



A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD April 8, 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

1. ARTS MOMENT - MS. DORETHA HAIR TRUESDELL, PRESENTATION ON THE HISTORY OF THE FLORIDA HIGHWAYMAN ARTISTS.

PROCLAMATIONS

2. CHILD ABUSE & PREVENTION MONTH AND VOLUNTEER APPRECIATION WEEK
3. WATER CONSRVATION MONTH - APRIL 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.*

4. APPROVAL OF 03/25/2019 CCM MINUTES (RC)
5. ADVISORY BOARD APPOINTMENT OF FAYE JAMES TO THE COMMUNITY REDEVELOPMENT BOARD (CRB). (RC):
6. ZONING IN PROGRESS TO ESTABLISH REGULATIONS ON FRONT YARD FENCES (RC):

RESOLUTION No. 44-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING "ZONING IN PROGRESS" UNDER SEC. 1.04.04, STUART LAND DEVELOPMENT CODE, FOR BUILDING PERMITS PERTAINING TO FENCES IN THE

FRONT YARD WITHIN THE R-1A, R-1, R-2 AND R-3 ZONING DISTRICTS, AND PROVIDING AN EFFECTIVE DATE.

7. LICENSE AGREEMENT WITH VIRGIN TRAINS USA (RC):

RESOLUTION No. 45-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND VIRGIN TRAINS USA FLORIDA, LLC GRANTING A LICENSE TO STORE RAILROAD CONSTRUCTION MATERIALS ON THE STUART LANDFILL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

ORDINANCE FIRST READING

8. AUTHORIZING PENALTIES AGAINST UNLICENSED CONTRACTORS (RC):

ORDINANCE No. 2404-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER 10, ARTICLE VIII, SECTION 10-200 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. ST. LUCIE ESTATES ROW ABANDONMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2405-2019; A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, AS RECORDED IN PLAT BOOK 10, PAGE 70, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

10. AMENDMENT TO CHAPTER II LDC - UPUD (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 DESIGNATION OF URBAN 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.

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: 4/8/2019

Prepared by: M Joy Warren

Title of Item:

ARTS MOMENT - MS. DORETHA HAIR TRUESDELL, PRESENTATION ON THE HISTORY OF THE FLORIDA HIGHWAYMAN ARTISTS.

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Enjoy!

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Ryanne Cavo

Title of Item:

CHILD ABUSE & PREVENTION MONTH AND VOLUNTEER APPRECIATION WEEK

Summary Explanation/Background Information on Agenda Request:

The City of Stuart prides itself on giving back to the community, contributing to the quality of life among our citizens

Funding Source:

N/A

Recommended Action:

Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
▯	Proclamation - Child Abuse & Prevention Month, et al	2/26/2019	Proclamation

**PROCLAMATION
CHILD ABUSE & PREVENTION MONTH (APRIL) AND
VOLUNTEER APPRECIATION WEEK
APRIL 7-13, 2019**

WHEREAS, the City of Stuart prides itself on giving back to the community, contributing to the quality of life among our citizens; and

WHEREAS, the Guardian ad Litem Program speaks for the best interests of abused, abandoned and neglected children who are involved in the court system; and

WHEREAS, more than (150) children in the community suffer from some form of abuse or neglect each year; and

WHEREAS, Stuart community members are encouraged to join together, throughout the month of April to raise awareness for those children fallen victim to abuse, neglect and abandonment; and

WHEREAS, this effort will give abused, neglected, and abandoned children in our community an improved chance for a safe permanent home and positive future.

NOW, THEREFORE, I, Rebecca S. Bruner, Mayor of the City of Stuart, do hereby proclaim April 2019 as **CHILD ABUSE & PREVENTION MONTH** and April 7-13, 2019 as **VOLUNTEER APPRECIATION WEEK** in the City of Stuart and urge all citizens to give of their time to make a difference in the lives of our most vulnerable children by volunteering with the Guardian ad Litem Program.

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 8th day of April, 2019.

REBECCA S. BRUNER
Mayor

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Ryanne Cavo

Title of Item:

WATER CONSRVATION MONTH - APRIL 2019

Summary Explanation/Background Information on Agenda Request:

The State of Florida, Water Management Districts, and the City of Stuart are working together with various agencies and dedicated students to increase water conservation awareness and support educational programs and events such as the City's Water Fest.

Funding Source:

N/A

Recommended Action:

Issue the Proclamation

ATTACHMENTS:

	Description	Upload Date	Type
□	Proclamation - Water Conservation Month - April 2019	4/1/2019	Proclamation

**PROCLAMATION
WATER CONSERVATION MONTH
APRIL 2019**

WHEREAS, water is a basic and essential need for every living creature; and

WHEREAS, the State of Florida, Water Management Districts, and the City of Stuart are working together with various agencies and dedicated students to increase water conservation awareness and support educational programs and events such as the City's Water Fest; and

WHEREAS, April, typically a dry month when water demands are highest, is annually designed as Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources.

NOW, THEREFORE, I, Rebecca S. Bruner , Mayor of the City of Stuart, Florida do hereby proclaim the Month of April, 2019, as

Water Conservation Month

in the City of Stuart, Florida and encourages citizens to make a difference and help by efficiently using water, thus promoting a healthy economy and community.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the City of Stuart, Florida to be affixed this 8th day of April, 2019.

REBECCA S. BRUNER
MAYOR

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: M Joy Warren

Title of Item:

APPROVAL OF 03/25/2019 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
03/25/2019 CCM Minutes	4/1/2019	Exhibit

**MINUTES
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**



5:30 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. IN MEMORY OF BETTY C. SMITH

Betty Smith's daughters, Lauren and Carol, joined with friends and family, came forward to graciously accept the Proclamation. Lauren thanked the Commission and expressed how much her mother cherished the work she did for the City of Stuart.

2. POWERTALK21® DAY - APRIL 21, 2019

Mr. David Ganim of MADD and Mr. Robert Romano, Teacher and Driver's Ed Representative of Jensen Beach High School accepted the Proclamation and announced their mission and the importance of parents talking with their children about the dangers of alcohol.

PRESENTATIONS

3. MARCH SERVICE AWARDS

Rachel Minor, Police Department – 5 Years

Sgt. David Duran, Police Department – 15 Years

4. EMPLOYEE OF THE MONTH, MARCH 2019

Julie McHenry, Community Services Division Manager, presented and announced Jessica Tharp as the March Employee of the Month.



5:46 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- No comments.

Commissioner Matheson

- Commented on the wonderful time he and his family had while attending Water Fest and the Mutt March.
- Recognized Gilbert's Coffee Bar for their environmental efforts and see if the City could find a way to recognize local businesses that voluntarily work to reduce single use plastics from their business plan.

Commissioner Meier

- Commented in response to Commissioner Matheson's comment, announced the organization called the Surfrider Foundation that provides an ocean friendly restaurant certification, restaurants in addition to Gilbert's Coffee Bar include Fruits and Roots, Modern Juice Company and Ground Floor Farms.

Attorney Mortell commented that the City can obtain a list of other Cities that have done something similar and perhaps do a Proclamation for recognition.

- Meier commented that he will be traveling to Tallahassee and reviewed the various legislative bills and will report back to the City.
- Commented on the new East Stuart PUD and noted that it is a step forward in our CRA and Downtown Urban District. This will allow 2 readings, allowing more public input. Urges fellow commissioners to think about the areas in the City that can be improved upon with green space, increased density and development while keeping the small town charm.
- Commented on a front yard fence on the corner of Finn and East Ocean Blvd., currently allowed by code but looks forward to figuring out how to address this in the code in the near future.

Commissioner Clarke

- Commented in support of all the other commissioner's comments.
- Complimented Anne Ellig and David Peters on the Water Fest event.

- Commented on the improvements in the area of Colorado and Woodlawn and complimented the mural created by the Martin County students, which helps to bring back the feeling of old town and icons in our community.

Mayor Bruner

- Commented on Water Fest and thanked the staff who worked and volunteered for the event.
- Have concerns about the fence on East Ocean and whether it was installed to hide the many cars at the property.
- Commented that she was in Tallahassee last week and thanked Jim Chrulski and all who assisted her, honored to represent the City.



6:04 PM COMMENTS BY CITY MANAGER

City Manager Dyess reported on a scrivener's error on Item #9, Appendix A as it relates to the Community Services section.

APPROVAL OF AGENDA



**6:05 PM Motion: Move approval of the Agenda.
Motion by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.**

COMMENTS FROM THE PUBLIC (5 min. max)

- 1) **Robert Steinberg – California Ave.; Commented that part of Memorial Park should include a dog park, Colorado Avenue landscaping to improve drivers view, and mixed use zoning and Airbnb rental regulations.**
- 2) **Betty Brinkley – Nassau Ave.; Commented that those who live in East Stuart do not have access and cannot afford to use the Community Center because of the fees.**
- 3) **Jimmy Smith – Apache Ave.; On behalf of the NAACP and citizens of East Stuart, residents can't afford these things. Plans to go to Tallahassee and invited all to join him on June 23rd.**
- 4) **Jonny Bell – Hall Street; Concerns about the changes in code and rezoning in East Stuart.**

CONSENT CALENDAR

5. APPROVAL OF 03/11/2019 CCM MINUTES

6. AUTHORIZATION FOR ILA WITH MARTIN COUNTY FOR USE OF SHIP FUNDS FOR UTILITIES:

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:

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:

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:

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:

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:

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:

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:

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:

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

 **6:23 PM Motion: Move approval of the Consent Calendar.**
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

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.

Mayor Bruner commented, for the record, that it is hard to accept additional continuations on this item.

 **6:24 PM Motion: Move that Item #15 be continued. [Mortell: Continued to a date certain of April 22, 2019 agreed upon by the Development Department and the applicant.]**

Motion by: Vice Mayor Clarke

Seconded by: Commissioner Matheson

Motion passed unanimously.

ORDINANCE FIRST READING

 **6:27 PM 16. AMENDMENT TO LAND DEVELOPMENT CODE TO CREATE URBAN PUD AND EAST STUART PUD ZONING DESIGNATIONS:**

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.

Development Director, Kevin Freeman reported that this item has nothing to do with the discussion at the East Stuart Partnership Meeting. Those proposed changes were removed and not being processed until additional neighborhood meetings can be held. This Ordinance is for how the City enables the citizens of East Stuart and the CRA to best use the code that they have. Codes are being made clearer, understandable and more usable for the citizens who own property in these areas. In addition, it allows the commission to look more carefully at the proposals that come before them to ensure they meet what the communities want for those locations. Freeman moved forward with a presentation on the Land Development Code.

Commissioner Glass Leighton clarified the language that the changes that are being applied tonight, if approved, is the requirements for the applicants to come in front of additional boards.

Freeman agreed and added that it includes the benefit of being able to use existing zoning.

Commissioner Clarke commented on designating East Stuart as an African American cultural district to bring back the history of East Stuart.

Commissioner Glass Leighton announced that though what Commissioner Clarke talked about has merit, it is not what is being discussed and voted on at this meeting, and is adding confusion.

Commissioners discussed the East Stuart Partnership meetings and ways to gather input from the community.

City Manager Dyess reviewed the process and what is before the commission in this Ordinance.

Public Comment:

- 1) Faye James – Florida Street; Commented on her concerns of rezoning, to focus on Ord 2401-2019.**
- 2) Ora Solomon – 16th Court; commented on her concerns of the CRA funding.**

Attorney Mortell explained the boundaries and requirements of the CRA.

- 3) Jimmy Smith - Apache Ave.; Commented that the people of East Stuart cannot afford to open businesses in the community, suggested the City bring CRA Meeting to East Stuart.**

- 4) **Fredrick James** – Commented on his concerns of the decision making after East Stuart’s concerns have been heard. Will they receive an opportunity to express their wishes. Offered his Church as a meeting space.
- 5) **Jonny Bell** – Hall Street; Commented that many are not aware of what a PUD is. Glad to host a meeting and hopes the community will come out to participate.
- 6) **Philip Harvey** – Colee Ave.; Recommends the City meet with the homeowners and businesses separately.

Commissioner Meier commented on an idea of an East Stuart Community Board.

Attorney Mortell explained the past board issues and explained that it would add an additional board for citizens to go through.

Commissioner Glass Leighton suggested that we keep it simple and start with what a PUD is.

A discussion was held to hold a Special Commission Meeting Workshop scheduled at the East Stuart Community Center in April, date and time to be determined.

 **7:28 PM Motion:** Have another opportunity with the community before we bring back this ordinance for the Second Reading, we have a meeting with the community, to add East Stuart PUD in all these areas we have discussed under the Land Development Code, Section 2 and Section 3.

Meier requested a Motion Amendment: Table the East Stuart PUD designation but continue tonight to vote to approve the adoption of the UPUD, the other one, the non- East Stuart PUD.

Clarke agreed and clarified her Motion.

Clarke: There are several PUD designations, and we want to move ahead with the Urban PUD which is different from, on page 2-34 of the proposed document that was presented to us, and it has the insert for the Urban PUD for the East Stuart PUD and their definitions. We will go ahead with one category as the UPUD continuing to move forward with the UPUD designation.

Motion by: Vice Mayor Clarke

Seconded by: Commissioner Meier

Motion passed unanimously.

ORDINANCE SECOND READING

17. 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.

 **7:40 PM Motion: As to Ordinance No. 2396-2019, I move approval.**
Motion by: Vice Mayor Clarke
Seconded by: Commissioner Matheson
Motion passed unanimously.

DISCUSSION AND DELIBERATION

 **7:41 PM ADJOURNMENT**

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 8th day of April, 2019.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Mary Kindel, City Clerk

Title of Item:

ADVISORY BOARD APPOINTMENT OF FAYE JAMES TO THE COMMUNITY
REDEVELOPMENT BOARD (CRB). (RC):

Summary Explanation/Background Information on Agenda Request:

Commissioner Liaison, Kelli Glass Leighton has appointed Ms. Faye James to the Community Redevelopment Board (CRB) to replace Mr. Drew Pittman who resigned from the board on March 25, 2019. If approved by the Commission, Ms. James will fulfill the remaining term from April 8, 2019 to December 31, 2019, with an opportunity to renew for a two year term.

Funding Source:

N/A

Recommended Action:

Move to appoint Faye James as a member of the Community Redevelopment Board (CRB).

ATTACHMENTS:

Description	Upload Date	Type
▣ CRB Application - Faye James	4/1/2019	Attachment
▣ CRB Board Member Listing	4/1/2019	Attachment
▣ CRB Resignation - Drew Pittman	4/1/2019	Attachment

Kindel, Mary

From: Faye Elizabeth James <jamesfaye5@gmail.com>
Sent: Thursday, March 28, 2019 2:28 PM
To: Kindel, Mary
Subject: Advisory Board Applicant

Advisory Board Application

If you are interested in serving on one of our boards please complete the fields below

Full Name:**Faye Elizabeth James**

Present Occupation:**Retired**

Contact Phone:**772-418-3006**

E-mail Address:**jamesfaye5@gmail.com**

Street Address:**514 S.E. florida Street**

City, State, Zip:**Stuart, Florida 34994**

MEMBERSHIP IN COMMUNITY ORGANIZATIONS OR PROFESSIONAL GROUPS:**NAACP Of Martin County, Florida 34994 Member and Co-Chairman Of Economics Development Of The NAACP Of Martin, County, Fl 34994**

LIST FORMER ADVISORY BOARD(S) AFFILIATIONS:**City Of Stuart, Florida 34994 Former LPA Member**

INDICATE ADVISORY BOARD YOU WOULD LIKE TO BE CONSIDERED FOR:**Community Redevelopment Board - CRB**

COMMENTS:**Great Day To All, With Sincere Appreciation and Gratitude To Commissioner Kelli Glass-Leighton For Allowing Me To Serve On The CRB For The City Of Stuart, Florida. I Also Express The Upmost Sincere Appreciation To Each Government/City Official For Allowing Me To Serve On The CRB. Sincerely ~ Faye James**

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

Gender:**Female**

Race:**African American**

Disability:**Not Known**

COMMUNITY REDEVELOPMENT BOARD

Updated: 3/27/19

MEMBERS:

LIAISON:

APPOINTMENT/TERM DATES:

Chair:

VACANT

GLASS LEIGHTON

4/8/19 – 12/30/19

Vice Chair:

Chris Lewis
1115 E. Ocean Blvd.
Stuart, FL 34996
Work: 286-0478
Cell: 215-4174
Email: clewis@lewislawgrouppa.com

CLARKE

12/30/17 - 12/30/18
12/30/18 – 12/30/20

Frank Wacha
369 NE Baker Rd.
Stuart, FL 34994
Mail to: P.O. Box 1610 Jensen 34958
Office: 334-3700
Cell: 475-5080
Fax: 692-2677
Email: frankwacha@gmail.com

AL

12/30/12-12/30/13
12/30/13-12/30/15
12/30/15-12/30/17
12/30/17-12/30/19

Cristina Maldonado
1020 SE 7th St.
Stuart, FL 34994
Home: 772-985-1157
Email: yellowdogcris@yahoo.com

MATHESON

12/30/18 - 12/30/20

Nathan Ritchey
504 SE Amerigo
Stuart, FL 34994
Cell: 772-263-1589
ritcheyrealestate@gmail.co

BRUNER

12/30/18 - 12/30/19 (1 yr. to coincide w BB term)

Tom Campenni
700 SW St. Lucie Crescent
Stuart, FL 34994
Cell: 772-341-7455
Email: thomasfcampenni@gmail.com

MEIER

12/30/18-12/30/20

Pete Walson
614 SW Overlook Drive
Stuart, FL 34994
Home: 283-1399
Cell: 631-7363
Email: prwalson@gmail.com

AL

12/30/12-12/30/13
12/30/13-12/30/15
12/30/15-12/30/17
12/30/17-12/30/19

Kindel, Mary

From: Vicat, Michelle
Sent: Tuesday, March 26, 2019 11:12 AM
To: Dyess, David; Mortell, Michael; Freeman, Kevin; Glass Leighton, Kelli
Cc: Kindel, Mary; Warren, Melissa
Subject: FW: April CRB Meeting

Good morning.

Please see below...Drew resigned from the CRB.

Kelli, please let us know if you have someone you would like to appoint in his place.

Thank you.

Michelle Vicat

City of Stuart
Executive Assistant to the City Manager
121 SW Flagler Ave.
Stuart, FL 34994
Phone: 772.288.5312
mvicat@ci.stuart.fl.us

From: William Rivers [<mailto:dirtlessfarmer@gmail.com>]
Sent: Tuesday, March 26, 2019 10:56 AM
To: Vicat, Michelle
Subject: Re: April CRB Meeting

On Mon, Mar 25, 2019 at 11:48 AM Vicat, Michelle <mvicat@ci.stuart.fl.us> wrote:

Good morning,

Please accept my resignation as Director on the CRB. I have enjoyed working with you all through the years. At this time I am too busy with work and my family.

Looking forward,

Drew

There are no items for the April CRB Meeting, so it has been cancelled.

Thank you.

Michelle Vicat

City of Stuart

Executive Assistant to the City Manager

[121 SW Flagler Ave.](#)

[Stuart, FL 34994](#)

Phone: 772.288.5312

mvicat@ci.stuart.fl.us

*Under Florida Law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic email to this entity.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: S. Mayer

Title of Item:

ZONING IN PROGRESS TO ESTABLISH REGULATIONS ON FRONT YARD FENCES (RC):

RESOLUTION No. 44-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING "ZONING IN PROGRESS" UNDER SEC. 1.04.04, STUART LAND DEVELOPMENT CODE, FOR BUILDING PERMITS PERTAINING TO FENCES IN THE FRONT YARD WITHIN THE R-1A, R-1, R-2 AND R-3 ZONING DISTRICTS, AND PROVIDING AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

The City Commission directed staff to take action to ensure that future opaque fences would not be permitted to be constructed in the front of residential structures. Upon review, there is a determination that there have been several opaque wooden fences constructed in the front yard of residential zoning districts which are permitted by the current Land Development Code but not consistent with the aesthetics that are generally acceptable to our residents. This zoning in progress will allow the time required for staff to provide a thorough text change of the fence regulations for single family and duplex homes in order to prevent any additional front fences which are not consistent with the neighborhoods but also allow owners the ability to provide suitable landscape or restrictive barriers.

Funding Source:

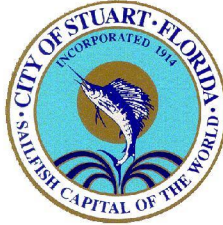
N/A

Recommended Action:

Move approval of Resolution 44-2019 instituting a zoning in progress for all front yard fences.

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution 44-2019	3/29/2019	Resolution add to Y drive
□ Existing Land Development Regulations - Fences	3/29/2019	Backup Material



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

RESOLUTION NUMBER 44-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING “ZONING IN PROGRESS” UNDER SEC. 1.04.04, STUART LAND DEVELOPMENT CODE, FOR BUILDING PERMITS PERTAINING TO FENCES IN THE FRONT YARD WITHIN THE R-1A, R-1, R-2 AND R-3 ZONING DISTRICTS, AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, Section 6.09.05 of the Stuart Land Development Code provides for the general requirements for all walls and fences; and

WHEREAS, the purpose of zoning in progress is to allow the city to make a text amendment or district map change to the Stuart Land Development Code, and apply that change to development applications submitted following the declaration of zoning in progress; and

WHEREAS, zoning in progress allows a temporary hold on permits, licenses and other development orders already in progress, if there is a pending change in the Land Development Code that would affect the permit, license or other development order; and

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

SECTION 1: There is hereby declared that there is a “Zoning in Progress” as that term is

used in Section 1.04.04, Stuart Land Development Code, and such Zoning in Progress shall affect the issuance of building permits for fences in the front yards in the R-1A, R-1, R-2 and R-3 zoning districts.

SECTION 2: Except as otherwise provided herein and in Section 1.04.04, Stuart Land Development Code, no building permits for fences in the front yard shall be issued by the City, unless they comply with Section 3.01.03.C.4.b.

SECTION 3: This resolution shall be effective upon its adoption by the City Commission, and the Zoning in Progress provisions herein shall expire, without further action of the City Commission, upon the effective date of an ordinance amending the East Stuart Code District, or as otherwise provided in Section 1.04.04, Stuart Land Development Code, whichever occurs earlier.

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on this _____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

BECKY BRUNER,
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

Resolution 44-2019
Residential Fences Zoning in Progress

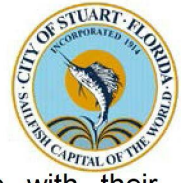
MICHAEL J. MORTELL
CITY ATTORNEY



1. In addition to the safety requirements of F.S. 515.27, a fence shall be installed that meet the requirements of this subsection, unless a barrier meeting the specific requirements of F.S. 515.29 is installed.
2. All new swimming pools must have a fence at least four feet high, with a spring lock gate, or be otherwise completely enclosed; provided, however, that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal.
3. A building permit final inspection will not be conducted for a new swimming pool, unless the proper building permit for a fence receives a final inspection simultaneously.
4. It shall be unlawful for any person, firm or corporation to build or cause to be built a new swimming pool, unless such pool is properly fenced in accordance with paragraph 6.09.04.C.1 above.
5. All spas shall be secured with a locked cover or must have a fence at least four feet in height, with a spring lock gate, or be otherwise completely enclosed; provided, however that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal. (Ord. No. 1720-00, 3-27-00)

Sec. 6.09.05. Fences, walls, hedges, and enclosures.

- A. *General requirements for all walls and fences.* The regulations set forth in this section 6.09.05 shall apply to any existing or new development for residential, business, public, or industrial property for which a fence or accessory structure permit application has been submitted to the city development department. (Ord. No. 1742, 7-10-00)
1. The requirements of this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of fences or walls.
 2. Any fence or wall over six feet in height must be designed and sealed by a licensed professional engineer or licensed architect.
 3. Wooden fences shall be of the woven or staggered type, with at least 30 percent of their area open to permit the flow of air. Only within the R-1A, R-1, and R-2 zoning districts shall a stockade type fence be permitted. (Ord. No. 1741-00, 7-10-00)
 4. Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the city development director. Concrete or cement block walls shall be stucco or provided with a textured finish. (Ord. No. 1742, 7-10-00)
 5. Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.
 6. Ornamental iron fences shall meet the requirements of section 6.09.05.A.17 of this Code.



7. Fences or walls should be generally in harmony and compatible with their surroundings.
8. All fences shall be maintained in good repair on both sides, so as to be structurally sound.
9. All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.
10. All new and existing fences and walls shall be finished on the exterior side (all framing facing the interior) and shall be maintained in an attractive condition.
11. No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.
12. The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration. (Ord. No. 1453-96, 6-1-96)
13. An entryway bower, arbor, or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.
14. A fence or wall shall only be located on a developed parcel of land - unless the owner or contractor can clearly demonstrate that an extenuating circumstance exists creating a situation that compromises the safety, health, and general welfare of surrounding residents.
15. No fences, walls, or hedges may be located within the intersection sight-triangle as set forth in section 6.04.03.B.8., Visibility triangles. (Ord. No. 1742, 7-10-00)
16. *Electrical fences prohibited.* Electrically charged fences are prohibited, except in prisons or jails.
17. *Barbed wire or razor wire fences.* Barbed wire fences are hereby prohibited, except at the top of fences or walls erected in industrial, business, commercial or public use zoning districts. Razor wire fences shall only be permitted to be used in jails or prisons.
18. *Dangerous materials prohibited.* Unless specifically permitted in this article, no fence or wall shall include materials or devices intended or designed to maim, mutilate or cause other bodily injury.
19. *Construction design for wind pressure and other stresses.* All fences and walls shall be adequately secured and designed to withstand wind pressure of at least 50 pounds per square foot and any additional stresses to which they would normally be subjected, unless the Building Code calls for higher standards or more restrictive construction.
20. *Obstruction of water drainage.* In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches, etc.



21. All non-residential and multi-family development projects shall also install a construction fence with a temporary six-foot chain link fence with obscure green or black fabric of uniform color or other visual barrier material approved by the Development Director around the site prior to the initiation of the construction phase.
- B. *Specific requirements, including type, material, and design for fences or walls--in single-family or duplex residential districts.* In single-family and duplex residential zoning districts, all fences and walls constructed shall comply with the following requirements:
1. The maximum height of walls or fences shall be six feet;
 2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family or duplex residential, then the single-family owner or occupancy may elect to comply with the requirements of such abutting zoning district.
- C. *Same--In multiple-family residential districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In multiple-family residential zoning districts, all fences and walls constructed shall comply with the following requirements:
1. The maximum height of walls or fences shall be six feet;
 2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family, duplex or multiple-family residential, then the multiple-family owner or occupant may elect to comply with the requirements of such abutting zoning district.
 3. Fences and walls shall be setback a minimum of three feet from any abutting right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.
 4. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.
 5. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:
 - Ornamental stone mountings
 - Peaked cap along ridge of wall
 - Ornamental ironwork
 - Buttresses



- Built-in planter
6. One of the above must be built by the occupant or owner of the multiple-family property, but the owner or occupant of the single-family or duplex property may build it, if desired.
 7. Plans for either of the above shall be included as a part of the development permit application for such multiple-family property and shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.
 8. Any such buffer or wall previously built must be maintained.
- D. *Same--In business and public districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In business zoning districts, all fences and walls constructed shall comply with the following requirements:
1. Fences or walls erected in the B-1 zoning district shall be no higher than six feet. Fences or walls shall be setback a minimum of three feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.
 2. Fences or walls erected in the B-2 or B-4 zoning districts shall be no higher than eight feet. Fences or walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of one flowering or accent tree for every 30 linear feet, planted singly or in clusters; a hedge and groundcover or other grounded landscape treatment.
 3. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.
 4. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:
 - Ornamental stone mountings
 - Peaked cap along ridge of wall
 - Ornamental ironwork
 - Buttresses
 - Built-in planter



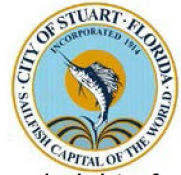
5. Such wall must be built by the occupant or owner of the business, or commercial property, but the owner or occupant of the residential property may build it, if desired.
6. Plans for such wall shall be included as a part of the development permit application on such business or commercial property and shall be erected during or immediately after the erection of the principal building thereon, and in any event, before the certificate of occupancy of the principal building is issued.
7. Any such wall previously built must be maintained.

E. *Same--Separating industrial zoning districts from other districts.*

1. Fences or walls erected in the I (Industrial) zoning district shall be no higher than ten feet. Fences and walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification.
2. Whenever any industrial zoning district, which is not vacant, abuts (disregarding intervening easements or unopened rights-of-way) any other non-residential zoning district, there shall be a masonry dividing wall erected, to a minimum height of six feet (eight foot minimum within 300 feet of a residential zoning district) with a maximum of ten feet, the full length of the property line adjoining such other district or a landscaped buffer of not less than six feet in width accompanied by a six foot high structure. Such landscaped buffer shall be designed and planted so as to be 80 percent opaque when viewed horizontally between two and six feet above ground level.
3. Such wall must be built by the occupant or owner of the industrial property, but the owner or occupant of the other zoned property may build it, if desired.
4. Plans for such wall shall be included as a part of the development permit application for such industrial property and such wall shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.
5. Any such wall previously built must be maintained.

F. *Height of fences or walls at intersections.*

1. Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall which is located within 20 feet of the following intersections, unless protected by a traffic-control device:
 - a. The right-of-way lines of two streets;
 - b. The right-of-way line of a street and the right-of-way line of an alley;
 - c. The right-of-way line of a street and the right-of-way line of a railroad.



2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:

- a. The centerline of a driveway and the abutting right-of-way line.

Sec. 6.09.06. Awnings, canopies, and cabanas.

- A. *Number of cabana rooms and carports per trailer or structure; master plans for cabana rooms, detached rigid canopies.* Only one cabana room and one carport shall be permitted as an adjunct to any one mobile home, trailer or structure. Typical drawings for cabana rooms or detached rigid canopies shall be approved by the building official when prefabricated under controlled factory conditions and such typical drawings together with its roof, walls, panels, beams, columns, connections, and principal members in compression, tension or flexure shall have been analyzed by a Florida registered professional engineer and design calculations, details, plans and specifications have been provided bearing his seal, signature, and affidavit as set forth in the Florida Building Code. To be so approved, each such typical drawing must meet the minimum design loads required by the Florida Building Code, for foundation, floor and walls. The roof may be as described in 6-490(b). In the event an application for an installation or construction permit is based on a previously approved typical drawing, unrevised reprints of the typical drawing shall accompany each application for a permit for the purpose of providing the building official with a means for comparison and as an aid to identification.

6.10.00. OUTDOOR STORAGE

- A. *Applicability.* All businesses and services shall be conducted within completely enclosed buildings in the B-1, B-2, and B-4 business zoning districts. If in the discretion of the city development director a demonstrated necessity exists for an outdoor storage area in the B-1, B-2, or B-4 zoning districts due to the economic hardship of enclosing the area, an outdoor storage area may be allowed subject to the following standards.
- B. *Standards for outdoor storage areas.*
 1. *Location and maintenance.*
 - a. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.
 - b. No loose materials such as sand, lumber, cardboard boxes, and the like which are subject to being scattered or blown about the premises by normal weather conditions shall be allowed.
 - c. An outdoor storage area shall be kept neat and orderly. The area shall not be permitted to take on the characteristics of a junkyard.
 - d. Materials stored shall not be stacked in piles higher than five feet and shall not be visible from surrounding properties or rights-of-way.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Michael Mortell

Title of Item:

LICENSE AGREEMENT WITH VIRGIN TRAINS USA (RC):

RESOLUTION No. 45-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND VIRGIN TRAINS USA FLORIDA, LLC GRANTING A LICENSE TO STORE RAILROAD CONSTRUCTION MATERIALS ON THE STUART LANDFILL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Virgin Trains USA made an unsolicited offer to the City to lease/license the City Landfill for the purpose of storing railroad ties during the construction and expansion of the Florida East Coast Railway corridor. The space is currently available and the license agreement will be a short term revenue source for the City. Virgin will be responsible for all environment services and shall return the property to its current condition at the conclusion of the agreement.

Funding Source:

N/A

Recommended Action:

Move approval of Resolution 45-2019.

ATTACHMENTS:

Description	Upload Date	Type
□ R45-2019 - License agreement Virgin Trains	4/2/2019	DRAFT RESOLUTION
□ License agreement	4/2/2019	Exhibit



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

RESOLUTION NUMBER 45 -2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STUART AND VIRGIN TRAINS USA FLORIDA, LLC GRANTING A LICENSE TO STORE RAILROAD CONSTRUCTION MATERIALS ON THE STUART LANDFILL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Virgin Trains USA Florida, LLC is making improvements upon the Florida East Coast Railway corridor; and

WHEREAS, Virgin Trains USA Florida, LLC, has a need to temporarily locate certain railroad construction materials in the Stuart area; and

WHEREAS, Virgin Trains USA Florida, LLC has identified the Stuart Landfill as a suitable location for the storage of the materials and has made an unsolicited offer to temporarily use the land for storage and staging purposes; and

WHEREAS, the City of Stuart is not currently using the location and it will provide a revenue source during the course of the license agreement.

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute a license agreement between the City of Stuart and Virgin Trains USA Florida, for the storage of rail road equipment at the Stuart Landfill.

SECTION 2: This Resolution shall take effect upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll

call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 8th day of April, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

LICENSE AGREEMENT

CITY OF STUART, FLORIDA LICENSE AGREEMENT FOR VIRGIN TRAINS USA FLORIDA LLC

THIS LICENSE AGREEMENT, hereinafter the "Agreement" is made and entered into this ____ day of April, 2019 by the CITY OF STUART, FLORIDA, a municipal corporation of the State of Florida, 121 S.W. Flagler Avenue, Stuart, Florida 34994, hereinafter the "City", and Virgin Trains USA Florida, a Delaware Limited Liability Company, hereinafter the "Licensee."

WHEREAS, the City owns certain lands located within the corporate limits of Stuart, Florida, described in the location map attached as Exhibit "A", which shall hereinafter be called the "Subject Property."

WHEREAS, the Licensee desires to locate and store certain railroad equipment (consisting primarily of cement railroad ties, and other railroad construction materials) on the Subject Property.

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, THE CITY DOES HEREBY GRANT THIS LICENSE to the Licensee to locate and store equipment on the Subject Property, including the placement of necessary structures, devices, and power connections, with the right of access to and egress from the Subject Property by Licensee's employees and agents, as necessary for the purposes of this Agreement, subject to the following terms and conditions:

1. The foregoing whereas clauses are incorporated in and made a part of this Agreement.
2. As consideration to the City for the granting of this license, the Licensee shall pay the sum of \$1,000.00 each month, as determined by Exhibit C attached, beginning on the first day of the month following Licensee's initial placement of railroad ties on the Subject Property.
3. Prior to the placement of any equipment on the site, the Licensee shall obtain any necessary permits from the State Agencies including but not limited to the Department of Environmental Protection. Upon receipt of any necessary permits, a copy of same shall be provided to the City.
4. Throughout the terms of this agreement, the Licensee shall be solely responsible for all taxes or assessments levied or charged against the property as a result of this agreement or the storage of said equipment on the property. Licensor shall forward any and all notices, bills or invoices requiring payment

and lessee shall promptly satisfy same.

5. Licensee shall pay by electronic funds transfer ("EFT") to the bank depository named in writing by the City, on or before the first *day of* each month, in advance, and shall be delinquent on the 2nd day of the month. Any late payments shall be subject to a \$75.00 dollar late fee as well as the accrual of a \$35.00 dollar per day late fee for each day after the 3rd of the month that the rent is not current.
6. Beginning with the licensee's twenty-fifth monthly payment, the monthly license fee shall increase by 3 percent, per year.
7. The term of this Agreement shall be four (4) years from the date of approval. All parties agree and understand that this agreement is conditioned upon the licensee obtaining permission from the Florida Department of Environmental Protection to conduct the operations and storage necessary to effectuate the agreement.
8. Notwithstanding the provisions of Section 6, above, the Licensee may, at its sole option, terminate this Agreement at any time upon 30 days notice to the City. Upon termination or upon expiration of this License, the Licensee shall forthwith remove all improvements and restore the site to at least as good a condition as prior to its occupancy, normal wear and tear excepted.
9. For the purposes of this Agreement, "Neglect" shall mean a state of disrepair to the point that it is reasonably deemed unsafe, or unusable or inoperable, for a period of more than thirty (30) days following receipt of written notice of such condition from the City's Building Official. If such conditions of Neglect exist, the City may deem all improvements made by the licensee to be "Abandoned Property", as that term is used in Sec. 38-86 of the Stuart Code of Ordinances, and may thereafter cause its removal by the Licensee.
10. The Licensee hereby fully indemnifies the City against any injury, tort, damage, or other claim, or amount due, arising out of this Agreement, except to the extent caused or contributed thereto by the City's gross negligence, and further agrees to provide a suitable defense for the City in the event that any legal action is instituted against the City for any injury, tort, damage, or claim arising out of this Agreement.
11. The Licensee shall provide "all risk" liability insurance coverage for the City

in an amount of not less than. One Million (\$1,000,000) Dollars per Individual, and Two Million (\$2,000,000) Dollars per occurrence. A certificate of insurance showing the "City of Stuart, its officials, agents and employees" as "additional insured's" shall be provided to the City Clerk, and shall be maintained throughout the term of the this Agreement. Said Certificate shall include the condition that the insurance provided shall not expire without thirty (30) days written notice to the City.

12. Licensee shall, at all times, be in compliance with the City's Land Development Code as it pertains to the storage of the materials and the necessary safe guards.
13. The prevailing party to any litigation to enforce the terms of this License Agreement shall be entitled to reasonable attorney's fees and costs at all trial and appellate levels.

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

CITY:

LICENSEE:

CITY OF STUART, FLORIDA

VIRGIN TRAINS USA FLORIDA LLC

David Dyess, City Manager

Date:_____

Patrick Goddard, President

Date:_____

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Kev Freeman, Stefano Nicolosi

Title of Item:

AUTHORIZING PENALTIES AGAINST UNLICENSED CONTRACTORS (RC):

ORDINANCE No. 2404-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING CHAPTER 10, ARTICLE VIII, SECTION 10-200 OF THE CODE OF ORDINANCES; 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:

The purpose of this amendment to the City Code of Ordinances is to provide a mechanism to enforce penalties in respect of contractors working within the City limits without an appropriate license.

Funding Source:

N/A

Recommended Action:

Move to approve Ordinance 2404-2019 at First Reading.

ATTACHMENTS:

Description	Upload Date	Type
Ord 2404 unpermitted contractors	3/28/2019	Ordinance add to Y drive



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

ORDINANCE NUMBER 2404-2019

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
AMENDING THE EXISTING CHAPTER 10, ARTICLE VIII,
SECTION 10-200 OF THE CODE OF ORDINANCES;
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 Code of Ordinances amendment is to provide a mechanism to enforce penalties in respect of contractors working within the city limits without an appropriate license; 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 Code of Ordinances amendment process.

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

SECTION 1: The Stuart Code of Ordinances is hereby amended to read as follows:

Chapter 10 - BUILDINGS AND BUILDING REGULATIONS

Sec. 10-200. - License required. Prohibitions on contracting; penalties; and enforcement.

Except for work to be done by a homeowner in accordance with the Florida Building Code, no work regulated by or for which a permit is required by this article may be done by nor permit issued to any person who has not been licensed by the law as competent to do such work.

- a) No person shall:
 - 1. Falsely hold himself, herself, or a business organization out as a licensed contractor, certificate holder, or registrant.
 - 2. Falsely impersonate a licensed contractor, certificate holder, or registrant;
 - 3. Present as his or her own the license, certificate, or registration of another;
 - 4. Use or attempt to use a license, certificate or registration that has been suspended or revoked;
 - 5. Engage in the business or act in the capacity of a contractor or advertise himself or herself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified or having a certificate of authority;
 - 6. Operate a business organization engaged in contracting after 60 days following termination of its only qualifying agent, except as provided in Sections 489.119 and 489.1195, Florida Statutes;
 - 7. Commence or perform work for which a building permit is required without such building permit being in effect.
 - 8. Perform work contrary to the FL Building Code
- b) No uncertified or unregistered person associated with a contracting firm qualified by a licensed contractor shall:
 - 1. Conceal or cause to be concealed, or assist in concealing, from the primary qualifying agent, any material activities or information about the contracting firm;
 - 2. Exclude or facilitate the exclusion of any aspect of the contracting firm's financial or other business activities from the primary qualifying agent;
 - 3. Knowingly cause any part of the contracting firm's activities, financial or otherwise to be conducted without the primary qualifying agent's supervision; or
 - 4. Assist or participate with any license holder, certificate holder or registrant in the violation of any provision of this chapter.
- c) Any violation of the provisions of this section may result in a civil penalty not to exceed \$2,000.00. Pursuant to F.S. § 489.127(5). The Board of City Commissioners shall adopt a resolution setting forth a schedule of penalties and may amend said resolution from time to time as it determines appropriate.
- d) The Building Official, building inspectors and code enforcement officers of the City of Stuart are hereby designated, authorized and charged with enforcement responsibilities to enforce the provisions of this ordinance.

- (1) The enforcement authorities designated herein may issue a citation, as provided herein, for any violation of F.S. §§ 489 and Chapter 10 of this Code, whenever, based upon personal investigation, the enforcement officer has reasonable and probable grounds to believe that such a violation has occurred.
- e) The act for which a citation is issued shall cease upon the receipt of the citation.
- (1) The person charged with the violation shall pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request, in writing to the city's building department office, an administrative hearing before the city magistrate to appeal the issuance of the citation by the enforcement officer.
- f) Pursuant to F.S. § 489.113(4)(B), The Building Official may deny, suspend, or revoke the authority of a certified contractor to obtain a building permit or limit such authority to obtaining a permit or permits with specific conditions, if there is proof that such contractor, through the public hearing process, has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and finds, after providing notice of an opportunity to be heard to the contractor, that such fraud or violation would have been fraud or a violation if committed in the city.
- g) The provisions of this section shall be enforced pursuant to provisions of F.S. § 162 and 489

(Code 1981, § 6-22; Code 1995, § 18-52)

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, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Stephen Mayer

Title of Item:

ST. LUCIE ESTATES ROW ABANDONMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2405-2019; A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, AS RECORDED IN PLAT BOOK 10, PAGE 70, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The applicants, co-owners of real property at 1002 SE Riverside Drive and 1010 SE Riverside Drive, have requested the abandonment of the easternmost 30 feet of unutilized public Right of Way. The 50' right of way is located between SE Riverside Drive and SE Weir Street and would be the continuation of Palm Beach Road, should Palm Beach Road be improved north of SE Osceola Street. However, the City's Public Works Department has determine that the use of the Right of Way is no longer in the public's best interest and does not object to the abandonment of the City's interest.

A fair market appraisal of the real property has determined that the market value of the property is \$10,250. As provided in Section 36-2 of the City's Code of Ordinances, staff recommends payment of a privilege fee in the amount of 100% of the market value, or \$10,250, prior to the abandonment of the City's interest. Devin Teal, a separate land owner of property adjacent to and immediately west of the right of way, is requesting the abandonment of the westernmost 20 feet of the said right of way. Staff will be bringing a separate Ordinance forward when the market study is complete for that portion of said right of way.

Funding Source:

N/A

Recommended Action:

Move approval of Ordinance 2405-2019 on First Reading.

ATTACHMENTS:

Description	Upload Date	Type
□ Ordinance 2405-2019	4/2/2019	Ordinance add to Y drive



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

ORDINANCE NUMBER 2405-2019

A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 30-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ST. LUCIE ESTATES, AS RECORDED IN PLAT BOOK 10, PAGE 70, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, Jeff Dougherty and Joan Kinley (APPLICANTS) have filed a joint petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Section 36 of the Code of Ordinances of the City of Stuart, Florida; and

WHEREAS, at the public hearing to consider the requested abandonment the City Commission has determined that it is the best public interest that the said right-of-way be abandoned as said right-of-way is needed for continuity of several existing parcels; and

Ordinance No. 2405-2019 – Dougherty R.O.W. Abandonment

WHEREAS, Daniel D. Fuller, MAI, DRA of Fuller, Armfield, Wagner Appraisal and Research, Inc., conducted a fair market appraisal of said property on February 27, 2019, and determined that the market value of the real property is TEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$10,250).

NOW THEREFORE, THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ordains, as follows:

SECTION 1: That any interest vested with the City of Stuart in that certain 30-foot right-of-way, as set forth as LOT 7 of the Plat of ST LUCIE ESTATES, as recorded in Plat Book 10, Page 70, Palm Beach (Now Martin) County, Florida Public Records running North to South through the Property described in **Exhibit “A”** attached hereto and depicted in **Exhibit “B”** attached hereto is hereby abandoned.

SECTION 2: A location map depicting the subject area is hereby attached as **Exhibit “C.”**

SECTION 3: The Applicants agree to pay the privilege fee of the amount of **TEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$10,250)** prior to the abandonment of the City’s interest in the property.

SECTION 4: Conflicts. All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 5: Severability: 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 6: Effective Date: This Ordinance shall become effective immediately upon

Ordinance No. 2405-2019 – Dougherty R.O.W. Abandonment

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

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN 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 ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

Ordinance No. 2405-2019 – Dougherty R.O.W. Abandonment

WITNESSES:

Jeff Dougherty, Co-Owner

Print Name: _____

By: _____

Print Name: _____

WITNESSES:

Joan Kinsley, Co-Owner

Print Name: _____

By: _____

Print Name: _____

PETITIONER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2019, by Jeff Dougherty, Co-Owner

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

OWNER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2019, by Joan Kinsley, Co-Owner.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Ordinance No. 2405-2019 – Dougherty R.O.W. Abandonment

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day of _____, 2019, by Rebecca S. Bruner, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT “A”

LEGAL DESCRIPTION

**LOT 7, BLOCK 2, ST. LUCIE ESTATES SUBDIVISION, ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 70, PUBLIC RECORDS OF
PALM BEACH (NOW MARTIN) COUNTY, FLORIDA**

EXHIBIT "B"

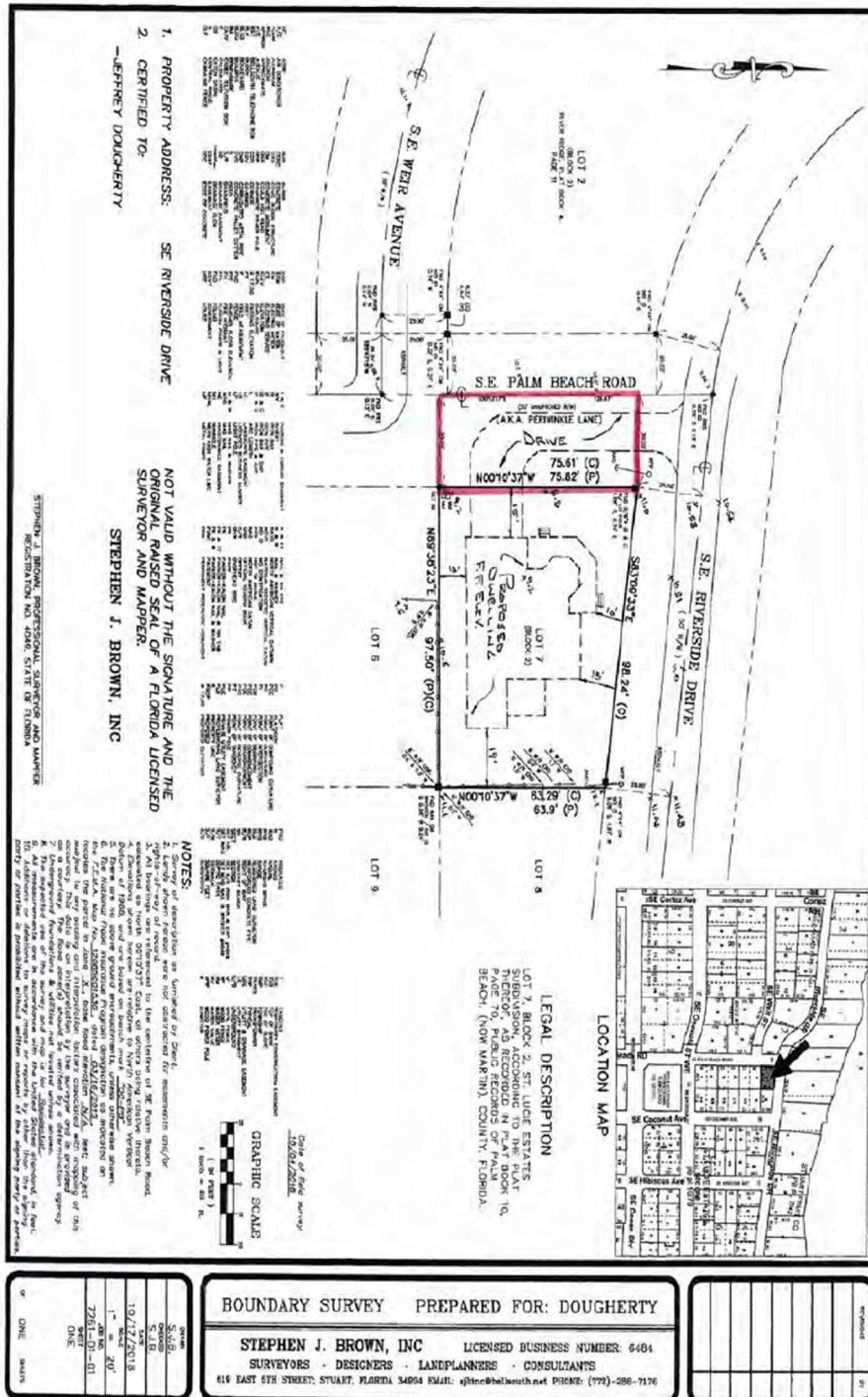


EXHIBIT “C”



AERIAL SITE MAP (approx. subject area in red)

APPRAISAL OF REAL PROPERTY

LOCATED AT

xxx Riverside Drive
Stuart, FL 34996

FOR

Jeffrey Dougherty / Joan Kinsley
1010 SE Riverside Drive
Stuart FL 34996

AS OF

February 27, 2019

BY

Daniel D. Fuller, MAI, SRA
State Certified Real Estate Appraiser RZ567
Fuller-Armfield-Wagner Appraisal & Research Inc.
200 South Indian River Drive, Suite 309
Fort Pierce FL 34950

LAND APPRAISAL REPORT

File No.: 20077 - Riverside Dr Lots

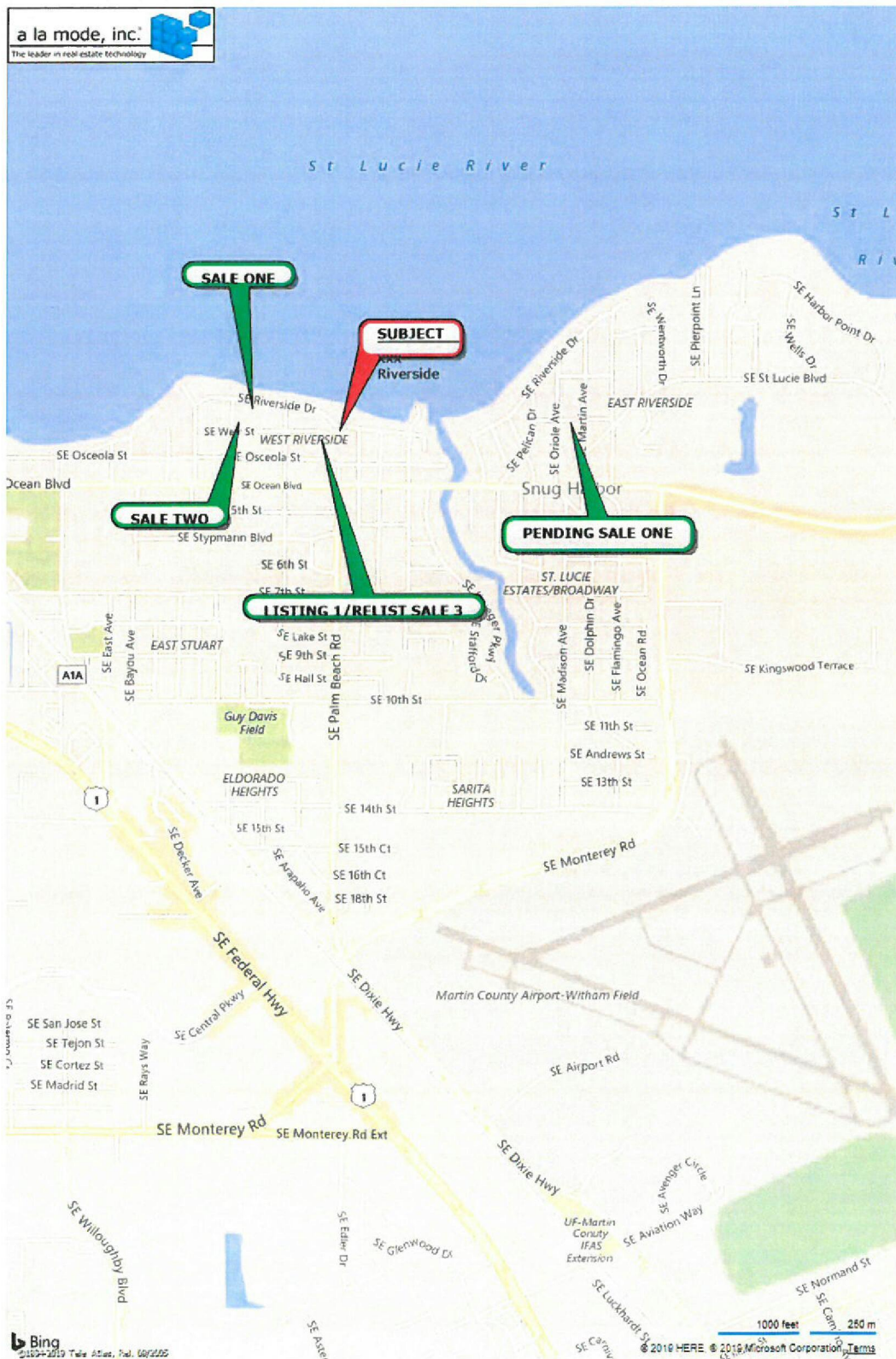
Property Address: xxx Riverside Drive		City: Stuart		State: FL		Zip Code: 34996																																																																																											
County: Martin		Legal Description: Unopened 30 ft. wide street R/W laying west of Lot 2 Block 2 St Lucie Estates per PB 10 PG 20.																																																																																															
SUBJECT	Assessor's Parcel #: None - public R/W		Tax Year: n/a		R.E. Taxes: \$ n/a		Special Assessments: \$ n/a																																																																																										
	Market Area Name: Riverside Drive east of Stuart downtown		Map Reference: 38940		Census Tract: 0009.02																																																																																												
	Current Owner of Record: City of Stuart		Borrower (if applicable): n/a																																																																																														
	Project Type (if applicable): ☐ PUD ☐ De Minimis PUD ☒ Other (describe) Platted S/D's		HOA: \$ 0 ☐ per year ☐ per month																																																																																														
Are there any existing improvements to the property? ☒ No ☐ Yes If Yes, indicate current occupancy: ☐ Owner ☐ Tenant ☒ Vacant ☐ Not habitable																																																																																																	
If Yes, give a brief description:																																																																																																	
ASSIGNMENT	The purpose of this appraisal is to develop an opinion of: ☒ Market Value (as defined), or ☐ other type of value (describe)																																																																																																
	This report reflects the following value (if not Current, see comments): ☒ Current (the Inspection Date is the Effective Date) ☐ Retrospective ☐ Prospective																																																																																																
	Property Rights Appraised: ☒ Fee Simple ☐ Leasehold ☐ Leased Fee ☐ Other (describe)																																																																																																
	Intended Use: Negotiate purchase.																																																																																																
Intended User(s) (by name or type): Client: Jeffrey Dougherty/Joan Kinsley and Stuart City Commission and/or the City representatives.																																																																																																	
Client: Jeffrey Dougherty / Joan Kinsley Address: 1010 SE Riverside Drive, Stuart FL 34996																																																																																																	
Appraiser: Daniel D. Fuller, MAI, SRA Address: Fuller-Armfield-Wagner Appr & Rsch, 200 S Indian River Dr, Ste 309, FP																																																																																																	
MARKET AREA DESCRIPTION	Location: ☐ Urban ☒ Suburban ☐ Rural		Predominant Occupancy		One-Unit Housing		Present Land Use																																																																																										
	Built up: ☒ Over 75% ☐ 25-75% ☐ Under 25%		☒ Owner 95		PRICE \$(000)		☒ Not Likely																																																																																										
	Growth rate: ☐ Rapid ☒ Stable ☐ Slow		☐ Tenant 5		AGE (yrs)		☐ Likely * ☐ In Process *																																																																																										
	Property values: ☐ Increasing ☒ Stable ☐ Declining		☐ Vacant (0-5%)		200 Low 75		One-Unit 80 %																																																																																										
	Demand/supply: ☐ Shortage ☒ In Balance ☐ Over Supply		☐ Vacant (>5%)		2.0M High new		2-4 Unit 5 %																																																																																										
	Marketing time: ☐ Under 3 Mos. ☒ 3-6 Mos. ☐ Over 6 Mos.				400 Pred 30		Multi-Unit 5 %																																																																																										
							Comm'l 10 %																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="6">Factors Affecting Marketability</th> </tr> <tr> <th>Item</th> <th>Good</th> <th>Average</th> <th>Fair</th> <th>Poor</th> <th>N/A</th> <th>Item</th> <th>Good</th> <th>Average</th> <th>Fair</th> <th>Poor</th> <th>N/A</th> </tr> </thead> <tbody> <tr> <td>Employment Stability</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Adequacy of Utilities</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Employment</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Property Compatibility</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Shopping</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Protection from Detrimental Conditions</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Convenience to Schools</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Police and Fire Protection</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Adequacy of Public Transportation</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>General Appearance of Properties</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> <tr> <td>Recreational Facilities</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>Appeal to Market</td> <td>☒</td> <td>☐</td> <td>☐</td> <td>☐</td> <td>☐</td> </tr> </tbody> </table>								Factors Affecting Marketability						Item	Good	Average	Fair	Poor	N/A	Item	Good	Average	Fair	Poor	N/A	Employment Stability	☒	☐	☐	☐	☐	Adequacy of Utilities	☒	☐	☐	☐	☐	Convenience to Employment	☒	☐	☐	☐	☐	Property Compatibility	☒	☐	☐	☐	☐	Convenience to Shopping	☒	☐	☐	☐	☐	Protection from Detrimental Conditions	☒	☐	☐	☐	☐	Convenience to Schools	☒	☐	☐	☐	☐	Police and Fire Protection	☒	☐	☐	☐	☐	Adequacy of Public Transportation	☒	☐	☐	☐	☐	General Appearance of Properties	☒	☐	☐	☐	☐	Recreational Facilities	☒	☐	☐	☐	☐	Appeal to Market	☒	☐	☐	☐	☐
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Market Area Comments: Development of established single family residential properties bordered by the St Lucie River to the north, mixed residential to the east, East Ocean Blvd to south and the Stuart central business district to the west. Commercial uses are concentrated along East Ocean Blvd. and in the CBD. Single family residential units range in age from new to 75+ years - larger homes and condominiums front the St. Lucie River, with interior homes smaller. Some refurbishment of the older homes has occurred with some also converted to commercial uses i.e. offices. Little vacant land remains, thus limited new residential development has occurred. Single family value levels range from modest to high, with the highest values observed along the waterfront lots. Multi-family uses include miscellaneous apartment buildings, but mostly consist of condominium projects developed primarily in the 1980's, and concentrated in the eastern end of the neighborhood. The overall neighborhood has considerable appeal due to its close location to the CBD and close proximity to the SL River, Indian River, and the barrier island with Atlantic Ocean beaches. With the positive neighborhood characteristics and overall popularity of Martin County, long term, values should be supported in the neighborhood, barring any drastic economic declines.																																																																																																	
Dimensions: 30 ft x 75.82 ft Site Area: 2,275 sf																																																																																																	
Zoning Classification: R-1/Single Family-General / Low Density Residential Description: Low density residential																																																																																																	
Do present improvements comply with existing zoning requirements? ☐ Yes ☐ No ☒ No Improvements																																																																																																	
Uses allowed under current zoning: Low density residential																																																																																																	
Are CC&Rs applicable? ☐ Yes ☐ No ☒ Unknown Have the documents been reviewed? ☐ Yes ☐ No Ground Rent (if applicable) \$ /																																																																																																	
Comments:																																																																																																	
Highest & Best Use as improved: ☐ Present use, or ☒ Other use (explain) Assemble with adjacent private ownerships.																																																																																																	
Actual Use as of Effective Date: Vacant - unopened street R/W Use as appraised in this report: Vacant																																																																																																	
Summary of Highest & Best Use: Subject consists of unopened street R/W - Highest and Best Use is assemblage with adjacent buildable site.																																																																																																	
SITE DESCRIPTION	Utilities		Public		Other		Provider/Description																																																																																										
	Electricity		☐		☒		FPL																																																																																										
	Gas		☐		☐																																																																																												
	Water		☒		☐		City of Stuart																																																																																										
	Sanitary Sewer		☒		☐		City of Stuart																																																																																										
	Storm Sewer		☐		☐																																																																																												
	Telephone		☐		☐																																																																																												
	Multimedia		☐		☐																																																																																												
	Off-site Improvements		Type		Public		Private																																																																																										
	Street		Paved		☒		☐																																																																																										
Width																																																																																																	
Surface		Asphalt																																																																																															
Curb/Gutter		n/a																																																																																															
Sidewalk		n/a																																																																																															
Street Lights		n/a																																																																																															
Alley		n/a																																																																																															
Frontage		50																																																																																															
Topography		Level																																																																																															
Size		Small																																																																																															
Shape		Rectangle																																																																																															
Drainage		Percolation																																																																																															
View		Residential																																																																																															
Other site elements: ☒ Inside Lot ☐ Corner Lot ☐ Cul de Sac ☐ Underground Utilities ☐ Other (describe)																																																																																																	
FEMA Spec'l Flood Hazard Area ☐ Yes ☒ No FEMA Flood Zone X FEMA Map # 12085C0153G FEMA Map Date 03/16/2015																																																																																																	
Site Comments: Subject consists of unopened 30 foot wide street R/W created by plats. The subject 30 feet is within the plat of St Lucie Estates. Client's property is within St Lucie Estates S/D thus adjacent to the east 30 feet of street R/W within said S/D.																																																																																																	

File No.: 20077 - Riverside Dr Lots

[illegible]

Location Map

Borrower	n/a				
Property Address	xxx Riverside Drive				
City	Stuart	County	Martin	State	FL
				Zip Code	34996
Lender/Client	Jeffrey Dougherty / Joan Kinsley				



SCOPE OF WORK

Mr. Jeff Dougherty engaged my services to provide an opinion of the Market Value of the Fee Simple Interest in the real estate that is the subject of this appraisal, with the appraisal date of February 27, 2019, my date of inspection. To form an opinion the following Scope of Work is required.

MARKET VALUE DEFINED

Market Value, as defined in Chapter 12, Code of Federal Regulation, Part 34.42, is:

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated.
2. Both parties are well informed or well advised, and each acting in what he considers his own best interest.
3. A reasonable time is allowed for exposure in the open market.
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents a normal consideration for the property sold unaffected by special or created financing or sales concessions granted by anyone associated with the sale.

FEE SIMPLE ESTATE — *Source, Appraisal Institute, Dictionary of Real Estate Appraisal, 6th ed.*

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

The subject consists of the east 30 feet x 75.82 feet deep, 2,275 square feet, section of the unopened northerly end of Palm Beach Road within the city of Stuart, Martin County, Florida.

The property types required valuation via the Sales Comparison Approach, however the property does meet zoning criteria for an independently developable site, thus research did not locate arm's length sales of similar unopened right of ways. Therefore, analysis requires valuation via Across the Fence Method.

ACROSS THE FENCE METHOD — *Source, Appraisal Institute, Dictionary of Real Estate Appraisal, 5th ed.* A land valuation method often used in the appraisal of corridors. The across the fence method is used to develop a value opinion based on comparison to abutting land.

As defined, the Across the Fence Method requires valuation of adjacent developable properties with analysis determining an applicable unit of comparison, i.e. sales price per front feet or per square feet, and then the value indication is utilized to form an opinion of the subject's value.

Employment of the Across the Fence valuation method required research using public records, commercial data services, multiple listing services (MLS), and interviews with buyers, sellers, brokers, investors, developers, et cetera for properties like adjacent buildable residential lots. Research was restricted to the subject's neighborhood as adequate data was available within the neighborhood to form an opinion of value.

Data gathered was ideally verified with a knowledgeable participant of a transaction, followed by analysis of the data to interpret market trends. The analyzed data was then applied to the subject for an indication value.

EXPOSURE

Exposure time: — *Source, Appraisal Institute, Dictionary of Real Estate Appraisal, 5th ed.*

1. The time a property remains on the market.
2. The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.

The closed sales analyzed experienced exposure periods from less than 30 days to approximately 4 months with the listed property analyzed offered on the market for approximately 9 months. Other than the listed property analyzed, the closed sales indicate exposure period of less than four months. The listed property experiences a longer listing period because of above initial above market listing price. Therefore, in my opinion, with listing price within a reasonably close range of my opinion of market value, a market exposure period for an adjacent developable site prior to the date of appraisal would have been no greater than four months.

History of Subject's Ownership

The subject has no sales history.

Properties adjacent to the subject have not experienced arm's length sales transactions within the past three years.

The subject is not formally listed for sale or under a sale/purchase contract.

Valuation -

Adjacent Properties

East of the subject there is a 0.17 acres site with some 97.9 feet of width and an average 69 feet of depth. This is a platted site and developable "as is".

West of the subject there is the west 20 feet of the unopened street right of way, platted within River Ridge S/D.

Data & Analysis of the Data

Research located three closed sales, and a listing of one of the closed sales, all located within the subject's immediate neighborhood, plus a site under a sales/purchase contract located in that part of the neighborhood east of Krueger Creek is analyzed. The closed sales and the listed property are located within the blocks immediately west and south of the subject with the property under contract located approximately ½ miles east.

Analysis indicates, because the properties analyzed vary in street frontage and depth the most reliable unit of comparison is sales price per square feet of site area.

Closed sales 1, 2, 3 and listing 1 have superior size, shape, and superior depth, thus functionally sales 1, 2, 3 and listing 1 are superior to properties adjacent to the subject. Also, in the case of sale 1, the property was filled ready for vertical development, and in the case of sale 2 the seller would not reduce the price, pushing the price to top end for the neighborhood price levels for non-waterfront or water view vacant properties. Sale 3 is physically a superior property, larger and with superior depth, but indicates a much lower value, caused in part by location one street south of Riverside Drive. Listing 1 is a re-list of sale 3, but it appears from discussions with the listing Realtor the asking price is above market, and with the sales 3 seller/former owner of listing 1, a very knowledgeable market participant, indicating the final sales price is likely more mid \$200K range, or say between \$15 and \$18 per square feet. Thus, per the listing the market may not continue to further support high-end price levels as indicated by sales 1 and 2.

Therefore, for the reasons mentioned the value indications of \$27.44 and \$27.18 per square feet extracted from sales 1 and 2, in my opinion, are higher than applicable to buildable sites adjacent to the subject. Sale 3, however, at \$11.23 per square feet is likely below the current market levels but listing 1, the re-list of sale 3 at \$18.26 per square feet likely above market price levels for its location, thus a final value level for listing 1 is expected say within the range of \$15 to \$18 per square feet.

Pending sale 1 property is located approximately ½ miles east of the subject and while overall the neighborhood is similar to subject's neighborhood, the site is located three blocks south of Riverside Drive, and this portion of the neighborhood is separated by Krueger Creek from direct access to the CBD as enjoyed from the subject's location. Thus, the listed property's location is somewhat inferior to the location of the subject, and properties adjacent to the subject but otherwise the property is most similar to the east property adjacent to the subject, except an asking price is analyzed and via sales negotiations, as indicated by the listing Realtor, the final sale price is expected to provide a value indication below the asking price of \$20.77 per square feet.

In summary, sales 1, 2, 3 and listing 1 are functionally superior to properties adjacent to the subject. These three properties are similar to each other but there is a significant price difference from the \$27+ per square feet price range for sales 1 and 2 compared to sale 3 price of \$11.23 per square feet, and an expected under \$18 per square feet value indication for listing 1. Reconciliation of these properties indicate the value levels for the inferior properties adjacent to the subject with modest functional utility are mostly likely at the low end of the range of say \$18 per square feet.

Pending sale 1 has an inferior location and after expected sales negotiations the value indication is expected to fall below the \$20+ per square feet asking price.

In summary, in my opinion, the most probable value level for the property immediately adjacent to the east of the subject, some 7,405 square feet in area, a modest size site with reduced functional utility, although fronting Riverside Drive, is within the range of say \$18 per square feet.

The subject right of way with 30 feet of width does not meet zoning regulations for development as an independent property, thus highest and best use of the right of way is assemblage with the adjacent property. However, the adjacent property is independently developable, thus while assembling the subject with the adjacent property adds some level of functional utility to the adjacent property but because the adjacent property can be independently developed "as is", it is my opinion the subject does not add full value to the adjacent property. Plus, the subject has very limited market demand, other than the adjacent property owner, also a negative to value.

Thus, for the reasons previously discussed, it is my opinion the full \$18 per square feet as previously estimated is not applicable to the subject, rather a discount to full value is required to account for the estimated contribution in functional utility to the adjacent property.

There is little market data to support an estimate of contributory value except in instances where properties functional utility are negatively affected by conditions such as inferior access, then significant adjustments to value have been recognized for reduced functional utility.

Therefore, because of limited functional utility as an independent property, plus limited increase in functional utility to the adjacent property, and because other than the adjacent owner there is limited to no market demand for the subject, it is my opinion a discount to the full value could be as high as say 75%. A 75% reduction in value for limited functional utility, limited contribution to adjacent properties, and limited market demand, calculates to value indication of \$4.50 per square feet ($\$18/\text{sf} \times 25\%$). Applying \$4.50 per square feet to the subject's area of 2,275 square feet calculates to \$10,238, rounded to \$10,250.

Therefore, my opinion of the Market Value of the Fee Simple Interest in the subject of this appraisal as of February 27, 2019, is: **-\$10,250-**

ORDINARY LIMITING CONDITIONS AND UNDERLYING ASSUMPTIONS

1. The value given in this appraisal report represents the opinion of the signer as to the Value AS OF THE DATE SPECIFIED. Values of real estate are affected by an enormous variety of forces and conditions will vary with future conditions, sometimes sharply within a short time. Responsible ownership and competent management are assumed.
2. This appraisal report covers the premises herein described only. Neither the figures herein nor any analysis thereof, nor any unit values derived therefrom are to be construed as applicable to any other property, however, similar the same may be.
3. It is assumed that the title to said premises is good; that the legal description of the premises is correct; that the improvements are entirely and correctly located on the property; but no investigation or survey has been made, unless so stated.
4. The value given in this appraisal report is gross, without consideration given to any encumbrance, restriction or question of title, unless so stated.
5. Easements may or may not be recorded or may exist by customary use or by other legal means. The appraiser has not nor is he qualified to search legal records as to other easements. Because rights of others can have influence on real estate values, the values reported herein are predicated on a qualified legal opinion that assumptions regarding easements and the rights of others is representative of actual conditions.
6. Information as to the description of the premises, restrictions, improvements and income features of the property involved in this report is as has been submitted by the applicant for this appraisal or has been obtained by the signer hereto. All such information is considered correct; however, no responsibility is assumed as to the correctness thereof unless so stated in the report.
7. The physical condition of the improvements described herein was based on visual inspection. No liability is assumed for the soundness of structural members since no engineering tests were made of the same. The property is assumed to be free of termites and other destructive pests.
8. Possession of any copy of this report does not carry with it the right of publication, nor may it be used for any purpose by any but the applicant without the previous written consent of the appraiser or the applicant, and in any event, only in its entirety.
9. Neither all nor part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent of the author; particularly as to the valuation conclusions, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute, or to the SRA or MAI designations.
10. The appraiser herein, by reason of this report is not required to give testimony in court or attend hearings, with reference to the property herein appraised, unless arrangements have been previously made.
11. The Contract for the appraisal of said premises is fulfilled by the signer hereto upon the delivery of this report duly executed.
12. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and zoning laws unless non-compliance is stated, defined and considered in the appraisal report.
13. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field, if desired.

CERTIFICATE OF APPRAISAL

I certify that, to the best of my knowledge and belief:

- a) The statements of fact contained in this report are true and correct.
- b) The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- c) I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
- d) My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- e) My compensation is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- f) The reported analyses, opinion, and conclusions were developed, and this report has been prepared, in conformity with the requirement of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- g) I have made a personal inspection of the property that is the subject of this report.
- h) No one provided professional assistance to the signor of this report.
- i) The appraiser has performed within the context of the competency provision of the Uniform Standards of Professional Appraisal Practice.
- j) The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- k) "As of the date of this report, I, Daniel D. Fuller, MAI, SRA, have completed the requirements under the continuing education program of the Appraisal Institute."
- l) This appraisal assignment was not made, nor was the appraisal rendered on the basis of a requested minimum valuation, specific valuation, or an amount which would result in approval of the loan.
- m) I have not appraised the subject, or provided any other services in any capacity relating to this property within the three years prior to my engagement for this assignment.



Daniel D. Fuller, MAI
State-Certified General Real Estate Appraiser RZ567

FULLER-ARMFIELD-WAGNER

DESCRIPTION LOCATION	SUBJECT	Client - adjacent ownership	SALES SUMMARY			
			SALE 1	SALE 2	SALE 3	LISTING 1 - RELIST SALE 3
East 30th Unimproved street R/W West Lot 2, Blk 2, St. Lucie Est. St. Lucie Estates SD Stuart	Owner - city of Stuart	Kinsley, Joan and Dougherty, Jamey	910 Riverside Drive Hidabrad Park SD Stuart	111 SE Cortez Avenue Hidabrad Park SD Stuart	924 SE Weir Street River Ridge SD Stuart	924 SE Weir Street River Ridge SD Stuart
GRANTOR			John Lighthouse III Living Trust	Gerald & Ladonia Geltse Rev Trust	Team Parks, Inc.	Mary H & Todd A Resnick
GRANTEE		N/A	Kimberly Dettori	Edwin & Nancy Mills	Mary H & Todd A Resnick	n/a
DATE OF SALE RECORDED OR BK/P.G.	Appraised 2/27/19	Appraised 2/27/19	1/19 3035617	2/18 29772852	4/18 29872676	Pending n/a
FINANCING	Expected Cash Equivalent	Expected Cash Equivalent	Cash	Cash	PMM - cash equivalent	Expected Cash Equivalent
ZONING / LAND USE	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential
SITE AREA - SF	2,275	7,405	10,750	11,773	16,379	16,379
ACRES	0.05	0.17	0.25	0.27	0.38	0.38
WIDTH	30.0	97.9	100.0	115.0	130.0	130.0
DEPTH (avg)	75.02	69.0	107.5	103.5	Irreg. avg. 139	Irreg. avg. 139
Comments:	Very limited functional utility. Highest & Best Use is assemblage with adjacent planned buildable site.	Lot east of subject modest size & limited depth. Adequate very modest buildable site.	Interior lot, partially cleared. Filled to bid height. More depth & superior shape compared to site adjacent to subject. Overall, functional utility superior to lot adjacent to subject.	Corner lot. Mostly cleared. More depth & superior shape compared to site east of subject. Overall, functional utility superior to lot adjacent to subject. Purchaser offered \$300K or \$25,408/ft, but seller would not move off of full ask price, thus full ask price paid.	Interior lot. One block south of subject. Property includes paid impact fees, near \$16K. Sales price adjusted for paid fees. Mostly cleared. Large w/ superior depth. Functional utility superior to lot adjacent to subject. See listing 1 for re- list of property.	Interior lot. One block south neighborhood east of Kruiger Creek & three blocks south of Riverside Dr. Cleared. Narrow width. Functional utility most similar to lot adjacent to subject. Asking price analyzed w/ sale price expected to be low with sales negotiations.
SALE ANALYSIS	RECORDED SALE PRICE:		\$295,000	\$320,000	\$200,000	\$315,000
	FINANCING ADJUSTMENT		0	0	0	0
	ADJUSTED SALE PRICE		\$295,000	\$320,000	\$200,000	\$315,000
	CONDITION OF SALE ADJ.		0	0	-160000	0
	ADJUSTED SALE PRICE		\$295,000	\$320,000	\$184,000	\$199,000
	MARKET CONDITION ADJ / MO.		0.02%	0.02%	0.02%	0.02%
GROSS SALE PRICE			\$295,000	\$320,000	\$184,000	\$199,000
SALE PRICE PER FRONT FOOT			\$2,950	\$2,793	\$1,415	\$2,596
SALE PRICE PER SQ. FT.			\$27.44	\$27.18	\$11.23	\$26.77

FULLER-ARMFIELD-WAGNER

Subject Photographed 2/27/2019



Subject – unopened street right of way



Developable site east of subject



Developable site west of subject

FULLER-ARMFIELD-WAGNER



AERIAL SITE MAP (approx. subject area in red)

QUALIFICATIONS OF THE APPRAISER
DANIEL D. FULLER, MAI

Education

Indian River Community College, Graduated 1967, A/S Degree

Professional Memberships

Member Appraisal Institute (MAI)#7876 - Appraisal Institute
Senior Real Property Appraiser (SRPA) - Appraisal Institute
Senior Residential Appraiser (SRA) - Appraisal Institute
Florida - State Certified General Real Estate Appraiser RZ567
Registered Florida Real Estate Broker

Work Experience

1992 - Pres. President, Fuller-Armfield-Wagner Appraisal & Research, Inc., Fort Pierce, FL
1987 - 1992 Vice President & Partner, Armfield-Wagner Appraisal & Research, Inc., Fort Pierce, FL
1983 - 1987 Staff Appraiser, Armfield-Wagner Appraisal & Research, Inc., Vero Beach, FL
1981 - 1983 Salesman/Appraiser, Florida Licensed Realtor-Associate, Procino Realty, Ft Pierce, FL
1979 - 1983 Staff Appraiser, Harbor Federal Savings and Loan Association, Fort Pierce, FL
1974 - 1979 Staff Appraiser, St. Lucie County Property Appraiser's Office, Fort Pierce, FL

Real Estate Appraisals made for the following:

Accountants	PNC Bank
Attorneys	Port St. Lucie, City of
Dept. of Natural Resources	Regions Bank
Federal Deposit Ins. Corp.	Resolution Trust Corporation
Federal Home Loan Bank Board	Seacoast Bank
Federal National Mortgage Corp.	St. Lucie County
Florida Community Bank	South Florida Water Management District
Fort Pierce, City of	SunTrust Banks
Centerstate Bank	TD Bank
Iberia Bank	TITF
Indian River County	Vero Beach, City of
Martin County	Wells Fargo

Types of Appraisals Completed

Airplane Hangars	Offices
Automobile Dealerships	Packing Houses
Car Washes	Ranches
Commercial	Recreational Vehicle Parks
Groves	Residential
Industrial	Restaurants
Insurable Value	Retail Shopping Centers
Land Locked Parcels	Service Stations
Mini-Warehouses	Subdivision
Motels	Warehouses
Multi-Family	Wetlands
	Vacant Lands

Qualified as Expert Witness

Circuit Court -
St. Lucie County
Martin County
Indian River County
Okeechobee County
Palm Beach County
U.S. Bankruptcy Court -
West Palm Beach District

Accomplishments

Past President - Society of Real Estate Appraisers - Indian River Chapter 211 (1989 - 1990)
Past Instructor - Indian River Community College - Appraising Income Producing Real Estate
Past Board Member - East Florida Chapter of Appraisal Institute

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

CITY COMMISSION

Meeting Date: 4/8/2019

Prepared by: Kev Freeman

Title of Item:

AMENDMENT TO CHAPTER II LDC - UPUD (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 DESIGNATION OF URBAN 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:

This is a second reading of an ordinance to amend the Land Development Code to create the Urban Planned Unit Development District.

The Ordinance is amended to remove the East Stuart Planned Unit Designation as directed by City Commission at the March 25, 2019 City Commission meeting by unanimous vote.

Funding Source:

N/A

Recommended Action:

Move to approve Ordinance 2401-2019 at second reading

ATTACHMENTS:

Description	Upload Date	Type
▢ Staff Report	3/27/2019	Staff Report
▢ Ordinance 2104 - 2019	3/27/2019	Ordinance add to Y drive

CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

MEETING DATE: 8th April, 2019

PREPARED BY: Kev Freeman
Development Director

PROJECT NAME: Land Development Code Amendment to create the Urban Planned Unit Development (UPUD) zoning designation.

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 DESIGNATION OF URBAN 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

The ordinance has been amended from first reading to remove the proposed East Stuart Planned Unit Development (ESPUD) zoning district designation.

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 two 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.

Therefore, this proposed land development code text amendment allows for the designation of Planned Unit Development (PUD) that conforms to the Urban District Code. 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.

The item was presented to the March 25th City Commission who approved unanimously, providing that the proposed East Stuart Planned Unit Development (ESPUD) was removed from the proposed amendment. The ESPUD portion of the amendment will be presented at a special City Commission meeting to be held at a later date.

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 are controlled by section 3.01.00 Urban Code.
- 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.
- e. Section 2.06.19 permits rooftop dining in the UPUD district.
- 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 district.
- 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.

IV. STAFF RECOMMENDATION

Move to approve Ordinance 2401-2019 at second reading



**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;
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 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 March 25th 2019, 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

2.00.00 GENERALLY

- Sec. 2.00.01. Purpose
- Sec. 2.00.02. Exception

2.01.00 ZONING DISTRICTS

- Sec. 2.01.01. Relationship of zoning districts to future land use categories
- Sec. 2.01.02. Designation of districts
- Sec. 2.01.03. Table 1 – Zoning district/future land use category compatibility

2.02.00 USES ALLOWED IN ZONING DISTRICTS

- Sec. 2.02.01. Generally
- Sec. 2.02.02. Table 2 – Zoning Districts Uses

2.03.00 DENSITY

- Sec. 2.03.01. Generally
- Sec. 2.03.02. Density
- Sec. 2.03.03. Planned Unit Development Density
- Sec. 2.03.04. ALF Density
- Sec. 2.03.05. Maximum dwelling unit per acre table
- Sec. 2.03.06. Intensity of development: Lot area and Floor Area Ratio (FAR) Tables 3 and 4

2.04.00 AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

- Sec. 2.04.01. Generally; Tables 5, 6, & 7
- Sec. 2.04.02. Supplemental Area Requirements
- Sec. 2.04.03. Supplemental Impervious Surface Coverage Requirements
- Sec. 2.04.04. Supplemental Building Setback Requirements
- Sec. 2.04.05. Supplemental Building Setback on Certain Streets
- Sec. 2.04.06. Supplemental Building Height, Maximum Number of Stories and Minimum Living Area Requirements

2.05.00

COTTAGE LOTS

- Sec. 2.05.01. Purpose
- Sec. 2.05.02. Applicability
- Sec. 2.05.03. Permitted uses
- Sec. 2.05.04. Future annexed area
- Sec. 2.05.05. On-site parking standards
- Sec. 2.05.06. Development standards
- Sec. 2.05.07. Exhibit A – Building Form Standard Cottage Lots

2.06.00

SUPPLEMENTAL USE STANDARDS

- Sec. 2.06.01. Generally
- Sec. 2.06.02. Manufactured/Mobile home/Recreational vehicle developments
- Sec. 2.06.03. Assisted living facility (ALF)
- Sec. 2.06.04. Child care centers
- Sec. 2.06.05. Automobile/boat sales and service facilities
- Sec. 2.06.06. Automatic amusement centers and game rooms
- Sec. 2.06.07. Industrial uses
- Sec. 2.06.08. Urban agriculture
- Sec. 2.06.09. Home occupations
- Sec. 2.06.10. Adult businesses
- Sec. 2.06.11. Telecommunication facilities
- Sec. 2.06.12. Formula businesses
- Sec. 2.06.13. Dog-friendly restaurants
- Sec. 2.06.14. Pain Management Clinics
- Sec. 2.06.15. Minimum Single-Family and Duplex Residential Design Standards for New Construction
- Sec. 2.06.16. Shooting ranges, indoor
- Sec. 2.06.17. Supplemental parking standards for parking intensive vessel slips
- Sec. 2.06.18. Kennels, veterinarians, or similar facilities
- Sec. 2.06.19. Rooftop dining
- Sec. 2.06.20. Conditional use approval required for the location of any gasoline or other motor fuel stations on certain properties fronting U.S. Highway-1 and Palm City Road.
- Sec. 2.06.21. Conditional Use Approval required for fuel production facilities.

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)

~~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												Urban District Overlay	East Stuart	S.E. Ocean Blvd.
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD			
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	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>			
				X	X	X	X	X		X		X	RPUD MXPU D <u>UPUD</u>	X		X
			X	X	X	X	X	X		X			PSPUD MXPU D <u>UPUD</u>	X		X
			X	X	X	X	X	X	X	X			RPUD CPUD PSPUD MXPU D <u>UPUD</u>	X		
													RPUD CPUD MXPU D PSPUD	X		
		X	X	X	X	X	X	X	X	X			RPUD CPUD MXPU D PSPUD	X	X	
		X	X	X	X	X	X	X	X	X	X	X	PSPUD	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.
	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 boardinghouses	-	-	-	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	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	P	-	-	-	-	-	A	-	-	-
Child care center (< 5 acres) (> 5 acres) (refer to supplemental standards in Section 2.06.04)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
	-	-	-	-	P	P	P	CU	-	-	-	-	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)	-	-	CU	P	-	P	-	-	P	-	-	A	A	A	A	-
(>5 acres)	-	-	-	CU	-	P	-	-	-	-	-	-	A	A	A	-
Schools – private, parochial, or technical (< 5 acres)																
(>5 acres)	CU	CU	CU	-	P	P	-	-	P	-	-	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 Use§	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 Use§	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Telecommunications Uses																
Radio and/or television broadcast stations	-	-	-	-	-	P	-	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

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 3b – 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 3a – 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 3a

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts														Urban Code District	East Stuart			
	R1- A	R- 1	R- 2	R-3	RPUD ¹	B- 1	B-2	B-3	B-4	CPUD ²	P	I	IPUD ³	H		PSP UD	MXPD UD		
	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		57/78/40 ²			-		-	15 ⁵	-		
Commercial				10	-	10	L	L		57/78/40 ²			-		-	15 ⁵	-		
Downtown Redevelopment				15/ 30 ²¹	15	15/ 30 ⁷				57/78/40 ²			-		-	15 ⁵	15/30 ⁶		
Neighborhood/ Special Dist.					15					57/78/40 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

Conservation

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>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>Low Density Residential¹</u>	<u>8.72</u> <u>to</u> <u>11.62</u>	<u>8.72</u> <u>to</u> <u>11.62</u>	=	=	=	=	=	=	=	<u>8.72</u> <u>to</u> <u>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>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 / $<.5 \text{ FAR}^2$	<20 Acres ¹
Office/Residential	0-25	75-100	<3.0 FAR ¹ / $<1.5 \text{ FAR}^2$	<10 Acres ¹
Commercial	0-15	85-100	<3.0 FAR ¹ / $<1.5 \text{ FAR}^2$	<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 / $<2.0 \text{ FAR}^2$	<10 Acres ¹
Industrial	N/A	100	3.0 FAR ¹ / $<1.0 \text{ FAR}^2$	<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), or Mixed Use Planned Unit Development (MXPUD). Any existing CPUD, UPUD, 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 an residential planned unit development (RPUD), an commercial planned unit development (CPUD), an mixed-use planned unit development (MXPUD), an industrial planned unit development (IPUD), an urban planned unit development (UPUD), or an 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 ~~net~~gross 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.

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 25th day of March, 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 8th day of April, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY