", "multi-family residential", "commercial", "industrial", "institutional", "marine-industrial", "recreation", "downtown redevelopment", or "public", by the Future Land Use Element of the City of Stuart's comprehensive plan, and which is of suitable character and compatible with surrounding uses as determined by the City Commission.
- c. Uses. Uses permitted in an UPUD district. The uses of buildings, structures, land or water within a UPUD district are subject to the permitted uses outlined in section 3.01.03.F.2 Urban Code District Uses.
- d. Development Standards. UPUD development standards shall be benchmarked against one of the Urban Districts as defined in section 3.01.00 Urban Code having regard to building placement, building height, parking, curb cuts, stormwater, open space, landscaping, architectural standards and the urban district design objectives. UPUD standards regarding circulation, parking, utilities, drainage, open space, density and other standards shall apply as described in this code except as modified by the city commission as reflected by the adopted UPUD ordinance.

F. East Stuart planned unit development (ESPUD) districts.

- a. Location. An ESPUD may be located anywhere in the area defined and described "east stuart" by the Future Land Use Element of the City of Stuart's comprehensive plan, and which is of suitable character and compatible with surrounding uses as determined by the City Commission.
- b. Density. The maximum allowable density of a ESPUD shall not exceed the density as allowed in policy A7.2 of the City of Stuart Comprehensive Plan relating to Gross Densities

c. Uses. Uses permitted in an ESPUD district. The uses of buildings, structures, land or water within a ESPUD district are subject to the permitted uses outlined in section 3.02.05 East Stuart Code.

d. Development Standards. ESPUD development standards shall have regard to section 3.02.05 Development standards for the East Stuart Code District in relation to building placement, building height, parking, curb cuts, stormwater, open space, landscaping, architectural standards and the east stuart code design objectives. ESPUD standards shall apply as described in this code except as modified by the city commission as reflected by the adopted ESPUD ordinance.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: 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 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2019.
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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ORDINANCE No. 2401-2019: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED “ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY” AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

REASON

The LDC does not provide adequate provision for Planned Unit Development that meets the objectives and policies of the Comprehensive Plan within the Community Redevelopment Area and in the East Stuart Code area.

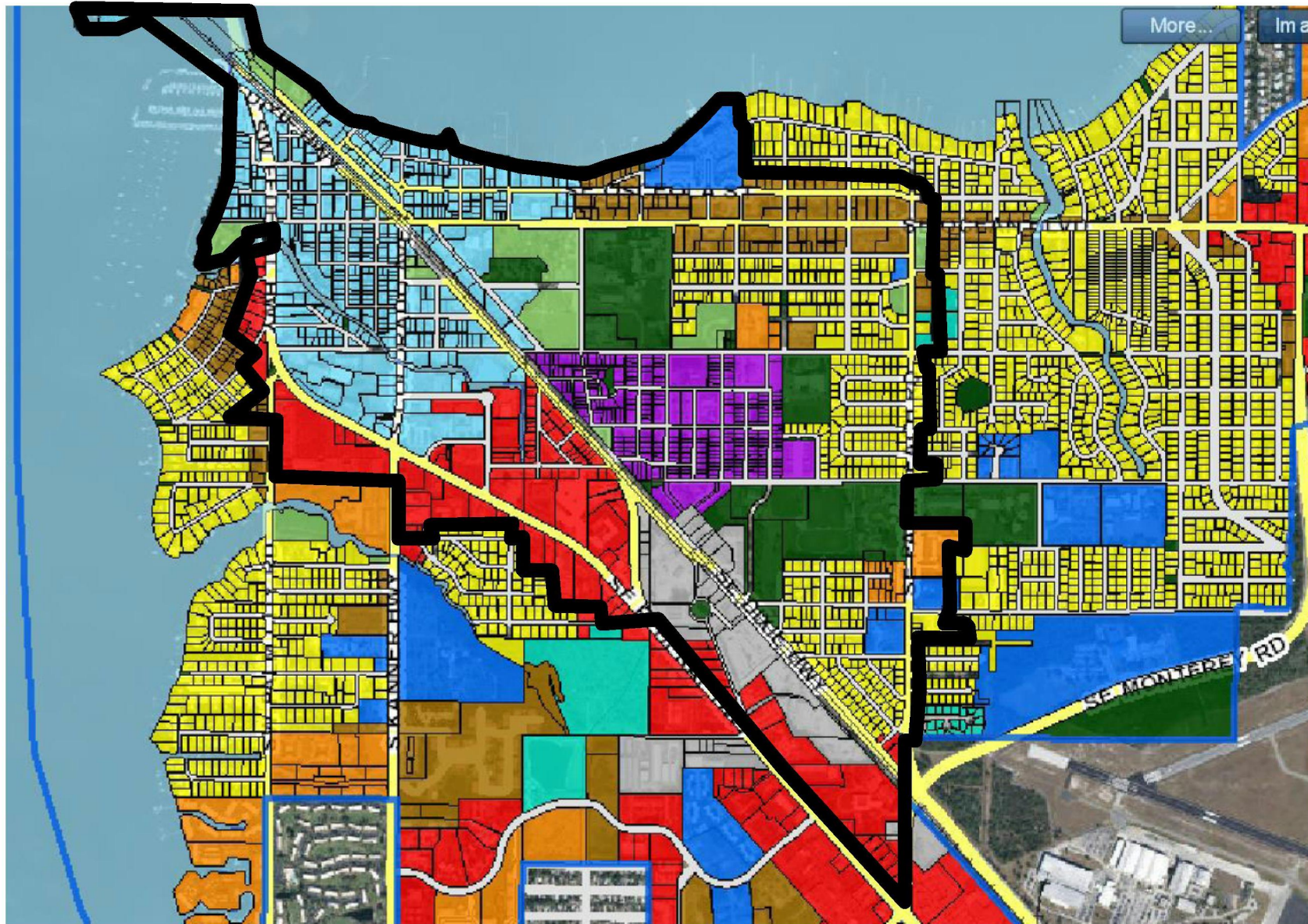
PROPOSAL

Amend the Land Development Code to provide for:

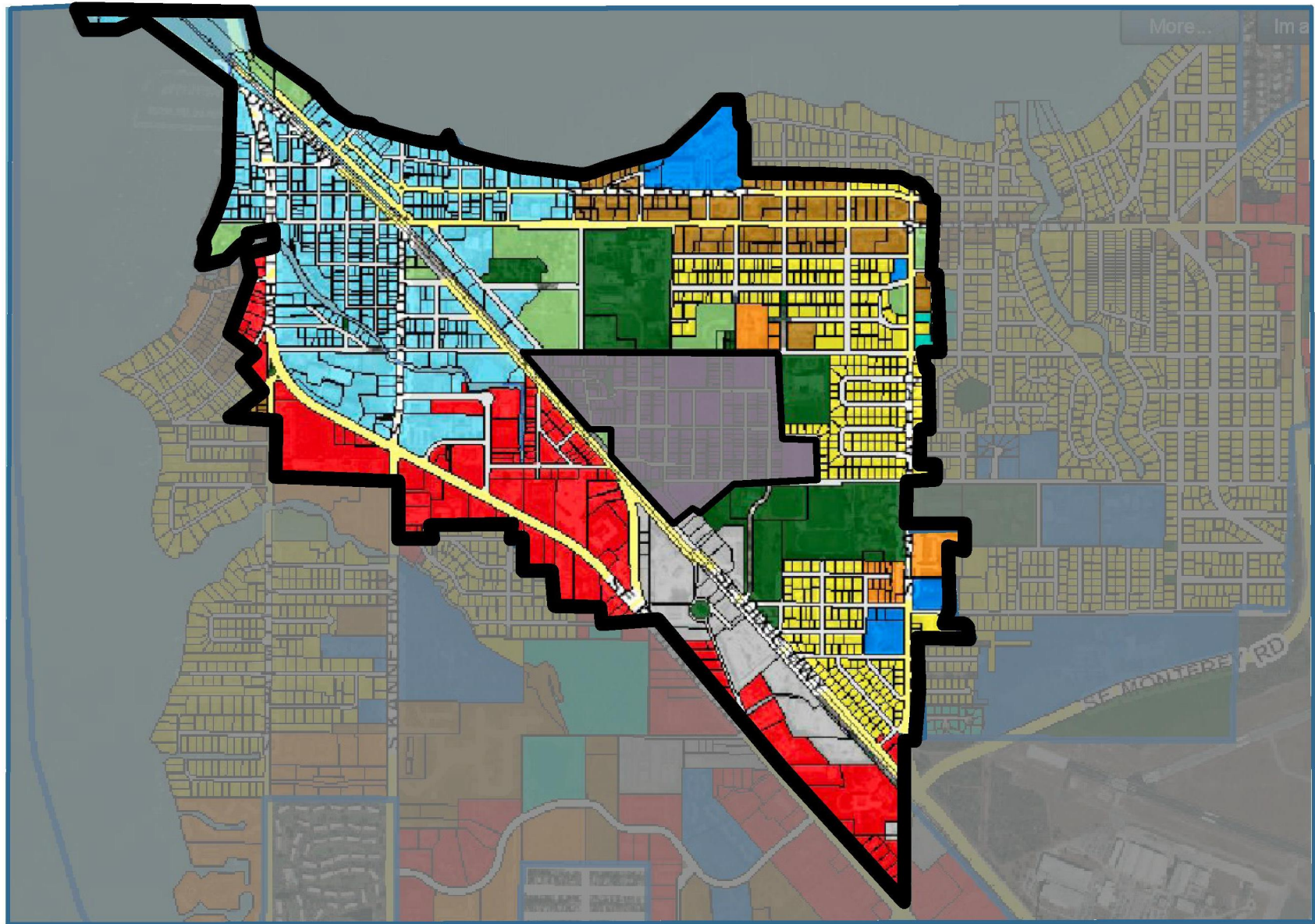
- Urban Planned Unit Development
- East Stuart Planned Unit Development

This proposal is to enable PUD development to utilize existing Urban District Code in the CRA and existing East Stuart Code in the East Stuart Code district.

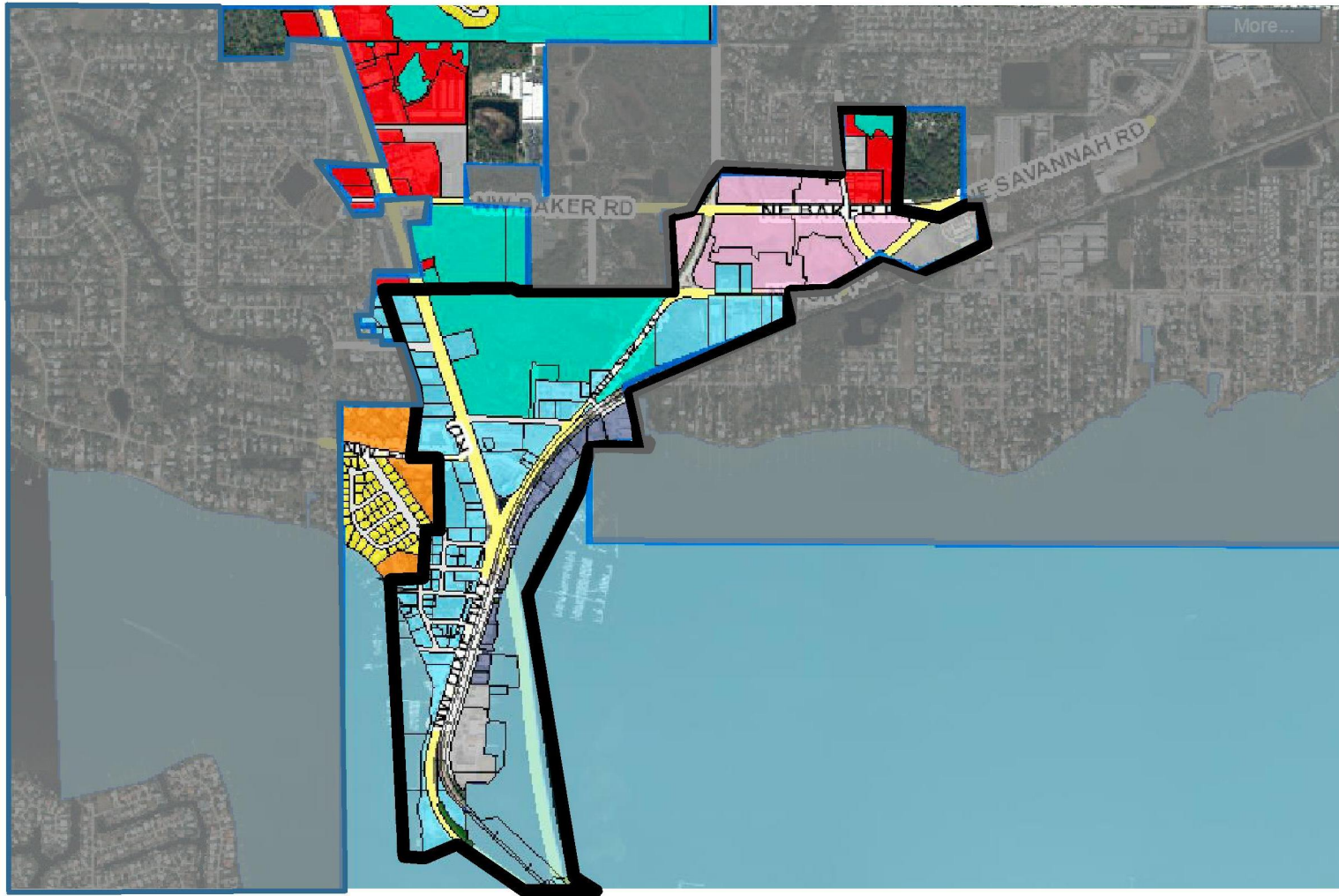
PROPOSAL



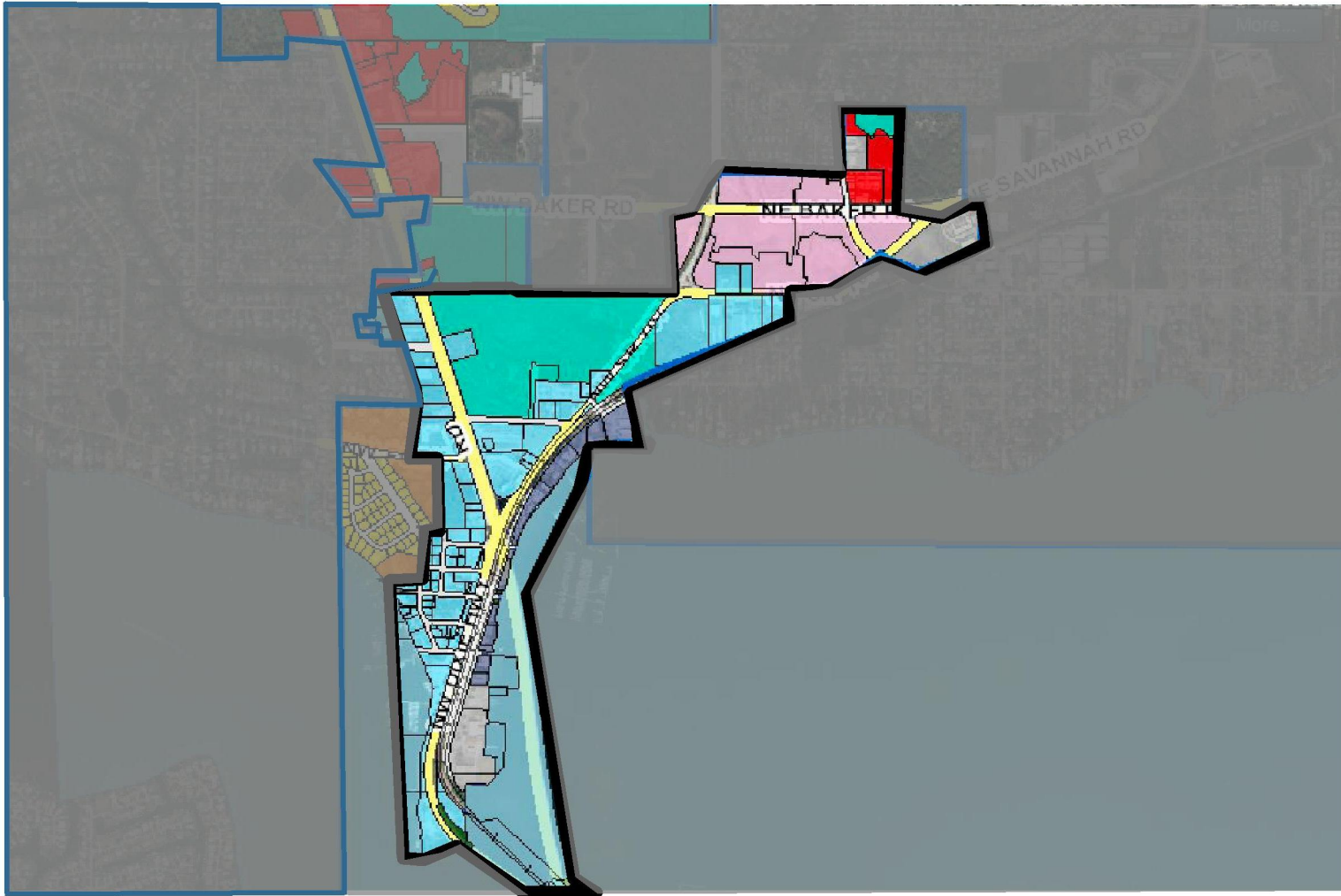
PROPOSAL - UPUD



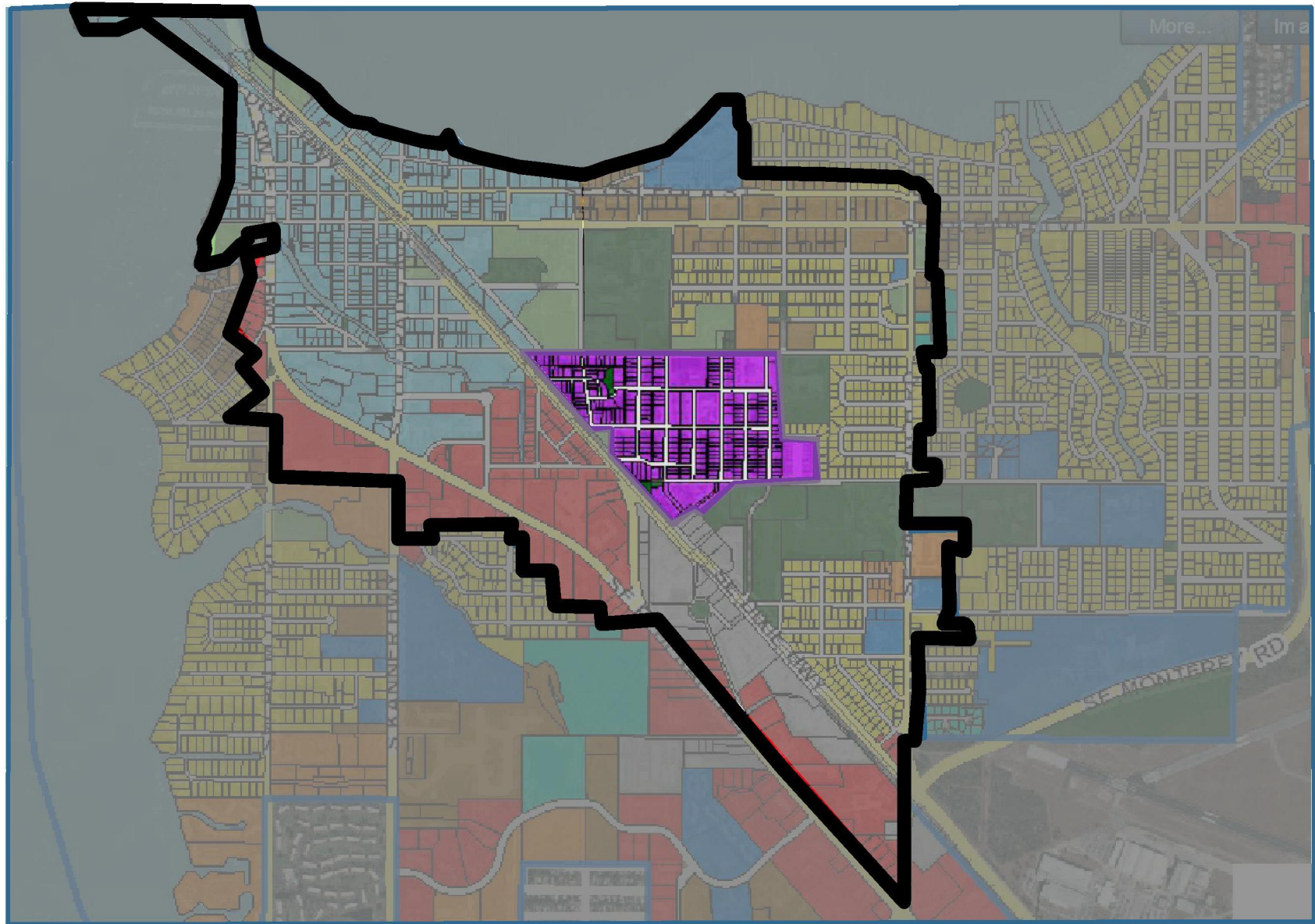
PROPOSAL - UPUD



PROPOSAL - UPUD



PROPOSAL - ESPUD



AMENDMENTS

- Table 2 (multiple tables) of Residential, Business, Public Service, Industrial, Hospital and RPUD, CPUD, MXPUD, PSPUD and IPUD District Uses are consolidated into a singular table (Table 2).
- Uses allowed within the proposed Urban PUD and East Stuart PUD are controlled by section 3.01.00 Urban Code and section 3.02.00 East Stuart Code respectively.
- Section 2.03.03 removes the phrase 'density bonus'.
- Table 3a Removes reference to PUD and Urban Code Districts, which are placed in a new table 3b to include UPUD and ESPUD.
- Section 2.06.19 permits rooftop dining in UPUD and ESPUD districts.

AMENDMENTS

- Section 2.07.00 A. amendments to include 'resilient' living and working environment and allows for imaginative stormwater infrastructure solutions.
- Section 2.07.00 B. PUD defined, includes UPUD and ESPUD districts.
- Section 2.07.00 D.3. Density. Sets density in RPUD's to meet that which is prescribed in the Comprehensive Plan.
- Section 2.07.00 D.4.c Floor Area Ratio to comply with Comprehensive Plan.
- Section 2.07.00 E. Creates the Urban Planned Unit Development zoning district requirements.
- Section 2.07.00 F. Creates the East Stuart Planned Unit Development zoning district requirements.

RECOMMENDATION

Staff recommend that the City Commission approve Ordinance 2401 – 2019 at first reading.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 3/25/2019

Prepared by: Pinal Gandhi-Savdas

Title of Item:

ESTABLISH BICYCLE PARKING AND DESIGN STANDARDS (RC):

ORDINANCE No. 2396-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER VI ENTITLED “6.01.05 BICYCLE AND PEDESTRIAN ACCESS FOR LARGE COMMERCIAL DEVELOPMENTS” AND CREATING A SECTION OF CHAPTER VI ENTITLED “6.01.20. BICYCLE PARKING” THEREBY ESTABLISHING BICYCLE PARKING AND BICYCLE RACKS DESIGN STANDARDS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Background

Currently, the City of Stuart Land Development Code requires large-scale commercial development that is 20,000 sq. ft. or more of total gross floor area of the building to provide bicycle amenities on the development site. The code doesn't provide specific guidelines for bicycle rack design and location which could lead to poor bicycle rack choices and failure due to wrong placement. Compared to best practices, national standards as well as the trends in rate of bicycling as a mode of commute, staff found the existing regulations inefficient in responding to the growing need for bicycle facilities.

Recently, as part of the parking study recommendations, the City Commission approved first year action which included installation of bicycle racks at key demand locations in the downtown area to encourage alternative modes of transportation.

On November 26, 2018, the City Commission approved the custom bicycle rack design and locations for the racks in public places. The City's unique customized bike rack design with laser cut logo and pop-up light green colored racks will create consistency to convey a theme throughout the city and branding to promote pedestrian-friendly community and encourage alternate means of transportation.

Proposed Amendments

The proposed bicycle parking requirements shall apply to new development, substantial improvements or an addition to an existing building for non-residential and multi-family development requiring 10 or more off-street parking spaces.

The proposed bicycle parking standards will clarify the requirements for minimum bicycle parking spaces, location and rack design. This code amendment addresses the following items:

- Identify separate requirements for two-types of bicycle parking: short-term parking for visitors and long-term parking for residents and employees.
- Establish number of bicycle parking spaces required for non-residential and multi-family developments.
- Provide location standards for bicycle parking.
- Establish bicycle rack design, layout, and setback standards.
- Establish alternative bicycle rack design and features requirements.

Local Planning Agency

This item was reviewed by the City's Local Planning Agency (LPA) on February 21, 2019 and unanimously recommended for approval.

City Commission

The City Commission unanimously recommended approval of this item on March 11, 2019 on first reading.

Funding Source:

N/A

Recommended Action:

Motion to approve Ordinance No. 2396-2019.

ATTACHMENTS:

Description		Upload Date	Type
▣	Ordinance No. 2396-2019 LDC Amendments Bicycle Parking	2/22/2019	Ordinance add to Y drive
▣	Presentation	2/22/2019	Presentation
▣	Example of projects and bicycle parking requirements	2/8/2019	Backup Material
▣	Resolution No. 11-2018 Approval of Custom Bicycle Racks	12/19/2018	Backup Material
▣	Bicycle Racks to Avoid	12/19/2018	Backup Material
▣	First-Year Action Plan Based on the Recommendations in the Parking Study	12/19/2018	Backup Material
▣	Proof of Notification	2/8/2019	Backup Material



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

ORDINANCE NUMBER 2396-2019

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
AMENDING THE EXISTING SECTION OF CHAPTER VI
ENTITLED "6.01.05 BICYCLE AND PEDESTRIAN ACCESS FOR
LARGE COMMERCIAL DEVELOPMENTS" AND CREATING A
SECTION OF CHAPTER VI ENTITLED "6.01.20. BICYCLE
PARKING" THEREBY ESTABLISHING BICYCLE PARKING
AND BICYCLE RACKS DESIGN STANDARDS; PROVIDING
FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, the City is committed to improving bicycle facilities within the City for residents, employees, and visitors; and

WHEREAS, the availability of sufficient and appropriate bicycle parking is a critical part of the City's strategy to increase bicycle use within the City; and

WHEREAS, the purpose of this Bicycle Parking Ordinance is to establish consistent standards for bicycle parking and racks design in the City; and

WHEREAS, the Bicycle Parking Ordinance provides for secure bicycle parking for City residents, employees, and visitors; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on _____, and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter VI

ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS

6.01.00 TRANSPORTATION SYSTEMS

- Sec. 6.01.01. General provisions.
- Sec. 6.01.02. Streets.
- Sec. 6.01.03. Rights-of-way.
- Sec. 6.01.04. Sidewalks and bikeways.
- | Sec. 6.01.05. ~~Bicycle and p~~Pedestrian access for large-scale commercial developments.
- Sec. 6.01.06. Access.
- Sec. 6.01.07. Standards for drive-through facilities.
- Sec. 6.01.08. Non-residential vehicular access
- Sec. 6.01.09. Applicability of Stuart Parking Code.
- Sec. 6.01.10. Rules for computing parking requirements.
- Sec. 6.01.11. Location of required parking spaces.
- Sec. 6.01.12. Shared parking and joint use of facilities.
- Sec. 6.01.13. Off-street parking schedule.
- Sec. 6.01.14. Design standards.
- Sec. 6.01.15. Parking structure standards
- Sec. 6.01.16. Transit stops
- Sec. 6.01.17. Parking study.
- Sec. 6.01.18. Off-street loading requirements.
- Sec. 6.01.19. Payment in lieu of parking program.
- | Sec. 6.01.20 Bicycle parking

CHAPTER VI

ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS

Sec. 6.01.05. ~~Bicycle and~~ Pedestrian access for Large-scale Commercial Development (LCD).

- A. *Purpose and intent.* All large-scale commercial development shall be designed to provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the city and the county and to provide safe passage from public right-of-way to the building or project, between projects and between alternative modes of transportation.
- B. *Pedestrian access.* Pedestrian ways, linkages and paths shall be provided from the building entries to surrounding streets, external sidewalks and development outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entries in a coordinated and safe manner and shall be constructed of paver blocks, stamped concrete, colored concrete or similar materials to promote traffic calming. All pedestrian ways shall include reflective striping. Pedestrian ways may be incorporated within a required landscape perimeter strip, provided said landscape strip is not less than ten feet in width. Pedestrian circulation shall be provided between abutting commercial properties through the use of walkways and similar pedestrian-oriented facilities.
- C. *Minimum ratios.* Pedestrian ways shall be provided at a minimum ratio of one for each public vehicular entrance to a commercial or non-residential site excluding the ingress and egress points intended primarily for service, delivery or employee vehicles.
- D. *Minimum dimensions.* Pedestrian walkways shall be a minimum of six feet wide.
- E. *Pedestrian crosswalks at building perimeter.* Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage, variations in pavement materials or markings and reflective striping.
- F. *Shade.* Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds 100 linear feet in length at a ratio of 100 square feet of shaded area per every 100 linear feet of walkway.
- ~~G. *Bicycle and p*~~P*edestrian amenities.* For an LCD, ~~bicycle and~~ pedestrian amenities in the form of permanently installed gazebos, arbors, benches, fountains, water fountains, ~~bike racks~~ or other amenities shall be provided. The type of amenity shall be determined by the square footage of buildings on the site as indicated in the table below. The location of ~~bicycle and~~ pedestrian amenities shall be shown on the site plan. The design of all amenities shall be of durable, long-lasting materials, consistent with the design of the principal structures on-site or a thematic design standard adopted by the city. Benches must be not less than six feet in length and located adjacent to either shade trees or gazebos or similar structure designed to provide shade. ~~Each bike rack must store not less than six bicycles.~~

Total Gross Floor Area of LCD	Required Bicycle or Pedestrian Amenity
20,000--50,000 s.f.	One bike rack, o One bench
50,000--100,000 s.f.	Two bike racks, t Two benches
100,000 or above	Four bike racks, f Four benches, water fountain, shaded gazebo or similar structure

Sec. 6.01.20. Bicycle parking

A. Purpose and Intent. The bicycle parking is intended to encourage the use of bicycles as a means of transportation in the city, by ensuring that adequate bicycle parking facilities are provided at travel destinations. By encouraging the use of bicycles, the public health, safety and welfare will be furthered through improved air quality, reduced energy consumption and more efficient use of vehicular parking facilities.

B. When required. The bicycle parking shall apply to new development, substantial improvements or an addition to an existing building for non-residential or multi-family development requiring 10 or more off-street vehicular parking spaces. Properties exempt from the parking requirements of this code shall be exempt from the bicycle parking requirements. Whenever the use at an existing building or structure is changed to another use, so that the amount of existing bicycle parking on-site is less than required by this section, additional spaces shall be provided in the amount required by this section, unless an administrative variance is granted.

C. Site plan. The location of bicycle racks and design shall be shown on the site plan.

D. Uses exempt. The following uses shall be exempt from bicycle parking requirements: Single-Family homes, Duplex, and Assisted Living Facility.

E. Applicability. The city development director shall have the authority to modify the bicycle parking requirements contained in this section, included but not limited to situations in which compliance cannot be met due to physical site constraints. Such modification shall be noted on the site plan.

F. General Requirements.

1. Bicycle parking shall be provided in accordance with the standards of this section, and shall be made available prior to the issuance of any Certificate of Occupancy. Bicycle parking may consist of short-term bicycle parking, long-term bicycle parking, or any combination thereof.

2. Short-term bicycle parking may include outdoor bicycle parking spaces and bicycle racks not protected from the weather (e.g. retail store to accommodate shoppers).
3. Long-term bicycle parking may consist of bicycle lockers, bike stations, bicycle racks in covered loading dock areas or parking garages, and bicycle parking spaces that are indoors or otherwise protected from the weather. Areas provided inside of multi-story office buildings for employees and visitors may count as long-term bicycle parking with an approved bicycle plan. A long-term bicycle parking is encouraged for residential and office building for residents and employees.
4. The term "bicycle parking facility" means a device such as a rack or locker where bicycles can be parked and secured.

G. Minimum Number of Bicycle Parking Spaces Required.

1. Non-Residential Development

- (a) Two bicycle parking spaces (1 bicycle rack) for the first 10 required off-street vehicular parking spaces.
- (b) Two additional bicycle parking spaces for each additional 30 required off-street vehicular parking spaces or fraction thereof.
- (c) In no case shall more than 20 bicycle parking spaces (10 bicycle racks) be required.

2. Multi-Family Development

- (a) Two bicycle parking spaces (1 bicycle rack) per 5 units within the Community Redevelopment Area.
- (b) Two bicycle parking spaces (1 bicycle rack) per 10 units outside the Community Redevelopment Area boundary.
- a. In no case shall more than 20 bicycle parking spaces (10 bicycle racks) be required.

H. Bicycle Parking Facility Design Standards

1. Bicycle parking facilities shall be permanently affixed to a hard surface such as concrete, asphalt, or pavers.

4.2. It is the intent of this section to locate bicycle parking facilities on the project site where they will best encourage the use of bicycles for transportation. The preferred location is near the primary entrance of the principal building. It shall be clearly visible from the entrance of the building served (including both the patron and employee entrances where separate entrances are provided). The city development director shall have the authority to determine the most appropriate location during site plan review.

3. Bicycle parking facilities shall be located in well-lit areas.

4. Bicycle parking spaces shall be separated from vehicle parking spaces by physical barriers, such as curbs, wheel stops, bollards or other similar features, to protect bicycles from damage.

5. Bicycle parking facilities shall be located on the development site except where public bicycle parking is provided in the right-of-way by the city.

6. Bicycle parking facilities shall not impede ingress or egress to any building or project site and shall not be placed in the functional area of a sidewalk or where it interferes with any fire hydrant, parking meter, bus stop, loading zone, sidewalk ramp, wheelchair ramp, or similar public facility.

7. Bicycle parking facility shall be identified by installing the bicycle parking sign as shown below at a prominent location around the area (such as on the building façade), if feasible. If the bicycle parking spaces are provided in vehicular parking area (e.g. parking lots or parking garage), the bicycle parking space must be posted with a permanent above-grade sign placed at a distance of 84 inches above the ground to the bottom of the sign.

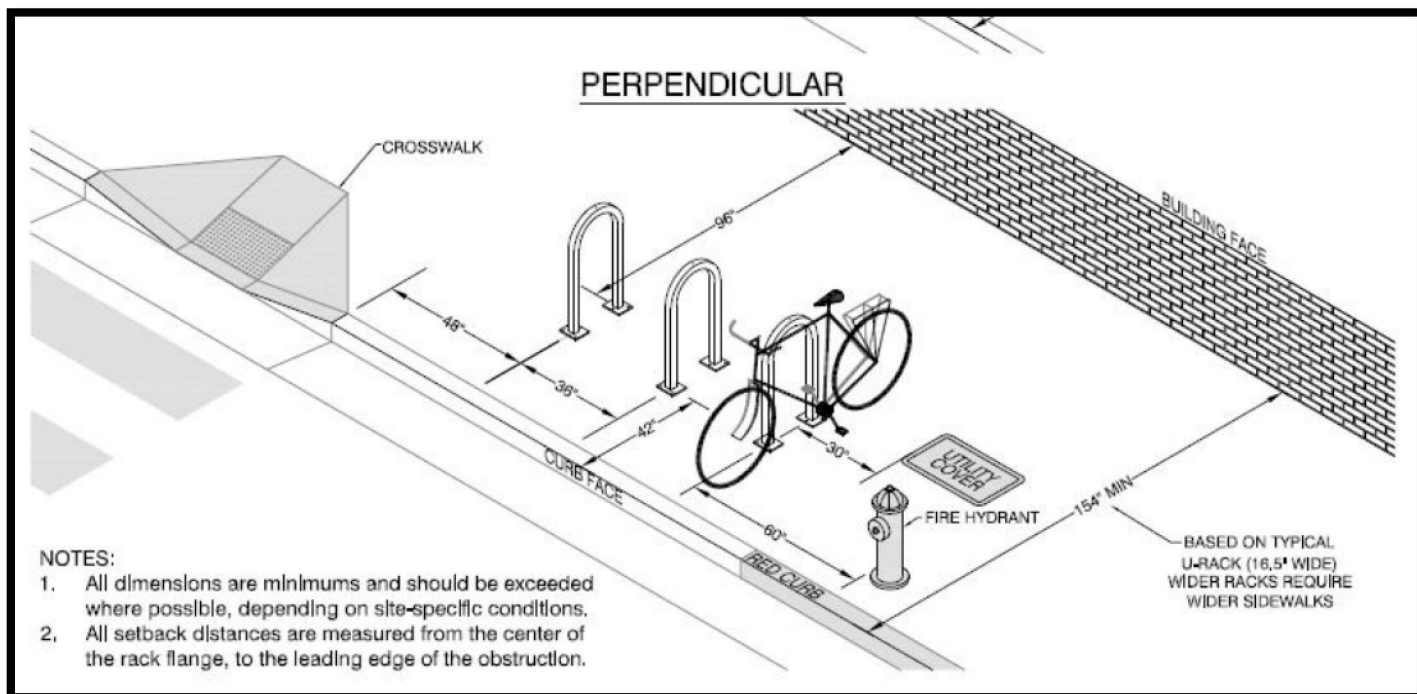
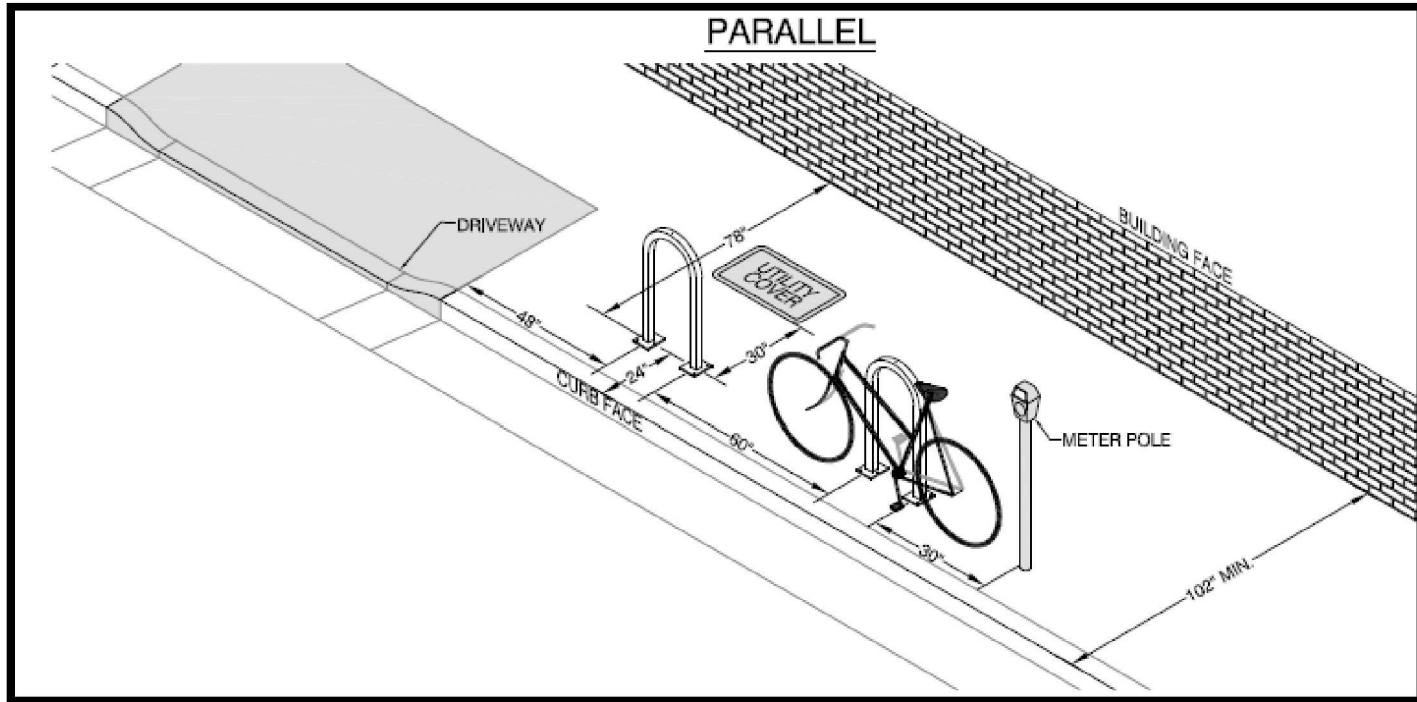


8. Bicycle racks may be oriented parallel, diagonal, or perpendicular to sidewalks (see layouts shown below). It may be placed as a single rack by itself at key areas or multiple racks side-by-side in parking spaces.

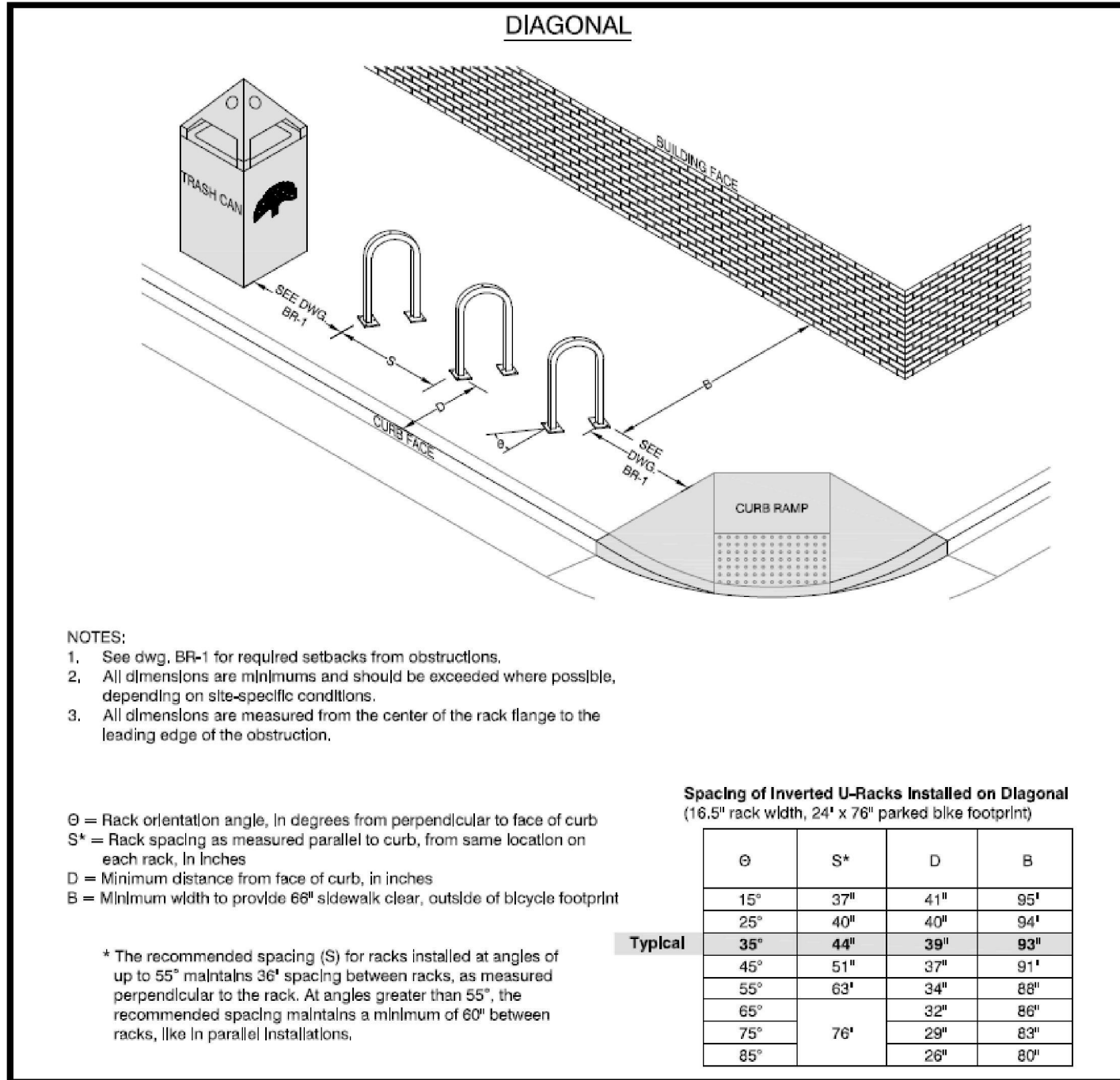
9. All developments may refer to Association of Pediatrician and Bicycle Professionals (APBP) for national standards for bicycle parking not provided in this section. See

diagrams below for typical setbacks for installing bicycle racks near walls, streets, infrastructure, or other racks.

TYPICAL PARALLEL AND PERPENDICULAR LAYOUTS (BR-1)



TYPICAL DIAGONAL LAYOUT (BR-2)



- I. *Bicycle Rack Design.* Required bicycle racks shall meet the city's bicycle rack design shown below. It shall be an inverted "U" rack with the city's custom laser cut logo plate welded to the round tubing for capacity of 2 bicycles with a light green powder-coated finish.



- J. *Alternative Bicycle Rack Design.* At the discretion of the city development director, the alternative bicycle rack design may be approved if in compliance with the following standards:

1. Types: Inverted "U" hoop rack, round rack, hitch rack or some variations of the upside down "U" design. Custom designs may be used provided that it meets the criteria of acceptable bicycle rack design.
2. Capacity: Designed to accommodate 2 bicycle parking spaces per rack.
3. Finish: Galvanized, stainless steel, powder-coated with a color or other weather-proof surface.
4. Size: Accepts multiple bicycle frame sizes and styles.
5. Compatibility: Accommodates the use of cable and U-type locks.
6. Function: Supports a bicycle frame in two (2) places.
7. Purpose: Allows the frame and at least 1 wheel of the bicycle to be locked to the rack.
8. Scale: Visible to pedestrians and the visually impaired, but consistent with the scale of the bicycle located to the device.
9. Durability: Maintenance-free or fabricated from materials that weather in an aesthetically pleasing manner.
10. Simplicity: Easy to understand and operate, with no moving parts.

11. Operation: Usable without lifting the bicycle onto the device.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: 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 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2019.

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

CITY OF STUART

CITY COMMISSION MEETING

March 11, 2019

Land Development Code Amendments

Bicycle Parking



- Currently, the LDC requires large scale commercial development that is 20,000 SF or more of total gross floor area of the building to provide bicycle amenities on development site.
- | | | |
|---------------------|---|-----------------|
| 20,000 – 50,000 SF | → | One bike rack |
| 50,000 – 100,000 SF | → | Two bike racks |
| 100,000 or above | → | Four bike racks |
- Each bike rack must store not less than six bicycles (typically wave bike racks).
- The code doesn't provide specific requirement for bike rack design or placement on site, which could lead to poor bike rack choices and failure to usage due to wrong placement.

Existing Requirements

Source: Association of Pediatrician
and Bicycle Professionals

RACKS TO AVOID

Because of performance concerns, APBP recommends selecting other racks instead of these.

WAVE

also called undulating
or serpentine



Not intuitive or user-friendly; real-world use of this style often falls short of expectations; supports bike frame at only one location when used as intended.

SCHOOLYARD

also called
comb, grid



Does not allow locking of frame and can lead to wheel damage. Inappropriate for most public uses, but useful for temporary attended bike storage at events and in locations with no theft concerns. Sometimes preferred by recreational riders, who may travel without locks and tend to monitor their bikes while parked.

COATHANGER



This style has a top bar that limits the types of bikes it can accommodate.

WHEELWELL



Racks that cradle bicycles with only a wheelwell do not provide suitable security, pose a tripping hazard, and can lead to wheel damage.

BOLLARD



This style typically does not appropriately support a bike's frame at two separate locations.

SPIRAL



Despite possible aesthetic appeal, spiral racks have functional downsides related to access, real-world use, and the need to lift a wheel to park.

SWING ARM SECURED



These racks are intended to capture a bike's frame and both wheels with a pivoting arm. In practice, they accommodate only limited bike types and have moving parts that create unneeded complications.

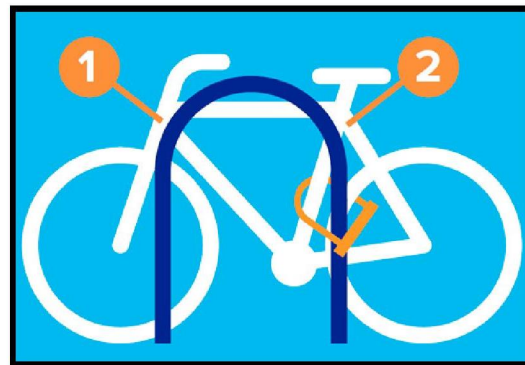


Example

Bike Racks to Avoid

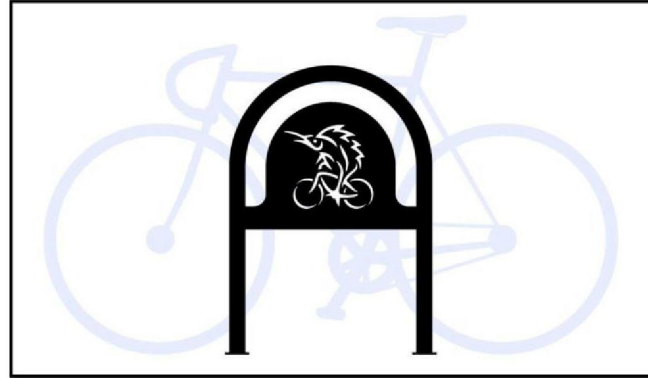


- The downtown parking study recommended installation of bicycle racks at key locations in the downtown to encourage bicycling as an alternative mode to commute.
- The most commonly used bike racks are the inverted “U” hoop rack, round rack, bike hitch or some variation of the inverted “U” design.
- Features of an acceptable bike rack include:
 - Stable structure securely anchored in a permanent foundation.
 - Ability to support two points of contact with the bike.
 - Design that prevents the bike from tipping over.
 - Ability to support a variety of bike sizes and frame shapes.
 - Allow both the frame and at least one wheel of the bike to be secured with a lock.



Parking Study

- In November 2018, the CRA/City Commission approved the design for bike rack to be installed in the City's right-of-way and public places in downtown Stuart.



- The custom design bike racks will help create identity, visibility, and branding for a bike friendly community.
- The CRA/City Commission directed staff to amend the land Development Code to include acceptable bike rack design and requirements to encourage alternate modes of transportation.

Background

- The proposed bicycle parking requirements will apply to new developments, substantial improvements or an addition to existing building.
- Applicable to non-residential or multi-family development requiring 10 or more off-street vehicular parking spaces.
- Single-Family homes, duplex and Assisted Living Facility are exempt from bicycle parking requirements.
- Bicycle parking facility may consist of short-term bicycle parking, long-term bicycle parking or combination of both.
 - Short-term is typically outdoors and not protected from the weather (retail stores).
 - Long-term is typically covered bicycle parking spaces (inside parking garages or bicycle lockers) and should be encouraged for multi-family development for residents and office buildings for employees.

- Non-Residential Development

- Two bicycle parking spaces (1 bicycle rack) for the first 10 off-street vehicular parking spaces.
- Two additional bicycle parking spaces for each additional 30 required off-street vehicular parking spaces
- In no case shall more than 20 bicycle parking (10 bicycle racks) be required.

- Multi-family Development

- Two bicycle parking spaces (1 bicycle rack) per 5 units within the CRA
- Two bicycle parking spaces (1 bicycle rack) per 10 units outside the CRA.
- In no case shall more than 20 bicycle parking (10 bicycle racks) be required.

Proposed LDC Amendments

- Bicycle Rack Design
 - Required bicycle rack shall meet the City's approved bicycle rack design. Inverted "U" rack with the City's custom laser cut logo plate with a light green powder-coated finish. Design supports two bicycles.
- Alternative Bicycle Rack Design – at the discretion of the development director:
 - Inverted "U" hoop rack, round rack, hitch rack or some variations of the upside down "U" design. Custom artistic design racks may be provided if it meets the criteria of acceptable bicycle rack design:
 - ✓ Designed to accommodate two bicycle parking spaces per rack.
 - ✓ Galvanized, stainless steel, powder-coated finish or weather-proof surface.
 - ✓ Support two points of contact with the bicycle.
 - ✓ Supports variety of bike sizes and frame shapes.
 - ✓ Allows at least 1 wheel of the bicycle to be secured with a lock.
 - ✓ Visible to pedestrians.

BICYCLE PARKING EXAMPLES

Uses	Gross Floor Area/Units	Parking Requirement ¹	Existing Bicycle Parking Requirement ²	Proposed Bicycle Parking Requirement ³
Walmart	221,881 SF	888 spaces	4 racks (24 bicycles)	16 racks (32 bicycles) ⁴
Costco	154,300 SF	618 spaces	4 racks (24 bicycles)	11 racks (22 bicycles) ⁴
Aldi	17,837 SF	89 spaces	None	4 racks (8 bicycles)
600 Ocean Blvd (Office bldg.)	4,489 SF	23 spaces	None	2 racks (4 bicycles)
Wawa's	5,943 SF	59 spaces	None	3 racks (6 bicycles)
Azul (Triangle property)	49 units (53,953 SF)	106 spaces (providing 12 racks/24 bicycles)	None	10 racks (20 bicycles) ⁵

¹ The proposed bicycle parking standards shall apply to non-residential and multi-family developments requiring 10 or more off-street vehicular parking spaces.

² Bicycle racks required only for large-scale commercial development with a minimum of 20,000 SF gross floor area. The type of bike rack required is not provided, however, the code requires that each bike rack must store not less than 6 bicycles. Calculations based on a typical wave, spiral or schoolyard racks that support minimum 6 bicycles.

³ Non-residential developments - Inverted "U" rack supports 2 bicycles

- Two bicycle parking spaces (1 bicycle rack) or the first 10 required vehicular parking spaces.
- Two additional bicycle parking spaces (1 additional bicycle rack) for each additional 30 required vehicular parking spaces.

⁴ Not required to exceed 20 bicycle parking spaces (10 inverted "U" racks).

⁵ Multi-family developments - Inverted "U" rack supports 2 bicycles

- In/CRA: Two bicycle parking spaces (1 bicycle rack) per 5 units.
- Out/CRA: Two bicycle parking spaces (1 bicycle rack) per 10 units.

Proposed LDC Amendments



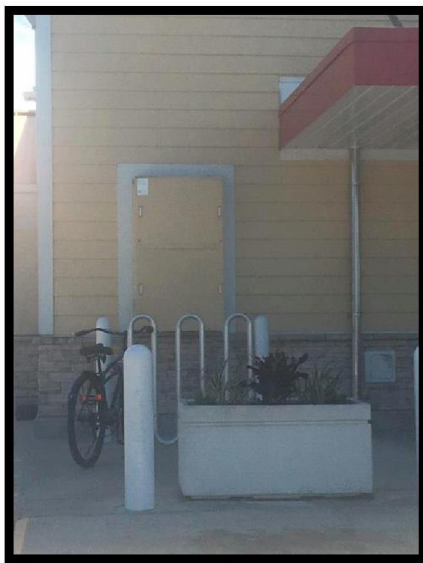
Water's Edge Dermatology



Aldi Shopping Plaza



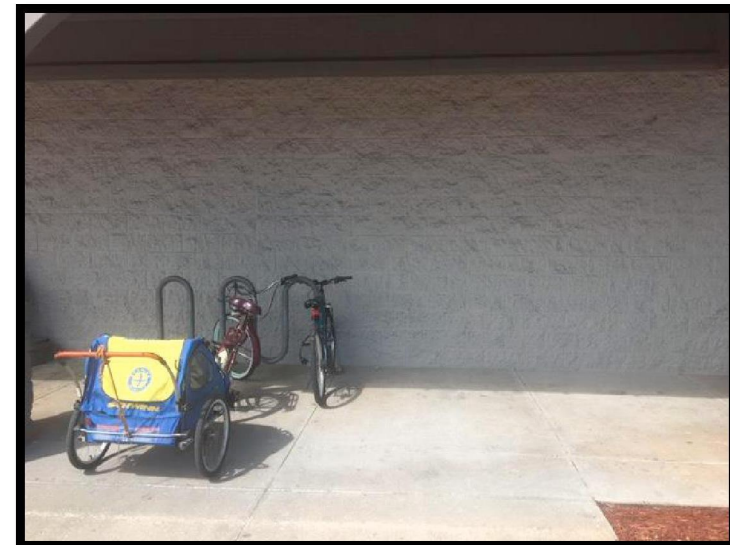
Barron Shoppes



Wawa's



Walmart – Bicycle Rack 1



Walmart – Bicycle Rack 2

Site Visit

- Bicycle Parking Facility Design Standards:
 - Permanently affixed to a hard surface.
 - Preferably near the primary entrance of the building.
 - Located in well-lit areas.
 - If located in the vehicular parking area, the bicycle parking spaces shall be separated by some barriers such as curbs.
 - Provided on the development site, unless provided in the ROW by the City.
 - Identified using signage around the area.
 - Racks may be oriented parallel, diagonal or perpendicular to sidewalks.
 - It can be placed as a single rack by itself in key areas/building entrances or multi racks side-by-side .
 - It shall comply with minimum setbacks from infrastructure.
- The development directly shall have the authority to determine the most appropriate location for bicycle parking during the site plan review.
- The development director shall have the authority to modify from the bicycle parking requirements including but not limited to situations in which compliance cannot be met due to physical site constraints and it should be noted on the site plan.

Proposed LDC Amendments

- Approve Ordinance No. 2396-2019 amendments to the Land Development Code to establish bicycle parking facility and rack design standards.

RECOMMENDATION

BICYCLE PARKING EXAMPLES

Uses	Gross Floor Area/Units	Parking Requirement¹	Existing Bicycle Parking Requirement²	Proposed Bicycle Parking Requirement³
Walmart	221,881 SF	888 spaces	4 racks (24 bicycles)	16 racks (32 bicycles) ⁴
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¹ The proposed bicycle parking standards shall apply to non-residential and multi-family developments requiring 10 or more off-street vehicular parking spaces.

² Bicycle racks required only for large-scale commercial development with a minimum of 20,000 SF gross floor area. The type of bike rack required is not provided, however, the code requires that each bike rack must store not less than 6 bicycles. Calculations based on a typical wave, spiral or schoolyard racks that support minimum 6 bicycles.

³ Non-residential developments - Inverted "U" rack supports 2 bicycles

- Two bicycle parking spaces (1 bicycle rack) or the first 10 required vehicular parking spaces.
- Two additional bicycle parking spaces (1 additional bicycle rack) for each additional 30 required vehicular parking spaces.

⁴ Not required to exceed 20 bicycle parking spaces (10 inverted "U" racks).

⁵ Multi-family developments - Inverted "U" rack supports 2 bicycles

- In/CRA: Two bicycle parking spaces (1 bicycle rack) per 5 units.
- Out/CRA: Two bicycle parking spaces (1 bicycle rack) per 10 units.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Joint CCM/CRA/CRB

Meeting Date: 11/26/2018

Prepared by: Pinal Gandhi-Savdas

Title of Item:

RESOLUTION No. 11-2018 CRA; A RESOLUTION OF THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #2 TO THE FY 2019 CRA BUDGET TO TRANSFER FUNDS FROM THE CRA FUND BALANCE TO THE CRA OPERATING SUPPLIES IN THE AMOUNT OF \$5,000 FOR THE PURCHASE OF ARTISTIC BIKE RACKS; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (RC)

Summary Explanation/Background Information on Agenda Request:

The parking study recommended installation of bike racks at key demand locations to encourage alternative modes of travel to and from the downtown core. As part of the first year action plan approved by the City Commission, staff researched "artistic" racks options that would meet the criteria of an acceptable bike rack. Features of an acceptable bike rack should include a stable structure securely anchored in a permanent foundation, support the bike with two points of contact, design that prevents the bike from tipping over, the ability to support a variety of bike sizes and frame shapes and a design that will best fit sidewalks and enhance public spaces.

DESIGN AND STYLE OF BIKE RACKS

Staff researched the types of bike racks that would be ideal for limited sidewalk space and high-demand areas. The most commonly used bike racks are the inverted "U" hoop rack, round rack, bike hitch or some variation of the inverted "U" design. U-racks are strongly recommended because they provide two points of contact with the bicycle, allow the frame of both wheels to be locked to the rack and provides secure parking for two bikes. These bike racks are designed to best fit sidewalks because they can be oriented parallel to the curb for narrow sidewalks, diagonal, or perpendicular for wider sidewalks. They can be placed as a single rack by itself at key areas or multiple racks side-by-side to support bike storage destination. The most obvious places for bike racks are near businesses, parks and parking lots. They should be placed as close to building entrance(s) as possible without obstructing the walkway to allow people to park bikes close to their destination. They can also be placed on an in-street bicycle parking corral, which allows a group of bike racks to be installed in the parking space next to the curb and aligned with other parking stalls. Corrals are typically installed when demand for bike parking is higher than can be accommodated on the sidewalks. Some communities are doing on-street mural to convert the former parking space to bike corral and bring more attention to the space.

COSTS

The proposed design for custom bike racks is the hoop rack with a logo that will help create identity, heighten visibility and create a branding for a bike friendly community. The cost is approximately \$253 per custom bike rack. The total cost is \$4,829.90 for 18 custom bike racks with freight.

BIKE RACK AND BIKE LANE COLOR

The color recommended is light green to represent an environmental-friendly community and foster positive environmental changes by encouraging more people to ride bikes and use alternatives modes of transportation. The light green bike racks can also compliment the new light green colored bikes lanes that are being used nationwide to minimize confusion with other standard traffic control markings. The City of Stuart can test areas to add color to existing bike lanes to make it more visible and identifiable to traffic.

PLACEMENT OF BIKE RACKS

Staff conducted a site visit to identify the locations of bike racks in public spaces. The locations were selected based on the demand and available space in the right-of-way. The attached map depicts the location of existing bike racks and proposed locations plus number of racks for each location. Bike racks would be placed at locations to maintain an unobstructed public right-of-way. Staff is proposing to purchase a total of 18 custom bike racks, which is the initial phase of the project for the downtown core. Staff will monitor the usage of the bike racks at the proposed locations and if it's underused, the bike racks can be easily moved to another

location where there is more demand. If directed by the board, staff will bring forward additional locations for bike racks as Phase II of the project.

PROPOSED BICYCLE RACK-ON-REQUEST PROGRAM

Staff is proposing to create a Rack-on-Request program that is found in many cities throughout the country. The proposed program would allow private businesses to request a bike rack to be installed in the public right-of-way near their property to increase the amount of available bike parking. After receipt of an application/request, staff will conduct a site visit to determine whether or not the specific location is eligible for a bike rack installment. Ideally, the bike rack will be placed as close to the applicant's requested location, but the ultimate determination will be a clear walkway that does not impede pedestrian traffic. The application will ask for basic information and will be available on the City's website. The applicant will provide the number of racks and an explanation supporting the request for a bike rack adjacent to their business. The CRA Administrator and Public Works would review and approve the application for implementation. For cost efficiencies, staff will collect and process multiple requests at one time versus single installation. This will be included in the Phase II of the project.

LAND DEVELOPMENT CODE AMENDMENT

Currently, the Land Development Code requires large-scale commercial development, which is 20,000 sq. ft. or more of total gross floor area of the building, to provide bicycle amenities on the site. However, the code doesn't provide guidelines for bike rack design and location which could lead to poor bike rack choices and failure due to wrong placement. Staff is recommending establishing design guidelines and providing examples of acceptable bicycle rack designs for new development and redevelopment projects.

BIKE SHARING PROGRAM

Bike sharing is an innovative transportation program, ideal for short distance point-to-point trips providing users the ability to pick up a bicycle at any self-serve bike-station and return it to any other bike station located within the system's service area. Bike-sharing programs are typically found in urbanized areas and can have an economic benefit to the area. Our neighboring counties have launched a similar program and there may be grant opportunities available for the program.

Attachments:

- Resolution No. 11-2018 CRA Budget Amendment #2
- Proposed bike rack design, cost and color options
- Proposed bike rack locations
- Bike rack brochures
- Bike parking guide
- Bike racks to avoid
- Federal Highway Admin Interim approval of Green Bike Lanes
- Existing Land Development Code requirements for bike racks
- Bike-Share Program (article)

Funding Source:

FROM: CRA FY 2019 Fund Balance - \$5,000
TO: CRA Operating Supplies - \$5,000

Recommended Action:

Staff proposes that the Community Redevelopment Agency recommend to:

1. Approve Resolution No. 11-2018 authorizing Budget Amendment #2 to the FY 2019 CRA Budget.
2. Explore green bike lanes as a pilot program on S Colorado Ave. and SE Kindred St.
3. Implement a Bike Rack-on-Request program for local businesses.
4. Amend the Land Development Code to include acceptable bike rack designs and guidelines.
5. Explore bike-sharing program.

ATTACHMENTS:

Description	Upload Date	Type
Resolution No. 11-2018 CRA Budget		Resolution add

▢ Amendment No. 2	11/13/2018	to Y drive
▢ Proposed Bike Rack Design, Costs and Color options	11/13/2018	Backup Material
▢ Proposed Bike Rack Locations	11/7/2018	Backup Material
▢ Bike Rack Brochures	11/13/2018	Backup Material
▢ Bike Parking Guide	11/7/2018	Backup Material
▢ Bike Racks to Avoid	11/7/2018	Backup Material
▢ FHWA Interim Approval of Green Bike Lanes	11/14/2018	Backup Material
▢ Land Development Code - Bike Rack Requirements	11/9/2018	Backup Material
▢ Bike-share program in St Lucie County (article)	11/9/2018	Backup Material



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

RESOLUTION No.: 11-2018 CRA

A RESOLUTION OF THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT #2 TO THE FY 2019 CRA BUDGET TO TRANSFER FUNDS FROM THE CRA FUND BALANCE TO THE CRA OPERATING SUPPLIES IN THE AMOUNT OF \$5,000 FOR THE PURCHASE OF ARTISTIC BIKE RACKS; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

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

SECTION 1: The Community Redevelopment Agency of the City of Stuart hereby authorizes a FY 2018 budget transfer as follows:

FROM: CRA FY 2019 Fund Balance - \$5,000
TO: CRA Operating Supplies - \$5,000

SECTION 2: This resolution shall take effect upon adoption.

Resolution No. 11-2018 CRA
Budget Amendment #2 to FY 2019 CRA Budget

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

KELLI GLASS LEIGHTON, CHAIR
BECKY BRUNER, VICE CHAIR
EULA R. CLARKE, BOARD MEMBER
MERRITT MATHESON, BOARD MEMBER
MIKE MEIER, BOARD MEMBER
PETE WALSON, EX-OFFICIO BOARD MEMBER
JOHN GONZALES, EX-OFFICIO BOARD MEMBER

YES	NO	ABSENT

ADOPTED this _____ day of November, 2018.

ATTEST:

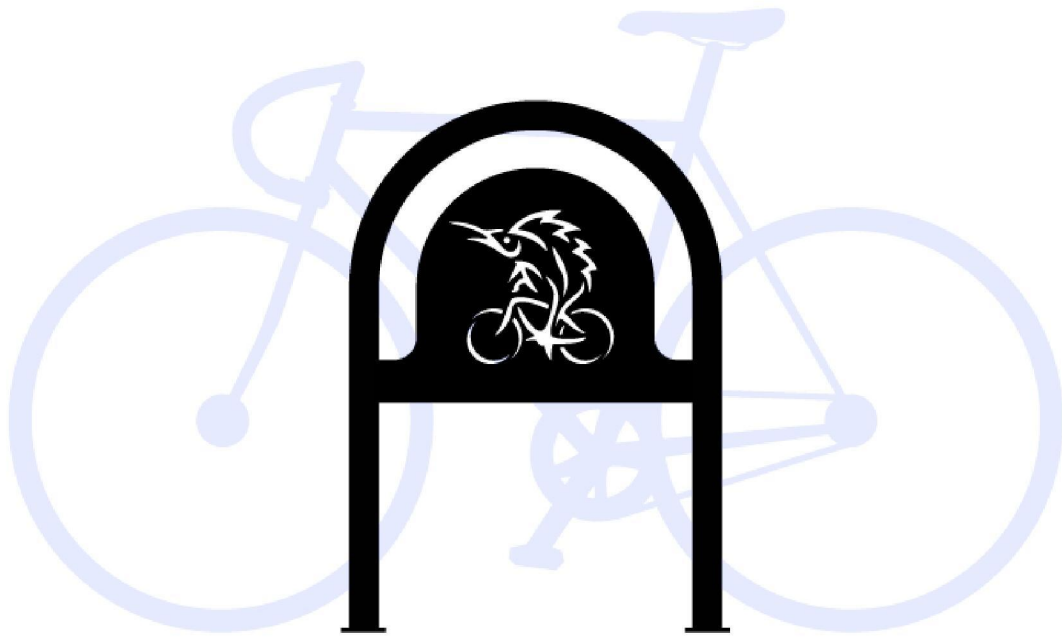
MARY KINDEL
CITY CLERK

KELLI GLASS LEIGHTON
BOARD CHAIR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

CITY OF STUART
Custom Hoop Rack with laser cut logo



Standard Powder Coat Colors

TGIC Powdercoat Finish

We offer over 250 high quality TGIC powder coated colors and specialize in matching color schemes. Our powdercoat finish starts with a sandblast treatment which cleans and etches the steel surface. An epoxy primer is electro-statically applied to ensure excellent adhesion to the base steel, and to protect the steel against corrosion and scratches. A final TGIC powdercoat is electro-statically applied and baked on to give the rack the final color and an additional layer of protection.



These swatches are approximate only. Colors look different on different printers and computer monitors. If your color match is critical, please request actual powder coated color samples.

**Staff recommended
Light Green --->**

				
White	Black	Light Gray RAL 7042	Deep Red RAL 3003	Yellow RAL 1023
				
CNH Bright Yellow	Orange RAL 2004	Blue RAL 5005	Sky Blue RAL 5015	Hunter Green RAL 6005
				
Light Green RAL 6018	Green RAL 6016	Sepia Brown RAL 8014	Bronze	Silver 9007
				
Dark Purple	Flat Black	Wine Red RAL 3005	Beige RAL 1001	Iron Gray 7011

Downtown Area Tram Stops / Bike Racks



RACKS TO AVOID

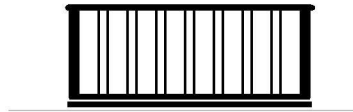
Because of performance concerns, APBP recommends selecting other racks instead of these.

WAVE
also called undulating
or serpentine



Not intuitive or user-friendly; real-world use of this style often falls short of expectations; supports bike frame at only one location when used as intended.

SCHOOLYARD
also called
comb, grid



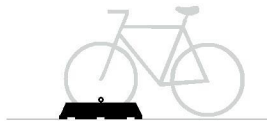
Does not allow locking of frame and can lead to wheel damage. Inappropriate for most public uses, but useful for temporary attended bike storage at events and in locations with no theft concerns. Sometimes preferred by recreational riders, who may travel without locks and tend to monitor their bikes while parked.

COATHANGER



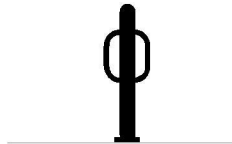
This style has a top bar that limits the types of bikes it can accommodate.

WHEELWELL



Racks that cradle bicycles with only a wheelwell do not provide suitable security, pose a tripping hazard, and can lead to wheel damage.

BOLLARD



This style typically does not appropriately support a bike's frame at two separate locations.

SPIRAL



Despite possible aesthetic appeal, spiral racks have functional downsides related to access, real-world use, and the need to lift a wheel to park.

**SWING ARM
SECURED**



These racks are intended to capture a bike's frame and both wheels with a pivoting arm. In practice, they accommodate only limited bike types and have moving parts that create unneeded complications.

COMMUNITY REDEVELOPMENT AGENCY

PARKING MANAGEMENT – FIRST-YEAR ACTION PLAN (OCTOBER 2018 – SEPTEMBER 2019)

Implementing Action Item	Intent	Estimated Cost	Funding Source
Redesign Downtown Stuart Tram Routes	Redesign the Downtown Stuart Tram service to have a fixed route schedule to provide connections from remote parking to destinations.	Costs associated with operational hours and more than 2 trams may be required to provide fixed route services during peak hours of operation. Additional shelters \$1,200 each. (8 shelters = \$9,600)	Operation costs; CRA - 2 years Additional Shelters - CRA General Funds after 2 years
Curbside Management	Repurpose a few parking spaces on SW St Lucie Ave or SE Osceola (east of Haney Circle) for ride-hailing services such as Uber and Lyft to pick up and drop off passengers.	\$1,000-\$2,000 per space for design, marketing and implementation costs.	CRA
Curbside Management	Identify on-street parking spaces on SW Flagler Ave that delivery trucks could utilize for loading activities before 11:00am on weekdays and after 11:00am the same space would be converted into a 3-hour visitor space.	\$1,000-\$2,000 per space for design, marketing and implementation costs.	CRA
Valet Parking Improvements	Enhance valet parking station locations with better advertising and increased visibility. Utilize dedicated City right of way for valet stations and staging, while requiring the valet operator to secure off-street valet storage locations.	Little to no cost to the City other than authorized 3 rd party use of public rights of way for valet parking stations and staging.	Enhancement Fund
Bicycle Parking Initiative	To encourage alternative modes of travel to and from the downtown core, the City should support a bicycle parking initiative to include the placement and upgrade of multiple bicycle storage racks.	Brand the bicycle parking initiative with appropriate signs and social media marketing efforts. Artistic bike racks - \$400 to \$800 per location.	CRA
Hours of Operation Parking Enforcement	Extend the 3-hour parking hours of operation to 8:00 pm to allow for greater parking turnover and parking availability at core on-street spaces.	Modifying the hours of operation will require increased code enforcement labor costs under the format of adding 1-2 part-time code enforcement employees to cover afternoon and early evening hours.	CRA - 2 years General Funds after 2 years
Shared Parking Commercial Lease	Revisit several commercial lease agreements previously orchestrated through the CRA and private land owners to support visitor and employee parking needs during evening hours (6 PM – 12 AM) and weekend special events.	\$250-\$1,000 per month lease and \$1,600 - \$2,000 per month liability insurance depending on size, location, time of year, and days of the week.	CRA
Premium Paid Parking Inventory	Explore paid on-street parking system in the core downtown areas which would replace the time-limited spaces with a system that would generate a parking fund balance for the potential use in the tram operation or development of City-funded parking structure.	\$8K to 10K per solar powered pay station; plus \$5,000 to \$10,000 per location for environment design and setup. No cost justification for pay by phone platform setup. (SW Osceola between SW St Lucie Avenue and S Colorado Avenue)	CRA

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