



City of Stuart

AGENDA

**REGULAR MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 23, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Laura Giobbi
Commissioner Sean Reed**

ADMINISTRATIVE

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

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

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

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

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

1. APPROVAL OF 09/09/2024 CCM MINUTES and 09/09/2024 SCM TENTATIVE MILLAGE & TENTATIVE BUDGET MINUTES (RC)
2. MOU FOR THE COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN (RC):

RESOLUTION No. 89-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO MEMORANDUM OF UNDERSTANDING (MOU) FOR THE COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. APPROVAL OF A RESOLUTION TO OPT OUT OF THE LIVE LOCAL ACT PROPERTY TAX EXEMPTION (RC):

RESOLUTION No. 94-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, ELECTING TO NOT EXEMPT CERTAIN PROPERTY UNDER SECTION 196.1978(3)(d)1.a., FLORIDA STATUTES, REFERRED TO AS THE "LIVE LOCAL ACT PROPERTY TAX EXEMPTION"; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

4. OLD CITY LANDFILL 2ND DUE DILIGENCE EXTENSION REQUEST (RC):

RESOLUTION No. 96-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DUE DILIGENCE PERIOD AT THE OLD CITY OF STUART LANDFILL FROM SEPTEMBER 30, 2024 TO MARCH 31, 2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. ROAD CLOSURE REQUEST FOR THE 2025 STUART BOAT SHOW (RC):

RESOLUTION No. 99-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE 51st ANNUAL STUART BOAT SHOW FROM 5:00 A.M. ON TUESDAY, JANUARY 7, 2025, THROUGH 5:00 P.M. ON MONDAY, JANUARY 13, 2025, ALONG NW DIXIE HIGHWAY (FORMERLY SR 707) FROM SW ALBANY AVENUE SOUTH OF THE OLD ROOSEVELT BRIDGE TO NW POINSETTIA STREET TO INCLUDE THE FEC RAILROAD CROSSING OF NW FERN STREET AND NW DIXIE HIGHWAY, NORTH OF THE ST. LUCIE RIVER DRAW BRIDGE, SUBJECT TO FLORIDA DEPARTMENT

OF TRANSPORTATION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (RC):

RESOLUTION No. 100-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC., EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. RATIFY THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, COLLECTIVE BARGAINING AGREEMENT (RC):

RESOLUTION No. 101-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

8. FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR MAINTENANCE OF TRAFFIC SIGNAL CABINETS (RC):

RESOLUTION No. 98-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY TO PROVIDE MAINTENANCE OF TRAFFIC SIGNAL CABINETS WITH DECORATIVE ART WRAP; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. 1251 SW NORTON LANE (STANCAVICH) - DISCUSSION AND DIRECTION BY THE CITY COMMISSION (RC):

RESOLUTION No. 103-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FINDING APPLICANT/OWNER, ROBERT STANCAVICH'S FAILURE TO COMPLY WITH CERTAIN REQUIRED CONDITIONS SET FORTH IN RESOLUTION NO. 69-2024; PROVIDING CITY STAFF WITH FURTHER DIRECTION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

10. ADVISORY BOARD "AT LARGE" BOARD MEMBER REVIEW (RC):

RESOLUTION No. 104-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REVIEWING AND RECONSIDERING THE "AT LARGE" ADVISORY BOARD MEMBER POSITIONS OF THE LOCAL PLANNING AGENCY AND COMMUNITY REDEVELOPMENT BOARD FOR THE REMAINDER OF THE 2024 MEMBER TERMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER

PURPOSES.

ORDINANCE SECOND READING

11. ABANDONMENT OF S.E. ARAPAHO AVENUE - CARLA WILLIAMSON AND TODD BRITT (RC)

ORDINANCE No. 2534-2024: AN 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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ELDORADO HEIGHTS, AS RECORDED IN PLAT BOOK 1, PAGE 5, OF MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; AND REQUESTING THE \$19,000 PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY TO BE WAIVED IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

12. 55 S.E. OSCEOLA STREET - FLAMINIA, LLC MAJOR URBAN CODE CONDITIONAL USE (QJ):

RESOLUTION No. 87-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL FOR FLAMINIA, LLC LOCATED AT 55 SE OSCEOLA STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM CERTAIN CODE REQUIREMENTS, INCLUDING REQUIRED PARKING, PAYMENT IN LIEU OF PARKING (PILOP), SIDEWALKS, BUILDING SETBACKS, POOL LOCATION, DRIVEWAY WIDTH, FENCE HEIGHT, AND ARCHITECTURAL STANDARDS FOR THE PROFESSIONAL OFFICE BUILDING AND PROPOSED SINGLE-FAMILY DWELLING; REQUIRING SPECIFIC POLICIES TO BE CONSIDERED INCLUDING PARKING REQUIREMENTS, PAYMENT IN LIEU OF PARKING (PILOP) PROGRAM, AND VARIOUS DESIGN STANDARDS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

13. 2300 S.E. OCEAN BOULEVARD - STARBUCKS AT OCEAN EAST MALL MAJOR CONDITIONAL USE PETITION (RC):

RESOLUTION No. 97-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE PETITION FOR THE STARBUCKS AT OCEAN EAST MALL LOCATED AT 2300 SE OCEAN BOULEVARD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM REQUIRED BUILDING SETBACKS, MINIMUM LOT COVERAGE, LOCATION OF PARKING, AND LANDSCAPING REQUIREMENTS FOR THE S.E. OCEAN BOULEVARD OVERLAY ZONE STANDARDS OUTLINED UNDER LAND DEVELOPMENT CODE SECTION 3.03.00; REQUIRING CERTAIN DESIGN STANDARDS TO BE CONSIDERED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

14. TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 2.6.23 - NON-MEDICAL MARIJUANA DISPENSARIES (RC):

ORDINANCE No. 2531-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.06.23 ENTITLED "RESERVED" AND INSERTING SUPPLEMENTAL USE STANDARDS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING THE LAND USE TABLE IN SECTION 2.02.02 TO INCLUDE NON-MEDICAL MARIJUANA DISPENSARY AS AN ALLOWABLE USE UNDER CERTAIN CONDITIONS; AMENDING SECTION 3.01.03 TO ESTABLISH PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE URBAN CODE DISTRICTS; AMENDING SECTION 6.01.13 TO ADD OFF-STREET PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER XII DEFINITIONS FOR CONFORMING TERMS; AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN PUBLIC PARKS AND RECREATIONAL AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

15. BRIGHTLINE RESPONSE TO RFP DISCUSSION

ADJOURNMENT

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

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

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

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

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

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

Meeting Date: 9/23/2024

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 09/09/2024 CCM MINUTES and 09/09/2024 SCM TENTATIVE MILLAGE & TENTATIVE BUDGET MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Item.

ATTACHMENTS:

1. 09/09/2024 CCM Minutes
2. 09/09/2024 SCM Tentative Millage & Tentative Budget Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 9, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Laura Giobbi
Commissioner Sean Reed

ADMINISTRATIVE

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

ROLL CALL

4:00 PM

PRESENT: Mayor Rich, Commissioner Clarke, Commissioner Collins, Commissioner Giobbi, and Commissioner Reed

INVOCATION

Pastor Darrell Orman, Stuart Alliance Church gave the Invocation.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - ISABELLA HODGES, 'STARS OVER STUART' STUDENT SINGING "DANNY BOY"

Isabella Hodges, a Murray Middle School student, came forward and sang her song.

PROCLAMATIONS

2. HUNGER ACTION MONTH - SEPTEMBER

Karen Aiello, Donor Relations Manager, Treasure Coast Food Bank, received the Proclamation.

3. TREASURE COAST DAY OF PRAYER - SEPTEMBER 26, 2024

Sherry Way, Administrative Secretary to Treasure Coast Christian Alliance Church,

received the Proclamation.

PRESENTATIONS

4. SERVICE AWARDS - SEPTEMBER 2024

Daniel Duran	Police Department	15 Years	Not Present
Steven Vonya	Fire Department	5 Years	Present

5. LOSOM UPDATE

Mr. Ben Hogarth, Community Affairs Liaison for the City of Stuart, presented the LOSOM update.

COMMENTS BY CITY COMMISSIONERS

Commissioner Collins

- Requested Item #15 be moved before Item #10 and Item #11 on today's agenda.
- Requested to pull Item #7 from the Consent Calendar for discussion.
- Commented on the Sailfish ball fields; concerns on transit oriented development or future development, adjacent issue to Brightline and proposed a D&D (Discussion & Deliberation) future item for ballfields to go to future referendum.

City Manager Mortell commented that he will update the board at the next meeting on the process for a charter amendment on any type of referendum.

Commissioner Reed

- Commented that he read all the emails from all the citizens and thanked them.

Commissioner Clarke

- Confirmed to pull Item #7 from the Consent Calendar and move Item #15.
- Requested to pull item #9 for staff explanation for the public.
- Commented that staff is working to have a series of neighborhood meetings regarding commercial planned unit development for a vocational training facility at 710 MLK Blvd.- Oct 1, 10, 14 and 28.
- Commented on property purchased and working on getting things done.
- Expressed that she appreciated the comments concerning Brightline.
- Commented on the Mayor attending a funeral service this past weekend, all were so appreciative as the Mayor showed his respect.

Mayor Rich

- Commented on the memorial service he attended and noted what an impact Mr. Allen Gilbert had on the community.
- Commented on the most common ways that local and state governments get things done, and gave examples of private public partnerships, often referred to as a P3 Project.

- Acknowledged former Mayor's Carol Waxler and Becky Bruner in attendance.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Requested the Board consider combining all three (3) Brightline items and take public comment at once.
- Asked for two (2) items to be pulled, Item #13 and Item #7, to be considered on a Special Commission Meeting scheduled for next Monday, September 16, 2024.
- Stated the Budget Meeting, advertised for 5:15 p.m., would be heard but moved to the end of this meeting.
- Announced that on September 11th, Stuart Fire Union will be walking the Roosevelt Bridge in honor of the fallen in New York and all are encouraged to attend.

APPROVAL OF AGENDA

5:00 PM MOTION: Approve a Special Meeting next Monday that includes the Zoning in Progress taken off tonight's agenda and have #13 at that meeting and includes Item #7 at that meeting.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

Motion approved unanimously.

5:01 PM MOTION: Approve Agenda moving Item #7 [to SCM 9/16/2024] and Pulling Item #9.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

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

1. Albert Brinkley - Stuart; Upset children being moved from the 10th Street Recreation Center - parents did not have a say.
2. Karl Thonnes - Stuart; Not present.
3. Travis Deckers - Stuart; President of Stuart Firefighter Benevolent Association, reporting the Ocean Republic Event on September 22, 2024 at 10 a.m.
4. Bonnie Moser - Stuart; Commented on her son who was with her and who wants to be a planner, commented that they are not coming to CCM's because of language being used and asked the Commission to be a good example and to engage with community workshops, not on social media.
5. Barbara Grass - Stuart; Commented on speed limit and speed bumps on Central Parkway. [Spoke after approval of Consent Calendar]

CONSENT CALENDAR

6. APPROVAL OF 8/26/2024 SCM - BUDGET WORKSHOP #2 AND 08/26/2024 CCM MINUTES (RC)

***** ITEM #7 - PULLED & MOVED TO SCM ON 9/16/2024 *****

7. COLLABORATION WITH FEMA UNDER BRIC PROGRAM (RC):

RESOLUTION No. 83-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY OF STUART TO ENTER A NON-FINANCIAL DIRECT TECHNICAL ASSISTANCE AGREEMENT TO COLLABORATE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UNDER THE BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) PROGRAM; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

8. APPENDIX A UPDATE (RC):

RESOLUTION No. 85-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING TYPES, FEES, RATES AND CHARGES AS APPENDIX "A" TO THE CITY CODE OF ORDINANCES, AS PROVIDED AND PERMITTED IN VARIOUS CHAPTERS OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

***** PULLED ITEM #9 *****

9. OPPOSITION TO DEP DEVELOPMENT PROPOSAL AT JONATHAN DICKINSON STATE PARK (RC):

RESOLUTION No. 93-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA OPPOSING ANY PROPOSAL BROUGHT FORWARD BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO CONVERT HUNDREDS OF ACRES OF CONSERVED LAND WITHIN JONATHAN DICKINSON STATE PARK INTO THREE PUBLIC GOLF COURSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:10 PM MOTION: Approve Consent Calendar pulling Item #9 and moving #7.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

***** ITEM #9 PULLED FROM THE CONSENT CALENDAR *****

9. OPPOSITION TO DEP DEVELOPMENT PROPOSAL AT JONATHAN DICKINSON STATE PARK (RC):

RESOLUTION No. 93-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA OPPOSING ANY PROPOSAL BROUGHT FORWARD BY THE FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION TO CONVERT HUNDREDS OF ACRES OF CONSERVED LAND WITHIN JONATHAN DICKINSON STATE PARK INTO THREE PUBLIC GOLF COURSES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided a brief explanation. The formal position of the city is to not want any development in JD State Park.

5:13 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

*Clerk's Note: Public Comment, Barbara Grass came forward; see Public Comment #5.

ORDINANCE FIRST READING

- 15. ABANDONMENT OF S.E. ARAPAHO AVENUE - CARLA WILLIAMSON AND TODD BRITT (RC)**

ORDINANCE NO. 2534-2024: AN 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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ELDORADO HEIGHTS, AS RECORDED IN PLAT BOOK 1, PAGE 5, OF MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; AND REQUESTING THE \$19,000 PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY TO BE WAIVED IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney, Lee Baggett read the Ordinance into record; First Reading.

5:20 PM MOTION: Approve to move Ordinance #2534-2024 to the next meeting.
MOVED BY: Christopher Collins
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

Clerk's Note: Mayor Rich announced that Items 10, 11, and 12 be grouped together for presentation and public comment purposes.

City Attorney Lee Baggett read the titles of Items #10, 11 and 12 on the record.

City Manager Mortell provided a presentation on the history of how the City of Stuart came to negotiations with Brightline.

City Attorney Baggett provided a presentation of Robert's Rules of Order and legal issues regarding the Brightline Train Station.

PUBLIC COMMENT ON ITEM #10, #11 AND #12:

1. Erin - Stuart; Supports and in favor of Brightline.
2. Rick Olsen; Stuart; Think of next generation; in favor of Brightline
3. Glenn Kellis; Stuart; Not about money but quality of life; in favor.
4. Albert Brinkley - Stuart; East Stuart's location and feels they will get pushed out; opposed.
5. Raj Patel - Palm City; Commented on Stuart's status in 2008; in favor.
6. Lisa Councilman - Stuart; Owner of Cafe Martiea, past season not as well as other past seasons; in favor
7. Bill Moore - Stuart; Kilwins owner and president of DBA commented on why we need the train stop; in favor.
8. Steven Vitale - Stuart; Owner of Colorado Inn, told tale of two cities, Stuart then and now; in favor.
9. Michelle Smith - Stuart; New homeowner in Stuart, questioned why this was not on a ballot; in favor.
10. Walter Loyd - Stuart; Commented on Costco issue being the location, wants the train with renegotiations; opposed as is.
11. Brett Nordmann - Palm City; Commented with questions on why we need a train, why not take three (3) parcels for parking lots; opposed.
12. Eric Wickstrom - Stuart; Didn't speak; passed.
13. Betty Brinkley - Stuart; Not present.
14. Christopher Vitale - Stuart; Visited businesses and all 80 plus were in favor except one; in favor.
15. Deana Peterson - Stuart; Not against the train, but concerns about the cost to taxpayers; opposed.
16. Helen McBride - Stuart; 51 years ago, Stuart was a ghost town, she and many worked hard to make Stuart the town it is today; in favor.
17. Nicki Van Vonno - Stuart; Former Growth Manager Director for County, railroads help cement the country; in favor.
18. Elizabeth Baker - Stuart; Resident for 70 years, gave reasons why we would benefit from the train; in favor.
19. Valerie Jones - formerly Stuart; Commented the City is overflowing; opposed.
20. Inez Van Ravenzwaai - Stuart; Commented that we must look for new ways for economic vitality; in favor.
21. David Brellamy - Stuart; Came to Stuart in 1972, train is used to transport and can help business growth in this town; in favor.
22. Nina Brody - Stuart; Speaking for neighbors, came because it's a charming town, need train for continued prosperity; in favor.
23. Max Ducherm - Stuart; Not present.
24. Jon Eberst - Stuart; Need to continue with the train, it is here and we should benefit from it, we have the winning lotto ticket; in favor.
25. Bill West - Stuart; danger of highway driving and prefer use of the train; in favor.
26. Sherry Lee - Stuart; Train will better connect family and friends, complimented presentations, Commissioners should not feel they know better than the history; in favor.
27. Walter Oden - Not present.
28. Ed Lucente - Not present, Marty Bieliek came forward and made a brief comment for Ed Lucente.
29. Elizabeth Earl - Not present.
30. Mickey Donn - Stuart; Stuart has need to keep the station, with all election materials received in mail, Brightline was never mentioned; in favor.

31. Terry Kogl - Stuart; For and against, commented on money
32. Marty Bieliak - Stuart; Commented for #28.
33. Joe Hartowski - Stuart; If the City Commissioners do not move forward with the train, you will be the commission known to ruin Stuart's future and violated the Comp Plan; in favor.
34. Patricia Swick - Stuart; Not present.
32. Marty Bieliak - Stuart; Commented on a train station in Portugal; in favor.
35. Aida Fry - Stuart; Not present.
36. Stephen Ngo - Palm City; Family has been in area for over 40 years, please do not lose this deal; in favor.
37. Kevin Sharkey - Not present.
38. Ron Frenkel - Stuart; Commented it is wrong to rescind the decision, he is an Ophthalmologist who hears from many patients, don't amend if there is a chance to lose it; in favor.
39. Vernon Glennon - Not present.
40. Mark Miller - Palm City; Train will benefit the community for decades and provided four reasons to keep the train; in favor.

***** 8:31 PM Recess *****

***** 8:40 PM Reconvened*****

41. Peter Upton - Stuart; Commented for the excuse of Brightline being an environmental issue, will bring direct and indirect development; in favor.
42. KC Ingram Mullen - Palm City; Commented on Brightline being a private company and the funds; opposed and supports rescinding the agreement.
43. Lucie McGuire - Port St. Lucie; here to serve the people and the yellow in the room, supports Brightline, appalled at the attempt to rescind; in favor.
44. Jeff Dougherty - Stuart; Commented he loves Stuart, does not love the commute to airports and does not want to fund a lawsuit; in favor.
45. Gail Goldy - Stuart; Questioned why the Mayor signed the agreement without authorization, for train, but concerned about the cost; opposed.
46. Bonnie Moser - Stuart; Wants her tax dollars to be spent on this for her children's future and safety, the station is a one-time payment compared to road repairs annually; in favor.
47. Judith Farley - Stuart; Owner of Radiant Outfitters, the majority wants the station, and we have enough CRA funding to rescind would be irresponsible with tax dollars; in favor.
48. Joe Cooper - Stuart; Train could benefit the community and his family, okay with getting a better deal without jeopardizing the deal; in favor.
49. Merritt Matheson - Stuart; Touch on meetings and lawsuits that are going to come, and the City of Stuart negotiated with Brightline, your reputation is critical and will be ruined to rescind; in favor.
50. Marcela Camblor - Stuart; Many ran on being the Commissioners who would respect our Comp Plan and not remove the train; in favor.
51. Douette Pryce - Stuart; Listen to the people for guidance, not social media; in favor.
52. Frank McChrystal - The globalist dream to take cars off the road, the people who elected you are not in the room, affects East Stuart negatively; opposed.
53. Johan - Stuart; Choice to evolve or remain, listen wisely.
54. Susan Warner - Stuart; As a Business Attorney, explained "rescind" and the deal will be dead. Three of five commissioners had the opportunity to negotiate it.
55. Andrew Walter - Palm City; Interested in traveling to Miami, keep the ideal alive; in favor.
56. Eric Wickstrom - Stuart; Commented on revitalizing The Creek District and adding new businesses, foolish to take train away.

57. Denise Chesley - Palm City; Commented on Brightline prices, should look into Tri-Rail, do not want increase in crime and traffic; opposed.

9:21 PM

Mayor Rich stated he is ruling the prior motion out of order.

Commissioner Collins challenged his decision.

Commissioner Clarke requested clarification that the motion on the floor was for Item #12. Discussion of whether Items 10, 11, and 12 should be voted on in order. Requested a legal opinion on the challenge of Robert's Rules of Order.

City Attorney Baggett commented that we have an agenda and the items should go in order. However, Commissioner Collins was recognized by the Chair and made a motion and it was seconded. Recommended a secondary motion to either stay in order or move forward with the motion on the floor. A conversation among the Commissioners, City Attorney and City Manager ensued.

Chair Rich requested the City Attorney move forward in reading the title of Item #10.

10. RESCIND INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR TRAIN STATION (RC):

RESOLUTION No. 90-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RESCINDING THE INTERLOCAL AGREEMENT WITH MARTIN COUNTY, DATED DECEMBER 12, 2023, AUTHORIZING THE SUBMISSION OF A JOINT PROPOSAL TO BRIGHTLINE TRAINS LLC FOR THE DEVELOPMENT OF A TRAIN STATION IN DOWNTOWN STUART; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Lee Baggett read Item #10 Resolution 90-2024 on the record.

9:46 PM MOTION: Approve Item #10 - Move that the City Commission maintains this Agreement and all the terms of the Agreement as previously published and agreed to and there be no rescission of this Resolution.

MOVED BY: Eula Clarke

SECONDED BY: None

VOTE: Died for lack of second.

11. RESCIND GROUND LEASE AGREEMENT WITH BRIGHTLINE TRAINS FLORIDA, LLC (RC):

RESOLUTION No. 92-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RESCINDING THE GROUND LEASE AGREEMENT WITH BRIGHTLINE TRAINS FLORIDA, LLC, DATED AUGUST 12, 2024, PROVIDING FOR THE LONG-TERM LEASE OF PROPERTY AND CONSTRUCTION OF A TRAIN STATION IN DOWNTOWN STUART ON FLAGLER AVENUE; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Lee Baggett read Item #11, Resolution 92-2024 on the record.

Motion was made by Commissioner Collins and seconded by Commissioner Giobbi.

Commissioner Giobbi stated that she answered 98% of emails received and stated this agreement is about a private public partnership, Brightline has no skin in the game and if they were to default on the mortgage, rhetorically asked what would happen. City Manager Mortell responded that it is a Triple Net Non-Subordinant Land Lease and does not allow them to put a lien on the land, only allows the mortgage of structures above it. They must continue to perform the terms of the lease.

Commissioner Reed provided pros and cons. Martin County had a good opportunity to negotiate the parking rates and revenue generated from parking. Commissioner Reed continued with more remarks regarding parking and parking garage details on the lease agreement in comparison to costs for the train station in the City of Boca.

Commissioner Clarke thanked staff for the information they brought to this meeting and thanked the young people who came to be a part of the process. Passenger rail creates connectivity with several benefits. She feels we should trust our staff, they can always come forward with any amendments that are needed. This is a test for the Commission to do for the greater good.

Commissioner Collins stated that it is not a good deal for the City.

Mayor Rich commented that the City needs to avoid litigation, it took decades to get downtown where it is, and the City created a Comprehensive Plan that should be followed.

***** 10:22 PM Recess *****

***** 10:29 PM Reconvene *****

9:48 PM MOTION: Approve Resolution 92-2024 of the City Commission of the City of Stuart, rescinding the Ground Lease Agreement with Brightline.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

VOTE: Motion passed 3/2 10:31 PM

YES: Reed, Collins, Giobbi

NO: Clarke, Rich

12. RESCIND AMENDED INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR TRAIN STATION (RC):

RESOLUTION No. 91-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RESCINDING THE AMENDED INTERLOCAL AGREEMENT WITH MARTIN COUNTY RELATING TO THE DEVELOPMENT OF A TRAIN STATION IN DOWNTOWN STUART; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10:32 PM

City Attorney Baggett read Item #12 Resolution 91-2024 on the record.

6:47 PM - Again at 10:32 PM MOTION: Approve Resolution 91-2024 of the City Commission to Rescind the Amended Interlocal Agreement with Martin County for a train station.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

VOTE: Motion passed 3/2 10:43 PM

YES: Reed, Collins, Giobbi

NO: Clarke, Rich

***** ITEM #13 - PULLED & RESCHEDULED FOR DATE CERTAIN OF 9/16/2024 SCM *****

13. DECLARATION OF ZONING IN PROGRESS (RC):

RESOLUTION No. 95-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE, FOR NEW DEVELOPMENT EXCEPT FOR SINGLE-FAMILY DWELLINGS OR REQUESTS THAT DO NOT INCREASE THE DENSITY OR INTENSITY OF AN EXISTING USE OR STRUCTURE; DIRECTING CITY STAFF TO REVIEW AND PROPOSE CERTAIN AMENDMENTS TO THE STUART LAND DEVELOPMENT CODE, THE COMPREHESIVE PLAN AND THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

**14. POSTPONED - THIS MATTER WILL BE RE-NOTICED FOR A FUTURE DATE.
710 SE MARTIN LUTHER KING JR. BOULEVARD - REZONE TO BUSINESS
AND MIXED-USE (BMU) ZONING DISTRICT :**

ORDINANCE No. 2532-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, TO REZONE A 2.4-ACRE PARCEL, LOCATED AT 710 SE MARTIN LUTHER KING JR. BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM COMMERCIAL PLANNED UNIT DEVELOPMENT TO BUSINESS AND MIXED-USE ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

None.

ADJOURNMENT

10:44 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

Minutes to be approved at the Regular Commission
Meeting this 23rd day of September, 2024.

MINUTES
SPECIAL COMMISSION MEETING OF THE STUART CITY COMMISSION
SEPTEMBER 9, 2024
AT 5:15 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Laura Giobbi
Commissioner Sean Reed

ADMINISTRATIVE

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

ROLL CALL

10:46 PM

Clerk's Note: The Special Commission Meeting was changed from 5:15 p.m. to begin after the Regular Commission Meeting ended this evening.

PRESENT: Mayor Rich, Commissioner Clarke, Commissioner Collins, Commissioner Giobbi, and Commissioner Reed

COMMENTS BY CITY COMMISSIONERS

Commissioner Reed

- Confirmed that he was viewing the correct version of the Budget.

Commissioner Clarke

- Commented that she hoped she did not offend fellow Commissioners during the last meeting.

COMMENTS BY CITY MANAGER

None.

APPROVAL OF AGENDA

10:48 PM MOTION: Approve.

MOVED BY: Sean Reed

SECONDED BY: Eula Clarke

Motion approved unanimously.

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

None.

COMMISSION ACTION

1. ADOPTION OF TENTATIVE MILLAGE FOR FISCAL YEAR 2025 (RC):

RESOLUTION NO. 66-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell gave a brief statement with details and an explanation of the millage rate.

10:50 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

2. NON-AD VALOREM ASSESSMENT FOR FIRE PROTECTION SERVICES (RC):

RESOLUTION No. 79-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE FISCAL YEAR 2024-25 NON-AD VALOREM ASSESSMENT ROLL FOR FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS; DIRECTING CERTIFICATION OF THE ASSESSMENT ROLL TO THE MARTIN COUNTY TAX COLLECTOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell gave an explanation of the fire assessment in the Tentative Budget.

11:01 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

3. ADOPTION OF TENTATIVE BUDGET FOR FISCAL YEAR 2025 (RC):

RESOLUTION NO. 80-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE TENTATIVE BUDGETS OF THE CITY OF STUART, FLORIDA, FOR FISCAL YEAR BEGINNING OCTOBER

1, 2024 AND ENDING SEPTEMBER 30, 2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11:04 PM MOTION: Approve
MOVED BY: Eula Clarke
SECONDED BY: Christopher Collins
Motion approved unanimously.

ADJOURNMENT

City Manager Mortell announced the Final Millage and Final Budget Meeting to be held on September 23rd at 5:15 PM.

In addition, a Special City Commission Meeting will be on Monday, September 16, 2024 at 5:30 p.m., to address Item #7 and Zoning in Progress pulled from the City Commission Meeting Agenda this evening.

11:05 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

Minutes to be approved at the Regular Commission Meeting this 23rd day of September, 2024.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 9/23/2024

Prepared by: Flamur Zenelovic

Title of Item:

MOU FOR THE COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN (RC):

RESOLUTION No. 89-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO MEMORANDUM OF UNDERSTANDING (MOU) FOR THE COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The Department of Children and Families, Law Enforcement Agencies of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Child Protection Team of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Sexual Assault Assistance Program, Hibiscus Children Center, and the Office of the State Attorney have collaborated to establish Uniformed Protocols for Coordinated 19th Judicial Circuit Response to Crimes Against Kids; and

The Multi-Disciplinary Team (MDT) acknowledges that child abuse and neglect is a multifaceted community problem, requiring the combined efforts of multiple agencies, individuals, and disciplines to maximize the response to child abuse cases.

The MDT aims to work collaboratively in investigations of child abuse and neglect in accordance with Florida Statute 39, recognizing the importance of a trauma-informed approach and a collaborative MDT response to meet the needs of the child.

The participating agencies and organizations agree to provide trained professionals with skills in interviewing, assessment, and investigation to handle cases of child abuse, and to maintain confidentiality of records and information gathered on all child abuse cases.

Funding Source:

N/A

Recommended Action:

Approve resolution No. 89-2024.

ATTACHMENTS:

1. R89-2024 Authorization to Enter into Memorandum of Understanding (MOU) for Coordinated 19th Judicial Circuit Response to Crimes Against Children
2. CAC _MDT Uniform Protocol 2024
3. Uniform Protocol 2024- Final



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

RESOLUTION NUMBER 89-2024

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
STUART, FLORIDA AUTHORIZATION THE CHIEF OF POLICE
TO ENTER INTO MEMORANDUM OF UNDERSTANDING (MOU)
FOR COORDINATED 19TH JUDICIAL CIRCUIT RESPONSE TO
CRIMES AGAINST CHILDREN; PROVIDING AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, the Department of Children and Families, Law Enforcement Agencies of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Child Protection Team of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Sexual Assault Assistance Program, Hibiscus Children Center, and the Office of the State Attorney have collaborated to establish Uniformed Protocols for Coordinated 19th Judicial Circuit Response to Crimes Against Kids; and

WHEREAS, the Multi-Disciplinary Team (MDT) acknowledges that child abuse and neglect is a multifaceted community problem, requiring the combined efforts of multiple agencies, individuals, and disciplines to maximize the response to child abuse cases; and

WHEREAS the MDT aims to work collaboratively in investigations of child abuse and neglect in accordance with Chapter 39, Florida Statutes, recognizing the importance of a trauma-informed approach and a collaborative MDT response to meet the needs of the child; and

WHEREAS, the participating agencies and organizations agree to provide trained professionals with skills in interviewing, assessment, and investigation to handle cases of child abuse, and to maintain confidentiality of records and information gathered on all child abuse cases.

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

SECTION 1: The City of Stuart's Chief of Police is hereby authorized and directed to execute the MOU subject to the review and approval of the City Attorney.

SECTION 2: This resolution shall take effect upon adoption.

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

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, COMMISSIONER
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of _____, 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE BAGGETT
CITY ATTORNEY

MULTIDISCIPLINARY TEAM INTERAGENCY MEMO OF UNDERSTANDING

UNIFORM PROTOCOL FOR COORDINATED 19th JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN

Established through the combined efforts and cooperation of the Department of Children and Families, the Law Enforcement Agencies of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Child Protection Team of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Sexual Assault Assistance Program, Hibiscus Children's Center and the Office of the State Attorney.

PURPOSE

The purpose of this Protocol is to set standards for the Judicial Circuit's response to crimes against children that will ensure that alleged crimes and maltreatment are investigated fully with the quality, thoroughness, and sensitivity expected by our community.

Toward this end, this Protocol provides for a uniform and timely approach to the investigation of crimes against children in the Circuit; seeks to coordinate the efforts of Law Enforcement (hereinafter LE), the Department of Children and Families (hereinafter DCF), the Children's Home Society Child Protection Team (hereinafter CPT), the GFNF Children's Advocacy Center (hereinafter CAC), Sexual Abuse Treatment Program (SATP) Mental Health; the Sexual Assault Assistance Program/Victim Services and the Office of the State Attorney (hereinafter SAO); and ensures that all efforts are accomplished with minimal harmful effects on the children, in accordance with the law.

POLICY

To accomplish the purpose of this Protocol - quality and timely investigations of child abuse and neglect allegations - the policy established by this Protocol requires coordination of effort by the DCF, the LE agencies of the Circuit, the CPT, the CAC, SATP, the Sexual Assault Assistance Program and the SAO.

This Protocol recognizes that issues of resource and manpower limitations may affect an agency's ability to meet the standards set forth herein. However, it is the goal of the collaborating agencies that the requirements listed in this Protocol will serve as a testament to this community's commitment to its most precious resource and will motivate

each agency to re-examine its allocation of resources and make every effort to meet these standards.

Mindful of the purpose we seek to accomplish, it is the policy of this Protocol to require timely, coordinated, on-site response by LE and DCF representatives to child abuse complaints to assess the complaint and the need to take protective measures and initiate criminal investigations; and initiate timely referrals to the CPT for child abuse/neglect assessments. This Protocol recognizes that delays in investigatory efforts in these types of cases very often leads to undue influence being exerted on children, the loss of corroborating evidence, and calls into question the integrity of the investigation process. Therefore, it is also the policy of this Protocol to reinforce the role of LE to assume the lead in conducting any potential criminal investigation arising from allegations of child abuse, abandonment, or neglect. Further, certain types of cases will require investigator-level response by LE to maximize successful intervention for the protection of children.

Additionally, interviews of children must be done, and must be done in an age-appropriate manner and setting by trained interviewers using approved and acceptable interviewing protocol. In accordance with existing law, these interviews must be memorialized and should be recorded. Pursuant to Administrative Order 2021-02 Re: Limitations on the number of interviews of abuse victims under age 16 or persons with a developmental disability: All interviews shall be conducted in a setting and manner designed to minimize the traumatic effects of the interview on the victim. Given that this community has adopted the CAC model, it is recommended DCF/LE refer alleged child victims to the Child Protection Team for abuse/neglect assessments to be provided at the CAC whenever possible.

To achieve the policy goals of this Protocol, all agencies must have open communication between them, and a sure and rapid method of notifying each other when a child abuse investigation is initiated. The best practice is a joint DCF and LE response to reports of child abuse, abandonment, or neglect.

DEFINITIONS

All definitions are for the purposes of this Protocol.

ABANDONED NEWBORN [EXEMPT FROM INVESTIGATION] - a child who a licensed physician reasonably believes is approximately seven days old or younger at the time the child is left at a hospital, emergency medical services station, or fire station. AND when

there is no suspicion of abuse or neglect, constituting abandonment in accordance with Florida Statute 383.50 is exempt from DCF or LE investigation.

ABANDONED NEWBORN [REQUIRING INVESTIGATION] - a child abandoned in any manner not covered by the above definition.

ADMINISTRATIVE ORDER AO 2021-02 - 19th Judicial Circuit Order limiting the number and manner of interviews of child abuse victims pursuant to Florida Statutes Section 914.16.

AOA-LE report designation of "Assist Other Agency."

C.A.D. REPORT - LE "Computer Aided Dispatch" report.

CHILD - any person under the age of 17 and under is considered a child and should be referred to the CAC/CPT for assessment. Any person who is over the age of 16 has the right to refuse services.

CHILD ABUSE - an act committed against a child as described in Florida Statutes Chapters 39; 794; 796; 800; 827 and 847.

CHILD NEGLECT- an act committed against a child as defined in Florida Statutes Chapters 39 and 827.

CHILD PROTECTIVE INVESTIGATOR [hereinafter CPI] - an agent of DCF responsible for investigating allegations of abuse or neglect of children in order to assess for present and/or impending danger to the child and the need for service intervention.

CONTACT - the initial on-site visit with the child victim by LE and/or DCF to assess the complaint and the need for protective and investigative measures. Any direct conversation with the child is limited to a brief, cursory verification of the allegations. An interview, as defined below, should not occur during the initial contact. This limitation does not apply to in-depth interviews of witnesses other than the child victim.

CRIMINAL CONDUCT - allegations that a child is known or suspected to be a victim of child abuse or neglect; known or suspected to have died as a result of abuse or neglect; known or suspected to be a victim of aggravated child abuse; known or suspected to be a victim of sexual battery or sexual abuse; known or suspected to be a victim of institutional abuse or neglect.

FLORIDA SAFE FAMILIES NETWORK [FSFN] REPORT- DCF generated reports regarding DCF investigations pursuant to Chapter 39.

FORMAL INTERVIEW - any procedure in which the child is required to give a detailed account or demonstration of the nature and circumstances of the abuse. In accordance with Administrative Order AO 2021-02 and acceptable standards of quality investigation, this interview must be memorialized and should be recorded, with strong preference for videotaping any child less than sixteen years of age. This definition does not include the history obtained for the purposes of medical or psychological diagnosis, therapy, or treatment, or any initial contact with the child by LE, an agent or employee with the County School System, or DCF, to assess the validity of the complaint, the presence of probable cause and need for investigatory measures, or the need to take protective measures on behalf of the victim.

INVESTIGATOR - LE agency's investigatory personnel.

JOINT RESPONSE - a co-response by appropriate DCF (CPI) personnel, and the jurisdictionally responsible LE agency.

OFFICER - LE agency's uniformed patrol personnel.

SUPERVISOR - the direct supervisor of the LE officer [LE Supervisor], or the direct supervisor of the child protective investigator [CPI Supervisor].

U.C.R. [UNIFORM CRIME REPORT] - LE's full criminal case report.

VISUAL EXAMINATION - actual viewing by the DCF CPI and/or LE Officer of the child for the presence of any evidence or injuries. This may include viewing beneath the clothes if, and in a manner, appropriate for the child's age and gender. Under no circumstances shall any visual or physical examination of genitalia be conducted by the CPI or the LE officer to attempt to substantiate sexual abuse allegations unless information indicates that evidence of trauma exists that requires immediate medical or investigatory attention.

PROCEDURE FOR LE INITIATED COMPLAINT

1. Upon receiving a complaint of possible child abuse, the LE agency will dispatch an LE Officer in accordance with that agency's standard operating procedure.

2. Upon arrival, the LE Officer will gather initial information regarding the type of abuse and alleged perpetrator in order to determine whether the DCF Abuse HOTLINE (1-800-96ABUSE) should be notified. This Protocol establishes the preference that this initial information be gathered from sources other than the child to conform to the limitation on child interviews addressed by this Protocol.

DCF must always be notified if there is any indication that the abuse was perpetrated by a caretaker; that the abuse was perpetrated by a family member; that there was a failure by a caretaker to protect the child from abuse or exploitation; that a child has been neglected or abandoned.

3. If the LE Officer determines that DCF notification is required, he/she shall immediately contact the Abuse Hotline and provide the appropriate information. If warranted by the circumstances, a simultaneous call shall be made to the local DCF office to advise them that a Hotline notification has been made, and to request immediate response by a CPI. All efforts shall be made to coordinate further investigative efforts with the responding CPI, including waiting a reasonable time for the CPI to respond to the scene.

4. Upon notification to DCF, procedures set forth under "PROCEDURES FOR DCF INITIATED COMPLAINTS" should be followed as described below.

5. When an LE Officer or investigator verifies an offense has occurred, a victim's advocate from the Sexual Assault Assistance Program will be contacted at 1-866-828-7273 to respond and assist with the victim.

6. This Protocol establishes the preference that the LE Officer not make initial contact with the child or interview the child if sufficient information from other credible sources indicates that investigator response is required, as set forth below. At that point, the LE Officer should proceed to contact his/her Supervisor for referral to investigative personnel pursuant to the procedure set forth below in "PROCEDURE FOR DCF INITIATED COMPLAINT."

PROCEDURE FOR DCF INITIATED COMPLAINT (CHILD PROTECTIVE SERVICES)

1. DCF Notification to LE: Pursuant to F.S. 39.301(2) DCF shall immediately forward allegations of criminal conduct to the appropriate LE agency.

2. LE Response: Upon receiving this DCF report, LE shall review the information in the report to determine whether a criminal investigation is warranted. If the LE agency accepts the case for criminal investigation, it shall coordinate its investigative activities with DCF, whenever feasible. If a criminal allegation exists, the LE Officer will next determine whether the offense constitutes physical abuse, neglect, or sexual abuse. If the LE Officer is unable to make this determination, he/she shall contact his/her supervisor for guidance. Optimally, it is beneficial to utilize all efforts to initiate a criminal case investigation and dispatch an LE Officer for a joint response with the DCF CPI for initial assessment and investigatory efforts. All efforts should be made to coordinate the initial investigation with the appropriate LE agency, including waiting for a reasonable amount of time for LE to respond to the scene.

3. Referral to LE Investigation Division: Under the following circumstances, the LE Officer shall immediately contact his/her Supervisor who will confirm the case circumstances; and should then immediately confer with the LE agency's investigation division, if available, which will assume investigatory responsibility. The list below is not all inclusive.

Physical Abuse Cases

- Allegations constituting Aggravated Child Abuse
- Injury to a non-ambulatory, non-verbal, or developmentally delayed child
- Suspicious injury to a child

Neglect Cases

- Neglect resulting in great bodily harm, permanent disability, or permanent disfigurement
- Suspicion of serious physical or mental injury, or substantial risk of death
- Suspicion of failure to thrive in a child

Sexual Abuse Cases

- All cases involving allegations of sexual abuse of any children under the age of 18 whether the alleged offender is a caregiver, or in a non-caregiving role (stranger, neighbor, date rape, etc.) should be referred to the CAC/CPT for assessment.
- All cases involving the need for a forensic medical examination / rape kit whether DCF and/or LE case, should be referred immediately to CPT for services.

CHILD PROTECTION TEAM (CPT) - Determining the acuity of CPT services after hours.

Although CPT has after-hour/on-call services, this is reserved for those cases that are considered an emergency.

The acuity of the medical evaluation is based on medical judgment. Accurate triage depends on accurate communication among the CPI, the CPT Case Coordinator, and the CPT Medical Provider. First priority is for hospitalized patients, acute sexual assault victims with penetration and/or touch DNA (ages 0-17), and patients being seen in a medical facility for injuries thought to be secondary to abuse. Injuries that are life threatening or allegations of acute sexual abuse with penetration must be evaluated on an immediate basis unless the CPT examiner is convinced, after contact with the treating physician, that the evaluation needs of the patient (child) have been met.

The definition of immediacy of other CPT assessments, such as a forensic interview, takes into consideration such factors as the safety of the child, the threat to life, evidence collection requirements and other special considerations such as imminent arrest or the possibility of the family absconding. Special attention to the evaluation of children residing in the same environment must be given. If there is any reason to suspect that other children have been abused in the same setting, this information must be called into the HOTLINE (1-800-96ABUSE) and the assigned CPI notified.

Urgent evaluations may be indicated in children with some head and/or torso injuries, children whose age makes injuries suspect, children whose injuries make returning to their environment of origin potentially dangerous, alleged sexual abuse in which there are evidence collection issues, and similar cases.

Scheduled evaluations for children determined to already be in a safe environment are indicated in the following circumstances: sexual abuse alleged to have happened in the past, sexual abuse in which there is no allegation of penetration, and/or bruises in locations more typical for accidental injuries.

FORENSIC INTERVIEWS

1. This Protocol establishes the preference that interviews of children under the age of sixteen are videotaped, and the preference that such cases are referred to CPT for interviews. CPT will provide an interview for a child at any age; and cases where the child has developmental delays and/or special needs should also be referred for CPT assessment.

2. The CPT shall provide interview services in a timely manner, preferably within 1-2 working days of the referral, unless circumstances warrant otherwise. CPT will also provide emergency interviews of children when the case circumstances so warrant (see above - determining the acuity of CPT services)
3. All interviews of children must be done in an age-appropriate manner and setting by trained interviewers using approved and acceptable interviewing methods.
4. Interviews should be conducted in a collaborative manner with LE Investigators and DCF CPI's attending to monitor and clarify issues related to the investigation.

MEDICAL EXAMINATIONS

1. Reports of sexual abuse occurring within 72 hours of the alleged incident that involve allegations indicating the possible transmission of body fluids require an immediate medical examination to ensure preservation of the evidence. Such cases should be reviewed with the CPT for determining the proper provision of the exam and coordination of services.
2. Reports of sexual abuse that occurred within 72 hours of the alleged incident that do not involve allegations indicating the possible transmission of body fluids and/or any form of vaginal penetration require an examination as soon as possible of reporting to ensure preservation of any evidence.
3. For all other situations, the CPT shall provide an assessment for appropriate services to include examination at the discretion of the CPT Medical Provider (see above - determining the acuity of CPT services).
4. CPT will respond to all after hour emergency calls promptly, scheduling responses according to the severity of the case. The CPT on-call phone number (772-579-0653) will be provided for emergency assistance.

Agreement between CPT and CAC protocols and procedures was signed September 26, 2023, which may include more detail.

STATE'S ATTORNEY OFFICE (SAO)

1. Observe the video-taped forensic interview as requested and available, and assist law enforcement and DCF in determining the validity of criminal prosecution

2. Provide information on the case disposition for case tracking purposes.
3. Share relevant information related to the alleged abuse with other participants as necessary
4. A representative from SAO will attend scheduled Multi-disciplinary Team Case Reviews, to ensure child victims access all available and necessary services, and will participate in emergency Multidisciplinary Team Case Review when appropriate.
5. Refer child victims to the CAC for counseling, when appropriate.

MENTAL HEALTH SERVICES

1. Mental Health Services will be offered to all clients and non-offending family members. Mental Health services are accessible to all clients in several ways:
 - a) Mental health services are offered to the child and family during crisis counseling immediately following the forensic interview.
 - b) Other community agencies may refer a child victim of abuse by completing the Counseling Referral Form and returning the form to the lead agency's clinical coordinator.
 - c) Parents or caretakers can refer their child to services by contacting the lead agency's clinical coordinator.
 - d) Mental health services will be provided at home, school, or the office. Telehealth may be offered, if deemed appropriate.
2. Referrals will be contacted within within 2 business days and services are provided within 10 business days of receipt of referral.
3. As the lead mental health agency for the CAC, Hibiscus Children's Center (HCC) will provide an adequate number of therapists to meet the demand for services. HCC will enter into linkage agreements with other community providers as necessary to provide sufficient numbers of qualified therapists.
4. A client may opt to engage in mental health services from a private provider not located at the CAC. A release of information signed by the parent/guardian will allow communication between the CAC and the private provider.
5. Mental health records will be maintained through an electronic medical records system. Online records will also be kept in the appropriate database required for CAC monitoring.

6. Mental Health services will be provided by designated qualified mental health staff. All Mental Health Staff will be, at a minimum, Master's Level.
7. A representative from Hibiscus Children's Center will participate in all MDT staffings as required.
8. If necessary, assistance will be provided in completing the application for victim's compensation as well as court accompaniment.
9. Counselors do not provide forensic interviews and forensic interviewers do not provide counseling. These services are separate. Additionally, the intent of mental health services is for treatment and will not be investigative in nature.

VICTIM ADVOCACY SERVICES

The SAO Sexual Assault Assistance Program Victim Advocate (VA) will lead victim advocacy services in all sexual abuse cases referred to the CAC and the CAC Family Advocate (FA) will lead family advocacy services in all physical abuse, and neglect cases referred to the CAC. Both agencies will serve child victims and non-offending caregivers of human trafficking with VA leading cases of Sex Trafficking and FA leading cases of Labor Trafficking. The State Attorney's Office Victim Assistance Program division advocate will provide criminal justice advocacy for all victims in the criminal justice system. Each respective advocate is responsible for the following for their designated cases:

1. The VA and FA will provide crisis assessment and interventions, risk assessment and safety planning and support for children and family members at all stages of involvement with CAC.
2. The VA and FA will complete an assessment of individual needs, cultural considerations for child/family and ensure those needs are addressed.
3. The VA will observe the forensic interview and participate in information sharing.
4. The VA will inform and support families about the coordinated, multidisciplinary response, and assess needs of child and non-offending caregiver.

5. The VA will educate the non-offending caregiver on provisions and accessibility to victim's rights and crime victim's compensation.
6. The VA and FA will assist families in procuring concrete services (housing, protective orders, domestic violence intervention, food, transportation, public assistance, etc.)
7. The VA and FA will provide victims and non-offending caregivers referrals for trauma focused evidence-supported mental health and specialized medical treatment.
8. The FA will assist the VA to provide access to transportation to interviews, court, treatment, and case-related meetings.
9. The VA will engage in the child's/family's response regarding participation in the investigation/prosecution.
10. The VA and FA will participate in case review to communicate and discuss the unique needs of the child and family and associated support services planning; ensure the seamless coordination of services; and ensure the child and family's concerns are heard and addressed.
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TEAM INFORMATION SHARING

1. Information about child abuse allegations, investigations, charges, and any evidence collected will be shared among the team members in accordance with Florida

statutes and relevant judicial rules. All proceedings of team meetings will be confidential and signed statements of confidentiality will be maintained for each case reviewed by the team. Legal, ethical, and professional standards of practice will be upheld to ensure client privacy.

2. CAC MDT Coordinator will coordinate MDT meetings, to be held in person and/or virtually biweekly.

UNIFORM PROTOCOL PARTICIPANTS

This agreement shall be reviewed at a minimum of every two (2) years by Protocol Participants. Any desired modifications will be reviewed and discussed by Protocol Participants.

Therefore, to better protect the children of Indian River, Martin, Okeechobee, and St. Lucie Counties, Florida, the following entities agree to support the Uniform Protocol for the Judicial Circuit's Response to Crimes Against Children:

Thomas R. Bakkedahl, State Attorney / Date
19th Judicial Circuit

Indian River County Sheriff's Office / Date

Martin County Sheriff's Office / Date

Okeechobee County Sheriff's Office / Date

Saint Lucie County Sheriff's Office / Date

City of Sebastian Police Department / Date

City of Vero Beach Police Department / Date

City of Fellsmere Police Department / Date

Indian River Shores Public Safety / Date

City of Stuart Police Department / Date

Jupiter Island Public Safety / Date

Sewall's Point Police Department / Date

City of Okeechobee Police Department / Date

Seminole Tribe of Florida / Date

City of Fort Pierce Police Department / Date

City of Port Saint Lucie Police Department / Date

Children's Home Society Child Protection Team / Date

Hibiscus Children's Center / Date

Sexual Assault Assistance Program of the Treasure Coast/ Date

GFNF Children's Advocacy Center / Date

GFNF Board of Directors President / Date

MULTIDISCIPLINARY TEAM INTERAGENCY MEMO OF UNDERSTANDING

UNIFORM PROTOCOL FOR COORDINATED 19th JUDICIAL CIRCUIT RESPONSE TO CRIMES AGAINST CHILDREN

Established through the combined efforts and cooperation of the Department of Children and Families, the Law Enforcement Agencies of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Child Protection Team of Indian River, Martin, Okeechobee, and St. Lucie Counties, the Sexual Assault Assistance Program, Hibiscus Children's Center and the Office of the State Attorney.

PURPOSE

The purpose of this Protocol is to set standards for the Judicial Circuit's response to crimes against children that will ensure that alleged crimes and maltreatment are investigated fully with the quality, thoroughness, and sensitivity expected by our community.

Toward this end, this Protocol provides for a uniform and timely approach to the investigation of crimes against children in the Circuit; seeks to coordinate the efforts of Law Enforcement (hereinafter LE), the Department of Children and Families (hereinafter DCF), the Children's Home Society Child Protection Team (hereinafter CPT), the GFNF Children's Advocacy Center (hereinafter CAC), Sexual Abuse Treatment Program (SATP) Mental Health; the Sexual Assault Assistance Program/Victim Services and the Office of the State Attorney (hereinafter SAO); and ensures that all efforts are accomplished with minimal harmful effects on the children, in accordance with the law.

POLICY

To accomplish the purpose of this Protocol - quality and timely investigations of child abuse and neglect allegations - the policy established by this Protocol requires coordination of effort by the DCF, the LE agencies of the Circuit, the CPT, the CAC, SATP, the Sexual Assault Assistance Program and the SAO.

This Protocol recognizes that issues of resource and manpower limitations may affect an agency's ability to meet the standards set forth herein. However, it is the goal of the collaborating agencies that the requirements listed in this Protocol will serve as a testament to this community's commitment to its most precious resource and will motivate

each agency to re-examine its allocation of resources and make every effort to meet these standards.

Mindful of the purpose we seek to accomplish, it is the policy of this Protocol to require timely, coordinated, on-site response by LE and DCF representatives to child abuse complaints to assess the complaint and the need to take protective measures and initiate criminal investigations; and initiate timely referrals to the CPT for child abuse/neglect assessments. This Protocol recognizes that delays in investigatory efforts in these types of cases very often leads to undue influence being exerted on children, the loss of corroborating evidence, and calls into question the integrity of the investigation process. Therefore, it is also the policy of this Protocol to reinforce the role of LE to assume the lead in conducting any potential criminal investigation arising from allegations of child abuse, abandonment, or neglect. Further, certain types of cases will require investigator-level response by LE to maximize successful intervention for the protection of children.

Additionally, interviews of children must be done, and must be done in an age-appropriate manner and setting by trained interviewers using approved and acceptable interviewing protocol. In accordance with existing law, these interviews must be memorialized and should be recorded. Pursuant to Administrative Order 2021-02 Re: Limitations on the number of interviews of abuse victims under age 16 or persons with a developmental disability: All interviews shall be conducted in a setting and manner designed to minimize the traumatic effects of the interview on the victim. Given that this community has adopted the CAC model, it is recommended DCF/LE refer alleged child victims to the Child Protection Team for abuse/neglect assessments to be provided at the CAC whenever possible.

To achieve the policy goals of this Protocol, all agencies must have open communication between them, and a sure and rapid method of notifying each other when a child abuse investigation is initiated. The best practice is a joint DCF and LE response to reports of child abuse, abandonment, or neglect.

DEFINITIONS

All definitions are for the purposes of this Protocol.

ABANDONED NEWBORN [EXEMPT FROM INVESTIGATION] - a child who a licensed physician reasonably believes is approximately seven days old or younger at the time the child is left at a hospital, emergency medical services station, or fire station. AND when

there is no suspicion of abuse or neglect, constituting abandonment in accordance with Florida Statute 383.50 is exempt from DCF or LE investigation.

ABANDONED NEWBORN [REQUIRING INVESTIGATION] - a child abandoned in any manner not covered by the above definition.

ADMINISTRATIVE ORDER AO 2021-02 - 19th Judicial Circuit Order limiting the number and manner of interviews of child abuse victims pursuant to Florida Statutes Section 914.16.

AOA-LE report designation of "Assist Other Agency."

C.A.D. REPORT - LE "Computer Aided Dispatch" report.

CHILD - any person under the age of 17 and under is considered a child and should be referred to the CAC/CPT for assessment. Any person who is over the age of 16 has the right to refuse services.

CHILD ABUSE - an act committed against a child as described in Florida Statutes Chapters 39; 794; 796; 800; 827 and 847.

CHILD NEGLECT- an act committed against a child as defined in Florida Statutes Chapters 39 and 827.

CHILD PROTECTIVE INVESTIGATOR [hereinafter CPI] - an agent of DCF responsible for investigating allegations of abuse or neglect of children in order to assess for present and/or impending danger to the child and the need for service intervention.

CONTACT - the initial on-site visit with the child victim by LE and/or DCF to assess the complaint and the need for protective and investigative measures. Any direct conversation with the child is limited to a brief, cursory verification of the allegations. An interview, as defined below, should not occur during the initial contact. This limitation does not apply to in-depth interviews of witnesses other than the child victim.

CRIMINAL CONDUCT - allegations that a child is known or suspected to be a victim of child abuse or neglect; known or suspected to have died as a result of abuse or neglect; known or suspected to be a victim of aggravated child abuse; known or suspected to be a victim of sexual battery or sexual abuse; known or suspected to be a victim of institutional abuse or neglect.

FLORIDA SAFE FAMILIES NETWORK [FSFN] REPORT- DCF generated reports regarding DCF investigations pursuant to Chapter 39.

FORMAL INTERVIEW - any procedure in which the child is required to give a detailed account or demonstration of the nature and circumstances of the abuse. In accordance with Administrative Order AO 2021-02 and acceptable standards of quality investigation, this interview must be memorialized and should be recorded, with strong preference for videotaping any child less than sixteen years of age. This definition does not include the history obtained for the purposes of medical or psychological diagnosis, therapy, or treatment, or any initial contact with the child by LE, an agent or employee with the County School System, or DCF, to assess the validity of the complaint, the presence of probable cause and need for investigatory measures, or the need to take protective measures on behalf of the victim.

INVESTIGATOR - LE agency's investigatory personnel.

JOINT RESPONSE - a co-response by appropriate DCF (CPI) personnel, and the jurisdictionally responsible LE agency.

OFFICER - LE agency's uniformed patrol personnel.

SUPERVISOR - the direct supervisor of the LE officer [LE Supervisor], or the direct supervisor of the child protective investigator [CPI Supervisor].

U.C.R. [UNIFORM CRIME REPORT] - LE's full criminal case report.

VISUAL EXAMINATION - actual viewing by the DCF CPI and/or LE Officer of the child for the presence of any evidence or injuries. This may include viewing beneath the clothes if, and in a manner, appropriate for the child's age and gender. Under no circumstances shall any visual or physical examination of genitalia be conducted by the CPI or the LE officer to attempt to substantiate sexual abuse allegations unless information indicates that evidence of trauma exists that requires immediate medical or investigatory attention.

PROCEDURE FOR LE INITIATED COMPLAINT

1. Upon receiving a complaint of possible child abuse, the LE agency will dispatch an LE Officer in accordance with that agency's standard operating procedure.

2. Upon arrival, the LE Officer will gather initial information regarding the type of abuse and alleged perpetrator in order to determine whether the DCF Abuse HOTLINE (1-800-96ABUSE) should be notified. This Protocol establishes the preference that this initial information be gathered from sources other than the child to conform to the limitation on child interviews addressed by this Protocol.

DCF must always be notified if there is any indication that the abuse was perpetrated by a caretaker; that the abuse was perpetrated by a family member; that there was a failure by a caretaker to protect the child from abuse or exploitation; that a child has been neglected or abandoned.

3. If the LE Officer determines that DCF notification is required, he/she shall immediately contact the Abuse Hotline and provide the appropriate information. If warranted by the circumstances, a simultaneous call shall be made to the local DCF office to advise them that a Hotline notification has been made, and to request immediate response by a CPI. All efforts shall be made to coordinate further investigative efforts with the responding CPI, including waiting a reasonable time for the CPI to respond to the scene.

4. Upon notification to DCF, procedures set forth under "PROCEDURES FOR DCF INITIATED COMPLAINTS" should be followed as described below.

5. When an LE Officer or investigator verifies an offense has occurred, a victim's advocate from the Sexual Assault Assistance Program will be contacted at 1-866-828-7273 to respond and assist with the victim.

6. This Protocol establishes the preference that the LE Officer not make initial contact with the child or interview the child if sufficient information from other credible sources indicates that investigator response is required, as set forth below. At that point, the LE Officer should proceed to contact his/her Supervisor for referral to investigative personnel pursuant to the procedure set forth below in "PROCEDURE FOR DCF INITIATED COMPLAINT."

PROCEDURE FOR DCF INITIATED COMPLAINT (CHILD PROTECTIVE SERVICES)

1. DCF Notification to LE: Pursuant to F.S. 39.301(2) DCF shall immediately forward allegations of criminal conduct to the appropriate LE agency.

2. LE Response: Upon receiving this DCF report, LE shall review the information in the report to determine whether a criminal investigation is warranted. If the LE agency accepts the case for criminal investigation, it shall coordinate its investigative activities with DCF, whenever feasible. If a criminal allegation exists, the LE Officer will next determine whether the offense constitutes physical abuse, neglect, or sexual abuse. If the LE Officer is unable to make this determination, he/she shall contact his/her supervisor for guidance. Optimally, it is beneficial to utilize all efforts to initiate a criminal case investigation and dispatch an LE Officer for a joint response with the DCF CPI for initial assessment and investigatory efforts. All efforts should be made to coordinate the initial investigation with the appropriate LE agency, including waiting for a reasonable amount of time for LE to respond to the scene.

3. Referral to LE Investigation Division: Under the following circumstances, the LE Officer shall immediately contact his/her Supervisor who will confirm the case circumstances; and should then immediately confer with the LE agency's investigation division, if available, which will assume investigatory responsibility. The list below is not all inclusive.

Physical Abuse Cases

- Allegations constituting Aggravated Child Abuse
- Injury to a non-ambulatory, non-verbal, or developmentally delayed child
- Suspicious injury to a child

Neglect Cases

- Neglect resulting in great bodily harm, permanent disability, or permanent disfigurement
- Suspicion of serious physical or mental injury, or substantial risk of death
- Suspicion of failure to thrive in a child

Sexual Abuse Cases

- All cases involving allegations of sexual abuse of any children under the age of 18 whether the alleged offender is a caregiver, or in a non-caregiving role (stranger, neighbor, date rape, etc.) should be referred to the CAC/CPT for assessment.
- All cases involving the need for a forensic medical examination / rape kit whether DCF and/or LE case, should be referred immediately to CPT for services.

CHILD PROTECTION TEAM (CPT) - Determining the acuity of CPT services after hours.

Although CPT has after-hour/on-call services, this is reserved for those cases that are considered an emergency.

The acuity of the medical evaluation is based on medical judgment. Accurate triage depends on accurate communication among the CPI, the CPT Case Coordinator, and the CPT Medical Provider. First priority is for hospitalized patients, acute sexual assault victims with penetration and/or touch DNA (ages 0-17), and patients being seen in a medical facility for injuries thought to be secondary to abuse. Injuries that are life threatening or allegations of acute sexual abuse with penetration must be evaluated on an immediate basis unless the CPT examiner is convinced, after contact with the treating physician, that the evaluation needs of the patient (child) have been met.

The definition of immediacy of other CPT assessments, such as a forensic interview, takes into consideration such factors as the safety of the child, the threat to life, evidence collection requirements and other special considerations such as imminent arrest or the possibility of the family absconding. Special attention to the evaluation of children residing in the same environment must be given. If there is any reason to suspect that other children have been abused in the same setting, this information must be called into the HOTLINE (1-800-96ABUSE) and the assigned CPI notified.

Urgent evaluations may be indicated in children with some head and/or torso injuries, children whose age makes injuries suspect, children whose injuries make returning to their environment of origin potentially dangerous, alleged sexual abuse in which there are evidence collection issues, and similar cases.

Scheduled evaluations for children determined to already be in a safe environment are indicated in the following circumstances: sexual abuse alleged to have happened in the past, sexual abuse in which there is no allegation of penetration, and/or bruises in locations more typical for accidental injuries.

FORENSIC INTERVIEWS

1. This Protocol establishes the preference that interviews of children under the age of sixteen are videotaped, and the preference that such cases are referred to CPT for interviews. CPT will provide an interview for a child at any age; and cases where the child has developmental delays and/or special needs should also be referred for CPT assessment.

2. The CPT shall provide interview services in a timely manner, preferably within 1-2 working days of the referral, unless circumstances warrant otherwise. CPT will also provide emergency interviews of children when the case circumstances so warrant (see above - determining the acuity of CPT services)
3. All interviews of children must be done in an age-appropriate manner and setting by trained interviewers using approved and acceptable interviewing methods.
4. Interviews should be conducted in a collaborative manner with LE Investigators and DCF CPI's attending to monitor and clarify issues related to the investigation.

MEDICAL EXAMINATIONS

1. Reports of sexual abuse occurring within 72 hours of the alleged incident that involve allegations indicating the possible transmission of body fluids require an immediate medical examination to ensure preservation of the evidence. Such cases should be reviewed with the CPT for determining the proper provision of the exam and coordination of services.
2. Reports of sexual abuse that occurred within 72 hours of the alleged incident that do not involve allegations indicating the possible transmission of body fluids and/or any form of vaginal penetration require an examination as soon as possible of reporting to ensure preservation of any evidence.
3. For all other situations, the CPT shall provide an assessment for appropriate services to include examination at the discretion of the CPT Medical Provider (see above - determining the acuity of CPT services).
4. CPT will respond to all after hour emergency calls promptly, scheduling responses according to the severity of the case. The CPT on-call phone number (772-579-0653) will be provided for emergency assistance.

Agreement between CPT and CAC protocols and procedures was signed September 26, 2023, which may include more detail.

STATE'S ATTORNEY OFFICE (SAO)

1. Observe the video-taped forensic interview as requested and available, and assist law enforcement and DCF in determining the validity of criminal prosecution

2. Provide information on the case disposition for case tracking purposes.
3. Share relevant information related to the alleged abuse with other participants as necessary
4. A representative from SAO will attend scheduled Multi-disciplinary Team Case Reviews, to ensure child victims access all available and necessary services, and will participate in emergency Multidisciplinary Team Case Review when appropriate.
5. Refer child victims to the CAC for counseling, when appropriate.

MENTAL HEALTH SERVICES

1. Mental Health Services will be offered to all clients and non-offending family members. Mental Health services are accessible to all clients in several ways:
 - a) Mental health services are offered to the child and family during crisis counseling immediately following the forensic interview.
 - b) Other community agencies may refer a child victim of abuse by completing the Counseling Referral Form and returning the form to the lead agency's clinical coordinator.
 - c) Parents or caretakers can refer their child to services by contacting the lead agency's clinical coordinator.
 - d) Mental health services will be provided at home, school, or the office. Telehealth may be offered, if deemed appropriate.
2. Referrals will be contacted within within 2 business days and services are provided within 10 business days of receipt of referral.
3. As the lead mental health agency for the CAC, Hibiscus Children's Center (HCC) will provide an adequate number of therapists to meet the demand for services. HCC will enter into linkage agreements with other community providers as necessary to provide sufficient numbers of qualified therapists.
4. A client may opt to engage in mental health services from a private provider not located at the CAC. A release of information signed by the parent/guardian will allow communication between the CAC and the private provider.
5. Mental health records will be maintained through an electronic medical records system. Online records will also be kept in the appropriate database required for CAC monitoring.

6. Mental Health services will be provided by designated qualified mental health staff. All Mental Health Staff will be, at a minimum, Master's Level.
7. A representative from Hibiscus Children's Center will participate in all MDT staffings as required.
8. If necessary, assistance will be provided in completing the application for victim's compensation as well as court accompaniment.
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statutes and relevant judicial rules. All proceedings of team meetings will be confidential and signed statements of confidentiality will be maintained for each case reviewed by the team. Legal, ethical, and professional standards of practice will be upheld to ensure client privacy.

2. CAC MDT Coordinator will coordinate MDT meetings, to be held in person and/or virtually biweekly.

UNIFORM PROTOCOL PARTICIPANTS

This agreement shall be reviewed at a minimum of every two (2) years by Protocol Participants. Any desired modifications will be reviewed and discussed by Protocol Participants.

Therefore, to better protect the children of Indian River, Martin, Okeechobee, and St. Lucie Counties, Florida, the following entities agree to support the Uniform Protocol for the Judicial Circuit's Response to Crimes Against Children:

Thomas R. Bakkedahl, State Attorney / Date
19th Judicial Circuit

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Children's Home Society Child Protection Team / Date

Hibiscus Children's Center / Date

Sexual Assault Assistance Program of the Treasure Coast/ Date

GFNF Children's Advocacy Center / Date

GFNF Board of Directors President / Date

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 9/23/2024

Prepared by: Lee Baggett

Title of Item:

APPROVAL OF A RESOLUTION TO OPT OUT OF THE LIVE LOCAL ACT PROPERTY TAX EXEMPTION (RC):

RESOLUTION No. 94-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, ELECTING TO NOT EXEMPT CERTAIN PROPERTY UNDER SECTION 196.1978(3)(d)1.a., FLORIDA STATUTES, REFERRED TO AS THE "LIVE LOCAL ACT PROPERTY TAX EXEMPTION"; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

This Resolution is being presented to the City of Stuart City Commissioners for consideration to opt-out of the middle income affordable housing exemption. The City of Stuart meets the criteria necessary to be eligible to execute an opt-out tax exemption provision as provided by Section 196.1978(3)(o), Florida Statutes.

Senate Bill 102 (SB 102), known as the "Live Local Act", was signed into law on March 29, 2023, with the aim of increasing the supply of affordable housing in the State of Florida. Senate Bill 328 (SB 328), the associated "Glitch Bill", was signed into law on May 16, 2024.

The Live Local Act contained a provision that created a new ad valorem tax exemption for newly constructed multifamily developments that provide affordable housing within certain income thresholds. This ad valorem tax exemption would allow for qualified property to receive up to 75% ad valorem tax exemption from the assessed value if fewer than 100% of the multifamily units are used to provide affordable housing or 100% ad valorem tax exemption if 100% of the multifamily units are used to provide affordable housing.

The Glitch Bill provided an opportunity for taxing authorities to opt out of the ad valorem tax exemption created through the Live Local Act. Section 196.1978, Florida Statutes, details that by adoption of a resolution or ordinance by two-thirds majority vote, a taxing authority may elect to opt out of the exemption. Taxing authorities may only opt out if the taxing authority's metropolitan statistical area (MSA) has a greater number of affordable and available units than the number of rental households in the 0-120 percent area median income (AMI) according to the most recent Shimberg Center for Housing Studies Annual Report (Section 420.6075, Florida Statutes). The 2023 Shimberg Report identifies a surplus of affordable and available units in the Port St. Lucie MSA, in which the City of Stuart and Martin County are located, for those households that meet the income criteria for the 80-120% tax exemption (Pg. 32 of the Report). Therefore, the City of Stuart is permitted to opt out of the 80-120% tax exemption for the 2025 tax roll. The Resolution can be renewed annually if the City of Stuart continues to meet the "affordable and available" criteria in the opt-out provision as set forth by statute.

Funding Source:

N/A

Recommended Action:

Move to approve Resolution 94-2024 opting-out of the 80-120% tax exemption.

ATTACHMENTS:

1. R94-2024 Live Local Act Property Tax Exemption
2. Shimberg_annual_report_Dec_2023 (2) (2)
3. Ad Valorem Exemption Opt-Out Ltr to Prop App.



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

RESOLUTION NUMBER 94-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, ELECTING TO NOT EXEMPT CERTAIN PROPERTY UNDER SECTION 196.1978(3)(d)1.a., FLORIDA STATUTES, REFERRED TO AS THE “LIVE LOCAL ACT PROPERTY TAX EXEMPTION”; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, Section 196.1978(3), Florida Statutes contains the “Live Local Act Property Tax Exemption,” which requires the Martin County Property Appraiser to exempt certain rental properties from ad valorem taxes if such properties meet the criteria of the Live Local Act Property Tax Exemption; and

WHEREAS, Section 196.1978(3)(d)1.a., Florida Statutes, provides an ad valorem tax exemption for qualified properties used to provide affordable housing to house natural persons or families whose annual household income is between 80 and 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (“M.S.A.”) or, if not within the county in which the person or family resides (the “80 to 120 Tax Exemption”); and

WHEREAS, beginning with the 2025 tax roll, a taxing authority is authorized to “opt-out” of providing the 80 to 120 Tax Exemption if certain conditions are met; and

WHEREAS, Section 196.1978(3)(o), Florida Statutes, as amended during the 2024 Legislative Session, allows the taxing authority to “opt-out” of providing the 80 to 120 Tax Exemption if it finds that the latest Shimberg Center for Housing Studies Annual Report, prepared pursuant to Section 420.6075, Florida Statutes, (the “Shimberg Annual Report”), identifies that the number of affordable and available units in the M.S.A. or region is greater than the number of renter households in the M.S.A. or region for natural persons or families who meet the income criteria for the 80-120 Tax Exemption; and

WHEREAS, the City Commission of the City of Stuart hereby finds that for the 2025 tax roll, the latest Shimberg Annual Report identifies a surplus of affordable and available units in the Port St. Lucie M.S.A., in which the City of Stuart, Florida is located, for those households that meet the income criteria for the 80 to 120 Tax Exemption; and

WHEREAS, in accordance with Section 196.1978(3)(o), Florida Statutes, the City Commission of the City of Stuart, Florida hereby finds that the City of Stuart is a taxing authority that is eligible to adopt a resolution to not exempt properties that would otherwise qualify for the 80 to 120 Tax Exemption for the 2025 tax roll; and

WHEREAS, the County advertised this Resolution pursuant to the requirements of Section 50.011(1), Florida Statutes.

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

SECTION 1: The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2: The City Commission of the City of Stuart, Florida finds that, based upon the Shimberg Annual Report, the City of Stuart is within an M.S.A. where the number of affordable and available units in the M.S.A. is greater than the number of renter households in the M.S.A. for the category entitled “0-120 percent A.M.I.”, or area median income.

SECTION 3: Pursuant to Section 196.1978(3)(o), Florida Statutes, the City of Stuart hereby elects not to exempt properties eligible for the 80 to 120 Tax Exemption otherwise allowed for under Section 196.1978(3)(d)1.a., Florida Statutes, pursuant to the authority in Section 196.1978(3)(o), Florida Statutes, and hereby requests that the Martin County Property Appraiser not grant any such exemptions.

SECTION 4: This Resolution applies to ad valorem property tax levies imposed within Martin County by the City of Stuart, Florida.

SECTION 5: This Resolution shall take effect on January 1, 2025 and shall expire on January 1, 2026. This Resolution may be renewed prior to its expiration date in accordance with Florida law.

SECTION 6: This Resolution has been duly advertised in accordance with Section 50.011(1), Florida Statutes. A copy of this Resolution shall be provided to the Martin County Property Appraiser prior to January 1, 2025.

SECTION 7: This Resolution does not impact a property owner of a multifamily project who was granted an exemption pursuant to Section 196.1978(3)(d)1.a., Florida Statutes, prior to the adoption of this Resolution. Such property owner may continue to receive the exemption for each consecutive year that the property owner applies for and is granted the exemption.

SECTION 8: SEVERABILITY: If any provision of this Resolution or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

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:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, COMMISSIONER
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 23rd day of September, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY



Shimberg Center for Housing Studies

2023 Annual Report

Shimberg Center for Housing Studies, M.E. Rinker School of Construction Management,
University of Florida, P.O. Box 115703, Gainesville, Florida 32611-5703

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INTRODUCTION

Florida's population grew by over 450,000 people through migration alone in 2021 and 2022. The state's increasing population has led to continuing strong demand for housing. Production has continued apace in recent years, with especially active single family construction in fast-growing mid-sized counties and multifamily construction in the state's urban centers. Home prices have returned to their boom era peaks, while rents reached a more stable growth rate in 2023 after sharp increases in the preceding two years.

This report describes recent trends in housing production, home prices and rents, and the affordable housing inventory. Florida's growth has placed additional pressure on the state's affordable housing supply, and the report includes data on the affordable housing needs of the general population, elders, persons with disabilities, and special needs households.

The report also summarizes the Shimberg Center's 2023 activities in research, teaching, and technical assistance. The Center was established by the Florida Legislature in 1988 as a research hub to facilitate the provision of safe, decent, and affordable housing and related community development. Based in the M.E. Rinker School of Construction Management in University of Florida's College of Design, Construction, and Planning, the Shimberg Center provides applied research and technical assistance to state agencies, local planners, the housing industry, non-profits, and others involved in shaping our state's housing policy.

HOUSING SUPPLY

Florida's 5.7 million single family homes make up the largest share of the housing supply. Seventy-one percent of these homes are homesteaded, indicating that they serve as the owner's primary residence rather than second homes, vacation homes, or rental properties.

Most of the rest of Florida's housing inventory is made up of different types of multi-unit housing. Condominiums make up 1.6 million units. These are much more likely to serve as second homes or vacation units; 37 percent are homesteaded. Units in multifamily rental developments make up a similar share of the housing stock, with 1.68 million units. These are divided between approximately 1.27 million units in developments with 10 or more units and 407,000 units in 2-9 unit properties, mostly duplexes. A small share of the 2-9 unit properties are homesteaded (21 percent), indicating that the owner occupies one unit in the building.

Mobile homes on their own parcels make up approximately 437,000 units, of which half are homesteaded. These are individually owned parcels that are distinct from the state's 2,292 licensed mobile home parks with 291,021 lots for rent.

Table 1. Florida Housing Supply, 2023

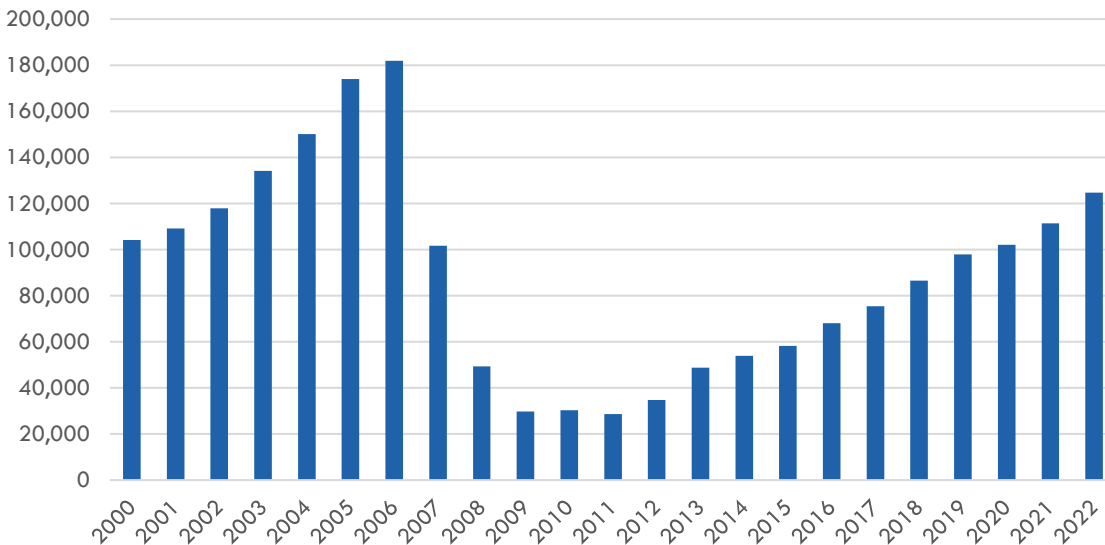
Single Family Homes	Condominiums	Mobile Homes	Multifamily 2-9 Units	Multifamily 10+ Units
• 5,745,641 parcels • 4,063,726 homesteaded (71%)	• 1,605,160 parcels • 591,076 homesteaded (37%)	• 437,337 parcels • 225,935 homesteaded (52%)	• 155,994 parcels with 406,864 units • 32,919 homesteaded (21%)	• 15,251 parcels with 1,274,074 units

Source: Florida Department of Revenue, Name-Address-Legal File. See Appendix 1 for housing supply by county.

HOUSING PRODUCTION

Florida produced approximately 125,000 single family homes in 2022, the last full year for which data is available. This production level is similar to the early 2000s—lower than the number of homes built during the 2004-2006 peak years, but well above the production level following the 2008 housing crash.

Figure 1. Single Family Homes by Year Built, Florida, 2000-2022



Source: Florida Department of Revenue, Name-Address-Legal File

Mid-sized counties led Florida's single family home growth in 2022. Polk County was the state's construction hotspot, with 9,235 single family homes built. Of the top ten counties for single family construction, only Hillsborough and Duval were large urban counties.

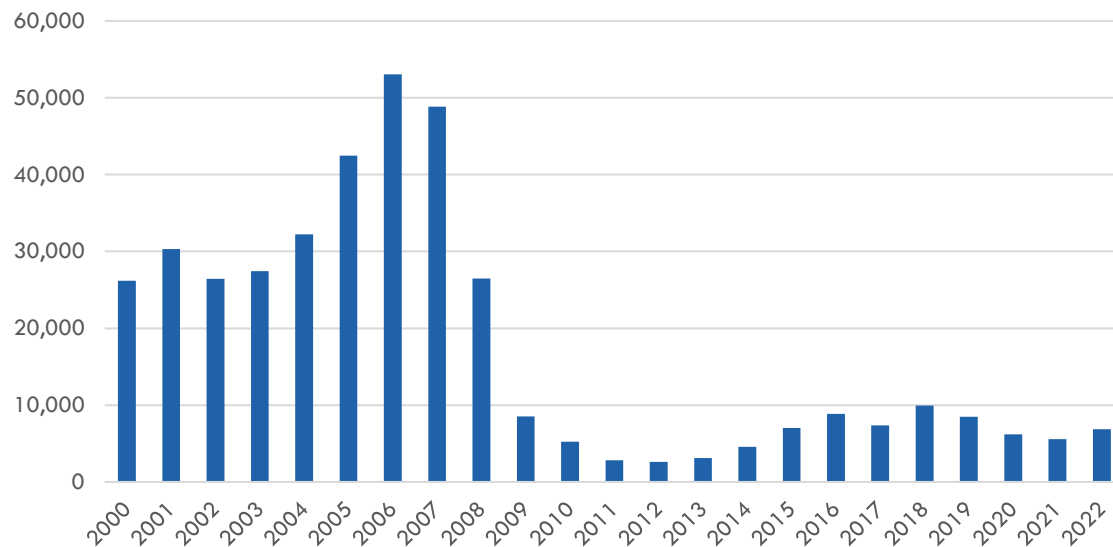
Table 2. New Single Family Homes Built, Top Ten Counties, 2022

County	Single Family Homes Built
Polk	9,235
Lee	7,432
Pasco	7,019
Hillsborough	6,638
Osceola	5,778
St. Johns	5,638
St. Lucie	5,461
Duval	5,338
Manatee	4,930
Marion	4,799

Source: Florida Department of Revenue, Name-Address-Legal File. See Appendix 2 for single family construction in all counties.

New condominium construction was much more modest and heavily geographically concentrated. The state built 6,855 condominium units in 2022, similar to annual production over the past 15 years but well below 2000-2008 production levels.

Figure 2. Condominiums by Year Built, Florida, 2000-2022



Source: Florida Department of Revenue, Name-Address-Legal File

Sixty percent of units built in 2022 (4,091) were located in Miami-Dade County. No other county added more than a few hundred new units.

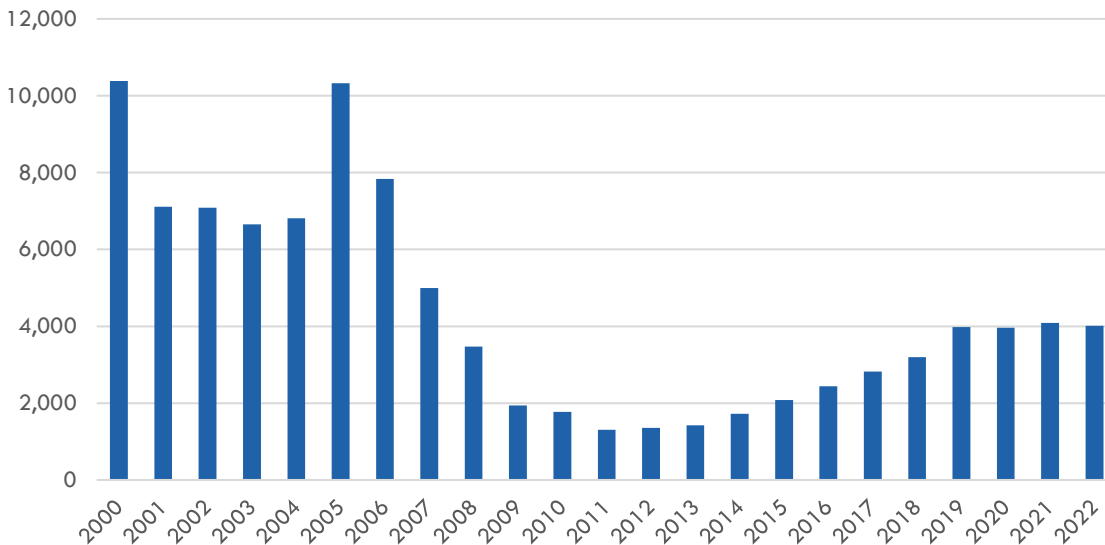
Table 3. New Condominium Units Built, Top Ten Counties, 2022

County	Condominium Units Built
Miami-Dade	4,091
Collier	654
Sarasota	293
Charlotte	292
Lee	176
Broward	156
Brevard	151
Pinellas	143
Monroe	124
Manatee	122

Source: Florida Department of Revenue, Name-Address-Legal File. See Appendix 2 for condominium construction in all counties.

Mobile homes continued to provide an affordable alternative to stick-built single family homes. The state added 4,013 mobile homes on individual parcels in 2022; this does not include homes in mobile home parks. This level of production was well above levels in the 2010s decade but below 2000s-era production.

Figure 3. Mobile Homes by Year Added, Florida, 2000-2022



Source: Florida Department of Revenue, Name-Address-Legal File. Includes mobile homes on individual parcels. Does not include units in mobile home parks.

Mobile home production was scattered throughout the state. Most units were added in mid-sized or rural counties.

Table 4. New Mobile Homes Added, Top Ten Counties, 2022

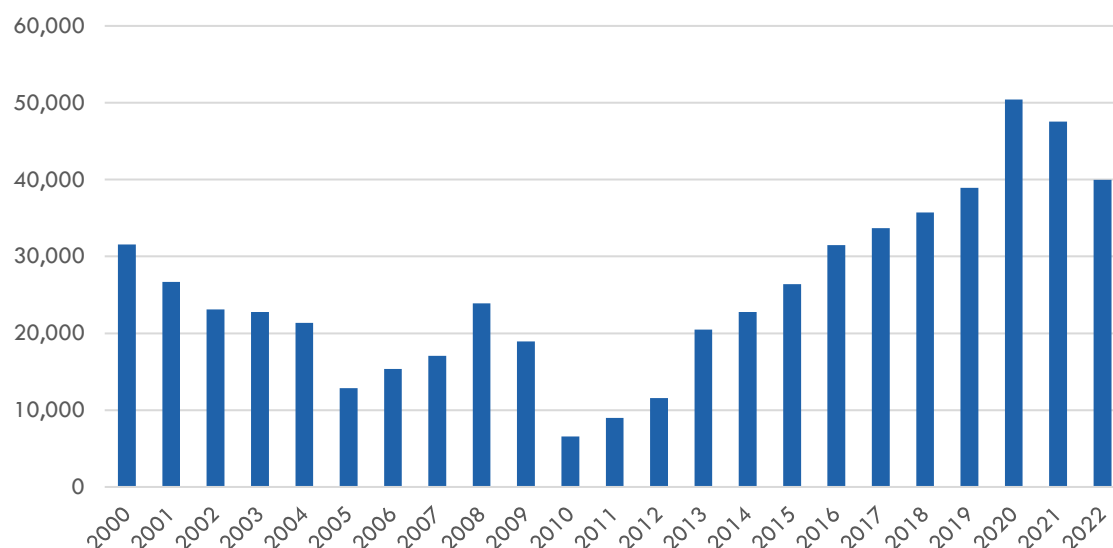
County	Mobile Homes Built
Bay County	236
Polk County	200
Marion County	178
Pasco County	177
Walton County	148
Citrus County	145
Santa Rosa County	133
Levy County	122
Clay County	118
Suwannee County	116

Source: Florida Department of Revenue, Name-Address-Legal File. See Appendix 2 for mobile homes added in all counties.

Florida added 274 multifamily rental developments with 39,966 housing units in 2022.¹ The state has been adding multifamily units at a rapid pace over the last five years compared to earlier in the 2000s and 2010s.

¹ This accounts for developments with 10 or more housing units. The state also added 843 smaller developments, mostly duplexes, for an additional 1,698 units. See Appendix 2 for production by county.

Figure 4. Multifamily Units by Year Built, Florida, 2000-2022



Source: Florida Department of Revenue, Name-Address-Legal File. Includes units in multifamily developments with 10 or more units.

Multifamily development was concentrated in Florida's large urban counties and in fast-growing mid-sized counties including Bay, Polk, and Lee.

Table 5. New Multifamily Units Built, Top Ten Counties, 2022

County	Multifamily Units Built
Orange County	6,567
Hillsborough County	6,349
Miami-Dade County	4,884
Broward County	3,099
Duval County	2,590
Bay County	2,117
Palm Beach County	1,774
Pinellas County	1,623
Polk County	1,366
Lee County	1,255

Source: Florida Department of Revenue, Name-Address-Legal File. Includes units in multifamily developments with 10 or more units. See Appendix 2 for multifamily developments and units added in all counties.

ASSISTED HOUSING INVENTORY

The Shimberg Center's Assisted Housing Inventory tracks affordable rental housing developments with funding from Florida Housing Finance Corporation, U.S. Department of Housing and Urban Development (HUD), USDA Rural Development, and local housing finance authorities. Florida's assisted housing stock currently consists of 3,047 developments with 306,400 affordable units—10 percent of Florida's rental housing supply.

In 2022 and 2023, Florida added 107 assisted rental developments with 12,715 total units to the development pipeline. All of these developments were funded by Florida Housing Finance Corporation.

Table 6 shows the characteristics of the new and forthcoming affordable housing developments. It shows that one-third of new assisted housing units are in developments targeting special populations, including elders, homeless individuals and families, persons with disabilities, and farmworkers. Most units (71 percent) are one or two bedroom apartments, and most (59 percent) target households up to 60 percent of area median income (AMI).

Table 6. Characteristics of New Assisted Housing Developments, Florida, 2022-2023

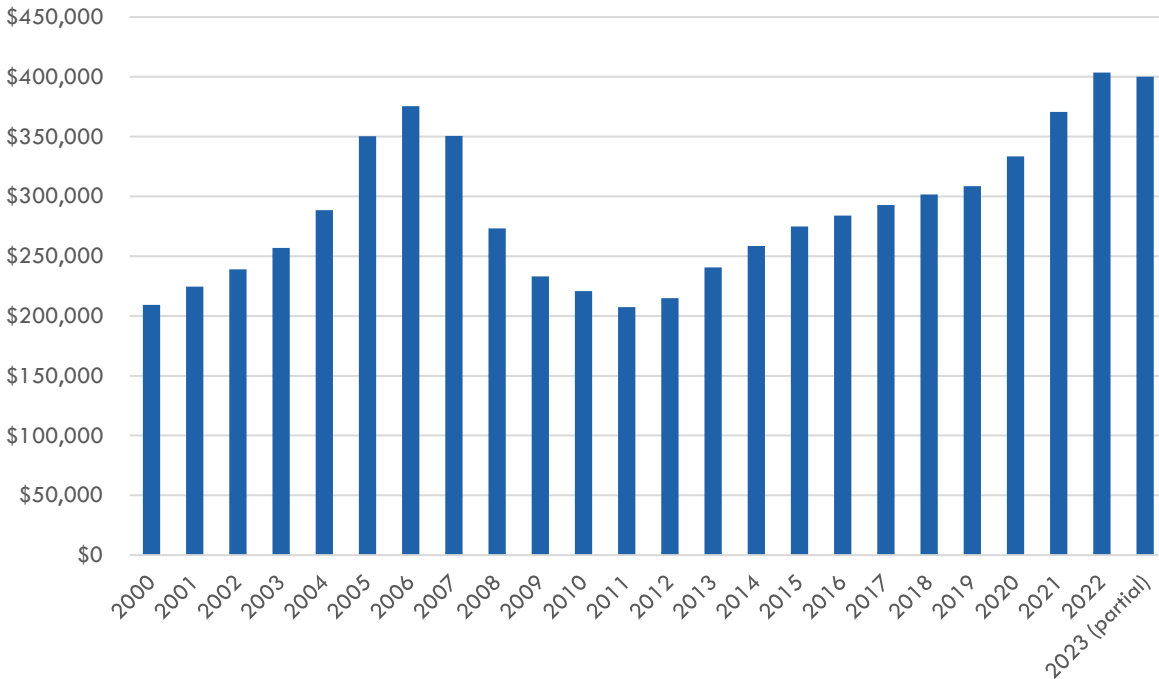
		Developments	Units	% of Units
Total Developments 2022-2023		107	12,715	-
County Size	Large	56	7,812	61%
	Medium	40	4,490	35%
	Small	11	413	3%
Target Population	Family; Link	32	4,074	32%
	Family	32	4,297	34%
	Elderly; Family; Link	19	1,861	15%
	Elderly	11	1,478	12%
	Homeless; Persons with Disabilities	7	410	3%
	Homeless	2	145	1%
	Homeless; Link	1	60	0%
	Elderly; Family	1	298	2%
	Farmworker	1	20	0%
	Family; Homeless; Link; Persons with Disabilities	1	72	1%
Unit Size	0 BR	-	344	3%
	1 BR	-	4,407	35%
	2 BR	-	4,520	36%
	3 BR	-	1,392	11%
	4 or more BR	-	76	0.6%
	Not Avail.	-	1,976	16%
Income & Rent Limits	<=35% AMI	-	1,172	9%
	40-50% AMI	-	1,131	9%
	55-60% AMI	-	7,546	59%
	65-80% AMI	-	1,772	14%
	Not Avail.	-	1,094	9%

Source: Shimberg Center for Housing Studies, Assisted Housing Inventory. "Link" in Target Population refers to Florida Housing Finance Corporation's Link program, under which developers provide a portion of housing units to special needs households referred by community-based supportive service providers. Percentages may not total exactly 100% due to rounding.

HOME SALES

Florida's housing markets have returned to their mid-2000s strength. The statewide median single family home price reached \$400,000 in the first half of 2023. This exceeded the previous inflation-adjusted peak of \$376,000 from 2006 (all prices in 2023 dollars).

Figure 5. Median Single Family Home Sale Price (2023 \$), Florida, 2000-2023



Source: Florida Department of Revenue, Sales Data File. Median prices converted to 2023 dollars using the Consumer Price Index to adjust for inflation.

The sale price growth extended throughout the state. All but six counties surpassed their mid-2000s peak price in 2022 or 2023. Median home prices in the first half of 2023 ranged from the upper \$100,000s in rural North Florida counties to over \$750,000 in coastal counties with strong luxury and second home markets.

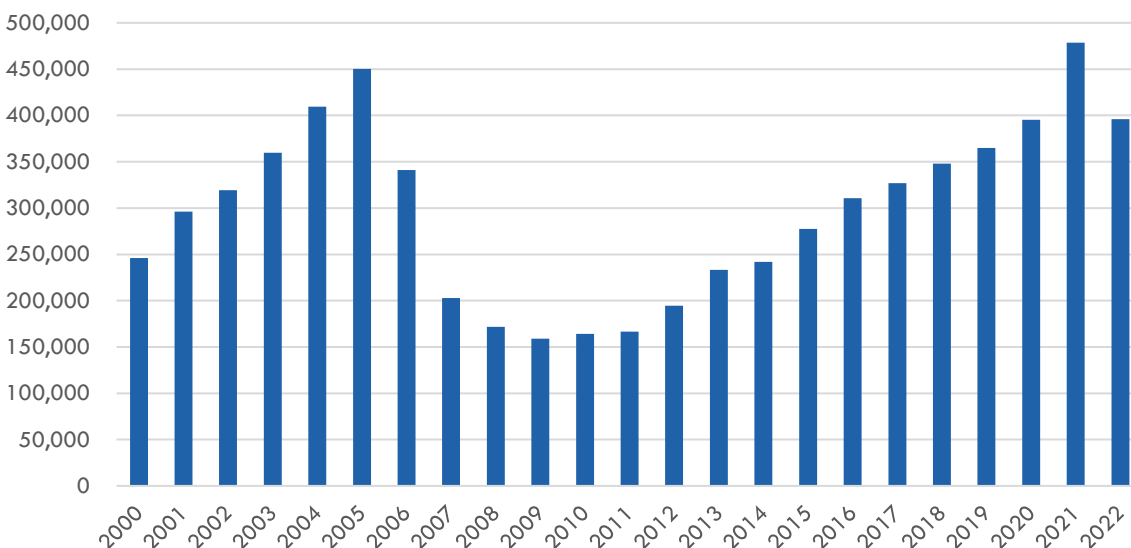
Figure 7. Florida Counties by Median Single Family Home Price, Q1-2 2023

<u>\$150,000-199,999</u>	<u>\$200,000-249,999</u>	<u>\$250,000-299,999</u>	<u>\$300,000-349,999</u>
Calhoun	Bradford	Baker	Alachua
Dixie	Columbia	Citrus	Bay
Hamilton	Gadsden	DeSoto	Clay
Holmes	Hardee	Duval	Hernando
Jackson	Highlands	Escambia	Pasco
Lafayette	Putnam	Gilchrist	Polk
Liberty	Suwannee	Glades	Volusia
Madison	Taylor	Hendry	Wakulla
	Washington	Jefferson	
		Leon	
		Levy	
		Marion	
		Okeechobee	
		Union	
<u>\$350,000-399,999</u>	<u>\$400,000-499,999</u>	<u>\$500,000-749,999</u>	<u>\$750,000-1,000,000+</u>
Brevard	Franklin	Broward	Collier
Charlotte	Gulf	Manatee	Monroe
Flagler	Lee	Martin	Walton
Hillsborough	Nassau	Miami-Dade	
Indian River	Orange	Palm Beach	
Lake	Osceola	St. Johns	
Okaloosa	Pinellas		
Santa Rosa	Sarasota		
St. Lucie	Seminole		
Sumter			

Source: Florida Department of Revenue, Sales Data File

The volume of single family sales has also been strong. There were 396,011 single family home sales in 2022, down from a peak of 478,574 sales in 2021 but similar to average annual sales volume in the early boom years of 2003-2004.

Figure 8. Number of Single Family Home Sales, Florida, 2000-2022



Source: Florida Department of Revenue, Sales Data File

Hillsborough County had the most active single family market in the state, with over 25,000 sales in 2022. As Table 7 shows, sales were highest in Florida's populous urban counties, but growing mid-sized counties (Lee, Polk, Pasco, and Brevard) also saw strong home sales.

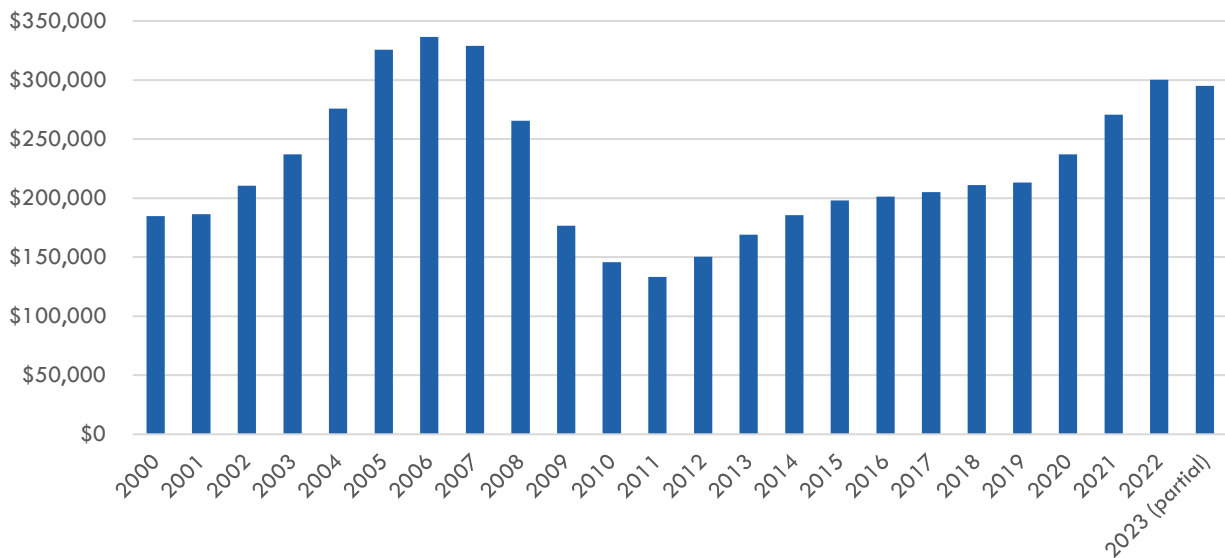
Table 7. Number of Single Family Home Sales, Top Ten Counties, 2022

County	Single Family Sales
Hillsborough	25,403
Broward	21,258
Lee	21,010
Polk	20,853
Duval	20,507
Orange	19,293
Pasco	17,762
Palm Beach	17,440
Miami-Dade	15,438
Brevard	14,008

Source: Florida Department of Revenue, Sales Data File. See Appendix 3 for sales in all counties.

The condominium market was also strong. The state's median condominium sales price was \$295,000 in the first half of 2023, below 2005-2007 levels but well above 2002-2004 and 2009-2020 prices.

Figure 9. Median Condominium Sale Price (2023 \$), Florida, 2000-2023

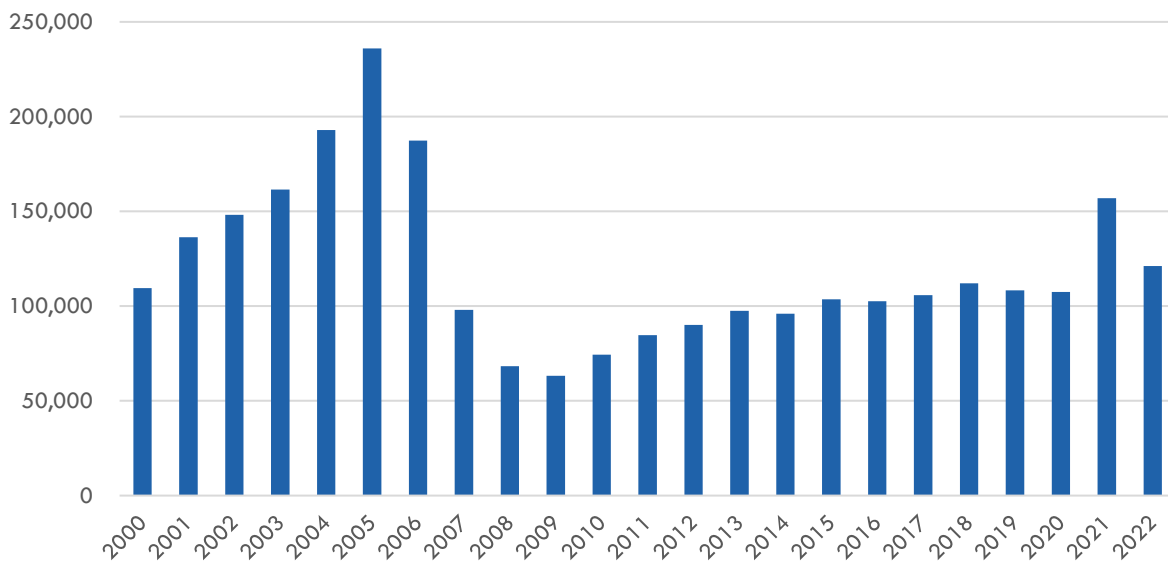


Source: Florida Department of Revenue, Sales Data File. Median prices converted to 2023 dollars using the Consumer Price Index to adjust for inflation.

Q1-2 2023 median condominium prices were far higher in coastal counties with active luxury vacation and second home markets, including Monroe (median condominium price \$855,000), Gulf (\$682,500), Walton (\$630,000), Nassau (\$623,000), and Okaloosa (\$525,000).

Condominium sales volume still lags behind the heights of the 2004-2006 housing boom. Nevertheless, the market is becoming more active. More condominiums sold in 2021 (156,862 sales) and 2022 (121,068) than any year since 2006.

Figure 10. Number of Condominium Sales, Florida, 2000-2022



Source: Florida Department of Revenue, Sales Data File

Half of the 2022 condominium sales took place in the three South Florida counties: Miami-Dade (28,436), Broward (18,132), and Palm Beach.

Table 8. Number of Condominium Sales, Top Ten Counties, 2022

County	Condominium Sales
Miami-Dade	28,436
Broward	18,132
Palm Beach	13,978
Pinellas	7,497
Lee	6,367
Collier	6,141
Orange	4,008
Sarasota	3,752
Hillsborough	3,145
Manatee	2,879

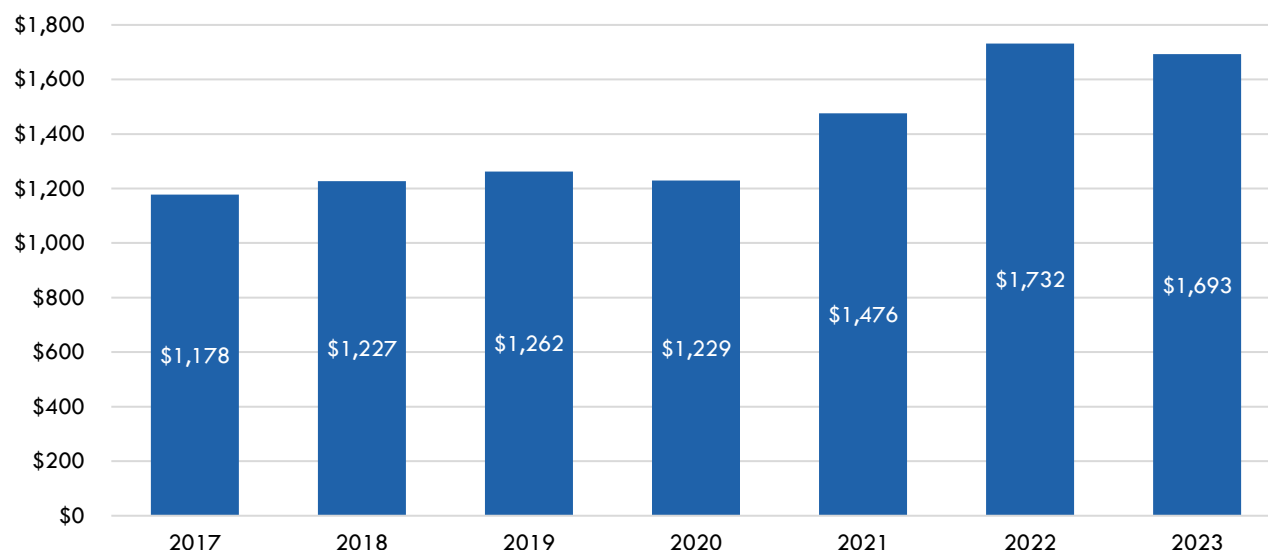
Source: Florida Department of Revenue, Sales Data File. See Appendix 3 for sales in all counties.

RENTAL MARKETS

After several years of stability, Florida rents increased steeply between 2020 and 2022, then held steady at these higher levels in 2023.

Apartment List estimates that median gross rents for housing seekers in Florida increased 41 percent over the two year period between July 2020 and July 2022. Median rent for housing seekers was \$1,693 in July 2023, a two percent drop from the 2022 median of \$1,732 but still well above 2017-2021 levels.

Figure 11. Apartment List Median Rent Estimates, Florida, 2017-2023



Source: Apartment List, Rent Estimates, <https://www.apartmentlist.com/research/category/data-rent-estimates>. Estimate of median gross rent for new leases, including utilities. All rent estimates refer to July estimates for a given year.

Apartment List also provides median rent estimates for 26 of Florida's 67 counties. Among these counties, Southeast and Southwest Florida counties topped the list for highest rents in July 2023.

Table 9. Median Rent, Top Five Counties, July 2023

County	Median Rent	Increase since July 2020
Palm Beach	\$2,144	42%
Collier	\$2,103	56%
Miami-Dade	\$2,014	42%
Broward	\$2,008	40%
Sarasota	\$1,893	42%

Source: Apartment List, Rent Estimates, <https://www.apartmentlist.com/research/category/data-rent-estimates>. Estimate of median gross rent for new leases, including utilities.

AFFORDABLE HOUSING NEEDS: RENTERS AND SPECIAL POPULATIONS

With these strong markets and rising prices and rents, Florida continues to have an affordable housing gap. The Center produces a triennial Rental Market Study for Florida Housing Finance Corporation assessing affordable rental housing needs by county and demographic group. The last study, published in 2022, estimated that there were 768,460 renter households in Florida who were low-income (with incomes below 60 percent of the area median income, or AMI) and cost burdened (paying more than 40 percent of income for housing).

Using the most recently available data, we estimate that there are now 862,465 low-income, cost burdened renters in Florida. Sixty percent of these households live in Florida's seven large counties (population 825,000 or more); 37 percent live in medium-sized counties (population 100,001-824,999); and three percent live in small counties (population 100,000 or less).

Table 10. Low-Income ($\leq 60\%$ AMI), Cost Burdened ($>40\%$) Renter Households by County in Florida, 2023

	All Renter Households	Low-Income ($\leq 60\%$ AMI), Cost Burdened ($>40\%$) Renters	Low-Income/ Cost Burdened Renters as % of All Renters in the County	Low-Income/ Cost Burdened Renters as % of State Total
Large				
Broward	296,815	94,812	32%	10.99%
Duval	177,925	51,030	29%	5.92%
Hillsborough	230,005	61,448	27%	7.12%
Miami-Dade	480,962	137,427	29%	15.93%
Orange	236,126	69,821	30%	8.10%
Palm Beach	200,656	60,858	30%	7.06%
Pinellas	150,217	43,928	29%	5.09%
Large Total	1,772,706	519,324	29%	60.21%
Medium				
Alachua	28,738	8,971	31%	1.04%
Bay	23,950	6,086	25%	0.71%

	All Renter Households	Low-Income (<=60% AMI), Cost Burdened (>40%) Renters	Low-Income/ Cost Burdened Renters as % of All Renters in the County	Low-Income/ Cost Burdened Renters as % of State Total
Brevard	71,958	23,415	33%	2.71%
Charlotte	17,659	3,785	21%	0.44%
Citrus	13,233	4,138	31%	0.48%
Clay	22,151	4,919	22%	0.57%
Collier	42,571	14,638	34%	1.70%
Escambia	46,045	14,569	32%	1.69%
Flagler	12,138	3,549	29%	0.41%
Hernando	17,194	3,363	20%	0.39%
Highlands	11,141	3,084	28%	0.36%
Indian River	17,464	5,180	30%	0.60%
Lake	43,477	10,784	25%	1.25%
Lee	94,488	23,677	25%	2.75%
Leon	34,772	10,046	29%	1.16%
Manatee	51,579	15,595	30%	1.81%
Marion	40,592	10,749	26%	1.25%
Martin	16,262	4,475	28%	0.52%
Okaloosa	29,835	5,424	18%	0.63%
Osceola	53,809	17,944	33%	2.08%
Pasco	65,359	19,302	30%	2.24%
Polk	90,484	24,905	28%	2.89%
Santa Rosa	16,103	4,170	26%	0.48%
Sarasota	49,874	14,122	28%	1.64%
Seminole	66,627	18,505	28%	2.15%
St. Johns	23,292	5,748	25%	0.67%
St. Lucie	36,182	14,015	39%	1.62%
Sumter	9,918	2,382	24%	0.28%
Volusia	67,180	17,989	27%	2.09%
Medium Total	1,114,075	315,529	28%	36.58%
Small				
Baker	2,149	503	23%	0.06%
Bradford	2,449	653	27%	0.08%
Calhoun	1,047	323	31%	0.04%
Columbia	7,617	2,032	27%	0.24%
DeSoto	3,378	935	28%	0.11%
Dixie	1,302	347	27%	0.04%

	All Renter Households	Low-Income (<=60% AMI), Cost Burdened (>40%) Renters	Low-Income/ Cost Burdened Renters as % of All Renters in the County	Low-Income/ Cost Burdened Renters as % of State Total
Franklin	1,226	378	31%	0.04%
Gadsden	4,649	1,434	31%	0.17%
Gilchrist	1,057	282	27%	0.03%
Glades	859	268	31%	0.03%
Gulf	1,304	402	31%	0.05%
Hamilton	1,267	318	25%	0.04%
Hardee	2,507	694	28%	0.08%
Hendry	4,036	1,261	31%	0.15%
Holmes	1,674	368	22%	0.04%
Jackson	4,727	1,458	31%	0.17%
Jefferson	1,378	425	31%	0.05%
Lafayette	598	150	25%	0.02%
Levy	3,809	1,016	27%	0.12%
Liberty	603	186	31%	0.02%
Madison	1,846	463	25%	0.05%
Monroe	14,405	4,116	29%	0.48%
Nassau	7,660	1,794	23%	0.21%
Okeechobee	3,910	1,222	31%	0.14%
Putnam	7,376	1,820	25%	0.21%
Suwannee	4,296	1,078	25%	0.12%
Taylor	1,981	497	25%	0.06%
Union	1,315	351	27%	0.04%
Wakulla	2,480	765	31%	0.09%
Walton	7,437	1,634	22%	0.19%
Washington	1,998	439	22%	0.05%
Small Total	102,340	27,612	27%	3.20%
State Total	2,989,121	862,465	29%	100.00%

Source: Shimberg Center analysis of U.S. Census Bureau, 2022 American Community Survey; University of Florida Bureau of Economic and Business Research, 2023 Population Projections

Elderly Households

Older households make up an increasing share of Florida's renters in need. Forty percent of low-income, cost burdened renter households are headed by someone age 55 or older—nearly 347,000 households in all. In Pasco/Pinellas Counties and a Southwest region stretching from Sarasota County to Collier County, older households make up half of the cost-burdened renters.

Table 11. Low-Income ($\leq 60\%$ AMI), Cost Burdened ($>40\%$) Renter Households by Age of Householder and Region, Florida, 2023

Planning and Service Area	Age of Householder								Total
	15-54	% 15-54	55-74	% 55-74	75-84	% 75-84	85 or Older	% 85 or Older	
1) Escambia, Okaloosa, Santa Rosa	15,641	64%	6,661	27%	1,301	5%	981	4%	24,584
2) Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Holmes, Leon, Liberty, Wakulla, Walton, Washington	16,672	71%	5,431	23%	1,083	5%	(X)	(X)	23,612
3) Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Madison, Marion, Sumter, Suwannee, Taylor, Union	26,468	56%	14,218	30%	4,737	10%	1,654	4%	47,077
4) Baker, Clay, Duval, Flagler, Nassau, Putnam, St. Johns, Volusia	53,715	61%	25,309	29%	6,224	7%	2,338	3%	87,586
5) Pasco, Pinellas	31,950	50%	20,959	33%	6,498	10%	3,865	6%	63,272
6) DeSoto, Hardee, Hillsborough, Highlands (part), Manatee, Polk	66,240	64%	27,370	26%	6,627	6%	3,371	3%	103,608
7) Brevard, Orange, Osceola, Seminole	88,792	68%	28,399	22%	9,735	8%	2,719	2%	129,645
8) Charlotte, Collier, Glades, Hendry, Highlands (part), Lee, Okeechobee, Sarasota	31,125	50%	17,740	29%	8,167	13%	5,176	8%	62,208
9) Indian River, Martin, Palm Beach, St. Lucie	44,267	53%	24,618	29%	9,411	11%	5,910	7%	84,206
10) Broward	60,458	64%	24,530	26%	6,733	7%	3,090	3%	94,811
11) Miami, Monroe	79,513	56%	44,936	32%	12,262	9%	4,833	3%	141,544
State Total	514,841	60%	240,171	28%	72,778	8%	33,937	4%	862,153

Source: Shimberg Center analysis of U.S. Census Bureau, 2022 American Community Survey; University of Florida Bureau of Economic and Business Research, 2023 Population Projections. Regions are modified from Florida Department of Elder Affairs Planning and Service Areas.

Persons with Disabilities

Nearly one-third of the state's cost burdened, low income renter households include at least one person with a disability—an estimated 272,862 households in all. In most of these households, the individuals with disabilities are adults, particularly in age 55+ households. However, 32,437 of the cost burdened renter households include children with disabilities.

Table 13. Low-Income, Cost Burdened Renter Households with Persons with Disabilities, Florida, 2023

Household Age & Disability Characteristics	Households
Householder Under Age 55, Adult(s) with a Disability in the Household	80,581
Householder Age 55 or Older, Adult(s) with a Disability in the Household	159,844
Child(ren) with a Disability in the Household	22,223
Child(ren) and Adult(s) with Disabilities in the Household	10,214
Total	272,862

Source: Shimberg Center analysis of U.S. Census Bureau, 2022 American Community Survey; University of Florida Bureau of Economic and Business Research, 2023 Population Projections.

Persons with Special Needs

Florida's special needs housing programs serve a subset of persons with disabilities as well as other vulnerable individuals and families. Specifically, for the purpose of housing programs, Florida Statutes defines a person with special needs as:

An adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under s. [409.1451](#)(5); a survivor of domestic violence as defined in s. [741.28](#); or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans' disability benefits. (Section 420.0004 (13), Florida Statutes)

Combining several data sources, we estimate that 100,225 households meet this definition, primarily low-income, cost burdened renters receiving disability-related benefits.

Table 13. Estimates of Households with Persons with Special Needs, Florida, 2023

Category	Definition	Estimate	Data Sources
Disability-related benefits	Low-income ($\leq 60\%$ AMI), cost burdened ($>40\%$) renter households with at least one household member who is: 1) age 18-64, with a disability, receiving Social Security; 2) age 18+, with a disability, receiving SSI; 3) age 18+ with a VA service-related disability rating of 10 percent or more	91,181	U.S. Census Bureau, 2019 American Community Survey Public Use Microdata Sample; 2021 BEBR population projections.
Survivors of domestic violence	Estimated number of households based on total number of persons using domestic violence emergency shelters	6,576	Florida Department of Children and Families, Domestic Violence Annual Report, 7/1/2021-6/30/2022. Assumes each adult entrant equals one household.
Youth aging out of foster care	Estimate based on youth receiving Aftercare, Extended Foster Care, and Postsecondary Education Services	2,468	Estimated need for affordable housing (1,742 units) and supportive housing (625 units) from Florida Assessment of Housing for Special Needs and Homeless Populations 2021. ²
Total			100,225

Affordable and Available Rental Housing Supply

Another measure of the affordable rental housing gap is the affordable/available analysis, which compares the number of renter households at various income levels to the supply of units that are affordable and available to them. An affordable and available unit at a particular income threshold is: 1) affordable at that income threshold and 2) either vacant or occupied by a household with an income at or below the threshold.

An “affordable” unit is any market rate, subsidized, or public housing unit costing no more than 30 percent of income at the top of the income threshold expressed as a percentage of area median income (AMI), adjusted for unit size.³ Many “affordable” units are effectively unavailable to low-income households because they are already occupied by higher income households. The affordable/available analysis accounts for this difference by removing units that are occupied by higher income households from unit counts.

This analysis compares the statewide affordable/available housing supply to renter households for six income groups: 0-30, 0-40, 0-50, 0-60, 0-80, and 0-120 percent of AMI. Each category is inclusive of those that come before it. For example, all households and units in the 0-30 percent of AMI group also appear in all of the other groups.

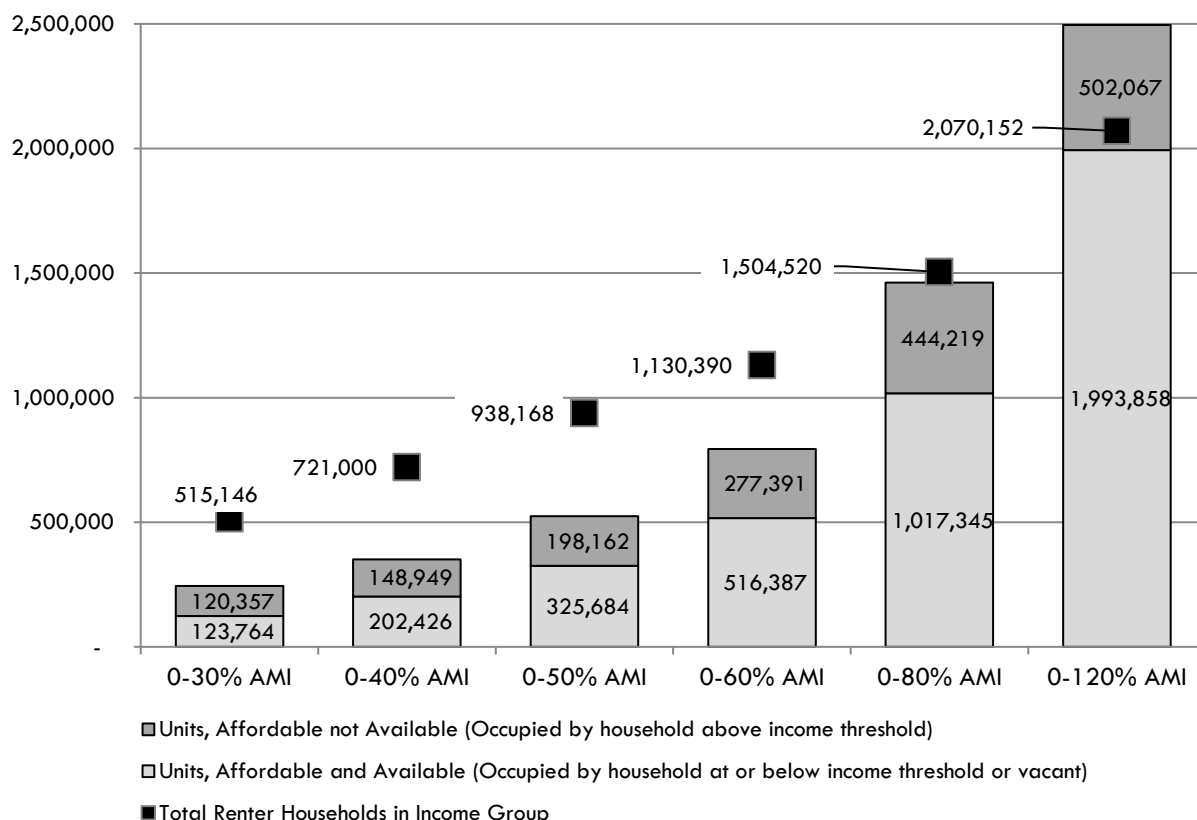
Figure 12 shows the distinction between affordable units and affordable/available units. All units in each column have rents that do not exceed 30 percent of income for a household at the top of the income group,

² Report available at https://floridahousing.org/docs/default-source/programs/special-programs/special-needs-housing/florida-assessment-of-housing-for-homeless-and-special-needs-populations/needs-assessment-full-report.pdf?sfvrsn=b09bf67b_2.

³ For more information about the affordable/available method and affordability thresholds, see the 2022 *Rental Market Study* produced by the Shimberg Center for Florida Housing Finance Corporation, http://shimberg.ufl.edu/publications/RMS_2022.pdf.

adjusted by unit size. However, the units in the darker shaded areas are occupied by households with incomes above the top threshold and therefore are not available to the households in that income category.

Figure 12. Affordable Units, Affordable/Available Units, and Renter Households by Income, Florida, 2022



Source: Shimberg Center tabulation of U.S. Census Bureau, 2022 American Community Survey

Figure 12 shows that for the 0-30 through 0-60 percent of AMI levels, there are more renter households than affordable units, whether available or not. At the 0-80 percent of AMI level, affordable units and renters are roughly in balance. However, there is still a shortage of affordable and available units, since nearly one-third of affordable units are rented by households with higher incomes. At the 0-120 percent of AMI level, there are sufficient affordable units, but the number of affordable and available units is slightly lower than the number of renter households.

Individual regions in Florida show widely varying results when comparing households to affordable and available units, particularly at the 0-120 percent of AMI income level. Appendix 4 shows the surplus or deficit of affordable/available units at the regional level. Most of the deficit at 0-120 percent AMI is concentrated in Miami-Dade, Broward, and Palm Beach Counties; other regions show a surplus or slight deficit at this AMI level.

SHIMBERG CENTER ACTIVITIES

Florida Housing Data Clearinghouse

The Shimberg Center produces the [Florida Housing Data Clearinghouse](#) under contract with Florida Housing Finance Corporation. Since 2000, the Clearinghouse has provided a free online source of housing supply and demand data for the state, counties, and cities.

The Clearinghouse provides data on the following topics:

- Affordability: housing cost burden, homeownership rates, rents, affordable rental housing supply gaps, and vacancy and occupancy rates
- Supply: Type of housing (single family, mobile homes, condominiums, multifamily), housing age and size, home prices and assessed values, and licensed condominium developments and mobile home parks
- Demographics: population projections, household projections by tenure, age, income, and cost burden
- Workforce: Employment rates, wage and housing cost comparisons by industry and occupation
- Assisted Housing Inventory: supply of affordable rental housing funded by Florida Housing, HUD, USDA Rural Development, and local housing finance agencies
- Home lending: mortgage originations by purpose, race/ethnicity, and interest rates
- Special needs households: housing needs of persons with disabilities, Social Security recipients, homeless individuals and families, and farmworkers
- Housing stability and disaster response: eviction and foreclosure filings, FEMA housing assistance

The Center created a series of county-level presentation materials to assist local government officials and others in communicating data from the Clearinghouse, with a particular focus on the link between local wages, area median income (AMI) levels, and housing costs. These materials are available on the Publications page of the [Shimberg Center's website](#).

The Center provided extensive technical assistance in the use of the Clearinghouse site and custom data requests and reports. Examples included creating a data report on housing needs of ALICE (Asset Limited, Income Constrained, Employed) households in Broward County for a United Way conference and guidebook; providing maps and data on farmworker housing needs in Southwest Florida to USDA staff planning for Hurricane Ian recovery; providing data and materials on the workforce and housing supply to the Florida Council of 100; and providing data and technical support to the Tampa planning staff for the city's ongoing housing needs assessment.

Community Resilience and Disaster Response

The Shimberg Center works closely with state agencies, local governments, UF's Florida Institute for Built Environment Resiliency (FIBER), and our peers at other Gulf Coast and national institutions to learn how Florida's vulnerable populations and housing stock can be kept safe from natural disasters.

In the aftermath of Hurricane Ian, the Shimberg Center provided housing data to HUD and USDA staff assigned to the interagency Federal Disaster Recovery Center in Southwest Florida. Shimberg Research Professor Maria Watson served on the Working Group of the Florida Disaster Housing Task Force convened by the Florida Department of Emergency Management and Florida Housing Coalition. Dr. Watson is continuing to collaborate with Oregon State University to track housing and business recovery from Hurricane Ian.

The Center works with Regional Planning Councils to improve disaster recovery and housing resilience. The Center updated data and mapping tools developed as part of the Tampa Bay Regional Planning Council's

REACH (Resilience and Energy Assessment of Housing and Communities) initiative. We also expanded an affordable housing analysis developed for the East Central Florida Regional Planning Council's HARP (Housing Asset and Resilient Policy) initiative, funded by a resilience grant from the Florida Department of Environmental Protection (FDEP). Both projects involved multi-county assessments of flood hazard exposure for the affordable housing stock, including assisted housing, naturally occurring affordable housing, and mobile homes. The Center is currently working with the Apalachee Regional Planning Council and the Data Center (Southeast Louisiana) to develop new data-sharing tools for long-term disaster recovery and resilience, under a grant from the National Academies of Sciences, Engineering and Medicine (NASEM) Gulf Research Program (GRP). Calhoun and Liberty Counties are serving as pilot areas for the data platform.

At the local level, the Shimberg Center is collaborating with FIBER to analyze flood hazards in Cedar Key and Port St. Joe, with funding from FDEP. The Center and FIBER are developing vulnerability assessments and flood hazard adaptation strategies for community assets, including affordable housing and other residential properties. The assessments rely on building footprint data and multiple flood hazard datasets over three time periods (2022, 2040, and 2070). The projects have also included stakeholder and public outreach.

On the research side, the Shimberg Center, University of Central Florida, the Horne consulting firm, and Florida Housing Coalition were selected by HUD to evaluate the effectiveness of the Community Development Block Grant – Disaster Recovery (CDBG-DR) program in addressing post-disaster recovery needs of renter households. Our research objectives are to (1) better understand CDBG-DR allocations for renters, (2) identify successful processes with corresponding outcomes for rental housing recovery aid programs, (3) engage with and link disaster recovery strategies and programs to actual and desired outcomes among renters from their lived experiences, and (4) translate this research into actionable programmatic recommendations with appropriate timelines, policy making and implementation changes. The Shimberg Center is taking primary responsibility for interviewing renters affected by disasters and documenting their experiences with CDBG-DR and other recovery programs.

Promoting Housing Stability and Affordability

The Shimberg Center works with local organizations to promote long-term housing stability for Florida's homeowners and renters. The Center collects and shares monthly data on eviction and foreclosure filings in Florida communities. We participate in regional eviction prevention networks in the Orlando area and Miami-Dade County and provide summarized data on housing stability to researchers and legal services providers.

The Center is also collaborating with Local Initiatives Support Corporation (LISC) Jacksonville in its Family Wealth Creation initiative, which seeks to preserve housing wealth in historically Black neighborhoods in Jacksonville. The Center is providing data on homeownership, home values, tax foreclosure sales, and potential heirs property sites to support LISC's efforts.

In 2023 the Center produced a Miami-Dade County Housing Needs Assessment on behalf of Miami Homes for All. The report shows that most Miami-Dade households with incomes below \$75,000 per year spend more than 30 percent of income for housing costs, including 90 percent of renters with incomes below \$50,000. The report found a gap of approximately 90,000 affordable and available units for renters with incomes below 80 percent of AMI. The assessment includes data on tenure, income, and housing cost burden for municipalities, the unincorporated area, and County Commission districts in Miami-Dade County.

The Center also is collaborating with Bright Community Trust and a number of community organizations on the Homeownership Equity Initiative, a program to make homeownership accessible and inclusive for households in the four-county Orlando metropolitan area. The Center has provided data on homeownership disparities and the benefits of homeownership for families and communities.

General Technical Assistance and Presentations

Under the Florida Housing Data Clearinghouse contract, the Shimberg Center provides extensive pro bono technical assistance to state and local agencies, the housing industry, non-profit organizations, and the public in the assessment of affordable housing needs. Examples of technical assistance during 2023 include:

- Assisting local government staff in Alachua, Brevard, and Orange Counties and the Cities of Winter Springs, Jupiter, Tampa, Gainesville, Apopka and Key West in preparing affordable housing assessments and plans.
- Providing data to support affordable development and philanthropic contributions by non-profits operating in Jacksonville, Deltona, Collier County, Port St. Joe, and Broward County.
- Providing data on condominium developments and affordable/available rental housing to Florida legislative staff and research offices.

The Shimberg Center team made a number of public presentations in Florida and nationally in 2023:

- University of Florida Eyeopener Breakfast, Gainesville, February 2023
- Bright Communities Trust Homeownership Equity Initiative Kickoff, Orlando, February 2023
- Stakeholder Workshops for East Central Florida Regional Planning Council Housing Assets and Resilient Policy Phase II, Virtual, February - May 2023
- School of Landscape Architecture and Planning (SLA+P) Research Seminar Series, Gainesville, FL, February 2023
- Development of a resilience evaluation method of localities through operational continuity of hospitals as indicators, Virtual, March 2023
- Brevard County Affordable Housing Summit, Cocoa, May 2023
- Pinellas Historic Preservation Summit + Expo, St. Petersburg, May 2023
- Florida Bar Foundation Housing Umbrella Group, Gainesville, June 2023
- Hurricane Ian Data Workshop, Washington, DC, June 2023
- Gainesville Alachua County Association of Realtors, Gainesville, August 2023
- Big Bend Area ALICE Conference, Tallahassee, October 2023
- Association of Collegiate Schools of Planning, Chicago, October 2023
- National Association of Counties Rural Housing Project, Chicago and virtual, November 2023
- Tampa Bay Partnership, Tampa and virtual, December 2023

Teaching

Shimberg Center faculty offered courses in housing, sustainability, and the built environment in conjunction with the College of Design, Construction, and Planning:

- Construction Management 6583, Sustainable Housing: graduate course examining sustainability concepts, urban development, residential structures and systems, green building standards, and housing economics
- UF Quest 2935, Foundations, Principles and Applications of Sustainable Development: undergraduate interdisciplinary course covering sustainability concepts, environmental ethics, resilience, energy, water resources, and the built environment
- DCP GulfSouth Studio (Architecture/Landscape Architecture/Urban Planning): undergraduate and graduate studio course addressing urban design, environment, and recovery in Cape Coral following Hurricane Ian. Sponsored by the National Academies of Science Gulf Research Program.

The Center is also working with Florida Sea Grant to develop students' leadership in resiliency science, planning, and design. "Capacity Building for Florida Sea Grant: Promoting Coastal Resilience, Adaptation, and Equity in Florida" is a grant to advance education, information, and professional development over the

2022-2023 and 2023-2024 academic years. The grant ultimately will fund a two-year graduate assistantship, 4-6 undergraduate terminal projects, and two design studio courses on these issues. In the first year, the grant funded undergraduate capstone research projects for two students.

APPENDIX 1. COUNTY HOUSING SUPPLY, 2023

County	Single Family		Condominium		Mobile Home		Multifamily 2-9 Unit			Multifamily 10+ Unit	
	Parcels	% Homesteaded	Parcels	% Homesteaded	Parcels	% Homesteaded	Parcels	% Homesteaded	Dwelling Units	Parcels	Dwelling Units
Alachua	62,936	73%	7,186	23%	5,595	63%	1,608	5%	5,238	357	26,510
Baker	4,963	75%	0	0%	2,448	67%	55	2%	128	4	115
Bay	60,398	59%	19,326	9%	8,530	47%	1,965	17%	5,449	130	12,239
Bradford	5,924	73%	21	67%	2,640	63%	26	23%	61	14	-
Brevard	202,176	72%	35,915	37%	11,254	54%	2,982	23%	7,951	281	27,347
Broward	389,023	77%	253,262	42%	4,136	45%	16,461	16%	48,813	1,621	122,592
Calhoun	2,609	69%	0	0%	1,184	66%	13	23%	40	2	-
Charlotte	80,472	66%	14,441	36%	5,526	41%	1,483	15%	3,461	82	2,613
Citrus	58,137	73%	1,612	37%	15,688	54%	553	10%	1,588	43	1,385
Clay	65,360	75%	2,397	37%	9,487	61%	287	8%	1,003	55	6,043
Collier	104,693	66%	100,635	32%	3,517	37%	1,949	16%	6,118	119	13,849
Columbia	13,625	71%	48	42%	7,729	65%	228	5%	-	39	-
DeSoto	6,006	67%	605	45%	2,698	47%	258	12%	767	31	-
Dixie	2,940	58%	159	8%	3,844	59%	3	33%	6	1	-
Duval	283,283	67%	27,528	39%	9,331	47%	5,140	14%	15,542	695	-
Escambia	103,191	66%	10,415	16%	4,895	44%	4,568	31%	10,795	205	-
Flagler	47,722	75%	4,414	38%	1,665	62%	1,379	14%	-	18	206
Franklin	6,673	39%	432	9%	1,298	52%	7	0%	-	1	-
Gadsden	11,310	66%	0	0%	3,698	57%	149	23%	342	19	313
Gilchrist	2,851	75%	0	0%	2,924	68%	28	39%	69	2	61
Glades	1,820	59%	258	30%	2,210	49%	153	42%	318	1	-
Gulf	6,839	44%	239	2%	1,656	47%	22	5%	71	5	239
Hamilton	2,024	64%	0	0%	1,512	70%	146	60%	-	9	-
Hardee	4,313	67%	0	0%	1,671	47%	201	31%	-	17	-
Hendry	7,400	67%	281	19%	4,515	53%	369	29%	904	18	416
Hernando	68,099	70%	631	48%	11,981	56%	486	8%	1,246	64	3,942
Highlands	34,188	65%	1,345	38%	5,317	42%	799	10%	1,992	59	1,634
Hillsborough	377,627	73%	40,129	40%	13,665	54%	4,616	8%	12,826	878	132,927
Holmes	3,471	68%	0	0%	1,393	62%	15	20%	53	7	175
Indian River	57,444	73%	15,017	39%	1,086	44%	740	10%	2,029	51	3,613

County	Single Family		Condominium		Mobile Home		Multifamily 2-9 Unit			Multifamily 10+ Unit	
	Parcels	% Homesteaded	Parcels	% Homesteaded	Parcels	% Homesteaded	Parcels	% Homesteaded	Dwelling Units	Parcels	Dwelling Units
Jackson	10,324	66%	0	0%	3,107	65%	56	13%	217	60	-
Jefferson	2,867	71%	0	0%	1,307	63%	53	26%	178	15	222
Lafayette	1,019	67%	0	0%	826	57%	8	13%	14	1	-
Lake	119,692	74%	3,619	48%	16,301	59%	1,336	8%	3,553	176	15,215
Lee	248,337	66%	84,880	35%	15,789	37%	10,515	20%	23,845	289	33,004
Leon	73,488	71%	5,061	17%	6,747	55%	2,312	7%	6,556	362	32,159
Levy	8,058	72%	238	10%	9,562	62%	68	9%	209	12	423
Liberty	1,397	65%	0	0%	812	47%	61	69%	127	5	-
Madison	3,225	61%	0	0%	1,762	66%	173	57%	414	10	395
Manatee	116,866	70%	35,438	40%	4,679	38%	4,443	18%	10,076	170	21,717
Marion	124,806	70%	2,502	37%	24,737	52%	3,622	38%	8,997	109	8,669
Martin	49,949	77%	14,966	44%	2,933	52%	1,078	13%	2,827	64	4,905
Miami-Dade	383,127	76%	382,264	36%	300	17%	31,605	26%	85,188	3,599	192,751
Monroe	29,353	43%	6,962	18%	4,687	25%	1,759	26%	4,546	46	2,996
Nassau	29,836	74%	4,084	23%	6,274	64%	372	27%	891	27	-
Okaloosa	69,671	65%	13,590	12%	3,351	45%	758	6%	2,664	177	8,584
Okeechobee	7,478	70%	234	26%	5,853	47%	349	30%	896	10	367
Orange	335,605	69%	52,226	25%	6,159	52%	3,983	11%	9,853	1,110	158,879
Osceola	123,632	59%	13,695	15%	5,444	53%	1,044	9%	2,696	925	24,986
Palm Beach	377,170	73%	185,688	41%	3,671	32%	10,197	17%	28,510	855	75,777
Pasco	185,414	71%	11,844	44%	29,478	50%	3,158	38%	5,817	218	17,905
Pinellas	252,465	76%	103,994	47%	17,008	46%	12,435	29%	32,295	873	70,668
Polk	210,605	65%	8,497	32%	31,587	50%	6,706	18%	17,366	285	25,694
Putnam	17,160	66%	198	30%	15,393	53%	150	12%	380	30	1,287
Santa Rosa	63,909	74%	1,751	18%	6,492	49%	666	8%	1,687	57	2,805
Sarasota	155,601	68%	52,813	39%	11,888	40%	4,668	36%	10,857	190	16,936
Seminole	132,134	74%	15,139	35%	1,717	54%	1,148	11%	2,636	208	41,761
St. Johns	99,201	77%	14,562	37%	5,436	60%	1,618	43%	2,860	52	5,319
St. Lucie	117,429	74%	14,571	39%	4,536	51%	1,490	9%	3,385	78	6,351
Sumter	69,490	72%	512	59%	6,458	52%	104	7%	308	23	2,200
Suwannee	6,326	68%	0	0%	6,826	63%	57	2%	125	8	104
Taylor	5,488	58%	90	4%	3,231	52%	22	9%	69	11	344

County	Single Family		Condominium		Mobile Home		Multifamily 2-9 Unit			Multifamily 10+ Unit	
	Parcels	% Homesteaded	Parcels	% Homesteaded	Parcels	% Homesteaded	Parcels	% Homesteaded	Dwelling Units	Parcels	Dwelling Units
Union	1,406	81%	18	11%	1,201	70%	1	0%	-	15	-
Volusia	184,265	71%	28,414	30%	7,371	57%	2,594	15%	7,161	309	25,515
Wakulla	9,250	74%	278	44%	3,397	61%	31	3%	74	5	160
Walton	37,006	43%	10,736	6%	5,285	43%	638	42%	1,089	38	-
Washington	5,075	66%	0	0%	2,639	55%	27	4%	-	1	-
Florida Total	5,745,641	71%	1,605,160	37%	437,337	52%	155,994	21%	406,864	15,251	1,274,074

Source: Florida Department of Revenue, Name-Address-Legal File. Includes all parcels by housing type regardless of year built. Homesteaded parcels are the owner's primary residence. Dwelling unit data may be missing for some multifamily developments. Dwelling unit counts are suppressed in counties where total dwelling units are less than 2 times the number of parcels for the multifamily 2-9 unit category and less than 10 times the number of parcels for the multifamily 10+ unit category.

APPENDIX 2. HOUSING PRODUCTION BY COUNTY AND HOUSING TYPE, 2022

County	Single Family	Condominium	Mobile Home	Multifamily 2-9 Unit	Multifamily 10+ Unit
Alachua	905	0	56	16	15
Baker	86	0	35	0	0
Bay	2,012	0	236	14	8
Bradford	70	0	38	0	2
Brevard	4,045	151	75	5	3
Broward	1,809	156	21	31	14
Calhoun	19	0	37	0	0
Charlotte	2,429	292	38	69	1
Citrus	1,286	0	145	12	0
Clay	1,630	0	118	0	2
Collier	3,312	654	27	4	4
Columbia	184	0	107	0	0
DeSoto	74	0	17	0	0
Dixie	19	0	39	0	0
Duval	5,338	0	59	7	16
Escambia	1,994	28	48	13	6
Flagler	2,014	0	37	122	0
Franklin	129	0	24	1	0
Gadsden	149	0	57	2	0
Gilchrist	101	0	70	0	0
Glades	64	1	16	0	0
Gulf	320	0	53	0	0
Hamilton	28	0	20	0	0
Hardee	42	0	20	2	0
Hendry	434	25	77	22	0
Hernando	1,367	0	114	2	0
Highlands	488	0	22	3	1
Hillsborough	6,638	110	59	7	23
Holmes	33	0	31	0	0
Indian River	1,224	8	7	5	1
Jackson	76	0	62	0	0
Jefferson	69	0	12	0	0
Lafayette	4	0	15	1	0
Lake	4,089	42	114	13	7
Lee	7,432	176	82	183	8
Leon	479	92	32	2	4
Levy	112	0	122	2	0
Liberty	8	0	18	0	0
Madison	35	0	36	1	0

County	Single Family	Condominium	Mobile Home	Multifamily 2-9 Unit	Multifamily 10+ Unit
Manatee	4,930	122	21	14	5
Marion	4,799	18	178	32	3
Martin	546	2	14	2	2
Miami-Dade	1,614	4,091	0	79	42
Monroe	291	124	2	3	2
Nassau	1,499	4	79	3	1
Okaloosa	1,146	32	72	4	3
Okeechobee	93	0	101	2	0
Orange	3,895	49	42	1	26
Osceola	5,778	118	21	17	11
Palm Beach	3,810	82	13	20	10
Pasco	7,019	8	177	0	6
Pinellas	957	143	43	70	11
Polk	9,235	5	200	21	10
Putnam	161	0	113	0	0
Santa Rosa	2,171	0	133	8	2
Sarasota	3,901	293	31	10	5
Seminole	1,026	0	9	1	5
St. Johns	5,638	27	72	3	5
St. Lucie	5,461	0	10	5	1
Sumter	4,003	0	27	0	2
Suwannee	84	0	116	0	0
Taylor	58	0	53	0	0
Union	31	0	16	0	0
Volusia	3,795	1	45	6	5
Wakulla	391	1	17	0	0
Walton	1,804	0	148	3	2
Washington	66	0	64	0	0
Florida Total	124,749	6,855	4,013	843	274

Source: Florida Department of Revenue, Name-Address-Legal File. Includes parcels in the current parcel inventory with actual year built 2022. Multifamily 2-9 and 10+ counts refer to parcels, not individual dwelling units.

APPENDIX 3. SALES VOLUME AND PRICES (2023 \$) BY COUNTY, 2022

County	Single Family				Condominium				Mobile Home			
	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price
Alachua	4,020	\$232,841	\$328,047	\$434,636	776	\$129,356	\$167,387	\$201,795	216	\$117,455	\$165,576	\$206,970
Baker	248	\$263,886	\$313,042	\$402,556	0	\$0	\$0	\$0	63	\$121,077	\$165,058	\$214,214
Bay	5,235	\$269,060	\$351,848	\$475,927	2,100	\$320,803	\$424,288	\$579,463	371	\$93,136	\$155,227	\$201,795
Bradford	230	\$155,227	\$229,995	\$310,454	2	\$222,492	\$231,806	\$241,120	82	\$77,614	\$157,814	\$201,795
Brevard	14,008	\$284,583	\$359,092	\$465,682	2,456	\$181,098	\$269,060	\$444,985	719	\$113,833	\$165,576	\$201,795
Broward	21,258	\$398,416	\$532,947	\$770,134	18,132	\$155,227	\$226,632	\$340,465	291	\$131,426	\$173,854	\$217,318
Calhoun	73	\$144,879	\$195,586	\$264,921	0	\$0	\$0	\$0	10	\$72,439	\$113,833	\$181,098
Charlotte	6,133	\$310,351	\$397,382	\$519,494	1,529	\$191,447	\$284,583	\$388,068	338	\$134,427	\$170,750	\$222,492
Citrus	4,195	\$217,318	\$279,409	\$374,615	154	\$160,401	\$185,703	\$289,757	819	\$83,823	\$134,530	\$190,412
Clay	5,242	\$294,932	\$358,161	\$429,462	177	\$148,501	\$212,144	\$260,782	497	\$98,207	\$164,541	\$238,015
Collier	7,366	\$517,424	\$716,063	\$1,086,590	6,141	\$331,151	\$454,816	\$705,766	106	\$181,616	\$235,169	\$309,420
Columbia	709	\$181,616	\$263,886	\$336,222	11	\$139,704	\$150,053	\$159,367	294	\$92,101	\$155,227	\$222,492
DeSoto	319	\$205,935	\$264,921	\$388,068	47	\$186,273	\$222,492	\$248,364	69	\$124,182	\$165,576	\$217,318
Dixie	159	\$117,973	\$201,795	\$331,151	14	\$243,189	\$265,439	\$388,068	197	\$67,369	\$124,182	\$181,098
Duval	20,507	\$227,667	\$315,629	\$411,663	2,097	\$164,437	\$217,318	\$279,512	361	\$78,648	\$134,530	\$206,970
Escambia	6,771	\$211,626	\$294,828	\$372,545	508	\$170,750	\$325,977	\$627,635	92	\$46,827	\$87,962	\$138,411
Flagler	4,304	\$320,337	\$377,720	\$470,804	374	\$279,409	\$413,939	\$641,606	88	\$159,884	\$206,400	\$263,886
Franklin	382	\$274,235	\$517,424	\$909,631	44	\$283,031	\$341,500	\$574,858	44	\$62,091	\$116,420	\$179,805
Gadsden	424	\$137,117	\$222,492	\$315,629	0	\$0	\$0	\$0	76	\$62,091	\$95,723	\$159,108
Gilchrist	179	\$199,726	\$306,212	\$413,836	0	\$0	\$0	\$0	128	\$87,962	\$155,175	\$218,353
Glades	95	\$170,750	\$253,538	\$322,873	24	\$38,807	\$64,678	\$107,624	118	\$117,973	\$165,834	\$227,667
Gulf	569	\$351,848	\$491,553	\$765,684	8	\$427,392	\$517,424	\$777,792	64	\$62,091	\$113,833	\$188,860
Hamilton	68	\$113,833	\$181,098	\$254,573	0	\$0	\$0	\$0	37	\$113,833	\$144,879	\$181,098
Hardee	166	\$144,879	\$212,144	\$266,991	0	\$0	\$0	\$0	72	\$72,957	\$105,037	\$165,058
Hendry	624	\$201,795	\$258,660	\$310,454	33	\$170,750	\$205,417	\$231,082	144	\$119,008	\$170,750	\$238,015

County	Single Family				Condominium				Mobile Home			
	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price
Hernando	5,426	\$258,712	\$317,336	\$382,894	56	\$116,420	\$155,227	\$181,098	767	\$123,147	\$162,989	\$205,935
Highlands	2,097	\$182,133	\$243,189	\$315,629	152	\$109,435	\$150,053	\$187,307	313	\$66,230	\$92,101	\$133,495
Hillsborough	25,403	\$331,151	\$405,867	\$519,494	3,145	\$170,750	\$232,841	\$341,500	413	\$165,576	\$227,667	\$301,141
Holmes	123	\$103,485	\$160,401	\$222,492	0	\$0	\$0	\$0	31	\$36,220	\$77,614	\$111,246
Indian River	4,126	\$305,280	\$387,033	\$531,912	1,237	\$171,267	\$253,538	\$465,682	44	\$91,067	\$131,943	\$190,671
Jackson	409	\$119,008	\$181,098	\$258,609	0	\$0	\$0	\$0	73	\$72,439	\$129,356	\$170,750
Jefferson	149	\$191,447	\$289,757	\$410,628	0	\$0	\$0	\$0	47	\$71,922	\$165,576	\$227,667
Lafayette	51	\$103,485	\$180,064	\$300,106	0	\$0	\$0	\$0	28	\$49,673	\$129,356	\$199,208
Lake	7,753	\$312,524	\$388,068	\$481,204	403	\$98,311	\$164,541	\$258,712	889	\$124,182	\$175,924	\$227,667
Lee	21,010	\$330,106	\$418,079	\$616,252	6,367	\$239,050	\$328,254	\$454,298	988	\$103,485	\$150,053	\$211,626
Leon	3,991	\$191,447	\$284,169	\$406,695	524	\$103,537	\$154,192	\$235,428	175	\$55,882	\$87,962	\$131,426
Levy	465	\$188,342	\$259,747	\$384,225	35	\$150,053	\$240,602	\$331,151	445	\$84,858	\$134,427	\$191,447
Liberty	39	\$93,447	\$164,541	\$279,305	0	\$0	\$0	\$0	14	\$30,011	\$49,155	\$98,311
Madison	112	\$98,828	\$168,422	\$284,583	0	\$0	\$0	\$0	56	\$74,509	\$109,953	\$180,012
Manatee	10,751	\$398,416	\$500,866	\$683,000	2,879	\$219,905	\$320,803	\$455,333	300	\$95,723	\$139,704	\$196,518
Marion	11,371	\$228,805	\$286,653	\$362,197	303	\$103,485	\$124,182	\$150,053	1,070	\$77,614	\$130,391	\$186,273
Martin	2,870	\$388,068	\$517,424	\$816,288	997	\$191,447	\$251,365	\$362,197	185	\$155,227	\$195,586	\$243,189
Miami-Dade	15,438	\$450,159	\$569,166	\$827,775	28,436	\$276,304	\$403,591	\$615,735	1	\$150,053	\$150,053	\$150,053
Monroe	1,628	\$731,120	\$1,034,848	\$1,733,370	501	\$465,682	\$698,522	\$1,010,012	225	\$310,454	\$408,558	\$620,909
Nassau	2,735	\$369,441	\$444,467	\$605,386	284	\$417,561	\$606,680	\$833,053	238	\$141,774	\$212,661	\$258,712
Okaloosa	5,031	\$287,688	\$357,023	\$465,682	1,109	\$332,186	\$496,727	\$714,045	101	\$93,136	\$169,612	\$209,039
Okeechobee	418	\$195,586	\$263,886	\$362,093	18	\$96,241	\$129,356	\$139,704	454	\$67,265	\$126,510	\$181,098
Orange	19,293	\$346,674	\$444,985	\$594,210	4,008	\$155,227	\$204,589	\$266,991	338	\$114,868	\$155,227	\$206,970
Osceola	13,266	\$354,435	\$418,079	\$516,389	1,478	\$191,447	\$258,712	\$331,151	329	\$144,879	\$206,970	\$274,235
Palm Beach	17,440	\$465,682	\$646,780	\$957,234	13,978	\$165,576	\$253,538	\$398,416	178	\$129,356	\$155,227	\$216,283
Pasco	17,762	\$284,583	\$379,220	\$488,448	1,113	\$119,008	\$155,227	\$204,900	1,858	\$77,614	\$122,112	\$181,098

County	Single Family				Condominium				Mobile Home			
	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price	Number of Sales	25th Percentile Price	50th Percentile Price (Median)	75th Percentile Price
Pinellas	12,786	\$331,151	\$426,513	\$594,934	7,497	\$186,273	\$259,643	\$429,462	977	\$93,136	\$134,530	\$175,924
Polk	20,853	\$288,723	\$341,603	\$403,591	786	\$124,182	\$158,177	\$217,318	1,828	\$93,136	\$142,033	\$196,518
Putnam	834	\$150,053	\$227,097	\$315,629	19	\$232,841	\$284,583	\$315,629	581	\$76,475	\$124,182	\$181,098
St. Johns	9,893	\$413,939	\$520,011	\$688,174	1,047	\$258,712	\$341,500	\$525,703	270	\$175,924	\$243,189	\$289,757
St. Lucie	10,797	\$334,152	\$396,761	\$468,890	1,148	\$186,273	\$284,583	\$491,553	211	\$150,053	\$201,795	\$248,364
Santa Rosa	5,205	\$294,932	\$363,697	\$467,648	143	\$341,396	\$486,379	\$746,125	205	\$81,753	\$124,078	\$175,924
Sarasota	10,491	\$388,068	\$497,762	\$683,000	3,752	\$284,583	\$380,824	\$620,909	592	\$133,495	\$167,697	\$212,144
Seminole	7,627	\$332,807	\$413,939	\$527,772	1,255	\$153,157	\$187,825	\$235,428	89	\$119,008	\$169,715	\$227,667
Sumter	7,817	\$330,634	\$405,453	\$512,250	32	\$129,615	\$230,202	\$243,189	305	\$79,994	\$139,704	\$196,621
Suwannee	312	\$159,884	\$230,254	\$300,623	0	\$0	\$0	\$0	276	\$89,514	\$155,175	\$221,975
Taylor	252	\$117,559	\$181,098	\$305,280	6	\$250,433	\$277,857	\$361,162	102	\$93,136	\$128,839	\$193,517
Union	44	\$202,830	\$243,189	\$324,942	0	\$0	\$0	\$0	32	\$71,922	\$152,640	\$187,463
Volusia	12,162	\$284,583	\$351,848	\$434,636	2,455	\$165,576	\$289,757	\$486,379	335	\$132,461	\$170,750	\$227,667
Wakulla	791	\$206,970	\$317,698	\$397,382	26	\$172,820	\$242,672	\$315,629	140	\$76,941	\$134,013	\$181,098
Walton	3,495	\$455,230	\$723,359	\$1,497,528	1,252	\$434,636	\$619,874	\$874,447	141	\$98,311	\$162,989	\$222,492
Washington	211	\$139,704	\$201,174	\$279,409	0	\$0	\$0	\$0	73	\$77,614	\$124,182	\$150,053
Florida Total	396,011	\$310,454	\$403,591	\$560,577	121,068	\$195,586	\$300,106	\$460,000	21,013	\$95,206	\$150,053	\$206,970

Source: Florida Department of Revenue, Sales Data File. Includes home sales that took place in 2022, the most recent full year with data available. Arms-length sales only. Home prices adjusted to 2023 dollars using the Consumer Price Index.

APPENDIX 4. SURPLUS/DEFICIT OF AFFORDABLE AND AVAILABLE RENTAL HOUSING UNITS BY INCOME (% AMI), FLORIDA REGIONS, 2022

Region	Counties	Affordable/Available Units Minus Renter Households					
		0-30% AMI	0-40% AMI	0-50% AMI	0-60% AMI	0-80% AMI	0-120% AMI
Cape Coral-Fort Myers, FL MSA	Lee	-12,127	-13,378	-18,568	-17,272	-12,349	-1,135
Deltona-Daytona Beach-Ormond Beach, FL MSA & Palm Coast, FL MSA	Flagler, Volusia	-10,014	-12,451	-15,516	-15,234	-9,359	-357
Fort Walton Beach-Crestview-Destin, FL MSA	Okaloosa	-1,883	-2,668	-3,766	-2,908	-2,236	1,338
Ft. Lauderdale	Broward	-38,051	-54,391	-70,488	-83,786	-84,246	-33,237
Gainesville, FL MSA (minus Gilchrist)	Alachua	-4,632	-6,362	-6,030	-3,822	2,323	3,351
Homosassa Springs, FL MSA	Citrus	-2,043	-2,341	-2,636	-2,663	-893	-620
Jacksonville, FL MSA plus Putnam	Baker, Clay, Duval, Nassau, Putnam, St. Johns	-33,046	-38,430	-42,592	-33,940	-20,099	4,418
Lakeland, FL MSA	Polk	-12,578	-17,497	-20,489	-18,582	-13,186	248
Miami-Dade Plus Monroe	Miami-Dade, Monroe	-62,467	-93,480	-108,871	-130,410	-134,458	-61,721
Naples-Marco Island, FL MSA	Collier	-4,858	-7,220	-10,087	-9,861	-7,936	-1,247
Northeast Nonmetropolitan Area (plus Gilchrist)	Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union	-3,311	-3,468	-4,482	-2,139	-51	865
Northwest Nonmetropolitan Area (plus Gadsden, Jefferson, & Wakulla)	Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Wakulla, Walton, Washington	-4,521	-5,296	-4,372	-3,242	-1,003	36
Ocala, FL MSA	Marion	-6,173	-5,378	-6,830	-5,029	-1,586	3,216
Orlando-Kissimmee, FL MSA	Lake, Orange, Osceola, Seminole	-51,154	-70,138	-89,107	-94,715	-77,753	799
Palm Bay-Melbourne-Titusville, FL MSA	Brevard	-8,504	-11,491	-9,241	-6,901	-691	6,565
Panama City-Lynn Haven, FL MSA	Bay	-3,086	-3,254	-4,840	-4,839	-3,626	1,151
Pensacola-Ferry Pass-Brent, FL MSA	Escambia, Santa Rosa	-9,841	-11,125	-12,909	-9,855	-3,894	-612
Port St. Lucie, FL MSA	Martin, St. Lucie	-7,410	-8,979	-9,712	-8,956	-6,229	683
Punta Gorda, FL MSA	Charlotte	-62	-1,173	-2,475	-2,659	-1,904	-579
Sarasota-Bradenton-Venice, FL MSA	Manatee, Sarasota	-11,394	-16,597	-19,873	-17,238	-10,255	3,057
Sebastian-Vero Beach, FL MSA	Indian River, Okeechobee	-1,769	-1,923	-2,402	-2,499	-1,303	10

Region	Counties	Affordable/Available Units Minus Renter Households					
		0-30% AMI	0-40% AMI	0-50% AMI	0-60% AMI	0-80% AMI	0-120% AMI
South Nonmetropolitan Area (minus Monroe)	DeSoto, Glades, Hardee, Hendry, Highlands	-3,417	-4,566	-5,396	-5,913	-2,835	-1,469
Tallahassee, FL MSA (minus Gadsden, Jefferson & Wakulla)	Leon	-6,053	-7,018	-5,982	-2,315	540	2,293
Tampa-St. Petersburg-Clearwater, FL MSA	Hernando, Hillsborough, Pasco, Pinellas	-64,236	-81,384	-90,984	-83,379	-60,011	3,994
The Villages, FL MSA	Sumter	-630	-891	-962	-713	-839	387
West Palm Beach-Boca Raton	Palm Beach	-28,122	-37,675	-43,874	-45,133	-33,296	-7,728
State of Florida Total		-391,382	-518,574	-612,484	-614,003	-487,175	-76,294

Source: Shimberg Center analysis of U.S. Census Bureau, 2022 American Community Survey. Values are the difference between renter households and affordable/available units at each income level. Negative value means that renter households outnumber affordable/available units.



CITY COMMISSION
121 SW Flagler Ave
Stuart, Florida 34994
Phone: 772.288.5312
Email: commissioners@ci.stuart.fl.us

City of Stuart

September 23, 2024

The Honorable Jenny Fields, CFA
Martin County Property Appraiser
3473 SE Willoughby Blvd.
Suite 101
Stuart, Florida 34994

Re: Live Local Act Property Tax Exemption

Dear Ms. Fields:

The City Commissioners of the City of Stuart have raised several concerns with Section 196.1978(3), Florida Statutes (the "Live Local Property Tax Exemption") which allows the Property Appraiser to exempt certain rental properties from ad valorem taxes if such properties meet the statutory criteria. During the 2024 Legislative Session, the Live Local Act was amended to allow taxing authorities to annually "opt-out" of the 80 to 120% of median annual adjusted gross income ("80-120% AMI) portion of the Live Local Property Tax Exemption for the 2025 and future tax years.

At our September 23, 2024, commission meeting, the City of Stuart City Commissioners adopted a resolution electing to "opt-out" of the 80-120% AMI Live Local Property Tax Exemption for the 2025 tax roll. A copy of the resolution is attached.

If you should have any questions, comments, or concerns, please do not hesitate to contact the City Manager, Michael Mortell. I want to thank you in advance for your consideration regarding this matter.

Respectfully submitted,

Campbell Rich, Mayor
City of Stuart City Commission



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

Meeting Date: 9/23/2024

Prepared by: Ryanne Cavo

Title of Item:

OLD CITY LANDFILL 2ND DUE DILIGENCE EXTENSION REQUEST (RC):

RESOLUTION No. 96-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, EXTENDING THE DUE DILIGENCE PERIOD AT THE OLD CITY OF STUART LANDFILL FROM SEPTEMBER 30, 2024 TO MARCH 31, 2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City Commission authorized Ashley Capital to perform due diligence on the landfill property that it deemed necessary to evaluate a Brownfield Remediation Assessment. Because of the complexity of the original unlined landfill and the testing necessary, Ashley Capital has requested additional time so the professional service providers that are retained have ample time to sample, analyze, and report the data collected related to the Phase II and geotechnical services. Currently, the due diligence period is scheduled to expire on September 30, 2024. Ashley Capital is requesting an extension to March 31, 2025. These studies are necessary to completely evaluate the cleanup necessary to create a brownfield that would restore the property to the tax rolls as limited industrial property. There is no cost to the City during the due diligence period. Because the property is an unlined land fill, any information obtained by Ashley Capital will be useful to identify the current condition of the property.

Funding Source:

N/A

Recommended Action:

Move approval of Resolution 96-2024 granting the extension.

ATTACHMENTS:

1. R96-2024 Ashley Capital Due Diligence Ext #2
2. R96-2024 2nd Ext Due Diligence Ashley Capital



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

RESOLUTION NUMBER 96-2024

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, EXTENDING
THE DUE DILIGENCE PERIOD AT THE OLD
CITY OF STUART LANDFILL FROM
SEPTEMBER 30, 2024 TO MARCH 31, 2025;
PROVIDING AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES.**

* * * * *

WHEREAS, beginning in 1950, the Old City Landfill site was owned and utilized by Martin County as an open disposal area and was then acquired by the City of Stuart in 1962, where waste disposal at the site continued until the mid-1970's when the City placed limitations on the type of wastes that could be placed on the property; and

WHEREAS, the City Commission authorized the City to enter an Agreement with Ashley Capital authorizing them to perform the due diligence necessary to evaluate a Brownfield Remediation Assessment; and

WHEREAS, Ashley Capital previously requested an extension of the due diligence period from April 30, 2024 to September 30, 2024, which was granted by the City Commission; and

WHEREAS, Ashley Capital is requesting an additional extension of the due diligence period from September 30, 2024 until March 31, 2025, in order to provide adequate time to mobilize professional service providers who will be sampling, analyzing, and reporting the data that is collected related to the Phase II and Geotechnical services.

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

SECTION 1: The City Commission authorizes the extension for Ashley Capital from September 30, 2024 to March 31, 2025.

SECTION 2: This resolution shall take effect on 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:

CAMPBELL RICH, MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 23rd day of September, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

August 29, 2024

Mr. Michael Mortell
City Manager
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

Re: Due Diligence Second Extension Request
Letter of Intent for Parcels #163841000000000130 and #163841000000000160

Dear Mr. Mortell,

We are writing to provide an update on our due diligence activities at the Old City of Stuart Landfill and our continued interest in acquiring the property referenced above.

As committed to in our Letter of Intent dated November 15, 2023 and our First Extension Request dated April 5, 2024 we have been conducting the necessary Brownfield assessment due diligence on the property. All efforts have been made to maintain the due diligence schedule, however, the scope of work required including the Phase II and Geotechnical services are extensive and require adequate time for mobilizing professional service providers and the sampling, analyzing, and reporting of data collection.

At this time, Ashley Capital respectfully requests an extension of the due diligence period from September 30, 2024 to March 31, 2025. Pursuant to our Letter of Intent and First Extension Request for the due diligence periods, we have undertaken the following:

- **Treasure Coast Regional Planning Council Brownfields Site Assessment Grant Program**
On December 12, 2023 Ashley Capital was awarded a \$7,000 grant to conduct a Phase 1 Environmental Site Assessment (ESA) through the Treasure Coast Regional Planning Council (TCRPC) Brownfields Site Assessment Grant Program. The grant program required Environmental Protection Agency (EPA) review and approval of the site-eligibility determination. The EPA approved the site-eligibility determination on December 12, 2023.
- **Treasure Coast Regional Planning Council Brownfields Site Assessment Grant Program**
On May 15, 2024 Ashley Capital was awarded a \$159,975.80 grant to conduct a Phase II Environmental Site Assessment (ESA) services through the Treasure Coast Regional Planning Council (TCRPC) Brownfields Site Assessment Grant Program. The grant program required Environmental Protection Agency (EPA) review and approval of the Sampling Analysis Plan (SAP). The EPA approved the site-eligibility determination on May 15, 2024.

- **Environmental and Geotechnical Scope of Work Timeline**

DATE	SCOPE OF WORK
December 12, 2023	Environmental Protection Agency (EPA) approved site eligibility for Phase I Environmental Site Assessment Brownfield Grant
December 18, 2023	TCRPC contract execution with Stantec for Phase I Environmental Site Assessment
January 15, 2024	Phase I Environmental Site Assessment work commenced
February 2024	Boundary and Topographic Survey contract execution with Engineering Design & Construction and work commenced
March 4, 2024	Civil Engineering contract execution with Kimley Horn and work commenced
April 1, 2024	Phase I Environmental Site Assessment report issued
May 15, 2024	Environmental Protection Agency (EPA) approved site eligibility for Phase II Environmental Site Assessment Brownfield Grant
May 21, 2024	TCRPC contract execution with Stantec for Phase II Environmental Site Assessment
April 17, 2024	Ashley Capital contract execution with Langan for Geotechnical Engineering Study
April 2024	Boundary and Topographic Survey work completed
May 22, 2024	Project team met with Florida Department of Environmental Protection to discuss Phase II Environmental Site Assessment scope and procedures
June 2024	Civil Engineering work completed
June 2024	Geotechnical Engineering Study work commenced
July 2024	Phase II Environmental Site Assessment and additional Geotechnical Engineering Study services work commenced
September 2024	Expected delivery date of Phase II Environmental Site Assessment report and Geotechnical Engineering Study report

After receipt of the environmental and geotechnical reports, our team will require time to evaluate the information and determine next steps.

Thank you for your time and consideration of our request. We look forward to continuing our due diligence of the property with the end goal of repurposing and revitalizing this blighted City property into a flourishing employment center and business park.

Sincerely,



Jill Marasa
Director of Development—Treasure Coast
Ashley Capital, LLC

cc: Reed Hartman, Hartman Real Estate
Rick Morton, Ashley Capital
Mark Quimby, Ashley Capital
Ryan Bloss, Ashley Capital

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

Meeting Date: 9/23/2024

Prepared by: Jim Chrulski

Title of Item:

ROAD CLOSURE REQUEST FOR THE 2025 STUART BOAT SHOW (RC):

RESOLUTION No. 99-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE 51st ANNUAL STUART BOAT SHOW FROM 5:00 A.M. ON TUESDAY, JANUARY 7, 2025, THROUGH 5:00 P.M. ON MONDAY, JANUARY 13, 2025, ALONG NW DIXIE HIGHWAY (FORMERLY SR 707) FROM SW ALBANY AVENUE SOUTH OF THE OLD ROOSEVELT BRIDGE TO NW POINSETTIA STREET TO INCLUDE THE FEC RAILROAD CROSSING OF NW FERN STREET AND NW DIXIE HIGHWAY, NORTH OF THE ST. LUCIE RIVER DRAW BRIDGE, SUBJECT TO FLORIDA DEPARTMENT OF TRANSPORTATION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The 51st Annual Stuart Boat Show will occur between Friday, January 10th and Sunday, January 12th, 2025. In order to ensure a safe event, the event organizers require a road closure along NW Dixie Highway north of the old Dixie Highway Bridge for the duration of event staging and operations. These operations would begin early in the morning on Tuesday, January 7th and continue until the following Monday evening, January 13th, 2025 following the conclusion of the weekend event. The City Commission has historically granted a road closure for the week with requests to the event organizers to mitigate concerns from residents and motorists.

Funding Source:

N/A

Recommended Action:

Motion approval Resolution No. 99-2024

ATTACHMENTS:

1. R99-2024 Approving a road closure for the 51st Annual Stuart Boat Show
2. Stuart Boat Show 2025 MOT 9.9.24



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

RESOLUTION NUMBER 99-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE 51st ANNUAL STUART BOAT SHOW FROM 5:00 A.M. ON TUESDAY, JANUARY 7, 2025, THROUGH 5:00 P.M. ON MONDAY, JANUARY 13, 2025, ALONG NW DIXIE HIGHWAY (FORMERLY SR 707) FROM SW ALBANY AVENUE SOUTH OF THE OLD ROOSEVELT BRIDGE TO NW POINSETTIA STREET TO INCLUDE THE FEC RAILROAD CROSSING OF NW FERN STREET AND NW DIXIE HIGHWAY, NORTH OF THE ST. LUCIE RIVER DRAW BRIDGE, SUBJECT TO FLORIDA DEPARTMENT OF TRANSPORTATION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Stuart Boat Show has grown and endured as a signature marine industry event in the Stuart area for over fifty years; and

WHEREAS, in order to produce the Stuart Boat Show in a safe and efficient manner, event organizers have requested the City of Stuart close a portion of NW Dixie Highway north of the Dixie Highway Bridge for the duration of event staging and operations beginning Tuesday, January 7th through Monday, January 13th, 2025; and

WHEREAS, the City Commission of the City of Stuart recognizes the Stuart Boat Show as a 50-year legacy event in the City and is hereby resolved to provide a road closure for the period mentioned herein as sufficient time and space allocation to safely and efficiently conduct the event.

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

SECTION 1: The City Manager is hereby authorized to execute a request form to the Florida Department of Transportation seeking approval of a road closure for the “2025 STUART BOAT SHOW” from Tuesday, January 7th through Monday, January 13th 2024, along NW Dixie Highway (formerly SR 707), from SW Albany Avenue to NW Poinsettia Street, including the RR Crossing at NW Fern Street and NW Dixie Highway, subject to the approval of the Florida Department of Transportation. A copy of the form requesting city approval is attached hereto as “Attachment A.”

SECTION 2: This resolution shall take effect upon adoption.

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

CAMPBELL RICH, MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

STUART BOAT SHOW Traffic and Pedestrian Circulation Plan - 2025

Prepared for the Marine Industries Association of the Treasure Coast (MIATC) in support of the annual Stuart Boat Show

Prepared by O'Rourke Engineering & Planning

September 9, 2024

O'Rourke Engineering & Planning (O'REP) was retained by MIATC to prepare a traffic and pedestrian circulation plan for approval by the City of Stuart. The intent of the Plan is to ensure safe vehicle and pedestrian circulation outside of the 51st Annual Stuart Boat Show event footprint. The details of the Plan are identified below.

Project Description

The Stuart Boat Show is a long-standing event that draws people to the northeast portion of the incorporated City of Stuart. The show will occur on Friday, January 10, Saturday, January 11, and Sunday January 12, 2025. As provided in the concept illustration below, the Show is staged along Dixie Highway and the corresponding waterfront. Dixie Highway will be closed from Tuesday morning January 7, 2025 through Monday, January 13, 2025, at 5:00 pm to both vehicle and pedestrian traffic from Albany Road to Poinsettia Street which includes the closure of Fern Street at Dixie Highway.

A conceptual illustration is provided below.



3725 S. East Ocean Boulevard Suite 201 Stuart Florida 34996 | 772 781 7918

Vehicle and Pedestrian Signage

A series of advanced signage will be in place to alert drivers and pedestrians, as appropriate, to the closure and direct them to detoured routes.

Exhibit A illustrates the detour plan for rerouting traffic from Dixie Highway. The signage will include a series of “Construction” signs and changeable message signs (CMS). A key component of the Plan is coordination with the City of Stuart Police Department. One police officer will be stationed at each of the following locations Tuesday through Friday from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM: US 1 and Wright Boulevard, US 1 and Joan Jefferson Way, and Dixie Highway and Alice Street. O’REP will obtain a Florida Department of Transportation (FDOT) permit for this portion of the Plan. **Attachment A** includes the Changeable Message Board messages.

The signage directs traffic through Baker Road on the north and West Ocean on the south to avoid the congested intersection of Dixie Highway at Wright Boulevard and Dixie Highway at Joan Jefferson Way. Dixie Highway carries approximately 600 vehicles per hour in the peak southbound direction in the morning and just over 800 vehicles in the peak northbound direction in the afternoon based on the 2023 traffic counts. By implementing this Plan, we estimate that the traffic can successfully be accommodated on Indian River Drive and SR A1A with the balance diverting to US 1. **Exhibit B** illustrates the path of the diverted traffic volumes.

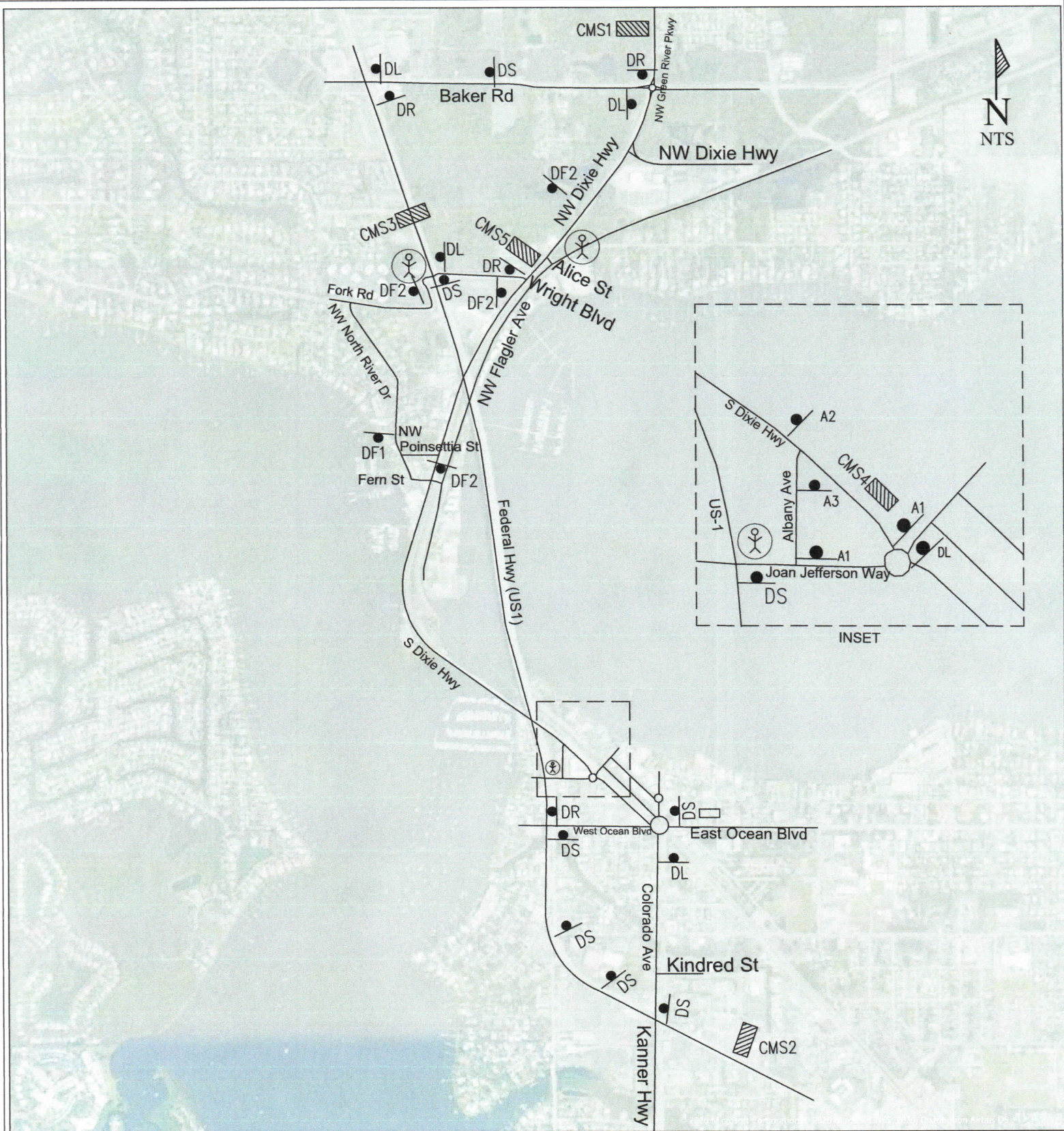
As shown, the traffic will be diverted by signage based on the road closures and direction of vehicle circulation. Joan Jefferson Way will experience additional vehicle traffic. That traffic will be accommodated with the presence of the officers on US 1. To a lesser extent, traffic will divert to East Ocean Boulevard and Colorado Avenue. The balance of diverted vehicle trips will be on Ocean Boulevard east of downtown where capacity is available.

Fern Street Detour

Local signage will be posted on Fern Street that identifies that Fern Street is closed at Dixie Highway. Dixie Highway, Alice Street, and Wright Boulevard will also include signage that say “Dixie closed before Fern Street” to alert motorists and pedestrians to the new vehicle and pedestrian circulation patterns.

In addition to the detour plans, a sign series devoted to directing motorists to the Boat Show and Boat Show Parking will be posted. **Exhibit C** identifies the location of signage directing motorists to the Stuart Boat Show parking and shuttle location spots. Additional signage will be prepared for pedestrian wayfinding from downtown Stuart and from parking areas.

The combination of detour signage, police-controlled intersections and directional signage will provide an enhanced circulation pattern minimizing traffic impacts in the downtown area during the show.



O'Rourke Engineering & Planning

3725 S. East Ocean Boulevard ~ Suite 201
Stuart, FL 34996 ~ Tel: 772-781-7918

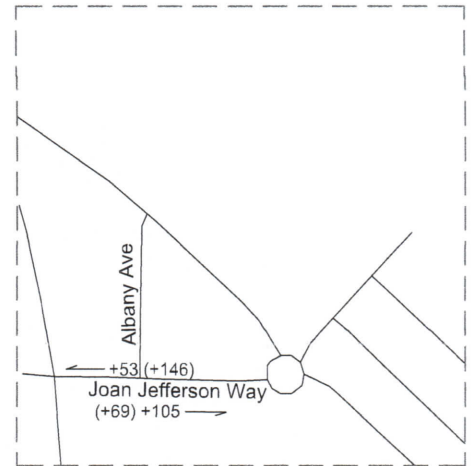
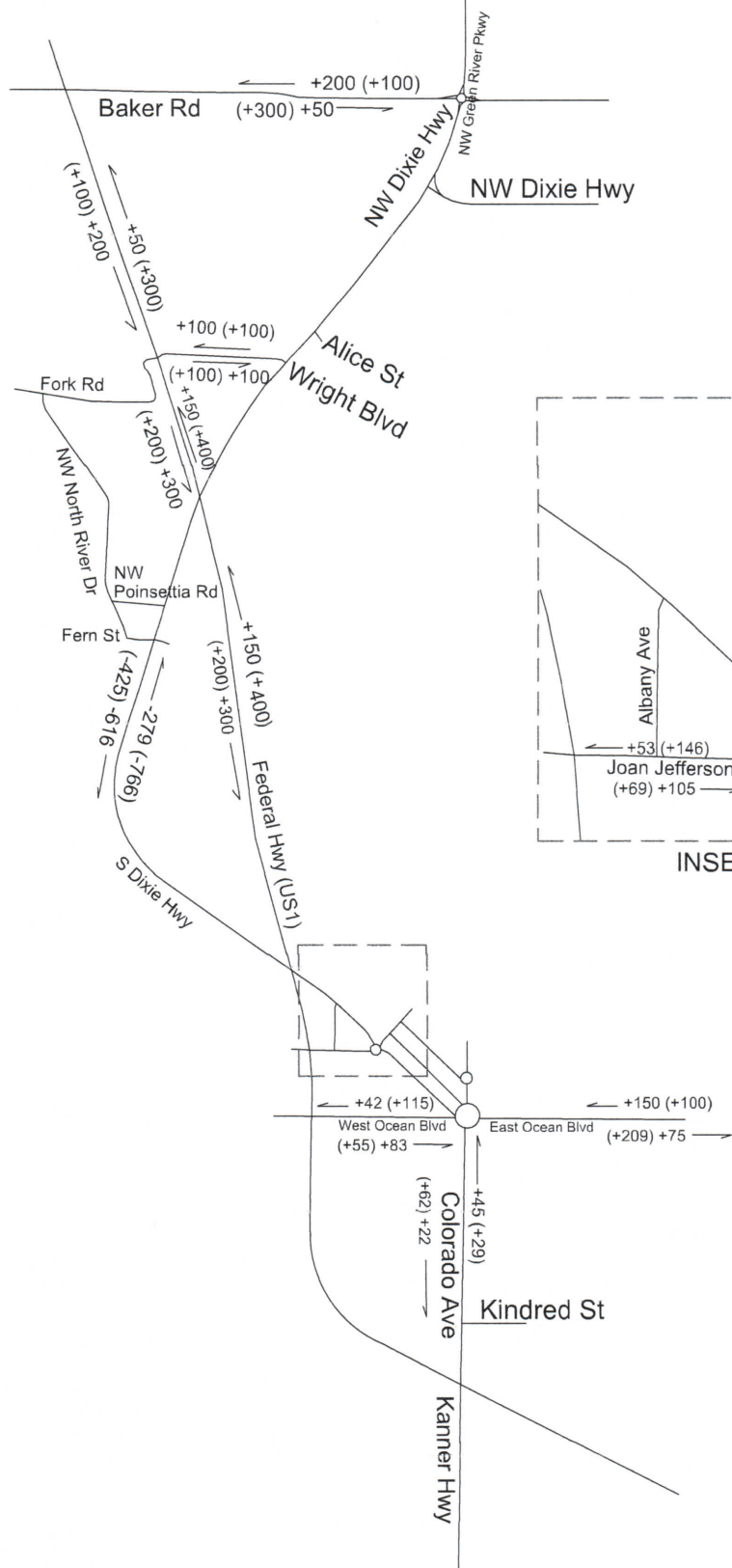
Project Job No:

Date: 09.09.2024

LEGEND

Road Closed to thru Traffic A1	Left Turn Only A2	Right Turn Only A3	Fern St Closed at Dixie DF1	Dixie Closed Before Fern St DF2
Dixie Hwy Detour DL	Dixie Hwy Detour DR	Dixie Hwy Detour DS	= TYPICAL SIGN	= Barricade
			= CMS Changeable Message Sign	= Traffic Control Officer

EXHIBIT A Boat Show Detour Plan



INSET

O'Rourke Engineering & Planning

3725 S. East Ocean Boulevard ~ Suite 201
Stuart, FL 34996 ~ Tel: 772-781-7918

Project Job No:

Date: 09.09.2024

LEGEND



= Inset Area

EXHIBIT B

Diverted Volumes
Stuart Boat Show



O'Rourke Engineering & Planning

3725 S. East Ocean Boulevard ~ Suite 201
Stuart, FL 34996 ~ Tel: 772-781-7918

Project Job No:

Date: 09.09.2024

LEGEND

Boat Show
↑
Parking/
Shuttle
P1

Boat Show
↙
Parking/
Shuttle
P3

Boat Show
↘
Parking/
Shuttle
P2

Boat Show Traffic
Shuttle
↑
CMS 6

EXHIBIT C

Parking/Shuttle Signage
Stuart Boat Show

Attachment A

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: SB Dixie Hwy, 200 ft. north of Baker Rd (CMS #1) and SB Dixie North of Wright Blvd (CMS #5)

Used: from 01/02/2025 at 06:00 AM
to 01/07/2025 at 06:00 AM

Message programmed by:

MESSAGE 1

D	I	X	I	E			
H	W	Y					
C	L	O	S	E	D		

MESSAGE 2

J	A	N			7		
T	O						
J	A	N		1	3		

Timing:

Message 1 will run: 2 seconds.
Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: SB Dixie Hwy, 200 ft. north of Baker Rd (CMS #1) and SB Dixie North of Wright Blvd (CMS #5)

Used: from 01/07/2025 at 06:00 AM
to 01/13/2025 at 03:00 PM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>F</u>	<u>O</u>	<u>L</u>	<u>L</u>	<u>O</u>	<u>W</u>	<u> </u>	<u> </u>
<u>D</u>	<u>E</u>	<u>T</u>	<u>O</u>	<u>U</u>	<u>R</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: NB on US-1, 100 ft. south of Johnson Ave (CMS #2)

Used: from 01/02/2025 at 06:00 AM

to 01/07/2025 at 06:00 AM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>J</u>	<u>A</u>	<u>N</u>	<u> </u>	<u> </u>	<u>7</u>	<u> </u>	<u> </u>
<u>T</u>	<u>O</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>J</u>	<u>A</u>	<u>N</u>	<u> </u>	<u>1</u>	<u>3</u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: NB on US-1, 100 ft. south of Johnson Ave (CMS #2)

Used: from 01/07/2025 at 06:00 AM

to 01/13/2025 at 03:00 PM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>F</u>	<u>O</u>	<u>L</u>	<u>L</u>	<u>O</u>	<u>W</u>	<u> </u>	<u> </u>
<u>D</u>	<u>E</u>	<u>T</u>	<u>O</u>	<u>U</u>	<u>R</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: SB on US-1, 300 ft. north of River Shores Blvd (CMS #3)

Used: from 01/02/2025 at 06:00 AM
to 01/07/2025 at 06:00 AM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>J</u>	<u>A</u>	<u>N</u>	<u> </u>	<u> </u>	<u>7</u>	<u> </u>	<u> </u>
<u>T</u>	<u>O</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>J</u>	<u>A</u>	<u>N</u>	<u> </u>	<u>1</u>	<u>3</u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: SB on US-1, 300 ft. north of River Shores Blvd (CMS #3)

Used: from 01/07/2025 at 06:00 AM

to 01/13/2025 at 03:00 PM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>F</u>	<u>O</u>	<u>L</u>	<u>L</u>	<u>O</u>	<u>W</u>	<u> </u>	<u> </u>
<u>D</u>	<u>E</u>	<u>T</u>	<u>O</u>	<u>U</u>	<u>R</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: NB on Dixie Hwy, 50 ft. north of Joan Jefferson Way (CMS #4)

Used: from 01/02/2025 at 06:00 AM
to 01/07/2025 at 06:00 AM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>J</u>	<u>A</u>	<u>N</u>	<u> </u>	<u> </u>	<u>7</u>	<u> </u>	<u> </u>
<u>T</u>	<u>O</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>J</u>	<u>A</u>	<u>N</u>	<u> </u>	<u>1</u>	<u>3</u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: NB on Dixie Hwy, 50 ft. north of Joan Jefferson Way (CMS #4)

Used: from 01/07/2025 at 06:00 AM
to 01/13/2025 at 03:00 PM

Message programmed by: _____

MESSAGE 1

<u>D</u>	<u>I</u>	<u>X</u>	<u>I</u>	<u>E</u>	<u> </u>	<u> </u>	<u> </u>
<u>H</u>	<u>W</u>	<u>Y</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>C</u>	<u>L</u>	<u>O</u>	<u>S</u>	<u>E</u>	<u>D</u>	<u> </u>	<u> </u>

MESSAGE 2

<u>F</u>	<u>O</u>	<u>L</u>	<u>L</u>	<u>O</u>	<u>W</u>	<u> </u>	<u> </u>
<u>D</u>	<u>E</u>	<u>T</u>	<u>O</u>	<u>U</u>	<u>R</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: 2 seconds.

CHANGEABLE MESSAGE SIGNS WORKSHEET

Location of board: EB on Monterey Rd, 500 ft. west of Kanner Hwy (CMS #6)

Used: from 01/10/2025 at 06:00 AM
to 01/12/2025 at 03:00 PM

Message programmed by: _____

MESSAGE 1

<u>B</u>	<u>O</u>	<u>A</u>	<u>T</u>	<u>S</u>	<u>H</u>	<u>O</u>	<u>W</u>
<u>T</u>	<u>R</u>	<u>A</u>	<u>F</u>	<u>F</u>	<u>I</u>	<u>C</u>	<u> </u>
<u>S</u>	<u>H</u>	<u>U</u>	<u>T</u>	<u>T</u>	<u>L</u>	<u>E</u>	<u>↑</u>

MESSAGE 2

<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Timing:

Message 1 will run: 2 seconds.

Message 2 will run: seconds.

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

Meeting Date: 9/23/2024

Prepared by: Roz Johnson

Title of Item:

RATIFY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (RC):

RESOLUTION No. 100-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC., EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

THE COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA) IS A THREE-YEAR AGREEMENT THAT CONSISTS OF 35 ARTICLES AND A PREAMBLE. THE PARTIES ENGAGED IN COLLECTIVE BARGAINING FROM APRIL 26, 2024 THROUGH AUGUST 19, 2024. THE MEMBERS OF THE PBA RATIFIED THE AGREEMENT ON SEPTEMBER 4, 2024.

Funding Source:

General Fund

Recommended Action:

Motion to approve Resolution No. 100-2024.

ATTACHMENTS:

1. R100-2024 Ratify Collective Bargaining Agreement between City and PBA



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

RESOLUTION NUMBER 100-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC., EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Collective Bargaining Agreement (CBA) between the City and Palm Beach County Police Benevolent Association, Inc. (PBA) is set to expire on September 30, 2024; and

WHEREAS, the parties engaged in collective bargaining from April 26, 2024 through August 19, 2024 and reached a tentative agreement on a CBA for the period beginning October 1, 2024 through September 30, 2027; and

WHEREAS, the bargaining unit members of the PBA ratified the proposed CBA on September 4, 2024.

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

SECTION 1: The City Commission hereby ratifies and approves the three-year CBA between the City of Stuart and PBA, effective October 1, 2024 through September 30, 2027.

SECTION 2: This resolution shall take effect upon adoption.

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

CAMPBELL RICH, MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

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

Meeting Date: 9/23/2024

Prepared by: Roz Johnson

Title of Item:

RATIFY THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, COLLECTIVE BARGAINING AGREEMENT (RC):

RESOLUTION No. 101-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

THE COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411 IS A THREE-YEAR AGREEMENT THAT CONSISTS OF 53 ARTICLES. THE PARTIES ENGAGED IN COLLECTIVE BARGAINING FROM MAY 8, 2024 THROUGH AUGUST 15, 2024. THE MEMBERS OF THE AFF RATIFIED THE AGREEMENT ON AUGUST 22, 2024.

Funding Source:

General Fund

Recommended Action:

Motion to approve Resolution No. 101-2024.

ATTACHMENTS:

1. R101-2024 Ratify Collective Bargaining Agreement between City and IAFF- final



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

RESOLUTION NUMBER 101-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING AND APPROVING THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF STUART AND THE PROFESSIONAL FIREFIGHTERS OF STUART, LOCAL #2411, EFFECTIVE OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Collective Bargaining Agreement (CBA) between the City and the Professional Firefighters of Stuart, Local #2411(IAFF) is set to expire on September 30, 2024; and

WHEREAS, the parties engaged in collective bargaining from May 8, 2024 through August 15, 2024 and reached a tentative agreement on a CBA for the period beginning October 1, 2024 through September 30, 2027; and

WHEREAS, the bargaining unit members of the IAFF ratified the proposed CBA on August 22, 2024.

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

SECTION 1: The City Commission hereby ratifies and approves the three-year CBA between the City of Stuart and IAFF, effective October 1, 2024 through September 30, 2027.

R101-2024

Ratify the Professional Firefighters of Stuart, Local #2411, Collective Bargaining Agreement

SECTION 2: This resolution shall take effect upon adoption.

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

CAMPBELL RICH, MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of _____, 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 9/23/2024

Prepared by: Pinal Gandhi-Savdas

Title of Item:

FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH MARTIN COUNTY FOR MAINTENANCE OF TRAFFIC SIGNAL CABINETS (RC):

RESOLUTION No. 98-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF STUART AND MARTIN COUNTY TO PROVIDE MAINTENANCE OF TRAFFIC SIGNAL CABINETS WITH DECORATIVE ART WRAP; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

City Commission Meeting

At the City Commission Meeting on August 26, 2024, Commissioner Giobbi requested to revise the Inter-local Agreement making the County responsible for the cost of any damage to the wrap on the traffic signal cabinets caused by any County staff member while performing operations or maintenance. The County did not agree to the revised terms in the Agreement. The County does not want to create liability or a potential conflict that might arise if someone other than a County employee damaged one of the boxes and it was not reported until it was identified by a County employee when it was discovered. The County is only agreeable to the boxes being wrapped if the City is responsible for any maintenance and repairs related to the art. Because the Board passed the resolution with the additional condition, the matter is being returned for a final determination based upon the response from the County.

Summary

Staff is requesting authorization to execute the first amendment to the Interlocal Agreement between the City of Stuart and Martin County to provide maintenance of traffic signal cabinets with decorative art wrap.

The City already has an agreement with Martin County for traffic signal maintenance, which was executed on August 5, 2014. The amendment is necessary to clarify responsibilities for traffic signal maintenance of cabinets with decorative art wrap that will be installed on the exterior surface of the cabinets within the Community Redevelopment Area.

Funding Source:

N/A

Recommended Action:

Approve Resolution No 98-2024.

ATTACHMENTS:

1. R98-2024 Amendment to ILA Traffic Signal Maintenance
2. R98-2024 - Exhibit 1 First Amendment to ILA Traffic Signal Maintenance
3. 2014_Stuart_Traffic Signal Maintenance



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

RESOLUTION No. 98-2024

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA AUTHORIZING THE
MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT
BETWEEN THE CITY OF STUART AND MARTIN
COUNTY TO PROVIDE MAINTENANCE OF TRAFFIC
SIGNAL CABINETS WITH DECORATIVE ART WRAP;
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, on June 6, 2023, the Community Redevelopment Agency (CRA) Board approved to wrap the traffic signal cabinets within the Community Redevelopment Area boundaries; and

WHEREAS, the Community Redevelopment Board and CRA Board approved appropriation for the Traffic Signal Cabinets Artwork Wrap Project in the FY 2024 CRA's budget; and

WHEREAS, the traffic signal cabinets are operated by Martin County; and

WHEREAS, the City of Stuart and Martin County entered into an Interlocal Agreement on August 5, 2014, for Traffic Signal Maintenance; and

RESOLUTION No. 98-2024
INTERLOCAL AGREEMENT

WHEREAS, Community Redevelopment Agency coordinated with Martin County to identify the traffic signal cabinets to apply vinyl wrap to the exterior surface of the cabinets within the Community Redevelopment Area; and

WHEREAS, on August 26, 2024, the City Commission considered Resolution No. 86-2024, amending the interlocal agreement with Martin County for traffic signal maintenance associated with installation and maintenance of the wrap; and

WHEREAS, the City Commission recommended approval of Resolution No. 86-2024 with the condition that the County shall be responsible for the costs of the damages to the wrap caused by County while performing operations or maintenance; and

WHEREAS, the County did not agree with the additional condition, so the matter is returning to the City Commission for a final determination.

WHEREAS, on September 23, 2024, the City Commission re-considered this matter by Resolution No. 98-2024.

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

SECTION 1: The City Commission of the City of Stuart hereby authorizes the Mayor and City Clerk to execute the First Amendment to the Interlocal Agreement between the City of Stuart and Martin County to provide for maintenance of traffic signal cabinets with decorative art wrap, as attached hereto as “Exhibit 1”.

SECTION 2: This Resolution shall be effective immediately upon adoption.

RESOLUTION No. 98-2024
INTERLOCAL AGREEMENT

Commissioner _____ offered the foregoing resolution and moved its adoption.

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

the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

**FIRST AMENDMENT
TO INTERLOCAL AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE
BETWEEN MARTIN COUNTY AND THE CITY OF STUART
DATED AUGUST 5, 2014**

THIS FIRST AMENDMENT to the Interlocal Agreement for Traffic Signal Maintenance is made and entered into this ____ day of _____, 2024 by and between Martin County, a political subdivision of the State of Florida, 2401 SE Monterey Road, Stuart, Florida 34996 (“COUNTY”) and the City of Stuart, a municipal corporation of the State of Florida, 121 SW Flagler Avenue, Stuart, Florida 34994 (the “CITY”).

W I T N E S S E T H:

WHEREAS, COUNTY and the CITY entered into an Interlocal Agreement on August 5, 2014 for Traffic Signal Maintenance; and

WHEREAS, the CITY wishes to enhance traffic signal system cabinets with decorative art wrap (WRAP) on COUNTY maintained systems within municipal limits; and

WHEREAS, the parties would like to amend the Interlocal to clarify certain responsibilities for traffic signal maintenance.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties hereby are to amend their Interlocal Agreement as follows:

1. The CITY will present the WRAP to the County for its review and approval.
2. The CITY will provide the COUNTY with five (5) calendar days-notice prior to the installation of the WRAP.
3. The CITY is solely responsible for all costs associated with installation, maintenance, replacement and removal of the WRAP.
4. The COUNTY shall not incur any costs related to the WRAP, including but not limited to, any damage cause by the COUNTY’s operations or maintenance in or around the traffic signal system cabinets.
5. Unless specifically modified by this First Amendment, all remaining terms shall remain in full force and effect.
6. This First Amendment shall become effective upon execution by both parties and filing with the Clerk of the Circuit Court for Martin County.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this First Amendment on the day and year written below.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

HAROLD E. JENKINS II, CHAIRMAN

SUFFICIENCY:

APPROVED AS TO FORM & LEGAL

SARAH W. WOODS, COUNTY ATTORNEY

ATTEST:

CITY OF STUART

MARY R. KINDEL, MMC
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY



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CAROLYN TIMMANN MARTIN COUNTY CLERK
DEED DOC \$0.00, MTG DOC \$0.00, INTANGIBLE \$0.00

INTERLOCAL AGREEMENT TRAFFIC SIGNAL MAINTENANCE

This INTERLOCAL AGREEMENT ("Agreement"), dated this 5 day of August, 2014, is made by and between the City of Stuart, a municipal corporation of the State of Florida, 121 SW Flagler Avenue, Stuart, Florida, 34994 (CITY) and Martin County, Florida, a political subdivision of the State of Florida, 2401 SE Monterey Road, Stuart, Florida 34996 (COUNTY).

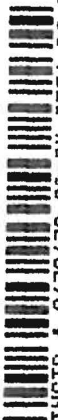
WHEREAS, Chapter 163 Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969, provides a method for governmental entities to cooperate with each other on a basis of mutual advantage to provide services and facilities in a manner that will accord best with the factors influencing the needs and development of local communities; and

WHEREAS the CITY and COUNTY desire to cooperate in the maintenance of the traffic signals within the City of Stuart, and

WHEREAS the CITY and COUNTY agree that assigning responsibility for the maintenance of traffic signals on CITY-maintained streets to the COUNTY ensures the parties are providing safe and efficient travel to public.

NOW, THEREFORE, in consideration of the mutual benefits flowing from each to the other, the parties do hereby agree as follows:

1. The COUNTY shall be responsible for the maintenance and continuous operation of the traffic signals, traffic signal systems (central computers, detection and surveillance cameras, message signs, and interconnected fiber optic communications), intersection control beacons, illuminated street name signs, and the payment of electricity and electrical charges incurred in connection with operation of such traffic signals and signal systems within the CITY. The CITY shall be responsible for the maintenance and continuous operation of the flashing school zone traffic control devices, warning beacons, and the payment of electricity and electrical charges incurred in connection with operation of such devices and beacons on all CITY-maintained streets.
2. The COUNTY shall maintain and operate the traffic signals and signal systems in a manner consistent with maintenance practices prescribed by the International Municipal Signal Association (IMSA) and operational requirements of the Manual on Uniform Traffic Control Devices (MUTCD), as amended. The COUNTY's maintenance responsibilities shall include, preventive maintenance (periodic inspection, service, and routine repairs), and emergency maintenance (trouble shooting in the event of equipment malfunction, failure, or damage). The COUNTY shall maintain detailed records of all its maintenance activities.
3. The COUNTY shall maintain the timing and phasing of the traffic signals in accordance with the Florida Department of Transportation's timing and phasing plans, specifications, or special provisions. The parties signal system timings (cycle length, split, offsets) are considered operational changes and may be changed by the COUNTY to accommodate changing needs of traffic. The COUNTY may make changes in the signal system timing provided these changes are made under the direction of a qualified Professional Engineer registered in the State of Florida. The COUNTY shall note in its maintenance records any time/phasing changes and maintain a copy of the timings and any approval documentation electronic. The COUNTY shall provide a copy of the timings to the CITY upon request.



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CAROLYN TIMMANN MARTIN COUNTY CLERK
DEED DOC \$0.00, MTG DOC \$0.00, INTANGIBLE \$0.00

This document is being re-recorded to include year of execution and signature on Exhibit.

4. On or before September 30 of each year during the term of this agreement, the CITY shall pay to the COUNTY, the COUNTY'S cost to maintain and provide continuous operation of all traffic signals and overhead flashing school zone signals more particularly identified in Exhibit "A". (Warning beacons, emergency signals, and post mounted flashing school zone signals are expressly not included in this Exhibit "A"). Payments shall be made in accordance with the amounts more particularly set forth in Exhibit "B".
5. Should the CITY fail to make the annual payments required under Section 4 above, the County shall have no responsibility and the CITY shall have sole responsibility for the maintenance and continuous operation of the aforementioned traffic signals as described in Exhibit "A". In addition, for those traffic signals on CITY-maintained streets that intersect the State Highway System, the CITY shall execute a Traffic Signal Maintenance And Compensation Agreement with the Florida Department of Transportation prior to taking on such responsibility for the maintenance and continuous operation of such signals.
6. The COUNTY Administrator or designee and the CITY Manager or designee shall annually review and update traffic signal and intersection control beacons and their locations as set forth in Exhibit "A". The parties intend that Exhibit "A" contain all existing traffic signals and intersection control beacons on the CITY-maintained streets that are maintained by the COUNTY. Changes or modifications to Exhibit "A" may be made on an annual basis, subject to approval by both the COUNTY Administrator or designee and the CITY Manager or designee. New signals and intersection control beacons added within the CITY jurisdictional limits during the fiscal year shall be maintained and operated by the COUNTY following written notice to COUNTY of final acceptance by the CITY. On or before June 1st each year, the COUNTY and the CITY representatives, as described herein, shall review, update and approve a new Exhibit "A", which shall include all new traffic signals and intersection control beacons added during the previous fiscal year and remove those no longer in service. The COUNTY'S costs for new traffic signals and intersection control beacons installed during the current fiscal year shall not be billed until the next fiscal year. In the event that no change has been made to the previous year's Exhibit "A", a statement to this effect should be included in the annual revised Exhibit "A".

Records of costs incurred under terms of this Agreement shall be maintained and made available upon request to the CITY at all times during the period of this Agreement and for three (3) years after final payment for the work pursuant to this Agreement is made. Copies of these documents and records shall be furnished to the CITY upon request. Record of costs incurred include the COUNTY's general accounting records, together with supporting documents and records of the COUNTY and all subcontractors performing work, and all other records of the COUNTY and subcontractors considered necessary by the CITY for proper audit of costs.

7. The COUNTY shall submit an invoice for payment to the CITY between June 1st and June 30th each year. The CITY shall have thirty (30) days to review such invoice and approve or deny same. Should the CITY not approve the invoice, the CITY shall notify the COUNTY, in writing within ten (10) business days of the receipt of the invoice; otherwise, the CITY shall make the payment to the COUNTY no later than September 30 of each year.
8. Disputes under this Agreement may be resolved by the COUNTY Administrator or designee and the CITY Manager or designee. If such Authorized Representatives are unable to reach a resolution and the parties agree that the issue has sufficient merit, the parties may select a mediator mutually acceptable to both parties to conduct a mediation of the issues involved. The parties agree to be responsible for their respective costs and fees incurred during the mediation

and that the mediator's fees and costs shall be paid in equal amounts by each party. This dispute provision is in lieu of any State imposed conflict resolution process, specifically, but not limited to Chapter 164, Florida Statutes. The Parties specifically waive any such conflict assessment process under Chapter 164, Florida Statutes.

9. In the event either party materially breaches this Agreement and does not comply with its provisions, the other party shall have the right of unilateral rescission of this Agreement upon thirty (30) days prior written notice. The breaching party shall be liable to the other party for all costs or damages incurred by the other party as a result of the breach of this Agreement by the breaching party.
10. The laws of the State of Florida shall govern all aspects of this Agreement. In the event it is necessary for either party to initiate legal action regarding this Agreement, the venue shall be in the Nineteenth Circuit for claims under state law and in the Southern District of Florida for any claims that are justifiable in federal court.
11. This agreement may be amended only by written agreement of the parties. A party requesting amendment of the Agreement must propose such amendment in writing to the other party at least ninety-days (90) prior to the proposed effective date of the amendment.
12. This Agreement shall become effective upon execution by both parties and filing with the Clerk of the Circuit Court for Martin County. The Agreement shall renew annually and remain in effect in perpetuity unless either party gives written notice to the other not less than six (6) months prior to the annual renewal date, of its intent to terminate this Agreement. Either party may terminate this agreement for any reason following providing the required notice.

13. Liability

As between the CITY and the COUNTY, to the extent allowed by law, the COUNTY assumes responsibility for claims for personal injury damages arising out of the COUNTY'S responsibility under this Agreement and the CITY assumes responsibility for claims for personal injury damages arising out of the CITY'S responsibility under this Agreement. This provision shall in no way be deemed a waiver of the sovereign immunity afforded to COUNTY and CITY by the Florida Constitution, a waiver or expansion of Section 768.28, Florida Statutes, or consent to be sued by third parties.

14. Insurance

The COUNTY and the CITY agree to maintain tort liability insurance or self-insurance coverage of their respective activities on the facilities for no less than the maximum amount for which the Legislature waives sovereign immunity for the State and its agencies, which amount is currently \$200,000 per claim, and \$300,000 per incident pursuant to Section 768.28 Florida Statutes.

15. This Agreement incorporates and includes all prior and contemporaneous negotiations, correspondence, conversation, agreements, and understanding applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understands concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations or agreements, whether oral or written.

16. If any term or provision of this Agreement, or the application thereof to any person or circumstance, to any extent, be held invalid or unenforceable for the remaining term of this Agreement, then the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.
17. Any notice, request, demand, consent, approval, or other communication required or permitted by this Agreement shall be given or made in writing and shall be served (as elected by the party giving such notice) by any of the following methods: (i) hand delivery to the other party; (ii) delivery by commercial overnight courier service; or (iii) mailed by registered or certified mail (postage prepaid), return receipt requested. For purposes of notice the addresses are:

CITY:

City Manager
City of Stuart City Hall
121 SW Flagler Avenue
Stuart, Florida 34994

Required copy to:

City Attorney's Office
City of Stuart City Hall
121 SW Flagler Avenue
Stuart, Florida 34996

COUNTY:

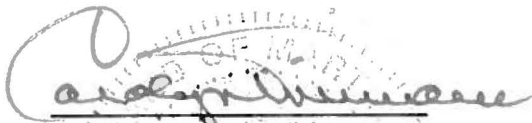
County Administrator
Martin County Administrative Center
2401 SE Monterey Road
Stuart, Florida 34996

Required copy to:

County Attorney's Office
Martin County Administrative Center
2401 SE Monterey Road
Stuart, Florida 34994

IN WITNESS WHEREOF, the parties hereto have caused these present to be executed the day, month and year aforesaid.

ATTEST:



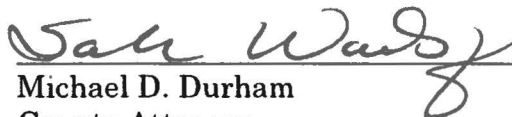
Carolyn Timmann,
Clerk of the Circuit Court
and Comptroller

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**



Sarah Heard
Chair

**APPROVED AS TO FORM AND
CORRECTNESS:**

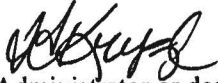


Michael D. Durham
County Attorney

Exhibit "A"

Traffic signals maintained by Martin County that are on City of Stuart streets From October 1, 2014 to September 30, 2015				
Intersection Locations	Traffic or Overhead Flashing School Zone (T or SZ)	FY14/15 Unit Rate	Percent City Street	Individual Amount
NE Dixie Highway at NE Cardinal Avenue	T	\$3,040	50%	\$1,520
NW Dixie Highway at NW Green River Parkway	T	\$3,040	67%	\$2,037
NW Wright Boulevard at NW Dixie Highway	T	\$3,040	100%	\$3,040
NW Wright Boulevard at NW Federal Highway	T	\$3,040	50%	\$1,520
SW Joan Jefferson Way at SW Federal Highway	T	\$3,040	50%	\$1,520
SW Ocean Boulevard at SW Federal Highway	T	\$3,040	50%	\$1,520
SE Ocean Boulevard at Stuart Middle School	SZ	\$3,040	25%	\$760
S Colorado Avenue at SW Federal Highway	T	\$3,040	25%	\$760
SE Johnson Avenue at SW Federal Highway	T	\$3,040	25%	\$760
SE Georgia Avenue at SE Ocean Avenue	T	\$3,040	100%	\$3,040
SE Martin Luther King Boulevard at SE Dixie Highway	T	\$3,040	50%	\$1,520
SE Florida Avenue at SE Dixie Highway	T	\$3,040	50%	\$1,520
SE Ocean Boulevard at SE Palm Beach Road	T	\$3,040	25%	\$760
SE 10th Street at SE Palm Beach Road	T	\$3,040	50%	\$1,520
SE Martin Avenue at SE Ocean Boulevard	T	\$3,040	50%	\$1,520
SE Central Parkway at SE Federal Highway	T	\$3,040	25%	\$760
SE Monterey Extension at SE Monterey Road	T	\$3,040	33%	\$1,003
SE Monterey Extension at SE Federal Highway	T	\$3,040	25%	\$760
SE Ruhnke Street at SE Willoughby Boulevard	T	\$3,040	33%	\$1,003
SE Aster Lane at SE Indian Street	T	\$3,040	33%	\$1,003
SE Fischer Street at SE Federal Highway	T	\$3,040	25%	\$760
SE Market Place at SE Federal Highway	T	\$3,040	25%	\$760
Total Amount				\$29,366

I certify that the above traffic signals will be maintained and operated in accordance with the requirements of the Interlocal Agreement for Traffic Signal Maintenance between the City of Stuart and Martin County. For satisfactory completion of all services in the Agreement for this time period, the City will pay the County a lump sum of \$29,366.

 8/22/2014

County Administrator or designee & date

 7-23-14

City Manager or designee & date

Exhibit "B"

Method and Limits of Compensation

1.0 PURPOSE

This exhibit defines the method and limits of compensation to be made to the COUNTY for the services described in this Agreement and in Exhibit "A" and the method by which payments will be made.

2.0 COMPENSATION

For the satisfactory completion of all services detailed in this Agreement and Exhibit "A" of this Agreement, the CITY will pay the COUNTY the Total Lump Sum in Exhibit "A". The COUNTY will receive one lump sum payment at the end of each fiscal year for satisfactory completion of service.

Total Lump Sum Amount for each fiscal year is calculated by adding all of the individual intersection amounts. The individual intersection amounts are calculated by taking the FY Unit Rate times the percent of the CITY-maintained street approaches of the total intersection approaches. For example, a signalized intersection having 4 approaches, with 2 approaches being CITY-maintained streets, will have an individual intersection amount equal to 50% of the FY Unit Rate.

Overhead Flashing School Zone Signals will be paid at 25% of the FY Unit Rate for a signalized intersection.

Beginning with FY15, the FY Unit Rate for each signalized intersection will be \$3,040; each subsequent fiscal year is 3% more than the FY Unit Rate for the previous fiscal year, unless otherwise specified in an amendment to this Agreement.



STATE OF FLORIDA-MARTIN COUNTY
I hereby certify that the foregoing is a true
Copy as recorded in my office, and the
same is in full force and effect.

THIS 24 DAY OF July 2014

By [Signature]
[Signature]

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 63-2014

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA AUTHORIZING THE
MAYOR AND CITY CLERK TO EXECUTE AN
INTERLOCAL AGREEMENT BETWEEN THE CITY OF
STUART AND MARTIN COUNTY TO PROVIDE FOR
ANNUAL PAYMENTS TO MARTIN COUNTY FOR
THE MAINTENANCE OF TRAFFIC SIGNALS ON
CITY-MAINTAINED STREETS, PROVIDING AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

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

SECTION 1: The City Commission of the City of Stuart hereby authorizes the Mayor and City Clerk to execute an Interlocal Agreement between the City of Stuart and Martin County to provide for annual payments to Martin County for the maintenance of traffic signals on city-maintained streets. A copy of the Interlocal Agreement is on file in the office of the City Clerk.

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

Resolution 63-2014
Interlocal Agreement
Traffic Signal Maintenance

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

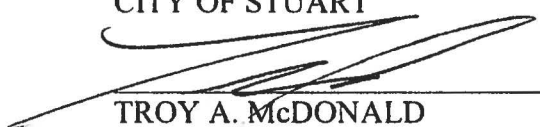
TROY A. McDONALD, MAYOR
KELLI GLASS-LEIGHTON, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
JAMES A. CHRISTIE, Jr., COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

ADOPTED this 14th day of July, 2014.

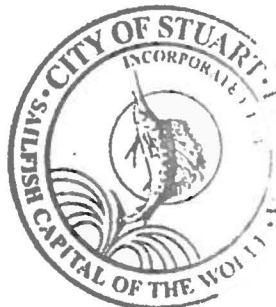
ATTEST:

CHERYL WHITE
CITY CLERK

CITY OF STUART

TROY A. McDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS


MICHAEL J. MORTELL
CITY ATTORNEY



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 9/23/2024

Prepared by: Jodi Nentwick

Title of Item:

1251 SW NORTON LANE (STANCAVICH) - DISCUSSION AND DIRECTION BY THE CITY COMMISSION (RC):

RESOLUTION No. 103-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FINDING APPLICANT/OWNER, ROBERT STANCAVICH'S FAILURE TO COMPLY WITH CERTAIN REQUIRED CONDITIONS SET FORTH IN RESOLUTION NO. 69-2024; PROVIDING CITY STAFF WITH FURTHER DIRECTION; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On July 22, 2024, the City of Stuart City Commission approved Resolution No. 69-2024, the Applicant, Robert Stancavich, requesting to release a Unity of Title for Lots 1 and 2 of the January 1988 Norton's Landing Plat conditioned upon the Owner/Applicant's performance of the following: with the following stipulations:

1. Completing the progress of separating the Property into two (2) separate parcels and creating a new legal lot separate from the Owner/Applicant's homestead with its own parcel identification number prior to August 30, 2024;

Based on the Martin County Property Appraiser's website, this item complies, and a new Parcel Identification Number (PIN) has been created. The new PIN is 08-38-41-033-000-00010-6.

2. Submitting a complete application for a building permit for the single-family home under construction on the Property prior to August 22, 2024;

On August 22, 2024, Mr. Stancavich submitted a building permit application at 5:28 PM electronically through the building permit portal (BP-24-1525). However, the Building Official, Lou Hatten, rejected the permit application based on the building permit checklist provided to Mr. Stancavich on August 8, 2024. The approval condition has not been met.

3. Completing construction of the exterior of the single-family home described in the permit, including landscaping and addressing stormwater issues to the satisfaction of the City Building Official, prior to July 22, 2025, and;

The approval condition has not been met.

4. Post a bond applicable to the City in the amount of \$25,000.00 to cover the costs of demolition of the single-family home under construction on the Property in the event that the Owner/Applicant fails to comply with the aforementioned conditions.

The approval condition has not been met.

Funding Source:

N/A

Recommended Action:

Provide direction to staff regarding the failure to meet the conditions in the Resolution.

ATTACHMENTS:

1. R103-2024 Norton's Lane
2. Stanocavich Documentation



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

RESOLUTION NUMBER 103-2024

**A RESOLUTION OF THE CITY COMMISSION
OF THE CITY OF STUART, FLORIDA,
FINDING APPLICANT/OWNER, ROBERT
STANCAVICH'S FAILURE TO COMPLY
WITH CERTAIN REQUIRED CONDITIONS
SET FORTH IN PRIOR RESOLUTION NO. 69-
2024; PROVIDING CITY STAFF WITH
FURTHER DIRECTION; PROVIDING AN
EFFECTIVE DATE; AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, in 2015, the Applicant/Owner, Robert Stancavich, filed an Application for a Variance from the City of Stuart's Board of Adjustment; and

WHEREAS, the Parcel is located on the northernmost part of Norton's Lane and represents Lots 1 and 2 of the Norton's Landing Subdivision, with Poppleton Creek to the northeast and Village Oaks Condominiums to the west; and

WHEREAS, the Board of Adjustment Staff Report specifically stated that the Public Works Department would require details of the construction to ensure there are no issues of stormwater run-off in relation to the Property and its surroundings during the building permit stage in the process. The Applicant will be subject to a detailed plan review at the time when a site and construction permit is submitted to the Building Department for the development of the site as a single-family residence; and

WHEREAS, during the Board of Adjustment Hearing, the Applicant provided verbal testimony indicating that he would split the Lot into two (2) legally dimensioned Lots, conditioned upon the granting of the Variance request. The Board of Adjustment granted the request in 2015, however, the Owner/Applicant did not file for a lot split or parcel separation; and

WHEREAS, the Owner/Applicant presented to the City and claimed that he was not aware of three (3) separate Deed Restrictions recorded as Unity of Titles on the Property. The first was recorded in 1989 and the second was recorded in 1991 and superseded and replaced the original. The third Unity of Title was recorded in favor of the County. In November 2023, Martin County approved Resolution 23-11.13 releasing the 2003 Unity of Title; and

WHEREAS, the Unity of Title restricting the land appears to have included Lots 1, 2, and 3, however, Lot 3 has been developed into a single-family home and is under separate ownership; and

WHEREAS, the Owner/Applicant has been constructing a single-family home on the Property for approximately eight (8) years and now claims that a Release of the Unity of Title is necessary for him to create the separate parcel and obtain a separate parcel identification number which is necessary to obtain a building permit and certificate of occupancy; and

WHEREAS, the Owner/Applicant of Lots 1 and 2 has represented to the City that if the City Commission releases the Unity of Titles, he will immediately create a separate legal-size parcel through the Martin County Property Appraiser's Office; and

WHEREAS, Resolution No. 69-2024, adopted on July 22, 2024, was conditioned upon the Owner/Applicant's performance of the following: (a) completing the process of separating the Property into two (2) separate parcels and creating a new legal lot separate from the Owner/Applicant's homestead with its own parcel identification number prior to August 30, 2024; (b) submitting a complete application for a building permit for the single-family home under construction on the Property prior to August 22, 2024; (c) completing construction of the exterior of the single-family home described in the permit, including landscaping and addressing stormwater issues to the satisfaction of the City Building Official, prior to July 22, 2025; and d) post a bond acceptable to the City in the amount of \$25,000.00 to cover the costs of demolition of the single-family home under construction on the Property in the event that the Owner/Applicant fails to comply with the aforementioned conditions.

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

SECTION 1: The City Commission hereby finds that Owner/Applicant has failed to comply with the following conditions expressly identified in Resolution No. 69-2024: (b) submit a complete application for a building permit for the single-family home under construction on the property prior to August 22, 2024; and d) post a bond acceptable to the City in the amount of \$25,000.00 to cover the costs of demolition of the single-family home under construction on the Property in the event that the Owner/Applicant fails to comply with the aforementioned conditions.

SECTION 2: The City Staff shall take appropriate action to foreclose on non-homesteaded property.

SECTION 3: This Resolution shall be recorded in the Public Records of Martin County.

SECTION 4: This resolution shall take effect upon adoption.

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

CAMPBELL RICH, MAYOR
EULA R. CLARKE, VICE MAYOR
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI , COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

Hatten, Louis

From: Robert JS <robertjs5@yahoo.com>
Sent: Friday, August 30, 2024 4:24 PM
To: Hatten, Louis; Xenoh Jet; Adam Hart
Subject: (Email Address Request). Fw: Need to Reschedule Friday Appointment, 1251 SW Nortons Lane, Stuart

This message has originated from an [EXTERNAL EMAIL ADDRESS]. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Hi Lou,

I just saw your email from another email address. Should I respond to that address or keep using this email address?

Yes, you did send an email back on 8/8 but I didn't read it until 8/20 or the date it was when I came into the building department. I was actually in the hospital recovering from knee surgery and didn't even look at my computer for probably five days after. I completely missed your email and I am sorry for that. I did get a doctor's letter showing I was under the doctor's care for the surgery. I didn't have a chance to scan it but I could send it if you would like.

On July 11, 2024, I sent out the attached email to Mike Mortell with you CC'd to it with a request to also include my other email xenoh.jet@gmail.com for all other correspondence. With my Robertjs5 email address, I receive so much junk emails that within a day an important email could be 75 emails behind. This is why I also use my secondary email so I don't miss something important like the email you sent on 8/8.

Lastly, I have hired a contractor to complete the house. His name is Garland Brown and he has been a contractor for 25+ years. Garland's father worked for one of the building departments in Palm Beach County which I believe was Jupiter for many years until he retired.

I will go through your list and get you what is needed asap.

Thank you,

Robert Stancavich

----- Forwarded Message -----

Hatten, Louis

From: Adam Hart <hrcdesigns@gmail.com>
Sent: Thursday, August 22, 2024 7:54 AM
To: Hatten, Louis; Mortell, Michael; Nentwick, Jodi; Baggett, Lee; Lorenzo, Vito
Subject: Fwd: Fw: Robert Stancavich , 1251 SW Nortons Lane
Attachments: SDEV_KONICA24080815360.pdf

This message has originated from an [EXTERNAL EMAIL ADDRESS]. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Mr. Hatten,

I am the Engineer of Record for Mr. Stancavich's house, attempting to get his project submitted into the system again so that he can comply with your requirements.

During the hearing, on public record, a statement was made by one of the council members that they had contacted a truss company prior to the meeting, and received a comment that the trusses would be compromised structurally by sitting under a dried in roof for an extended period of time, and that there was concern that they may need to be replaced.

Since this was a public record statement, I would like to respectfully request information on who was contacted, what truss company, and on what date so that I may contact that same person to discuss their opinion on the condition of the trusses, and the name of the licensed engineer, or otherwise qualified professional(s) who have contributed to this narrative. As a professional engineer licensed by the State of Florida, I am required to do my diligence both professionally and ethically in determining the structural condition of the trusses on the project.

I will also be reaching out to Mr. Kost and their Engineer to discuss the trusses provided since Kost truss was the company who manufactured the trusses.

----- Forwarded message -----

From: Robert JS <robertjs5@yahoo.com>
Date: Wed, Aug 21, 2024 at 7:19 PM
Subject: Fw: Robert Stancavich , 1251 SW Nortons Lane
To: Adam Hart <ahart@hrcdesigns.com>, Xenoh Jet <xenoh.jet@gmail.com>



City of Stuart, FL

Sep 10, 2024

BP-24-1525

Intake Review

Building Permit

Status: Active**Became Active:** Aug 22, 2024**Assignee:** Louis Hatten**Completed:**

Applicant

Robert Stancavich
robertjs5@yahoo.com
1251 SW Norton's Ln
Stuart, Florida 34994
561-818-3377

Primary Location

1251 SW NORTONS LN
STUART, FL 34994

Owner:

STANCAVICH ROBERT
1251 SW NORTONS LN STUART, FL 34994

Comments

Robert Stancavich, Aug 22, 2024

HISTORICAL PERMITS IN APPLICATION DESCRIPTION. ONLINE SUBMITTAL TO REPLACE PREVIOUSLY SUBMITTED PLANS IN 2023

Louis Hatten, Aug 29, 2024

Your Application is INCOMPLETE - I emailed you a Building Permit Application Checklist on 8/8/2024 for you to follow which also states Only Complete Permit Application Packages Will Be Accepted (reference to past permit numbers does nothing)

- 1) You started off on application TYPE -Contractor - Should of put Owner/Builder
- 2) You did give contractor verifications
- 3) Plans were submitted - NOT REVIEW YET
- 4) Notice of Commencement NOT SUBMITTED
- 5) Owner/Builder Disclosure NOT SUBMITTED
- 6) Copy of Recorded Deed or Tax Receipt showing current ownership of property - NOT SUBMITTED
- 7) Notarized statement of authorization from property owner/agent if parcel is leased - NOT ANSWERED
- 8) Site/Plot plan including; Proposed drainage, elevations, any new construction, additions, improvements or repairs of any kind with dimensions -- NOT COMPLETE - We also requested an

Engineered Drainage Plan showing how the existing Drainage from Neighboring Subdivisions water was going to FLOW Uninterrupted By the Construction of your Single-Family Dwelling

9) Energy Performance Index (EPI), Manual J Calculations - Residential - NOT SUBMITTED

10) AHRI and Tie Down Method NOT submitted

11) Truss Layout and Engineering - NOT SUBMITTED

12) Construction Plans - Building Data Sheet filled out - NOT COMPLETELY REVIEW YET

13) All Product approval and installation details - Not Completely Reviewed Yet

14) If your project is in a flood zone you will need a Pre-Construction Elevation Certificate that must be submitted at the time of application --- What was submitted Looks INCOMPLETE

15) Electrical drawing for Temporary Power Pole, IF APPLICABLE

16) Separate permits required for Site, Dumpster Enclosure, Fire suppression, Fire alarm, Fire Line, gas, Commercial

Kitchen Hoods -- IF APPLICABLE

17) Initial Plan Review Fees - ONLY AFTER SUCCESSFUL INTAKE

*** I also Stated in my email You Will Need RECERTIFICATION OF ROOF AND FLOOR TRUSS SYSTEMS WITH REPAIR DETAILS OF BROKEN TRUSS WEBS DUE TO 4 TO 5 YEARS OF EXPOSURE TO THE WEATHER



BUILDING PERMIT APPLICATION CHECKLIST

ONLY COMPLETE PERMIT APPLICATION PACKAGES WILL BE ACCEPTED

Please write legibly on ALL forms.

- _____ 1. Completely filled out building permit application. Application must be signed and notarized. Parcel ID number must be on the permit. **Incomplete applications cannot be accepted.**
- _____ 2. Completed subcontractor verification applications: **Mechanical, Plumbing, Electric, LP Gas,**
- _____ 3. Plans to be one PDF, Commercial plans can be broken down into MEP's
- _____ 4. Copy of recorded Notice of Commencement if total job value is \$2,500 or more.
- _____ 5. **If Owner Builder Permit**, then an **Owner/Builder Disclosure** must be filled out and notarized.
- _____ 6. Copy of recorded deed or tax receipt showing current ownership of property.
- _____ 7. Notarized statement of authorization from property owner/agent if parcel is leased.
- _____ 8. Site/plot plan including: Proposed drainage, elevations, any new construction, additions, improvements or repairs of any kind with dimensions.
- _____ 9. Energy Performance Index (EPI), Manual J Calculations - Residential.
- _____ 10. AHRI and Tie Down Method
- _____ 11. Truss Layout and Engineering
- _____ 12. Construction plans including, but not limited to: Code summary; Building Code Edition, Risk Category; Wind Speed; Use of structure; and Type of Construction per FBC, occupant load, Life safety plan; ADA requirements, etc.
- _____ 13. **All product approval and installation details** (All items listed in FBC 107.3.5). All product approvals and installation details shown on the signed, sealed and dated building plans must be submitted with your permit application and include the product name; Florida (or Miami-Dade) product approval number **AND** method of installation on the following: all windows, doors, exterior doors (including **garage** doors), roofs, skylight, panel walls, structural components, shutters, new and innovative new products etc...
- _____ 14. If your project is in a flood zone you will need a Pre-Construction Elevation Certificate that must be submitted at the time of application.
- _____ 15. Electrical drawing for Temporary Power Pole, IF APPLICABLE.
- _____ 16. Separate permits required for Site, Dumpster enclosure, Fire suppression, Fire alarm, Fire line, gas, Commercial Kitchen hoods.
- _____ 17. Initial Plan Review Fee

**This page must be Initialed and turned in with
your permit application and supporting
documents.**

Applicant: _____ **Date:** _____



SUBMITTALS TO BUILDING DEPARTMENT REQUIRED BEFORE SLAB INSPECTION:

- _____ 18. Preliminary Termite Inspection
- _____ 19. Soil Compaction Test
- _____ 20. Form Board Survey. (BEFORE POUR)

AFTER SLAB - BEFORE TIE BEAM

- _____ 21. If you are pouring concrete for a project in a flood zone you will need a 1st Pour Elevation Certificate.

BEFORE A FINAL INSPECTION & C/O CAN BE SCHEDULED, SUBMIT:

- _____ 22. Original Finished Floor Elevation or Flood Elevation Certificate NAVD from a surveyor licensed by the State of Florida. Note that the finished floor elevation must be 18" above the crown of the adjacent road and must be above the base flood elevation or meet minimum septic tank elevation, whichever is greater.
- _____ 23. Commercial projects: an as-built set of drawings for site and buildings including all revisions as one PDF
- _____ 24. Final approval from Public Works, Zoning, and Fire (if Commercial).
- _____ 25. Termite spray for perimeter.
- _____ 26. Blower Door Testing Report.
- _____ 27. Landscape requirements must be met.

This page to be kept for your future reference.



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

RESOLUTION NUMBER 69-2024

**A RESOLUTION OF THE CITY COMMISSION
OF THE CITY OF STUART, FLORIDA
RELEASING A UNITY OF TITLE FOR LOTS 1
AND 2 OF THE JANUARY 1988 NORTON'S
LANDING PLAT, PROVIDING AN
EFFECTIVE DATE, AND FOR OTHER
PURPOSES.**

* * * * *

WHEREAS, in 2015, the Applicant, Robert Stancavich, filed an Application for a Variance from the Board of Adjustment; and

WHEREAS, the Parcel is located on the northernmost part of Norton's Lane and represents Lots 1 and 2 of the Norton's Landing Subdivision, with Poppleton Creek to the northeast and Village Oaks Condominiums to the west; and

WHEREAS, the Board of Adjustment Staff Report specifically stated that the Public Works Department would require details of the construction to ensure there are no issues of stormwater run-off in relation to the Property and its surroundings during the building permit stage in the process. The Applicant will be subject to a detailed plan review at the time when a site and construction permit is submitted to the Building Department for the development of the site as a single-family residence; and

WHEREAS, during the Board of Adjustment Hearing, the Applicant provided verbal testimony indicating that he would split the Lot into two (2) legally dimensioned Lots, conditioned upon the granting of the Variance request. The Board of Adjustment granted the request in 2015 but the Owner/Applicant did not file for a lot split or parcel separation; and

WHEREAS, the Applicant has now come to the City and claims that he was not aware of three (3) separate Deed Restrictions recorded as Unity of Titles on the Property. The first was recorded in 1989 and the second was recorded in 1991 and superseded and replaced the original.

The third Unity of Title was recorded in favor of the County. In November, 2023, the County approved Resolution 23-11.13 releasing the 2003 Unity of Title; and

WHEREAS, the Unity of Title restricting the land appears to have included Lots 1, 2, and 3, however, Lot 3 has been developed into a single-family home and is under separate ownership; and

WHEREAS, the Applicant has been constructing a single-family home on the Property for approximately eight (8) years and now claims that a Release of the Unity of Title is necessary for him to create the separate parcel and obtain a separate parcel identification number which is necessary to obtain a building permit and certificate of occupancy; and

WHEREAS, the Owner/Applicant of Lots 1 and 2 has represented to the City that if the City Commission releases the Unity of Titles, he will immediately create a separate legal-size parcel through the Martin County Property Appraiser's Office; and

WHEREAS, it is in the best interest of the residents of Stuart for the City to release the Unity of Titles on the Property conditioned upon the Owner immediately dividing Lots 1 and 2 into two (2) separate and distinct parcels with separate parcel identification numbers. Further, the best interests of the residents of Stuart will only be served if the Owner of the partially built structure on Lot 2 completes the Property to the extent that the stormwater, outside landscaping and exterior shell of the Property are complete within a reasonable amount of time.

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

SECTION 1: This Resolution is conditioned upon the Owner/Applicant's performance of the following: (a) completing the process of separating the Property into two (2) separate parcels and creating a new legal lot separate from Owner/Applicant's homestead with its own parcel identification number prior to August 30, 2024; (b) submitting a complete application for a building permit for the single-family home under construction on the Property prior to August 22, 2024; (c) completing construction of the exterior of the single-family home described in the permit, including landscaping and addressing stormwater issues to the satisfaction of the City Building Official, prior to July 22, 2025; and d) post a bond acceptable to the City in the amount of \$25,000.00 to cover the costs of demolition of the single-family home under construction on the Property in the event that the Owner/Applicant fails to comply with the aforementioned conditions.

SECTION 2: The Unity of Title recorded in Official Record Book 0880 Page 1113, of the Public Records of Martin County, Florida, attached hereto as **Exhibit "A"** is hereby released conditioned upon the Owner/Applicant's compliance of the conditions listed hereinabove in SECTION 1.

SECTION 3: The Unity of Title recorded in Official Record Book 0912 Page 2002, of the Public Records of Martin County, Florida, attached hereto as **Exhibit "B"** is hereby released conditioned upon the Owner/Applicant's compliance of the conditions listed hereinabove in SECTION 1.

SECTION 4: This Resolution shall be recorded in the Public Records of Martin County.

852514

UNITY OF TITLE

In consideration of approval by the City of Stuart for the construction of a multi-family project in the City's jurisdiction known as Norton's Landing and for other good and valuable consideration, the undersigned property owner hereby agrees to restrict the use of said property described as:

See attached Exhibit "A"

in the following manner:

1. Said property shall be considered as one plot and parcel of land and no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately except in its entirety as one plot or parcel of land.
2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, her heirs and assigns until such time as the same may be released in writing by the City of Stuart.
3. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

Signed, sealed, executed, and acknowledged on this 22 day of August, 1989.

WITNESSES:

Patrice A. Owens

Fran Norton
FRAN NORTON

Angel Koger

STATE OF FLORIDA
COUNTY OF MARTIN

I HEREBY CERTIFY that on this 22 day of August, 1989, before me personally appeared Fran Norton, to me known to be the person described in and who executed the foregoing instrument, and she acknowledged to me the execution thereof to be her free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal in the County and State aforesaid, the day and year last aforesaid.

Louise R. Roper
NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: DEC. 10, 1991.
BANK OF AMERICA NOTARY PUBLIC ONLINE

H179MS01

BOOK 000 PAGE 113

SECTION 5: This resolution shall take effect upon adoption.

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

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

YES	NO	ABSENT	ABSTAIN
Y			
Y			
		ABSENT	
Y			
Y			

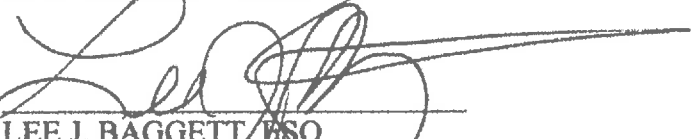
ADOPTED this 22nd day of July, 2024.

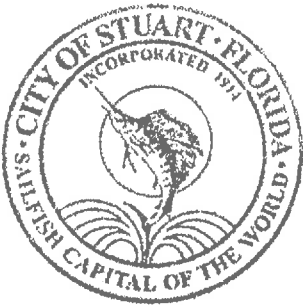
ATTEST:


MARY R. KINDEL, MMC 7/24/2024
CITY CLERK


REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


LEE J. BAGGETT, ESQ
CITY ATTORNEY



DESCRIPTION

Lots 13, 24 and a portion of Lots 10, 11, 12, 14 and 23, Block 3, INDIAN GROVES SUBDIVISION as recorded in Plat Book 1, Page 37, Martin County, Florida public records being more particularly described as follows: Begin at the Southeast corner of said Lot 24; thence West along the South line of said Lots 23 and 24 a distance of 82.72 feet; thence North 0° 08' 59" East a distance of 134.86 feet; thence North 89° 58' 38" West a distance of 88.71 feet; thence North a distance of 90.11 feet to an intersection with a line lying 5 feet North of and parallel with the North line of said Block 3; thence East along said line a distance of 197 feet more or less to the Platted line of Poppleton Creek; thence Southeasterly along said line a distance of 55 feet more or less to a Point; said Point being on a bearing of North 39° 27' 20" East from the Northeast corner of said Lot 24; thence South 39° 27' 20" West a distance of 110 feet more or less to said Northeast corner of Lot 24; thence South 0° 32' 40" East a distance of 110 feet to the Point of Beginning.

Copy

Copy

FILED FOR RECORD
90 OCT 24 PM 3:42
CLERK OF DISTRICT COURT
SV 28-00

Exhibit "A"

ORDER 800 PAGE 114

RECORD VERIFIED

891380

UNITY OF TITLE

In consideration of approval by the City of Stuart for the construction of a multi-family project in the City's jurisdiction known as Norton's Landing and for other good and valuable consideration, the undersigned property owner hereby agrees to restrict the use of said property described as:

See attached Exhibit "A"

in the following manner:

1. Said property shall be considered as one plot and parcel of land and no portion of said plot and parcel of land shall be sold, transferred, devised or assigned in any other unit except in its entirety, provided however that fully constituted residential units may be conveyed to individual purchasers.
2. The undersigned agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, her heirs and assigns until such time as the same may be released in writing by the City of Stuart.
3. The undersigned agrees that this instrument shall be recorded in the Public Records of Martin County and shall supersede, in all respects, that Unity of Title previously recorded against said property, dated the 2nd day of August, 1989 and recorded in Official Record Book 280, Page 113 of the Public Records of Martin County, Florida.

Signed, sealed, executed, and acknowledged on this 19th day of June, 1991.

WITNESSES:

Linda K. McGinn
Deborah L. Horge

Fran Norton
FRAN NORTON

APPROVED: Preston T. Everett, Jr.
City Attorney, City of Stuart
121 S.W. Flagler Avenue
Stuart, Florida 34994

RECORDED 912 PG2002

STATE OF FLORIDA
COUNTY OF MARTIN

I HEREBY CERTIFY that on this 19th day of June, 1991, before me personally appeared Fran Norton, to me known to be the person described in and who executed the foregoing instrument, and she acknowledges to me that the execution thereof to be her free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal in the County and State aforesaid the day and year last aforesaid.

Les M. Thomas
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: SEPT. 23, 1994.
BORROW THE NOTARY PUBLIC UNDERWRITERS

CREW 912 P32003

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

Meeting Date: 9/23/2024

Prepared by: Lee Baggett

Title of Item:

ADVISORY BOARD "AT LARGE" BOARD MEMBER REVIEW (RC):

RESOLUTION No. 104-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REVIEWING AND RECONSIDERING THE "AT LARGE" ADVISORY BOARD MEMBER POSITIONS OF THE LOCAL PLANNING AGENCY AND COMMUNITY REDEVELOPMENT BOARD FOR THE REMAINDER OF THE 2024 MEMBER TERMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On September 16, 2024 at the Special Commission Meeting a request was made by a Commissioner to review the "At Large" board member positions for the City of Stuart Advisory Boards, Local Planning Agency (LPA), and the Community Redevelopment Board (CRB).

Funding Source:

N/A

Recommended Action:

Approve Resolution No. 104-2024

ATTACHMENTS:

1. R104-2024 Advisory Board At Large Appointee Review



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

RESOLUTION NUMBER 104-2024

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, REVIEWING
AND RECONSIDERING THE APPOINTMENTS OF
“AT LARGE” ADVISORY BOARD MEMBERS OF
THE LOCAL PLANNING AGENCY AND
COMMUNITY REDEVELOPMENT BOARD FOR
THE REMAINDER OF THE 2024 MEMBER TERMS;
PROVIDING AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES.**

*** * * * ***

WHEREAS, at the Special Commission Meeting on September 16, 2024, the Stuart City Commission requested a review of the “At Large” advisory board member positions for the City of Stuart Local Planning Agency (LPA) and the Community Redevelopment Board (CRB); and

WHEREAS, Section 2-107 of the City of Stuart Code of Ordinances states that the LPA and the CRB shall each consist of seven members with each Commissioner appointing a single member to each board, respectively, and the two remaining members being selected by the majority vote of the City Commission; and

WHEREAS, Section 2-87 of the City of Stuart Code of Ordinances states members on standing City boards shall serve at the pleasure of their respective appointing City Commissioner and that a board member of the LPA and CRB may be removed from membership by the appointing City Commissioner without cause and without notice and hearing; and

WHEREAS, the terms of the “At Large” Board members of the LPA and CRB are currently in effect from January 1, 2024 through December 31, 2024.

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

SECTION 1: The City Commission has reviewed and reconsidered the following “At Large” Board Members for the remainder of their term to December 31, 2024:

Local Planning Agency

Ryan Strom
Kellie Laurine

Community Redevelopment Board

Tom Campenni
Mark Brechbill

SECTION 2: The City Commission hereby removes “At Large” Board member _____.

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

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

CAMPBELL RICH, MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2024.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 9/23/2024

Prepared by: Mechelle Arbuzow

Title of Item:

ABANDONMENT OF S.E. ARAPAHO AVENUE - CARLA WILLIAMSON AND TODD BRITT (RC)

ORDINANCE No. 2534-2024: AN 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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ELDORADO HEIGHTS, AS RECORDED IN PLAT BOOK 1, PAGE 5, OF MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; AND REQUESTING THE \$19,000 PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY TO BE WAIVED IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On February 26, 2024, the City Commission unanimously voted to direct staff to proceed with an ordinance to abandon the right of way located on Arapaho and 14th Street where the original plat dedicated a road but the City never installed the same because the Guy Davis Park and athletic fields were constructed. The adjacent property owners have been maintaining the right of way and have been treating it as part of their property. As part of the process, the applicants are now requesting approval of the ordinance that is necessary to legally revert the public right-of-way adjacent to their property's eastern boundary back to private property.

The applicant's property is located at 825 SE 13th Street. Additionally, the applicant is requesting the Commission to waive the privilege fee because the City has not been maintaining the ROW for many years. The Public Works Department has no objection and the southernmost portion of Arapaho Street adjacent to 13th Street right-of-way will be maintained at its current width of fifty feet (50') due to the existing utility infrastructure owned by the City of Stuart and the requested abandonment will not include the utility infrastructure owned by the City of Stuart. The Commission waived the privilege fee for the right-of-way abandonment on 6th Street previously because the owner had been maintaining the land for over 20 years. The right-of-way dimensions are detailed in the attached appraisal report. If the City abandons the Right of Way, 1/2 will become the property of the applicant and the other half will revert to the other adjacent property according to Florida law.

On September 9, 2024, the City Commission voted unanimously to move to the 2nd Reading of the Ordinance (Adoption).

Funding Source:

N/A

Recommended Action:

Staff requests the City of Stuart City Commission forward to the second and final adoption of Ordinance No. 2534-2024 on Monday, September 23, 2024, for the abandonment of certain public right-of-way within the City being that certain 50-foot right-of-way, as set forth on the Plat of Eldorado Height as recorded in Plat Book 1, Page 5, of Mating County, Florida Public Records.

ATTACHMENTS:

1. Staff Report
2. Drafted Ordinance No. 2534-2024
3. Application
4. Resolution 14-2024
5. Survey
6. Sketch and Legal
7. Appraisal Report
8. Chapter 36 Streets Sidewalks and Other Public Places



TO: City Commissioners

THROUGH: Jodi Kugler, Development Director

FROM: Mechelle Arbuzow, Development Planner I

MEETING DATE: September 9, 2024

SUBJECT: Arapaho – Public Right-of-Way Abandonment
Project No. Z24040004

The applicants, Carla Williamson and Todd Britt are the owners of real property located at 825 SE 13th Street and are requesting to abandon a portion of the 50-foot public right-of-way for SE Arapaho Street.

GENERAL INFORMATION

Property Owner/Applicant: Carla Williamson and Todd Britt
825 SE 13th Street
Stuart, FL 34994

Location: 50' Public Right-of-Way (unimproved SE Arapaho Street)

Parcel ID#: 09-38-41-003-003-00010-4

BACKGROUND

The applicants are seeking approval from the City Commission to abandon the 50-foot public right-of-way adjacent to their property's eastern boundary. The applicant acquired their property located at 825 SE 13th Street in 2021 and is seeking to either assume maintenance responsibilities or potentially acquire this section of Arapaho Street. Additionally, they are requesting the Commission to consider waiving the privilege fee of \$19,000.00 in its entirety.

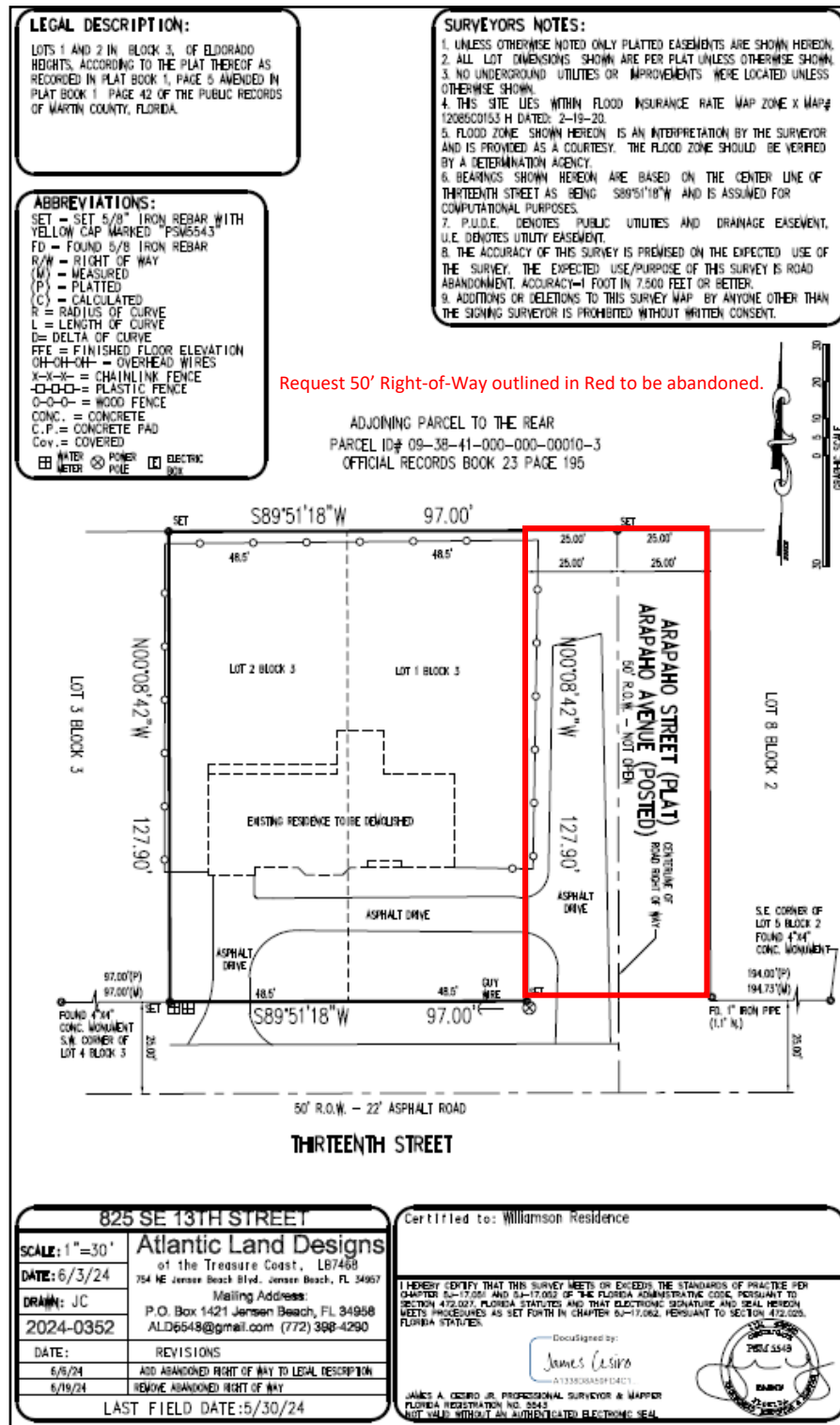
The right-of-way dimensions, as detailed in the attached appraisal report, measure 50 by 127 feet, encompassing 6,394 square feet of land. The appraisal value of the right-of-way is nineteen thousand dollars (\$19,000.00).

History

On November 4, 1925, the Plat for Eldorado Heights was recorded in Book 1, Page 5 with Martin County Clerk of Circuit Court, indicating a 50-foot-wide public right-of-way for Arapaho Street.

On February 26, 2024, the City Commission adopted *Resolution No. 14-2024*, declaring the intent of the City Commission is to abandon the 50-foot-wide public right-of-way within the City, being the portion of S.E. Arapaho Street, and set public hearings before the City Commission to consider the abandonment of the subject property within Martin County, Florida.

Location Map



PUBLIC NOTIFICATION

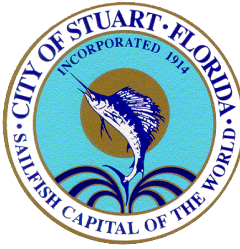
On August 21, 2024, the Applicant provided notification letters to twenty-three (23) owners of property located within 300 feet of the proposed petitions. One (1) public notification sign detailing the Commission's Public Hearing was posted within the Arapaho Street right-of-way.

STAFF RECOMMENDATION

Staff requests the City of Stuart Commission forward to the second and final adoption of Ordinance No. 2534-2024 on Monday, September 23, 2024, for the abandonment of certain public right-of-way within the City being that certain 50-foot right-of-way, as set forth on the Plat of Eldorado Height as recorded in Plat Book 1, Page 5, of Mating County, Florida Public Records.

The Public Works Department has no objection and the southern-most portion of Arapaho Street adjacent to 13th Street right-of-way will be maintained at its current width of fifty feet (50') due to the existing utility infrastructure owned by the City of Stuart and the requested abandonment will not include the utility infrastructure owned by the City of Stuart.

Furthermore, the applicant is recommending the City Commission consideration to waive the \$19,000 privilege fee in its entirety.



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

ORDINANCE NUMBER 2534-2024

AN 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 50-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF ELDORADO HEIGHTS, AS RECORDED IN PLAT BOOK 1, PAGE 5, OF MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AS DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND DEPICTED IN EXHIBIT “B” ATTACHED HERETO; AND REQUESTING THE \$19,000 PRIVILEGE FEE FOR ABANDONING PUBLIC PROPERTY TO BE WAIVED IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Carla Williamson and Todd Britt (The “Applicants”) have filed a petition for abandonment of relating to the public right-of-way as described below, that conforms to the requirements of Section 36 of the Code of Ordinances of the City of Stuart, Florida; and

WHEREAS, on February 26, 2024, the City Commission adopted Resolution No. 14-2024, to state the intention to abandon a portion of right-of-way and set public hearings before the City Commission to consider the abandonment of the subject property within Martin County, Florida.

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 50-foot right-of-way, as 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 “B”.

SECTION 3. The applicant is requesting the City Commission to waive the privilege fee in its entirety pursuant to Section 36-2. (d) of the City of Stuart Code of Ordinances.

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. The corporate boundary of the City shall be re-codified to include abandoned rights-of-way.

SECTION 6. Adoption. This Ordinance shall take effect immediately upon adoption.

First read on the ____ day of _____, 2024.

Commissioner _____ offered the foregoing Ordinance and moved its adoption.

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

CAMPBELL RICH, MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

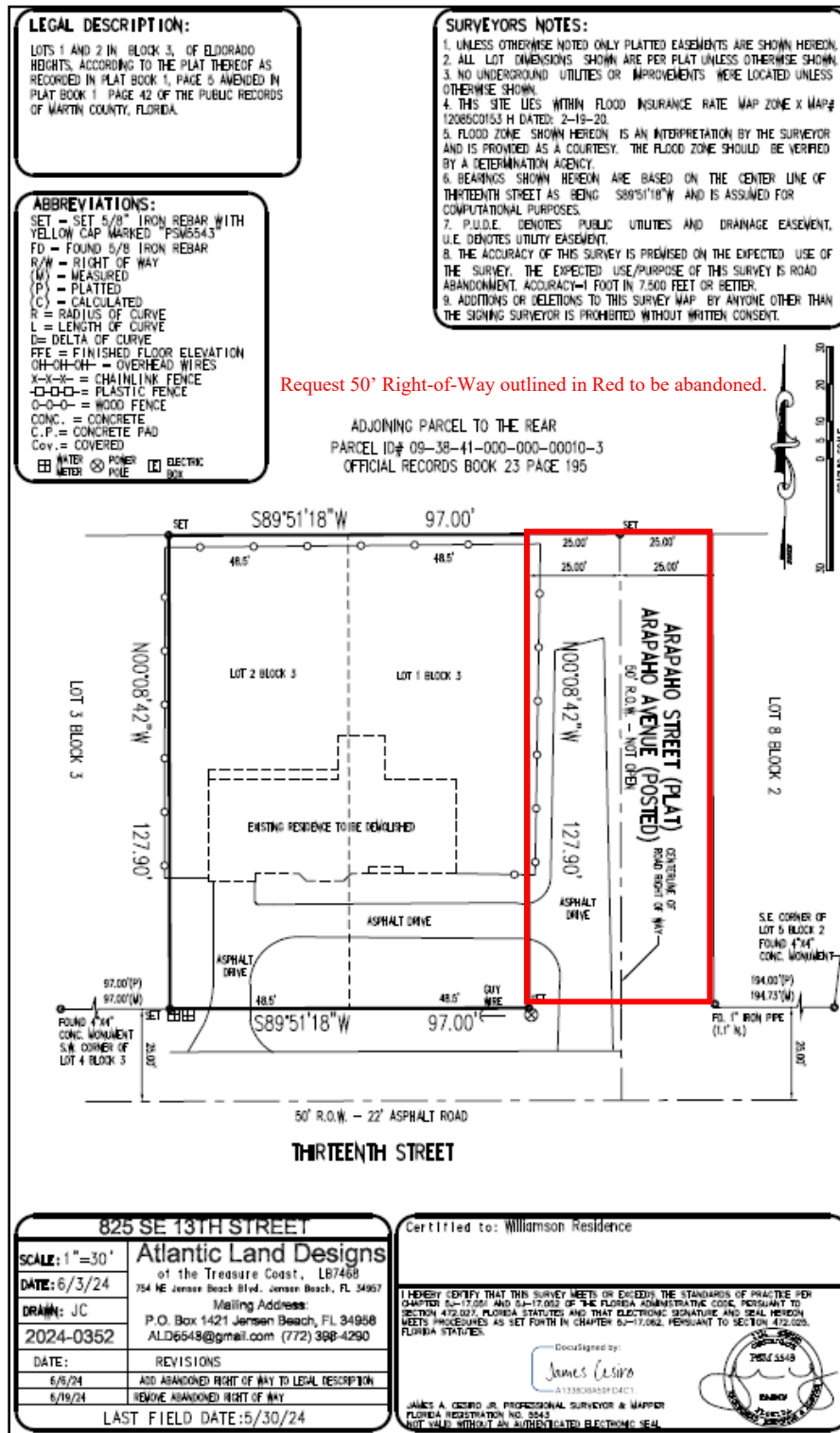
APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

EXHIBIT “A” - LEGAL DESCRIPTION

ALL THAT PORTION OF ARAPAHO STREET LYING EAST OF AND ADJACENT TO LOT 1 BLOCK 3, AND LYING WEST OF AND ADJACENT TO LOT 8 BLOCK 2, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF THIRTEENTH STREET AND LYING SOUTH OF THE NORTH LIMIT OF THE PLAT OF ELDORADO HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 AMENDED IN PLAT BOOK 1 PAGE 42 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

EXHIBIT “B” LOCATION MAP





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

Received by: WMP
Reviewed by: _____



Right-Of-Way Abandonment Application

Project ID# 224040004
(Staff Entry)

Pre-App Conference Date: 11/09/2023	Application Date: 04/17/ 2024
-------------------------------------	-------------------------------

SITE INFORMATION

Project Name:	Parcel ID#:
Site Address: 825 SE 13th St, Stuart FL 34994	
Subdivision:	Lot(s):
Site Acreage:	Flood Zone/Base Flood Elevation:
Existing Zoning District / CRA Subdistrict (if applicable):	
Current Comprehensive Plan Future Land Use Designation:	

PETITIONER INFORMATION

Property Owner: Carla Williamson & Todd Britt	Phone Number / Email Address: 518-526-4496
Property Owner's Mailing Address: 825 SE 13th St, Stuart FL 34994	
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address:	
Agent/Contact Person: Carla Williamson	Phone Number / Email Address: colourfulcarla@gmail.com
Agent's Mailing Address: Same as owner address	
Architect: Vlog Architects	Engineer:
Planner:	Landscape Architect:

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared Carla Williamson

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a Abandonment of Arapahost in the City of Stuart, FL. (825 SE 13th St, Stuart FL 34994)
3. That he/she has appointed herself to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Carla Williamson

Williamson

Signature of Owner:

825 SE 13th, Stuart FL

Street Address

P.O. Box

518-526-4496

Telephone Number

Colourfulcarla@gmail.com

Email Address:

By: Name/Title

Carla Williamson / owner agent
STUART FL 34994

City, State, Zip Code

City, State, Zip Code

Fax Number

STATE OF FLORIDA, COUNTY OF MARTIN

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

17th day of APRIL, 2024 By notary

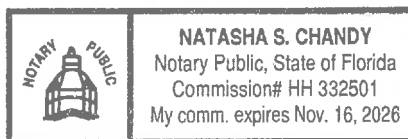
Personally Known OR Produced Identification

Type of Identification Produced:

Natasha S. Chandy
Notary Public

My Commission expires:

Nov 16, 2026



Financial Responsibility Form

(Please Print or Type)

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

Name:	Carla Williamson & Todd Britt
Title:	owner
Company:	
Company Address:	825 SE 13th St

City/State/Zip Code:	Stuart, FL 34994
Telephone Number:	518-526-4496
Facsimile Number:	
Email Address (optional):	Colourfulcarla@gmail.com

We wish to have the fee waived.

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

1. Signed this 17 day of April, 2024.

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

Application Requirements

Fee: \$799.00 plus 100% of appraised value *(This does not include fees that may be charged as a result of application reviews by the City's consultants or any required recording fees)*

Submittal Requirements: A completed application form, the payment of fees, and pertinent information as determined by the Development Director.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the City Commission public hearing.

Justification: Please provide justification supporting the request for the abandonment, vacation or change of name of any street, alley, road, or public way *(include additional pages if needed)*:

Please see attached letter.

(over)

Carla Williamson & Todd Britt
825 SE 13th St
Stuart FL 34994
carla.inkd@gmail.com
518-526-4496

August 21, 2023

City of Stuart
121 SW Flagler Ave
Stuart FL 34994

Subject: Request for Guidance Regarding Abandoned Arapaho Street Section

Dear City of Stuart Officials,

I hope this letter finds you in good health. We wish to address a concern regarding the section of Arapaho Street adjacent to our property at 825 SE 13th Street, Stuart. Since becoming homeowners in October 2021, our family has been dedicated to enhancing our neighborhood's environment and maintaining its visual appeal.

Regrettably, the stretch of Arapaho Street bordering our property has deteriorated due to neglect and lack of maintenance by the city. The deteriorating asphalt poses safety risks to pedestrians, and its condition has attracted undesirable activities, compromising the safety and serenity of our family-focused community.

Given the evolving city plans, we're interested in exploring options for this section of Arapaho Street. If the city no longer requires this portion of the road, we're open to taking responsibility for its upkeep, including the opportunity to purchase it or to understand the rules and guidelines for maintaining it. Your guidance is essential to ensure our actions align with the city's objectives.

As committed residents of Stuart, our aim is to contribute positively to our community and maintain the charm of our neighborhood. We eagerly await your response and valuable input on the future of this section of Arapaho Street.

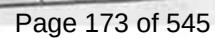
We've included a site map for your reference.

Thank you for your attention to this matter and your ongoing dedication to preserving Stuart's exceptional character.

Sincerely,

Handwritten signatures of Carla Williamson-Britt and Todd Britt. The signature of Carla Williamson-Britt is in cursive, and the signature of Todd Britt is in a stylized, blocky cursive.

Carla Williamson, Todd Britt, and Family





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

RESOLUTION NUMBER 14 -2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF A 50' WIDE PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THE PORTION OF S.E. ARAPAHO AVENUE, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City has received a request for abandonment relating to the public right-of-way described below that conforms to the requirements of Chapter 36 of the Code of Ordinances of the City of Stuart, Florida.

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

SECTION 1: The purpose of this resolution is to state the intention of the City Commission to abandon a portion of public right-of-way and to set public hearings before the City Commission at its regular meeting in the City Commission Chambers to consider the abandonment of the subject property within Martin County, Florida:

SECTION 2: A sketch depicting the subject right-of-way is attached hereto as **Exhibit “A”**.

SECTION 3: This resolution shall take effect upon adoption.

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

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

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED this 26th day of February, 2024.

ATTEST:


MARY R. KINDEL 2/29/2024
CITY CLERK


REBECCA S. BRUNER
MAYOR
City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994

APPROVED AS TO FORM
AND CORRECTNESS:

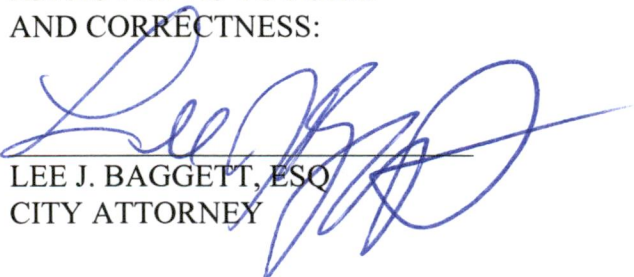

LEE J. BAGGETT, ESQ.
CITY ATTORNEY



Exhibit "A"



BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOTS 1 AND 2 IN BLOCK 3, OF ELDORADO HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 AMENDED IN PLAT BOOK 1 PAGE 42 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

SURVEYORS NOTES:

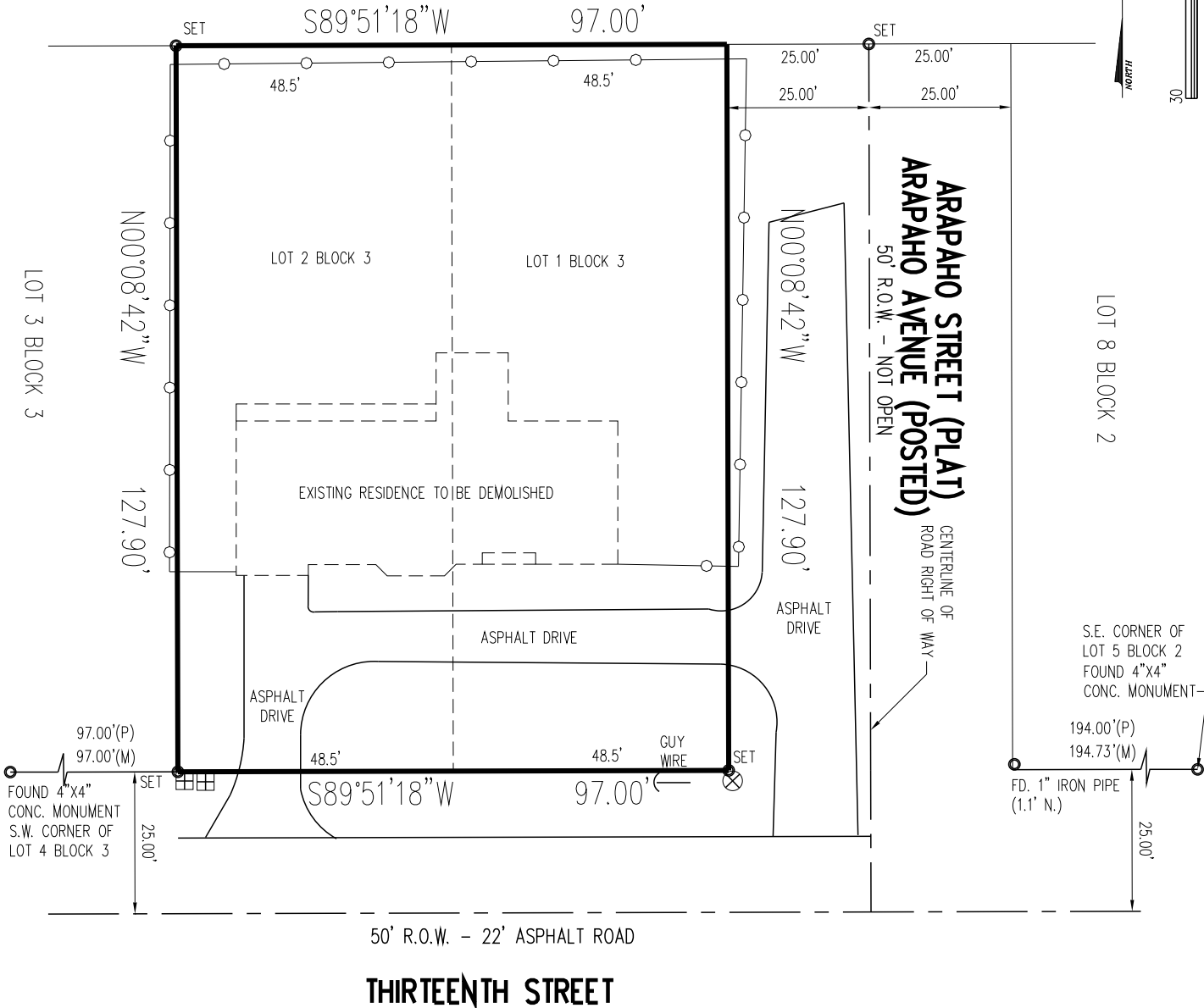
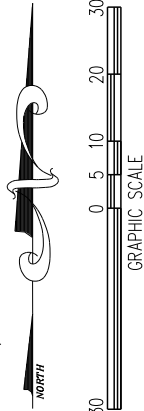
1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12085C0153 H DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.
6. BEARINGS SHOWN HEREON ARE BASED ON THE CENTER LINE OF THIRTEENTH STREET AS BEING S89°51'18"W AND IS ASSUMED FOR COMPUTATIONAL PURPOSES.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT, U.E. DENOTES UTILITY EASEMENT.
8. THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS ROAD ABANDONMENT. ACCURACY=1 FOOT IN 7.500 FEET OR BETTER.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.

ABBREVIATIONS:

SET = SET 5/8" IRON REBAR WITH YELLOW CAP MARKED "PSM5543"
FD = FOUND 5/8 IRON REBAR
R/W = RIGHT OF WAY
(M) = MEASURED
(P) = PLATTED
(C) = CALCULATED
R = RADIUS OF CURVE
L = LENGTH OF CURVE
D= DELTA OF CURVE
FFE = FINISHED FLOOR ELEVATION
OH-OH-OH- = OVERHEAD WIRES
X-X-X- = CHAINLINK FENCE
-□-□-□- = PLASTIC FENCE
O-O-O- = WOOD FENCE
CONC. = CONCRETE
C.P.= CONCRETE PAD
Cov.= COVERED

WATER METER POWER POLE ELECTRIC BOX

ADJOINING PARCEL TO THE REAR
PARCEL ID# 09-38-41-000-000-00010-3
OFFICIAL RECORDS BOOK 23 PAGE 195



825 SE 13TH STREET

SCALE: 1"=30'

DATE: 6/3/24

DRAWN: JC

2024-0352

DATE:

6/6/24

6/19/24

Atlantic Land Designs

of the Treasure Coast, LB7468
754 NE Jensen Beach Blvd. Jensen Beach, FL 34957

Mailing Address:

P.O. Box 1421 Jensen Beach, FL 34958
ALD5543@gmail.com (772) 398-4290

REVISIONS

ADD ABANDONED RIGHT OF WAY TO LEGAL DESCRIPTION

REMOVE ABANDONED RIGHT OF WAY

LAST FIELD DATE: 5/30/24

Certified to: Williamson Residence

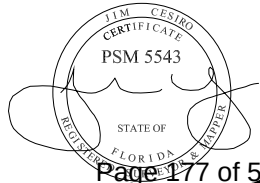
I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND THAT ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

DocuSigned by:

James Cesiro

A1338D8A59FD4C1...

JAMES A. CESIRO JR. PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5543
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SEAL



SKETCH AND DESCRIPTION

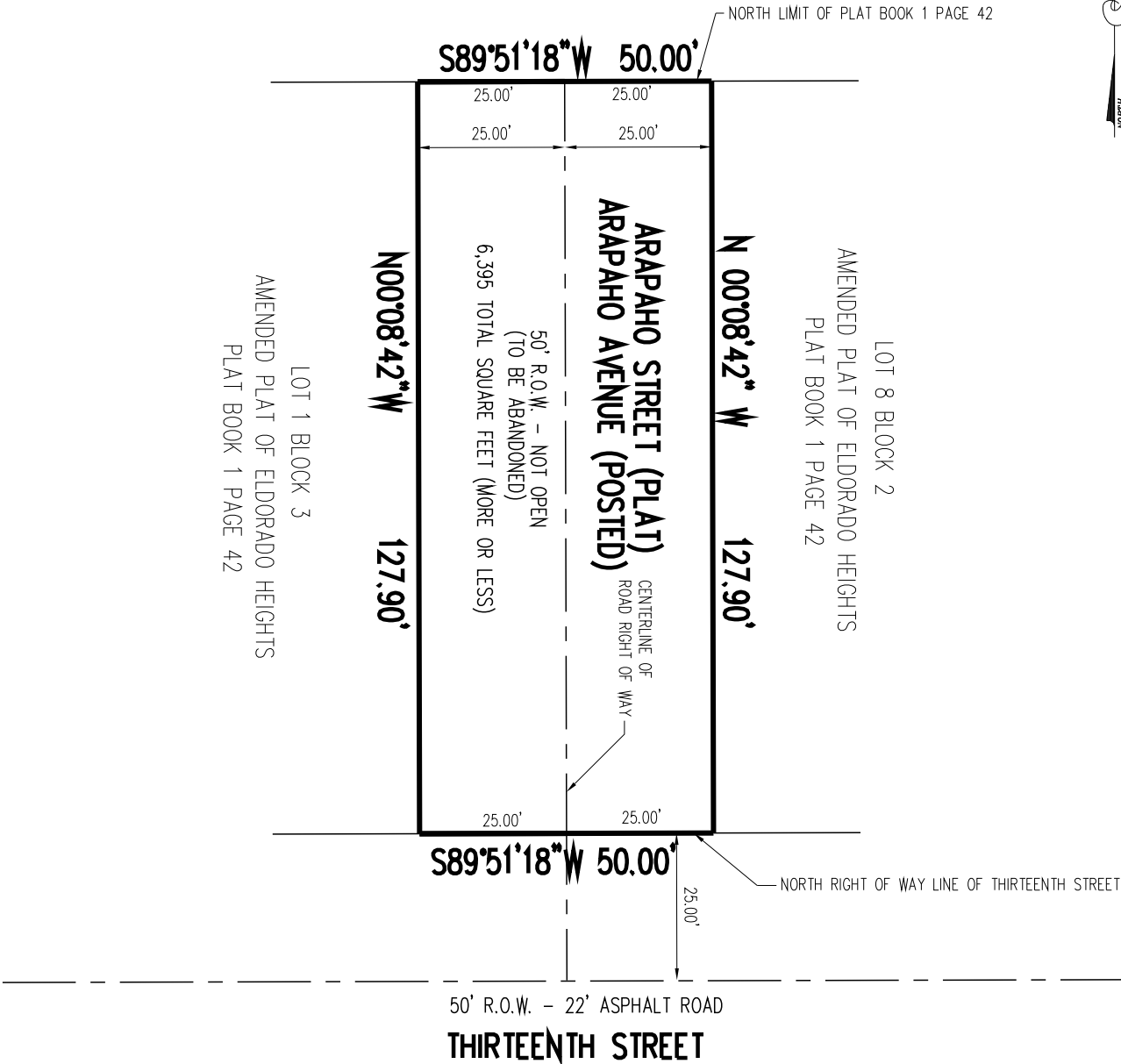
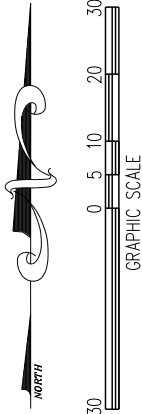
LEGAL DESCRIPTION:

AN ABANONMENT OR ROAD RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:
ALL THAT PORTION OF ARAPAHO STREET LYING EAST OF AND ADJACENT TO LOT 1 BLOCK 3, AND LYING WEST OF AND ADJACENT TO LOT 8 BLOCK 2, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF THIRTEENTH STREET AND LYING SOUTH OF THE NORTH LIMIT OF THE PLAT OF ELDORADO HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 AMENDED IN PLAT BOOK 1 PAGE 42 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

SURVEYORS NOTES:

1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12085C0153 H DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.
6. BEARINGS SHOWN HEREON ARE BASED ON THE CENTER LINE OF THIRTEENTH STREET AS BEING S89°51'18"W AND IS ASSUMED FOR COMPUTATIONAL PURPOSES.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT, U.E. DENOTES UTILITY EASEMENT.
8. THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS ROAD ABANDONMENT. ACCURACY=1 FOOT IN 7.500 FEET OR BETTER.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.

ADJOINING PARCEL TO THE REAR
PARCEL ID# 09-38-41-000-00010-3
OFFICIAL RECORDS BOOK 23 PAGE 195



825 SE 13TH STREET

SCALE: 1"=30'

DATE: 6/19/24

DRAWN: JC

2024-0352

DATE:

REVISIONS

Atlantic Land Designs

of the Treasure Coast, LB7468
754 NE Jensen Beach Blvd. Jensen Beach, FL 34957

Mailing Address:

P.O. Box 1421 Jensen Beach, FL 34958
ALD5543@gmail.com (772) 398-4290

LAST FIELD DATE: 5/30/24

Certified to: Williamson Residence

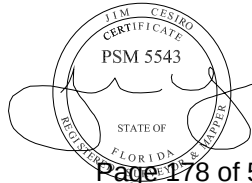
I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND THAT ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

DocuSigned by:

James Cesiro

A1338D8A59FD4C1...

JAMES A. CESIRO JR. PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5543
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SEAL



APPRAISAL OF REAL PROPERTY



LOCATED AT

ARAPAHO ST EASEMENT, NO ADDRESS / SEE LEGAL
Stuart, FL 34994
SEE SURVEY

FOR

PRIVATE
825 SE 13TH ST

OPINION OF VALUE

19,000

AS OF

06/25/2024

BY

Ryan Roman
Action Appraisal, Inc
1949 SW WINNERS DR
PALM CITY, FL 34990
772-220-7974
flappraisers@comcast.net

USPAP ADDENDUM

File No. COLOURFULCARLA

Borrower	TODD BRITT & CARLA WILLIAMSON		
Property Address	ARAPAHO ST EASEMENT, NO ADDRESS / SEE LEGAL		
City	Stuart	County	MARTIN
Lender	PRIVATE	State	FL
		Zip Code	34994

This report was prepared under the following USPAP reporting option:

- ☒ Appraisal Report This report was prepared in accordance with USPAP Standards Rule 2-2(a).
- ☐ Restricted Appraisal Report This report was prepared in accordance with USPAP Standards Rule 2-2(b).

Reasonable Exposure Time

My opinion of a reasonable exposure time for the subject property at the market value stated in this report is:

45 DAYS

Additional Certifications

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

- ☒ I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- ☐ I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

- THE STATEMENTS OF FACT CONTAINED IN THIS REPORT ARE TRUE AND CORRECT.
- THE REPORTED ANALYSES, OPINIONS, AND CONCLUSIONS ARE LIMITED ONLY BY THE REPORTED ASSUMPTIONS AND LIMITING CONDITIONS AND ARE MY PERSONAL, IMPARTIAL, AND UNBIASED PROFESSIONAL ANALYSES, OPINIONS, AND CONCLUSIONS.
- UNLESS OTHERWISE INDICATED, I HAVE NO PRESENT OR PROSPECTIVE INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT AND NO PERSONAL INTEREST WITH RESPECT TO THE PARTIES INVOLVED.
- I HAVE NO BIAS WITH RESPECT TO THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT OR THE PARTIES INVOLVED WITH THIS ASSIGNMENT.
- MY ENGAGEMENT IN THIS ASSIGNMENT WAS NOT CONTINGENT UPON DEVELOPING OR REPORTING PREDETERMINED RESULTS.
- MY COMPENSATION FOR COMPLETING THIS ASSIGNMENT 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 OPINION, THE ATTAINMENT OF A STIPULATED RESULT, OR THE OCCURRENCE OF A SUBSEQUENT EVENT DIRECTLY RELATED TO THE INTENDED USE OF THIS APPRAISAL.
- MY ANALYSES, OPINIONS, AND CONCLUSIONS WERE DEVELOPED, AND THIS REPORT HAS BEEN PREPARED, IN CONFORMITY WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE THAT WERE IN EFFECT AT THE TIME THIS REPORT WAS PREPARED.
- UNLESS OTHERWISE INDICATED, I HAVE MADE A PERSONAL INSPECTION OF THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT.
- UNLESS OTHERWISE INDICATED, NO ONE PROVIDED SIGNIFICANT REAL PROPERTY APPRAISAL ASSISTANCE TO THE PERSON(S) SIGNING THIS CERTIFICATION (IF THERE ARE EXCEPTIONS, THE NAME OF EACH INDIVIDUAL PROVIDING SIGNIFICANT REAL PROPERTY APPRAISAL ASSISTANCE IS STATED ELSEWHERE IN THIS REPORT).

Additional Comments

THE INFORMATION PROVIDED WITHIN THIS APPRAISAL IS BASED ON MARKET DATA AVAILABLE AT THIS JUNCTURE (DATE OF VALUE AND DATE OF THE REPORT). HOWEVER, DUE TO THE SIGNIFICANT UNCERTAINTY IN PROPERTY AND CAPITAL MARKETS, AS WELL AS THE RAPID UNFOLDING OF THIS EVENT, IT IS INDETERMINABLE FOR THE APPRAISER TO QUANTIFY AND ASSESS THE IMPACT THAT THIS OUTBREAK HAS HAD/OR WILL HAVE ON REAL ESTATE PROPERTY VALUES. VALUES AND INCOMES MAY CHANGE MORE QUICKLY AND SIGNIFICANTLY THAN DURING MORE TYPICAL MARKET CONDITIONS. IT SHOULD BE EMPHASIZED THAT THE RESULTS OF THIS APPRAISAL ANALYSIS AND THE VALUE CONCLUSIONS REPORTED HEREIN ARE BASED ON THE EFFECTIVE DATE OF THE APPRAISAL AND THE APPRAISER MAKES NO REPRESENTATION AS TO THE EFFECT ON THE SUBJECT PROPERTY OF ANY UNFORESEEN EVENT SUBSEQUENT TO THE EFFECTIVE DATE.

APPRAISER:

Signature: _____

Name: Ryan Roman

Date Signed: 06/27/2024

State Certification #: CERT RES RD7726

or State License #: _____

State: FL

Expiration Date of Certification or License:

11/30/2024

Effective Date of Appraisal:

06/25/2024

SUPERVISORY APPRAISER: (only if required)

Signature: _____

Name: _____

Date Signed: _____

State Certification #: _____

or State License #: _____

State: _____

Expiration Date of Certification or License: _____

Supervisory Appraiser Inspection of Subject Property:

☐ Did Not☐ Exterior-only from Street☐ Interior and Exterior

SUBJECT	Borrower <u>TODD BRITT & CARLA WILLIAMSON</u>		Census Tract <u>0008.00</u>	File No. <u>COLOURFULCARLA</u>
	Property Address <u>ARAPAHO ST EASEMENT, NO ADDRESS / SEE LEGAL</u>		Map Reference <u>38940</u>	
	City <u>Stuart</u>	County <u>MARTIN</u>	State <u>FL</u>	Zip Code <u>34994</u>
	Legal Description <u>SEE SURVEY</u>			
NEIGHBORHOOD	Sale Price \$ _____	Date of Sale _____	Loan Term _____ yrs.	Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PUD
	Actual Real Estate Taxes \$ <u>0</u>	(yr) _____	Loan charges to be paid by seller \$ <u>0</u>	Other sales concessions _____
	Lender/Client <u>PRIVATE</u>	Address <u>825 SE 13TH ST</u>		
	Occupant <u>VACANT</u>	Appraiser <u>Ryan Roman</u>	Instructions to Appraiser _____	
	Location ☐ Urban ☒ Suburban ☐ Rural	Good Avg. Fair Poor		
	Built Up ☒ Over 75% ☐ 25% to 75% ☐ Under 25%	Employment Stability ☐ ☒ ☐ ☐		
	Growth Rate ☐ Fully Dev. ☐ Rapid ☒ Steady ☐ Slow	Convenience to Employment ☐ ☒ ☐ ☐		
	Property Values ☐ Increasing ☒ Stable ☐ Declining	Convenience to Shopping ☐ ☒ ☐ ☐		
	Demand/Supply ☐ Shortage ☒ In Balance ☐ Oversupply	Convenience to Schools ☐ ☒ ☐ ☐		
	Marketing Time ☐ Under 3 Mos. ☒ 4-6 Mos. ☐ Over 6 Mos.	Adequacy of Public Transportation ☐ ☒ ☐ ☐		
SITE	Present <u>80</u> % One-Unit <u>5</u> % 2-4 Unit <u>5</u> % Apts. <u>5</u> % Condo <u>5</u> % Commercial	Recreational Facilities ☐ ☒ ☐ ☐		
	Land Use _____ % Industrial _____ % Vacant _____ %	Adequacy of Utilities ☐ ☒ ☐ ☐		
	Change in Present Land Use ☒ Not Likely ☐ Likely (*) ☐ Taking Place (*)	Property Compatibility ☐ ☒ ☐ ☐		
	Predominant Occupancy ☒ Owner ☐ Tenant _____ % Vacant	Protection from Detrimental Conditions ☐ ☒ ☐ ☐		
	One-Unit Price Range \$ <u>200</u> to \$ <u>550</u> Predominant Value \$ <u>350</u>	Police and Fire Protection ☐ ☒ ☐ ☐		
	One-Unit Age Range <u>0</u> yrs. to <u>75</u> yrs. Predominant Age <u>35</u> yrs.	General Appearance of Properties ☐ ☒ ☐ ☐		
	Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)			Appeal to Market ☐ ☒ ☐ ☐
	<u>SUBJECT HIGHEST AND BEST USE AS</u>			
	<u>ASSEMBLAGE TO ADJACENT BUILDABLE LOTS. SUBJECT IS NOT INDIVIDUALLY BUILDABLE</u>			
MARKET DATA ANALYSIS	Dimensions <u>50 X 127</u> = <u>6,395</u> sf ☐ Corner Lot			
	Zoning Classification <u>RE-1/2 A</u> Present Improvements ☐ Do ☐ Do Not Conform to Zoning Regulations			
	Highest and Best Use ☐ Present Use ☐ Other (specify) _____			
	Public (Describe) _____ OFF SITE IMPROVEMENTS			
	Elec. ☐ FPL ☒ Public ☐ Private			
	Gas ☐ NONE ☒ Surface <u>4 LANE ASPHALT</u> ☒ Public ☐ Private			
	Water ☐ Maintenance ☒ Storm Sewer ☐ Curb/Gutter			
	San. Sewer ☐ Sidewalk ☐ Street Lights			
	Underground Elect. & Tel. ☐ Is the property located in a FEMA Special Flood Hazard Area? ☐ Yes ☒ No			
	Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions) <u>SUBJECT IS 50 X 127 STRIP OF ARAPAHO AVE.</u>			
RECONCILIATION	<u>BORDERING 2 PRIVATE PARCELS TO EAST AND WEST. BACKING PUBLIC SPORT PARK. EASEMENT IS UNUSED AS ROADWAY, NEIGHBORING PARCELS HAVE INSTALLED DRIVEWAY.</u>			
	<u>INDEPENDENTLY, SUBJECT PARCEL HAS MINIMAL DEMAND.</u>			
	The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.			
	ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2
	Address	<u>ARAPAHO ST EASEMENT, NO ADDRESS</u>		
	Proximity to Subject	<u>Stuart, FL 34994</u>		
	Sales Price	\$ _____	\$ _____	\$ _____
	Price \$/Sq. Ft.	\$ _____	\$ _____	\$ _____
	Data Source(s)	<u>FLEXMLS, PASLC</u>		
	ITEM	DESCRIPTION	+/- \$ Adjust.	+/- \$ Adjust.
Date of Sale/Time Adj.	<u>11/12/2023</u>			
Location	<u>N;Res;</u>			
Site/View	<u>6,395 sf</u>			
	<u>NONE</u>			
Sales or Financing Concessions	<u>0</u>			
Net Adj. (Total)	☐ + ☐ - \$ _____	☐ + ☐ - \$ _____	☐ + ☐ - \$ _____	
Indicated Value of Subject	\$ _____	\$ _____	\$ _____	
Comments on Market Data <u>FEW RECENT MARKET SALES HAVE OCCURRED OF INDEPENDENT LOTS. ADDITIONAL EASEMENT ABANDONMENT, LOCATED ON 5594 KANNER HWY WAS FOUND TO HAVE CONTRIBUTORY VALUE OF \$2/SF. LOT SALE REFERENCED ON 901 SE NASSAU AVE, STUART, FL</u>				
Comments and Conditions of Appraisal <u>PARCEL THAT IS SUBJECT OF THIS REPORT IS EXISTING 30' ROAD EASEMENT BELONG TO OWNER OF RECORD AS STATED IN THIS REPORT. RIGHT OF WAY ABANDONMENT IS 50 FT ROAD EASEMENT, WITH LEGAL DESCRIPTION AND SURVEY INCLUDED WITH FULL VERSION OF THIS REPORT.</u>				
Final Reconciliation <u>INDEPENDENTLY, AREA DOES NOT MEET ZONING REQUIREMENTS FOR DEVELOPMENT. HIGHEST AND BEST USE AS ASSEMBLED TO EITHER OR BOTH NEIGHBORING PARCELS. TOTAL AREA OF 6395. RECENT LOT SALES OF BUILDABLE LOTS INDICATE \$15/SF. WITH LIMITED MARKET DATA TO SUPPORT PRICE OF SURPLUS LAND, ESTIMATED AT 80% DISCOUNT OF BUILDABLE SITE VALUE EXPECTED FOR ADDITIONAL CONTRIBUTORY VALUE, TOTAL AREA OF 6395 SF X \$3. = \$19,000, WITH EACH 1/2 3198 SF CONTRIBUTING \$10,000 TO EACH NEIGHBORING LOT</u>				
<u>I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED OF THE SUBJECT PROPERTY AS OF 06/25/2024 TO BE \$ 19,000</u>				
Appraiser <u>Ryan Roman</u>		Supervisory Appraiser (if applicable)		
Date of Signature and Report <u>06/27/2024</u>		Date of Signature _____		
Title <u>ST CERT RES APPRAISER RD 7726</u>		Title _____		
State Certification # <u>CERT RES RD7726</u> ST FL		State Certification # _____ ST		
Or State License # _____ ST		Or State License # _____ ST		
Expiration Date of State Certification or License <u>11/30/2024</u>		Expiration Date of State Certification or License _____		
Date of Inspection (if applicable) <u>06/25/2024</u>		Date of Inspection _____		
		☐ Did ☐ Did Not Inspect Property		

Subject Photo Page

Borrower	TODD BRITT & CARLA WILLIAMSON					
Property Address	ARAPAHO ST EASEMENT, NO ADDRESS / SEE LEGAL					
City	Stuart	County	MARTIN	State	FL	Zip Code 34994
Lender/Client	PRIVATE					

**Subject Front**

ARAPAHO ST EASEMENT, NO ADDRESS / SEE LEGAL

Sales Price

Gross Living Area 912

Total Rooms 5

Total Bedrooms 3

Total Bathrooms 2.0

Location N;Res;

View 6,395 sf

Site

Quality Q4

Age 45,20

**Subject Rear****Subject Street**

Aerial Map

Borrower	TODD BRITT & CARLA WILLIAMSON					
Property Address	ARAPAHO ST EASEMENT, NO ADDRESS / SEE LEGAL					
City	Stuart	County	MARTIN	State	FL	Zip Code 34994
Lender/Client	PRIVATE					



SURVEY

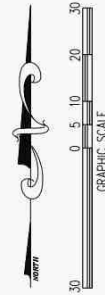
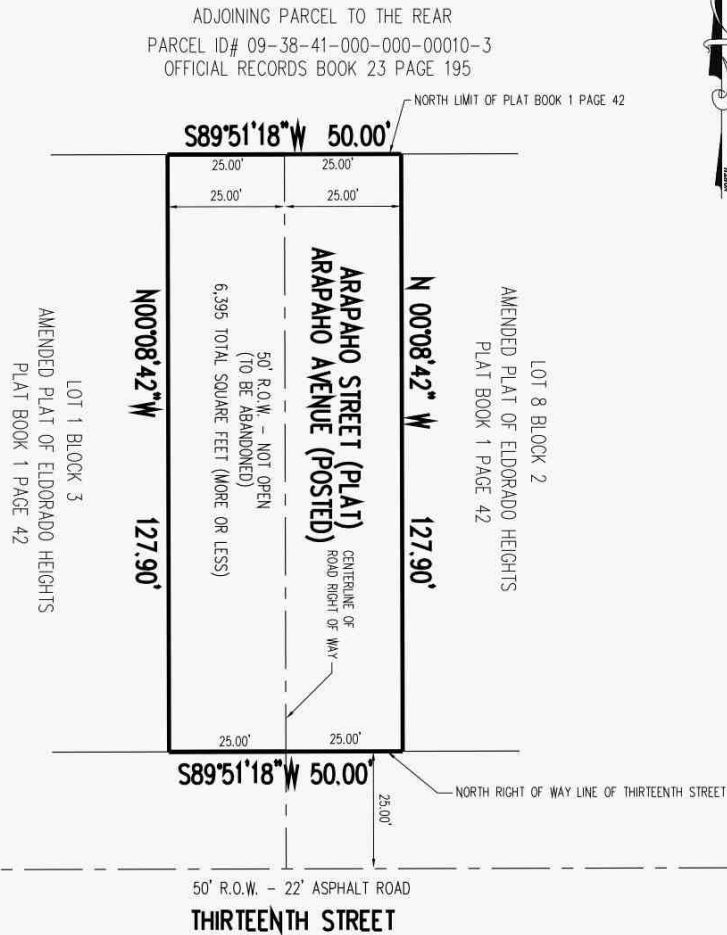
DocuSign Envelope ID: DFAFE4BE-B943-489B-B9F4-70A60C07C35D

(SKETCH AND DESCRIPTION)**LEGAL DESCRIPTION:**

AN ABANDONMENT OR ROAD RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:
ALL THAT PORTION OF ARAPAHO STREET LYING EAST OF AND ADJACENT TO LOT 1 BLOCK 3, AND LYING WEST OF AND ADJACENT TO LOT 8 BLOCK 2, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF THIRTEENTH STREET AND LYING SOUTH OF THE NORTH LIMIT OF THE PLAT OF ELDORADO HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 AMENDED IN PLAT BOOK 1 PAGE 42 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

SURVEYORS NOTES:

1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12085C0153 H DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.
6. BEARINGS SHOWN HEREON ARE BASED ON THE CENTER LINE OF THIRTEENTH STREET AS BEING S89°51'18"W AND IS ASSUMED FOR COMPUTATIONAL PURPOSES.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT, U.E. DENOTES UTILITY EASEMENT.
8. THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS ROAD ABANDONMENT. ACCURACY=1 FOOT IN 7,500 FEET OR BETTER.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.



825 SE 13TH STREET

SCALE: 1"=30'

DATE: 6/19/24

DRAWN: JC

2024-0352

DATE:

Atlantic Land Designs

of the Treasure Coast, LB7468
754 NE Jensen Beach Blvd. Jensen Beach, FL 34957

Mailing Address:

P.O. Box 1421 Jensen Beach, FL 34958
ALD5543@gmail.com (772) 398-4290

REVISIONS

LAST FIELD DATE: 5/30/24

Certified to: Williamson Residence

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE PER CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND THAT ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

DocuSigned by:

James Cesiro

A1338D8A59FD4C1...

JAMES A. CESIRO JR., PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5543
NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SEAL



LICENSE

Ron DeSantis, Governor

Melanie S. Griffin, Secretary

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****FLORIDA REAL ESTATE APPRAISAL BD**

THE CERTIFIED RESIDENTIAL APPRAISER HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

ROMAN, RYAN ROBERT

1949 SW WINNERS DR
PALM CITY FL 34990

LICENSE NUMBER: RD7726**EXPIRATION DATE: NOVEMBER 30, 2024**Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Chapter 36 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 36-1. Obstructing.

No person shall place any wares, merchandise or other personal property upon the sidewalks or streets within the city which obstructs or in any way impairs the free use of the public in and to the sidewalks or streets.

(Code 1981, § 14-1; Code 1995, § 70-1)

Sec. 36-2. Privilege fee for abandoning public property.

- (a) There is hereby established a privilege fee, payable by any person petitioning the city for the abandonment and vacation of the interests of the city in and to any real property or street, alleyway, road, highway or other place used for travel, or any portion thereof; such fee to be deposited into the city property management fund to be used exclusively for the acquisition, operation and maintenance of other public properties of the city.
- (b) The privilege fee shall be determined and fixed by computing 100 percent of the value added to the adjoining real property of the petitioner by the resulting addition of the interest abandoned by the city; the value added to be determined by the appraisal of a qualified, registered real estate appraiser who practices in the county; such appraisal shall be ordered by the city but shall be paid for by the petitioner in addition to any privilege fee payable. The resulting 100 percent computation shall be established for the fee herein provided for, but in no event shall the privilege fee payable be less than the amount as currently established or as hereafter adopted by resolution of the city commission from time to time in appendix A to this Code.
- (c) This privilege fee shall not apply to petitions made by the original gratuitous donor of the city's interest to be abandoned nor when F.S. § 255.22, or a reverter clause in the instrument of conveyance to the city shall take effect.
- (d) The privilege fee hereby imposed may, upon proper application, be waived by the city commission in its discretion upon a showing that the abandonment will benefit the public and city residents at large and not the adjoining landowners exclusively.

(Code 1981, § 14-7; Code 1995, § 70-7; Ord. No. 1971, § 1, 2-23-2004)

Sec. 36-3. Vacation or change of name of streets, alleys, etc.

- (a) *Ordinance, resolution required.* The vacation or change of name of any street, alley, road or public way shall be accomplished by ordinance. The city commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the change of name or vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street, the city commission shall first pass a resolution declaring its intention to do so.
- (b) *Notice requirement and expenses.* The person applying for a vacation, alteration or change of name of a street, road, avenue or alley shall bear the expense and responsibility of providing due public notice of the time, place and purpose of the hearing to be held on the application to all persons whose property abuts

upon the portion of the street, road, avenue or alley to be directly affected by the vacation, alteration or change of name.

(c) **Service of notice by mail.** Notice of road, street or alley abandonment, vacation, alteration and name change shall be furnished to all persons whose property abuts upon that portion of such public way affected by a proposed abandonment, vacation, alteration or name change by certified mail, return receipt requested, to be mailed no later than ten days prior to the date the public hearing which shall be the second reading of an ordinance vacating, altering or changing the name of such public way. The notice so mailed shall be a true and correct copy of the resolution adopted by the city commission clearly setting forth the location of the affected public way and the time, date, and place of the public hearing (second reading of the ordinance) on the abandonment, vacation, alteration, or name change.

(d) **Publication of resolution.** The resolution shall also be published in the legal advertisement classified section in a newspaper of general circulation in the city no earlier than seven calendar days prior to the public hearing.

(e) **Signage.**

- (1) The beginning area of the abandonment, location, alteration or change of name as well as its point of termination shall both be posted with signs facing perpendicular to the right-of-way, in plain view of traffic, each being no smaller than 24 inches by 36 inches, which shall be captioned by the following language in bold print:

NOTICE

THIS ROAD IS SUBJECT TO (ABANDONMENT) (ALTERATION) (NAME CHANGE)
BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA. PLEASE
READ THE NOTICE ON THIS SIGN FOR FURTHER INFORMATION.

- (2) The signs shall have affixed in weatherproof transparent coverings a copy of the required resolution. The signs shall be clearly visible from the nearest right-of-way other than that sought to be abandoned, altered or otherwise changed.
 - (3) The sign shall be so displayed for 15 continuous days prior to the scheduled hearing.
- (f) **Closure.** The act of the city commission in closing or abandoning any road, alleyway, or street, or in renouncing or disclaiming any rights in any land delineated on any recorded map as a road, alleyway or street, shall abrogate the easement theretofore owned, held, claimed or used by or on behalf of the public and the title of fee owners shall be freed and released therefrom. If the fee of the road, alleyway or street space had been vested in the city, the same will be thereby surrendered and will vest in the abutting fee owners to the extent and in the same manner as in case of termination of an easement for road purposes.

(Code 1981, § 14-8; Code 1995, § 70-8)

Charter reference(s)—Vacation of streets, art. IX.

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

Meeting Date: 9/23/2024

Prepared by: Kristopher McCrain

Title of Item:

55 S.E. OSCEOLA STREET - FLAMINIA, LLC MAJOR URBAN CODE CONDITIONAL USE (QJ):

RESOLUTION No. 87-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL FOR FLAMINIA, LLC LOCATED AT 55 SE OSCEOLA STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM CERTAIN CODE REQUIREMENTS, INCLUDING REQUIRED PARKING, PAYMENT IN LIEU OF PARKING (PILOP), SIDEWALKS, BUILDING SETBACKS, POOL LOCATION, DRIVEWAY WIDTH, FENCE HEIGHT, AND ARCHITECTURAL STANDARDS FOR THE PROFESSIONAL OFFICE BUILDING AND PROPOSED SINGLE-FAMILY DWELLING; REQUIRING SPECIFIC POLICIES TO BE CONSIDERED INCLUDING PARKING REQUIREMENTS, PAYMENT IN LIEU OF PARKING (PILOP) PROGRAM, AND VARIOUS DESIGN STANDARDS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On February 29, 2024, the property owner submitted a Minor Development Plan application for review and Administrative approval to subdivide the subject parcel and construct a single-family dwelling fronting SE Seminole Street, while retaining the existing professional office building and twenty-five (25) off-street parking spaces. A concurrent application for a Major Urban Code Conditional Use was submitted for approval from the City Commission to deviate from six (6) required parking spaces and to waive the payment in lieu of providing up to three (3) required parking spaces for the existing professional office building; and to allow for certain deviations to Land Development Code for the proposed single-family dwelling, including building setbacks, driveway width, sidewalks, balconies, pool location, and fence height.

Land Development Code (LDC) Waiver	Required	Proposed
Front Setback (SE Seminole Street) LDC Sec. 3.01.03.A.1.a	The front building facade shall be constructed parallel to the street along the front property line with a required build-to line of zero feet.	7.34 feet - 10.22 feet
Side Setback (SE Denver Avenue) LDC Sec. 3.01.03.A.1.b	The side setbacks may be zero feet.	6.84 feet
Side Setback (west side) LDC Sec. 3.01.03.A.1.b	The side setbacks may be zero feet.	3.50 feet
Rear Setback LDC Sec. 3.01.03.A.1.c	The rear setback may be zero	5.58 feet (west corner) 4.00 feet (east corner)

	feet.	
Driveway Width <i>LDC Sec. 3.01.03.A.1.d</i>	A ten (10) foot-wide driveway may be allowed if no alley access is available to the rear or side of the lot.	13.5 feet at the edge of the road 22.1 feet on-site
Construction of sidewalks along Public Streets <i>LDC Sec. 3.01.04.I</i>	minimum 6-foot width	A 4-foot-wide sidewalk exists today; a 2-foot-wide easement will be provided for the City of Stuart.
Balconies Along Street Facades <i>LDC Sec. 3.01.03.A.4.a</i>	50% street frontage	<50% (set back from street)
Pool - Accessory Structure <i>LDC Sec.6.09.02.c.1</i>	Front Setback: Not Allowed Side Setback (west): 5 feet Side Setback (east): 10 feet Rear Setback: 5 feet	Front Setback: 9.26 feet Side Setback (west): 42.07 feet Side Setback (east): 45.56 feet Rear Setback: 39.79 feet
Fence Height (front): <i>LDC Sec. 3.01.04 (H) & (P)</i>	4-foot maximum	5-feet

The 0.60-acre property is developed with an existing 2-story 10,895 square-foot professional office building fronting SE Osceola Street and SE Denver Avenue and forty-one (41) on-site parking spaces. The applicant is seeking to remove 16 existing on-site parking spaces adjacent to SE Seminole Street and SE Denver Avenue to construct a two-story 5,570-square-foot single-family dwelling, subject to the approval of the requested Major Urban Code Conditional Use petition and subsequent administrative approval of a Minor Development Plan application by the Development Director. As a condition of the Minor Development Plan application, a plat will require City Commission approval before the issuance of a building permit for the single-family dwelling.

Funding Source:

N/A

Recommended Action:

The City of Stuart Development Department has reviewed the Major Urban Code Conditional Use petition and recommends the applicant pay a fee to the "Stuart Payment in Lieu of Parking Trust Fund" for up to three (3) required parking spaces to enable the City of Stuart to construct additional parking spaces within the Community Redevelopment Area (CRA). Additionally, the applicant shall be required to construct a six (6) foot-wide continuous sidewalk adjacent to the future lot fronting S.E. Seminole Street and S.E. Denver Avenue and dedicate a two (2) foot-wide sidewalk easement to the City of Stuart for pedestrian access to the future lot fronting S.E. Seminole Street and S.E. Denver Avenue and dedicate a two (2) foot-wide sidewalk easement to the City of Stuart for pedestrian access.

ATTACHMENTS:

1. Staff Report
2. Draft Resolution 87-2024
3. Application
4. Justification Statement
5. Maps
6. Site Pictures
7. Site Plan

8. Landscape Plan
9. Survey
10. PILOP Fee Calculation
11. Parking Affidavit & Exhibit A
12. Traffic Statement
13. Floor Plan
14. Building Elevations
15. Public Notice Affidavit



To: City Commission
Through: Jodi Kugler, Development Director
From: Kristopher McCrain, Principal Planner
Date: September 23, 2024
Subject: Flaminia, LLC – *Major Urban Code Conditional Use (Project No.: Z24020009)*

GENERAL INFORMATION:

**Property Owner:
& Applicant** Flaminia, LLC
John E. Maiucci, Esq.
55 S.E. Osceola Street
Stuart, FL 34994

**Representing
Agent of Record:** Morris A. Crady
Lucido & Associates
Stuart, FL 34994

Location: 55 S.E. Osceola Street, Stuart FL 34994

Parcel I.D.: 04-38-41-006-000-00100-9

Existing Zoning: Urban Center (*UC*)

Existing Land Use: Downtown

Parcel Size: 0.60-acre (*25,941 ft²*)

Existing Use: Professional Office Building and 41 ancillary off-street surface parking

Proposed Use: Professional Office Building and 25 ancillary off-street surface parking and removal of 16 off-street parking spaces & new detached single-family dwelling

Overlay District: Urban Overlay Subdistrict
Community Redevelopment Area (*CRA*)

A. Project Background

The professional office building, also known as the Forum Building, is located at 55 SE Osceola Street and was purchased by the limited liability company, Flaminia LLC, in 2008. John Maiucci is the Managing Member of Flaminia LLC, and the professional office building. The 0.60-acre property is developed with an existing 2-story 10,895 ft² professional office building constructed in 1989 on the corner of S.E. Osceola Street and S.E. Denver

Avenue. The 0.60-acre site currently contains forty-one (41) existing parking spaces, inclusive of two (2) ADA parking stalls. Eight (8) of these standard spaces are situated within the building envelope of the first floor.

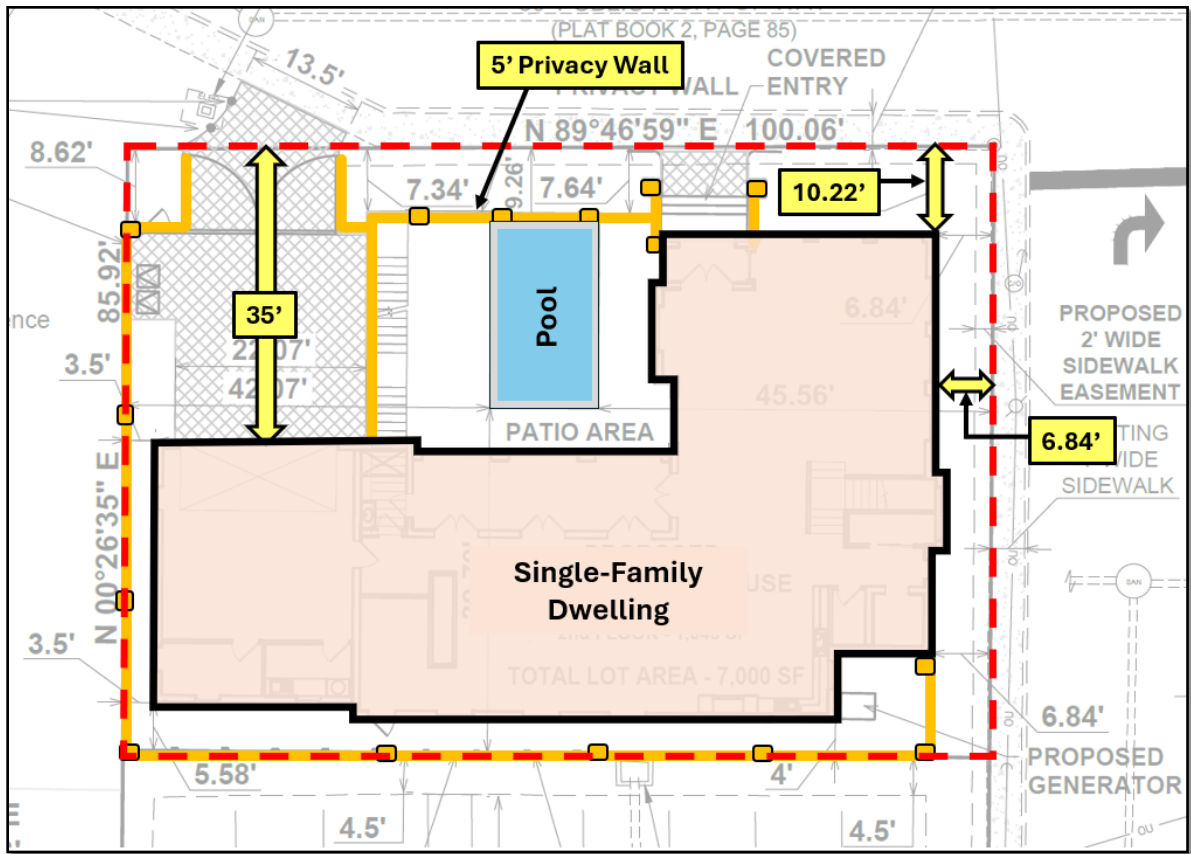
B. Project Description

On February 29, 2024, the Development Department received applications for Minor Development Plan and Major Urban Code Conditional Use from Lucido & Associates on behalf of Flaminia, LLC, to subdivide the property at 55 S.E. Osceola Street and to construct a single-family dwelling. The proposed subdivision and single-family development require review and administrative approval by the Development Director following Commission review and approval of the Major Urban Code Conditional Use request for the deviation to various Land Development Code standards and requirements.

The proposed detached single-family dwelling will be located within a portion of the existing off-street surface parking lot, encompassing sixteen (16) parking spaces required for the professional office building on the northeast corner of S.E. Osceola Street and S.E. Denver Avenue. The applicant proposes to provide twenty-five (25) off-street parking spaces for the 10,895 ft² professional office building.

The Major Urban Code Conditional Use petition requested by the applicant requires review and recommendation from the Community Redevelopment Board (CRB) to be forwarded to the City Commission for a final determination of the following Land Development Code requirements:

1. **Section 3.01.03(A)(1)(d) – Urban Standards & Regulations for Designated Urban Subdistricts:** A ten-foot driveway may be allowed if no alley access is available in the rear or side of the lot.
 - ***Applicant's Request:*** Allow a 13.5' wide driveway apron on S.E. Seminole Street and up to a twenty-two (22) foot wide driveway on site.
2. **Section 3.01.03(A)(4)(a) – Urban Standards & Regulations for Designated Urban Subdistricts:** Balconies are required along all street facades for all buildings. The aggregate length of balconies shall not be less than 50 percent of the building facade from which it projects on each floor level.
 - ***Applicant's Request:*** Allow balconies to overlook the proposed single-family dwelling patio and pool courtyard, instead of the street facades along S.E. Seminole Street and S.E. Denver Avenue.
3. **Section 3.01.03(A)(1)(a) – Urban Standards & Regulations for Designated Urban Subdistricts:** The front building facade shall be constructed parallel to the street along the front property line with a required build-to line of zero feet.
 - ***Applicant's Request:*** Allow a minimum 7.34' front yard setback, as measured from the proposed 5' tall privacy wall; a 10.22' front yard setback, as measured from the northeast corner of the proposed single-family dwelling; and an approximate 33' front yard setback, as measured from the northwest corner of the proposed attached garage.



4. **Section 3.01.04(I) – Architectural Standards & Regulations:** The owner shall be responsible for installing a minimum six (6) foot-wide, continuous sidewalk along the entire length of the parcel frontage that abuts a public street.
 - ***Applicant’s Request:*** Waive sidewalk requirements and dedicate a two (2) foot-wide public access easement along the future parcel fronting on S.E. Seminole Street and S.E. Denver Avenue.
5. **Section 3.01.04(P) – Architectural Standards & Regulations:** Fences located in the front yard shall have a maximum height of four (4) feet along the front and side property lines to the front facade of the principal building
 - ***Applicant’s Request:*** Allow a decorative wall and column(s) between four (4) to five (5) feet in height within the front yard along S.E. Seminole Street.
6. **Section 6.09.02(C)(1) – General Standards & Requirements:** Accessory structures shall not be located between the front facade of the principal building and the front property line and shall only be permitted in the side and rear yards, subject to a minimum five (5) foot side yard and five (5) foot rear yard setback from the property line. On corner lots the side yard setback shall be ten (10) feet.
 - ***Applicant’s Request:*** Allow a pool to be constructed between the front facade of the principal building within the interior courtyard of the proposed single-family dwelling.
7. **Section 3.03.01(F)(2)(a) – Urban Standards & Regulations for Designated Urban Subdistricts:** Business or Professional Office uses require a minimum of one parking stall per 350 ft² of gross floor area (GFA).

- **Applicant's Request:** Reduce the required number of parking spaces by six (6), for a total of twenty-five (25) parking stalls for the existing 10,895 ft² structure.
8. **Section 6.01.19 – Payment in Lieu of Parking Program (PILOP):** Instead of providing up to three (3) parking spaces required for any use located within the Community Redevelopment Area (CRA), a developer may pay into the "Stuart Payment in Lieu of Parking Trust Fund" a sum of money that is the product of the number of parking spaces required but not provided and the current cost to provide a single parking space in the CRA.
- **Applicant's Request:** The applicant requests the City Commission to waive the PILOP requirement and fee(s) for up to three (3) parking spaces into the "Stuart Payment in Lieu of Parking Trust Fund".

C. Maps

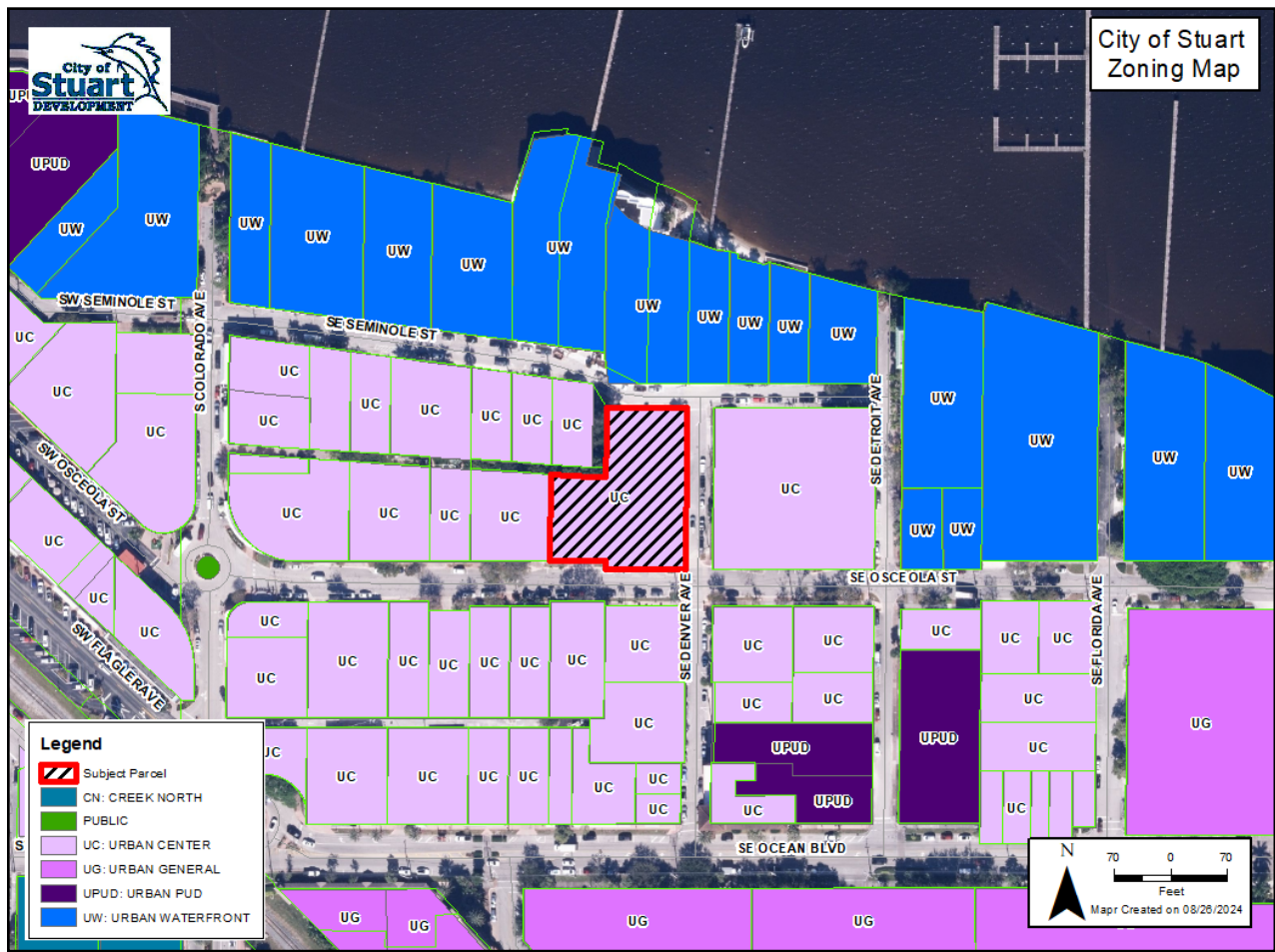
LOCATION & AERIAL MAP



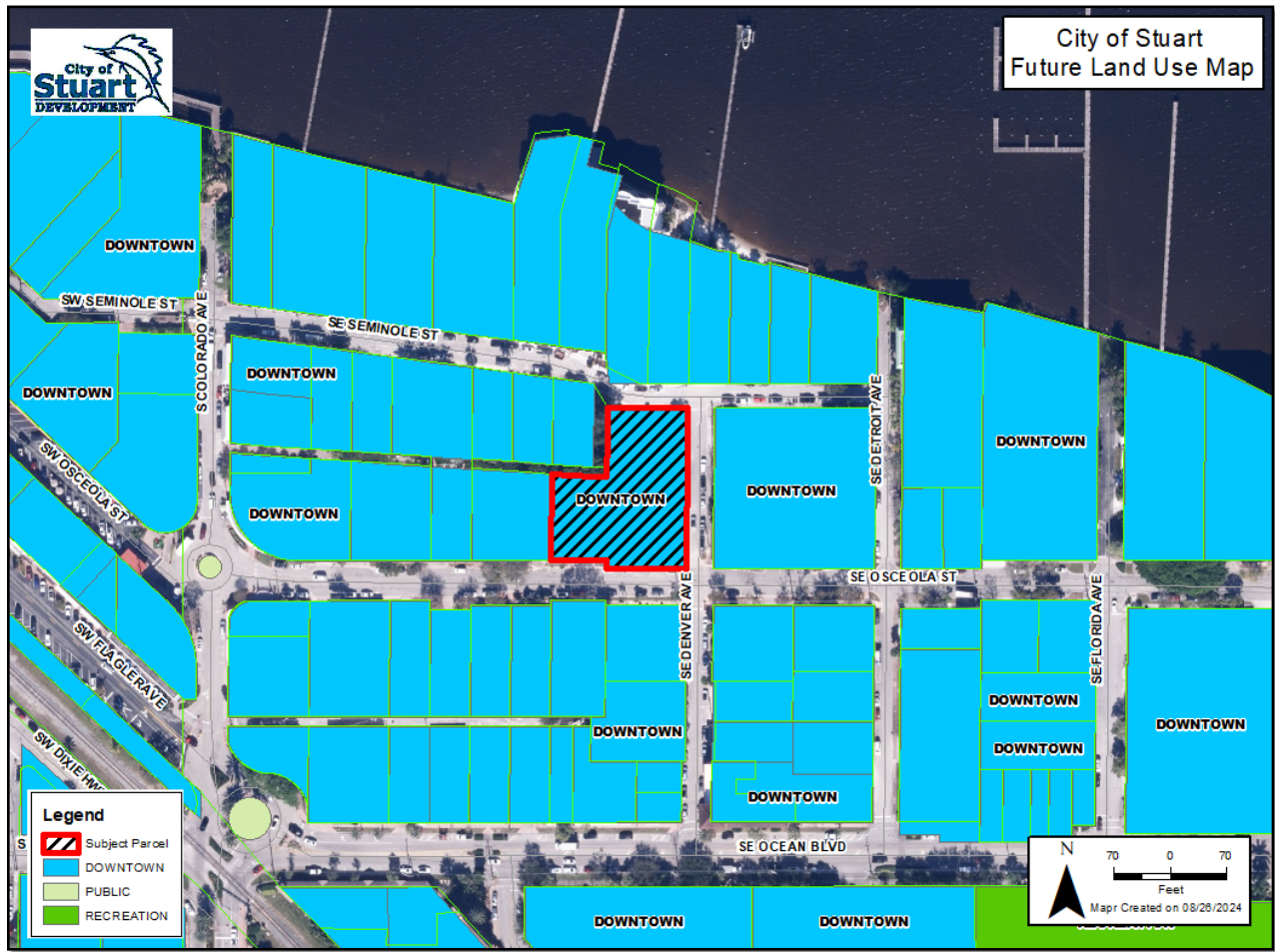
ADJACENT LAND USE & ZONING

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		Urban Center (UC)	Downtown	Business & Professional Office
Adjacent Parcels	North	Urban Waterfront (UW) & S.E. Seminole Street right-of-way	Downtown	Residential Condominiums
	South	Urban Center (UC) & S.E. Osceola Street right-of-way	Downtown	Retail & Restaurant, Convenience
	East	Urban Center (UC)	Downtown	Medical Office
	West	Urban Center (UC)	Downtown	Office & Single-Family

ZONING MAP



FUTURE LAND USE MAP

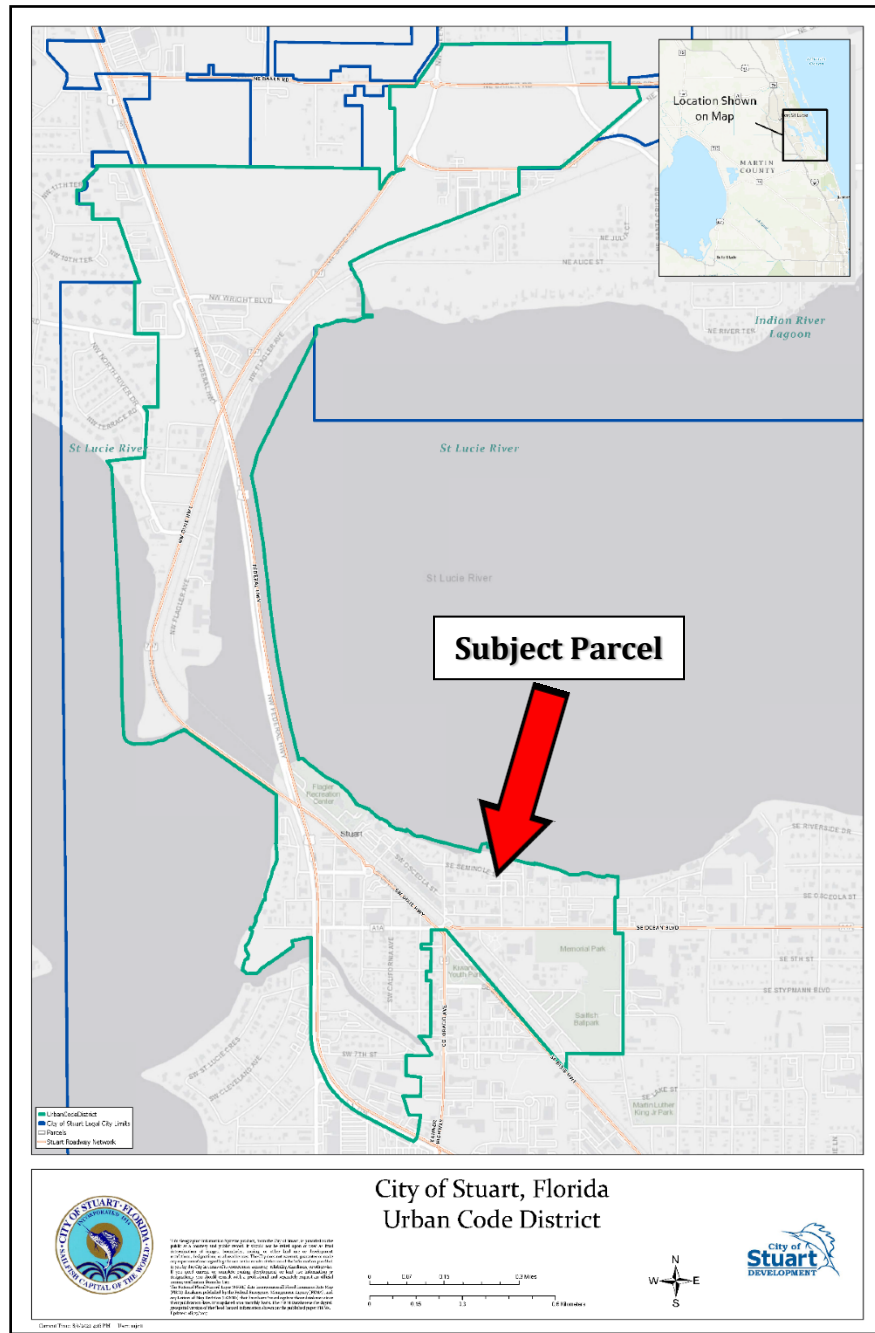


D. City of Stuart Urban Code

Urban Code Intent, Purpose & Applicability *Land Development Code Section 3.01.00*

The purpose of the Urban Code is to encourage redevelopment, historic restoration, and infill development to promote a sense of place within the Urban Code district, by providing standards and development incentives that are not otherwise available, including the promotion of traditional building types with arcades, balconies, railings, and porches, and the enabling of social interaction on downtown streets. The Urban Code provides for mandated building alignments to define coherent street spaces, the location of outbuildings at the rear of lots for affordable housing, the visual protection of the streetscape from parking lots, and traditional, historically relevant, durable construction which is harmonious with the architectural heritage of Historic Downtown Stuart.

The City of Stuart’s Urban District is depicted below in green; however, the following map exhibit was cropped for this report. The full City of Stuart Urban Code map is available under Land Development Code Section 3.01.01(B), or by clicking the [Link](#).



According to Section 3.01.01(C) of the City of Stuart Land Development Code, the Urban Code applies to all new development, new construction, and substantial renovation and no building or development permit shall be issued by the Development Director unless all provisions of the Urban Code have been met, including conditional use approvals, based on the development review and approval process,

**Major Urban Code Conditional Use
Design Objectives
Land Development Code Section 3.01.06**

The submitted Major Urban Code Conditional Use petition was reviewed under the Design Objections outlined in Section 3.01.06(A)(2)(b) of the Land Development Code. Certain design objectives are established within the Urban Code to promote superior site and building design and must be applied to development within the City of Stuart. The City Commission may impose development conditions and operational requirements to satisfy the following design objectives:

- 1. BUILDING HEIGHT: The proposed building is proportional to and complimentary to the surrounding buildings in the area.***

Staff Findings:

According to the development standards outlined under Land Development Code Section 3.03.01(A)(2)(a), the maximum allowable building height within the Urban Center Zoning Subdistrict is three (3) stories or thirty-five (35) feet. The minimum allowable building height is two (2) stories or twenty-six (26) feet. If 25% or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four (4) story building is forty-five (45) feet.

According to the submitted architectural building elevations, the single-family dwelling will be constructed to a maximum height of two (2) stories and thirty-five (35) feet. The existing professional office building is two (2) stories and approximately twenty-five (25) feet in height.

The professional office building and single-family dwelling to the west are one story and approximately fifteen (15) feet. The professional office to the east is two (2) stories and approximately twenty-five (25) feet. The retail and restaurant buildings to the south are one-story and approximately fifteen (15) feet. The residential condominium to the north includes two and three-story buildings with heights varying between twenty-three (23) feet and thirty-five (35) feet.

The proposed single-family dwelling structure is proportionate in scale with the existing professional office buildings to the south and east and the residential condominium to the north. The proposed single-family dwelling is also compatible with the existing single-family use to the east.

2. **ADDITIONAL BUILDING SETBACKS:** *Three- and four-story buildings have an additional five-foot setback on each side.*

URBAN CENTER – REQUIRED SETBACK STANDARDS

LDC Section 3.03.01 – Urban Standards and Regulations for Designated Urban Subdistricts		
Urban Center	Required	Proposed
Front Setback <i>(adjacent to Seminole St)</i>	Build-to-line of zero foot	7.34' - 10.22' – 35'
East Side Setback <i>(adjacent to Denver Ave)</i>	Maybe zero feet	6.84'
West Side Setback <i>(adjacent to SFD)</i>	Maybe zero feet	3.50'
Rear Setback <i>(adjacent to office building)</i>	Maybe zero feet	5.58' (West Corner) 4.00' (East Corner)

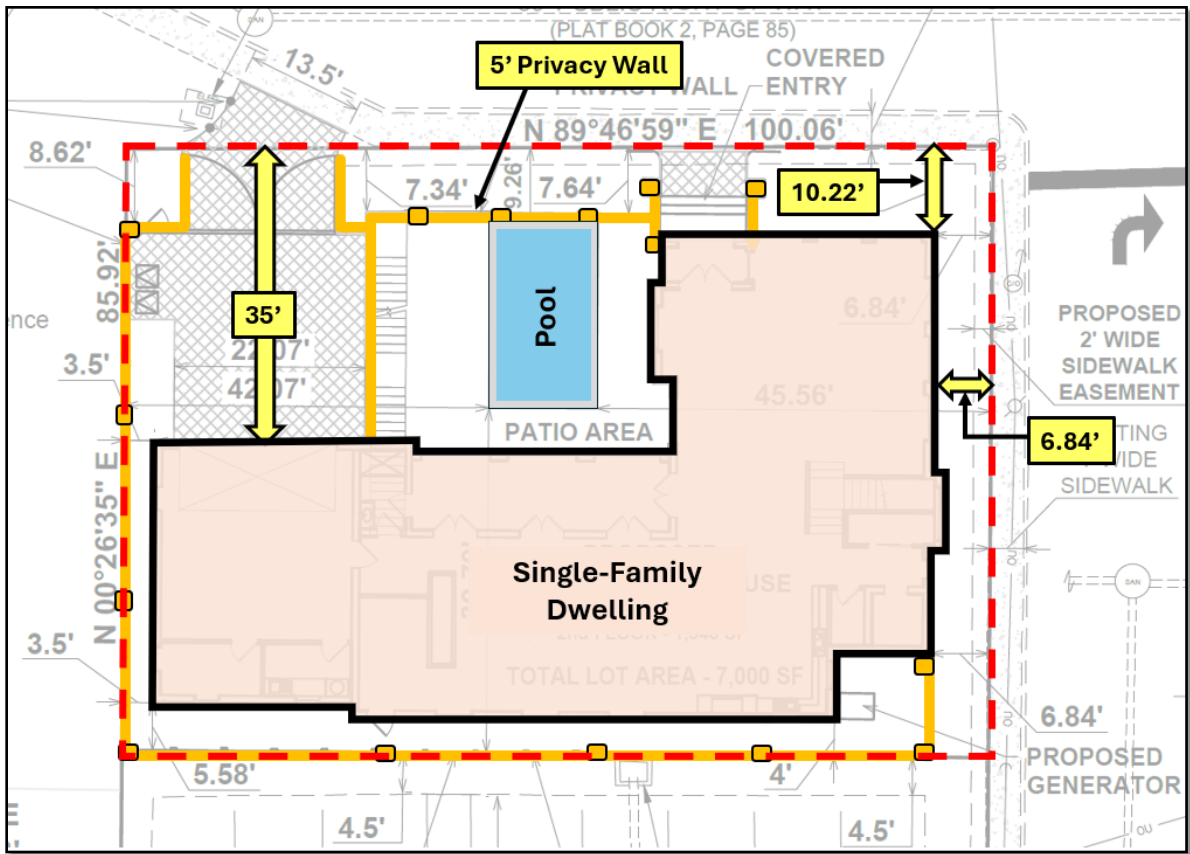
Staff Findings:

According to the standards and regulations for the Urban Subdistricts outlined under Section 3.01.03(A) of the Land Development Code, the Urban Center (UC) zoning designation requires the front building façade to be constructed parallel to the street along the front property line with a required build-to-line of zero feet.

The subject parcel fronting the southeast corner of Seminole Street and Denver Avenue is required to construct the proposed single-family dwelling parallel to the street along the front property line; however, the applicant is requesting to deviate from this requirement and instead is proposing to provide a 6.84' setback from S.E. Denver Avenue; the building façade adjacent to S.E. Seminole Street will provide varying façade setbacks, including 10.22' as measured from the northeast corner of the SFD, 7.34' as measured from the five (5) foot privacy wall, and approximately thirty-five (35) feet as measured from the attached garage (west).

The proposed two-story single-family dwelling will be constructed at a height of thirty-five (35) feet. Due to the increased building height for a two-story dwelling, the structure will be setback 3.5' from the west property line and 6.84' from the east property line.

This will provide additional separation between the adjacent single-family dwelling to the west and allow additional landscaping to be planted between the proposed single-family dwelling and the sidewalk adjacent to S.E. Denver Avenue.



3. **MIXED RESIDENTIAL UNIT TYPES:** *The proposed development includes a mix of one and two-bedroom rental apartments 1,000 square feet or less of gross floor area.*

Staff Findings:

The proposed development does not include a mix of one-bedroom or two-bedroom rental apartments with a gross floor area of 1,000 ft² or less. The owner of the subject parcel and existing professional office building will own and occupy the proposed single-family dwelling.

4. **ARCHITECTURAL TREATMENTS:** *Architectural treatments on the principal building facade should be continued around all sides of the building that are visible from the public realm.*

Staff Findings:

Spanish Mediterranean architecture is proposed for the single-family dwelling, including a tiled roof, stucco facades, arches, and wood accents. A privacy wall and columns are included as an architectural extension of the front facade of the building and to provide screening for the pool and courtyard areas from the S.E. Seminole Street right-of-way.

According to the architectural standards outlined under Land Development Code Chapter 6, “the prominent styles of architecture within the City of Stuart include a blend of the Spanish Mediterranean with barrel tile roofs, stucco facades, arches, and wood accent members used as typical details and the Florida Cracker style with metal roofs and covered porches.”

The renderings below depict the architecture proposed for the single-family dwelling :

View from S.E. Seminole Street



View from S.E. Denver Avenue



View from the west



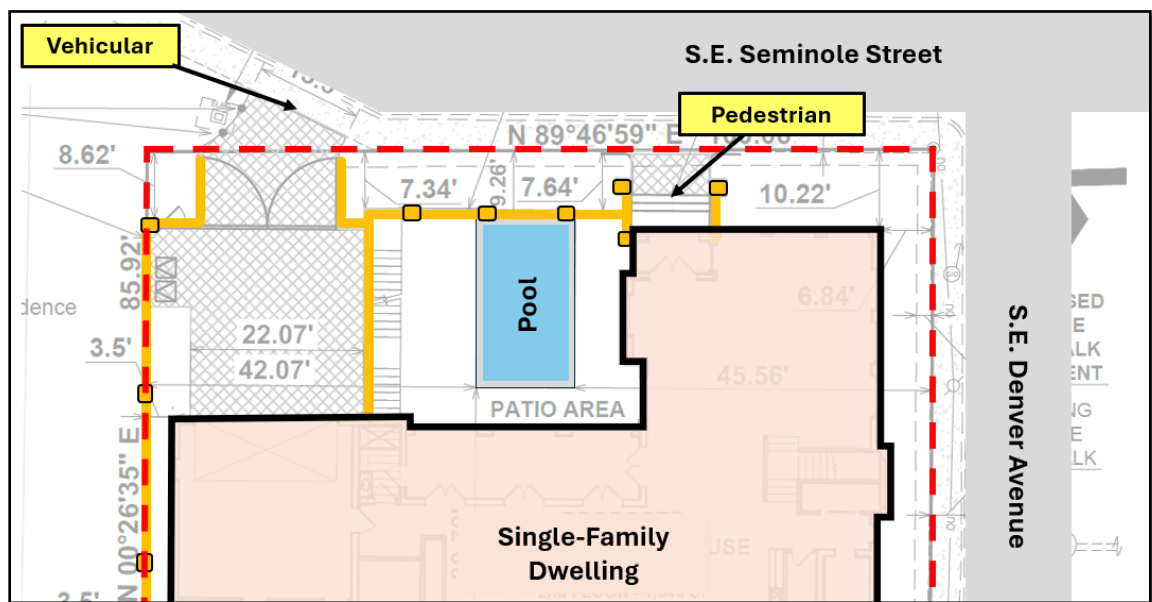
View from Professional Office Site



5. **DEFINED ENTRANCE:** *The primary building entrance is a prominent feature that is well-lit visible and directly accessible from a public street. To the extent possible, the primary building entrance should be defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements.*

Staff Findings:

The 0.60-acre site includes four (4) existing points of access; one (1) driveway on S.E. Osceola Street, two (2) driveways on S.E. Denver Avenue, and one (1) driveway on S.E. Seminole Street. The proposed single-family dwelling will eliminate one driveway curb cut on S.E. Denver Avenue and relocate the curb cut on S.E. Seminole Street for a 13.5-foot-wide driveway leading to the single-family attached garage. Pedestrian access will be accessible to the single-family dwelling on S.E. Seminole Street.



6. **PEDESTRIAN AMENITIES:** *Pedestrian amenities in the form of benches, potted plants, flower boxes, outdoor patio area, murals, or other acceptable forms of amenities located adjacent to a public sidewalk or right-of-way.*

Staff Findings:

Other than a request to reduce the number of required parking spaces and payment into the PILOP, the applicant is not proposing any changes to the existing professional office building and therefore, the Development Department has determined amenity requirements do not apply to the professional office use; however, the future lot fronting S.E. Seminole Street & S.E. Denver Avenue and the proposed single-family dwelling are subject to compliance with the standards and requirements of the Urban Code.

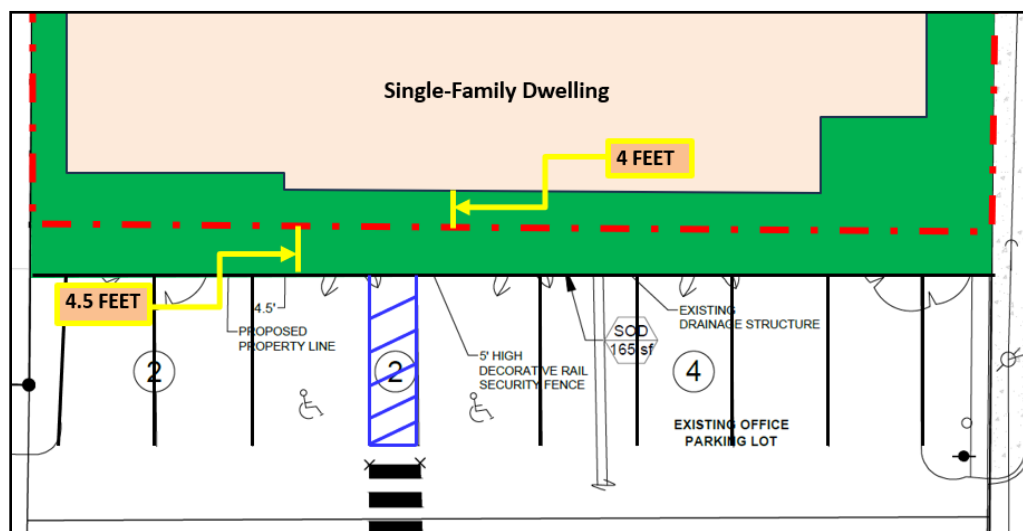
The applicant is requesting relief from the requirements of constructing a six (6) foot-wide sidewalk adjacent to the proposed lot and has agreed to dedicate a two (2) foot-wide easement for a future sidewalk to be constructed by the City of Stuart. The City of Stuart Development Department and Community Redevelopment Agency (CRA) do not support this petition and would request the applicant be required to construct the additional sidewalk width adjacent to the existing four (4) foot-wide sidewalk and dedicate a two (2) foot-wide easement to the City of Stuart. Although the CRA is currently working on a design for streetscape improvements on S.W. Seminole Street between St. Lucie Avenue and Colorado Avenue, no improvement plan for S.E. Seminole Street is on the CRA's Long-Range plan.

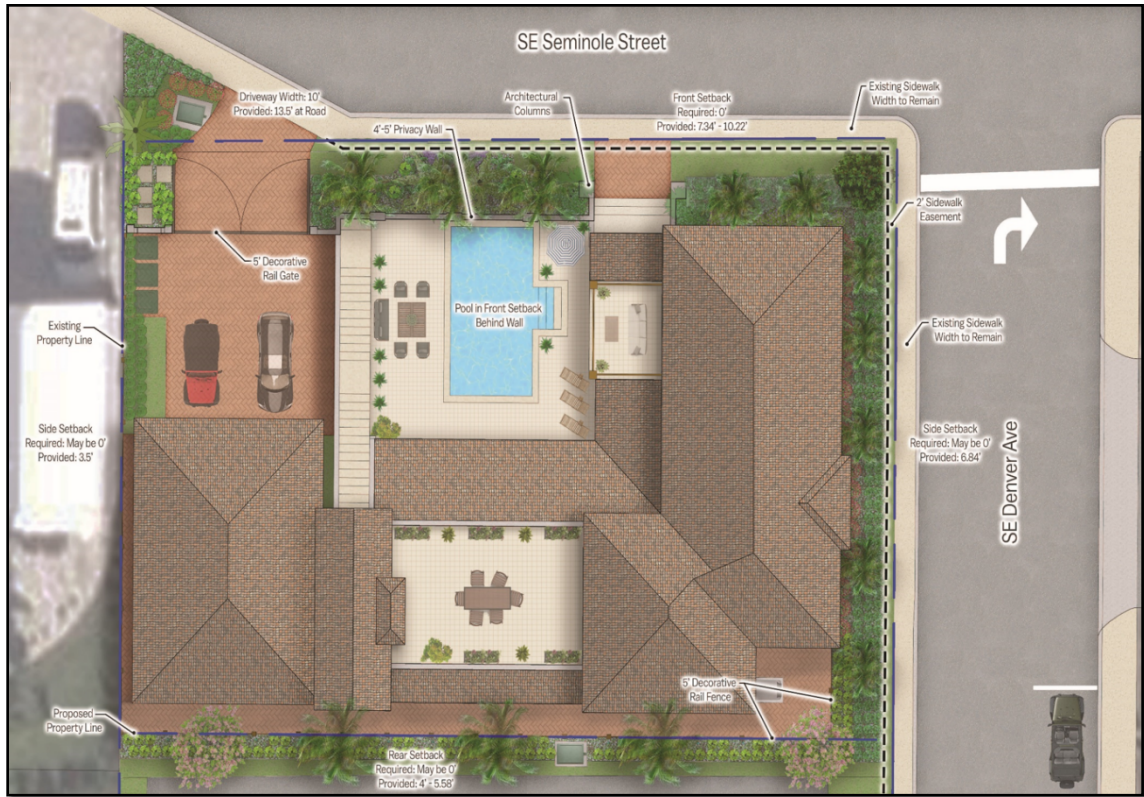
Furthermore, the requested two (2) foot-wide easement will not affect the land area for density calculation or the measurement of the minimum building setbacks.

7. ***PATIO GARDENS: The proposed structure incorporates gardens which include a mixture of flower boxes, arbors, trellis, flowering vines, and other landscaping materials.***

Staff Findings:

The proposed development will meet and exceed the minimum landscape requirements for single-family development within the Urban District. Additional landscape plantings and trees will be included on the east side of the lot fronting S.E. Denver Avenue. The single-family dwelling will be setback four (4) feet from the rear property boundary adjacent to the parking lot for the professional office building. Subsequent to the subdivision of the 0.60-acre parcel, the professional office parcel will include a 4.5' landscape buffer between the rear of the single-family lot and the edge of pavement for the professional office building parking lot. This area will be retained as a shared landscape buffer with a five (5) foot-tall decorative fence and to also maintain the drainage flow between the two (2) parcels.





The future corner lot will also include landscaping adjacent to S.E. Seminole Street to the north and S.E. Denver Avenue to the east. Landscape planting adjacent to S.E. Denver Avenue includes Red Tip Cocoplum and Creeping Fig shrubs. Landscape plantings adjacent to S.E. Seminole Street include Pigeon Plum, Japanese Fern Tree, Lady Palm, and Montgomery Palm trees, as well as Golden Elephant's Ear, California Elephant Ear, Red Tip Cocoplum, `Queen Emma` Crinum, and Super Blue Lilyturf shrubbery.

- 8. VARYING ROOF LINES:** *Roofs shall have three or more roof slope planes per primary facade, sloping roofs, or vertical roof changes with a minimum change in elevation of two feet.*

Staff Findings:

According to the submitted architectural elevations, the proposed single-family dwelling provides three or more roof slopes for the primary façade, as well as vertical changes in roof elevation of more than two (2) feet. Please refer to the submitted architectural renderings included in the agenda packet.



9. **ELEVATION PLANE VARIATION:** *The elevation plane variation is identified as the exterior wall of a structure or building. For planes 50 feet or less, the secondary plane shall project at least two feet from the primary plane and makeup at least five percent of the entire elevation. For planes larger than 50 feet, the secondary plane shall project at least two feet from the primary plane and makeup at least 30 percent of the entire elevation.*

Staff Findings:

The proposed two-story single-family structure provides a variation of elevations and articulated building faces to emphasize the Spanish-Mediterranean architecture, including an outdoor terrace and balconies overlooking the interior courtyard, patio, and pool.

As depicted in the submitted architectural elevations, proposed balconies facing S.E. Seminole Street and S.E. Denver Avenue are set back on the second floor in a manner that will overlook the pool/patio area and not the street facades. The privacy wall and columns have been designed as an architectural extension of the front building facade to screen the pool and courtyard areas from views along the public street.

10. **BLANK WALLS:** *Long, windowless, uninterrupted walls shall be avoided. Transparent windows or faux windows or shutters shall comprise at least 30 percent of the street and waterside exterior elevations and blank wall areas shall not exceed 10 feet in the vertical direction and 20 feet in the horizontal direction of any facade.*

Staff Findings:

No changes are being proposed to the existing professional office building. The existing two-story office building includes window treatments along the first and second-story façades fronting S.E. Osceola Street. Additionally, window treatments extend around all sides of the second story building façade.

The proposed single-family dwelling includes window treatments on all building elevations, continuing the Spanish Mediterranean architectural theme throughout the dwelling.

11. ENHANCED LANDSCAPING: Landscaping shall be planted over and above city code requirements with respect to size, quantity, and quality.

Staff Findings:

The existing professional office building site is developed and is not subject to compliance with the landscaping requirements, as the applicant is not proposing any changes to the site at this time.

According to the current Landscape plan submitted for the proposed single-family lot on the southeast corner of Seminole Street and Denver Avenue, approximately 12 trees and 370 shrubs are being planted on-site, and includes minimal native vegetation; however, Land Development Code Section 6.04.02(A)(1) requires at least 50% of the required landscaping in the form of trees, shrubs, ground cover, or grass shall collectively consist of native vegetation and no one tree species may exceed 25% of the minimum number of required trees. Before approval for the Minor Development Plan application, the applicant will be required to revise the landscape plan to comply with the minimum landscape requirements for native vegetation.

The submitted landscape plan does demonstrate compliance with the City's Xeriscape requirements, under Section 6.04.05 of the Land Development Code. According to the submitted landscape plan, the proposed on-site Xeriscape is as follows:

- At least 51% of the grass areas are made up of drought-tolerant grass species.
- At least 51% of the required shrubs are made up of drought-tolerant species.
- At least 51% of the required trees are made up of drought-tolerant species.
- Utilization of moisture sensing controller other than a rain-sensor override device.
- Landscape plan indicates low, moderate, and high-water usage zones.
- Utilization of compacted mulch with a 3" minimum depth in all planted areas except ground cover.

12. IMPROVEMENTS TO THE SURROUNDING NEIGHBORHOOD: The applicant proposes to make improvements such as burying utility lines, replacing existing sidewalks with stamped concrete or pavers, providing pedestrian walkways constructed of stamped concrete or pavers, or other improvements.

Staff Findings:

The existing 0.60-acre site includes a continuous four (4) foot sidewalk along the parcel frontage of S.E. Seminole Street, S.E. Denver Avenue, and S.E. Osceola Street. No improvements are being proposed within the future 0.44-acre lot encompassing the existing professional office building and therefore, no

improvement is required for the adjacent four (4) foot sidewalks; however, the proposed 0.16-acre parcel and the construction of a single-family dwelling does require the owner to install a minimum six (6) foot-wide, continuous sidewalk along the entire length of the parcel frontage abutting a public street.

The applicant is requesting the Commission to waive the requirement to construct a six (6) foot-wide, continuous sidewalk adjacent to S.E. Seminole Street and S.E. Denver Avenue, and has instead agreed to dedicate a two-foot-wide public access easement to the City of Stuart for future sidewalk construction by the City at the time of future streetscape improvements for S.E. Seminole Street. The City of Stuart Development Department and Community Redevelopment Agency (CRA) do not support this request, as there are no plans at this time to improve S.E. Seminole Street right-of-way. Although the CRA is currently working on a design for streetscape improvements on S.W. Seminole Street between St. Lucie Avenue and Colorado Avenue, no improvement plan for S.E. Seminole Street is on the CRA's Long-Range plan.

13. GREEN SPACE: The development preserves open space.

Staff Findings:

The existing 0.60-acre parcel is developed and includes a 10,895 ft² two-story office building and forty-one (41) ancillary off-street surface parking spaces. The applicant proposes to remove sixteen (16) parking spaces and the existing landscape buffers encompassing approximately 0.16 acres (7,000 ft²) of the total 0.60-acre parcel. Redevelopment of the existing surface parking lot for a single-family dwelling will decrease the impervious surface of the overall 0.60-acre site by approximately 1.2%.

TOTAL LOT AREA CALCULATIONS:

Total Site Area: 25,941 ft² 0.60 ac				
Impervious	Existing		Proposed	
Total	21,907 ft²	0.51 ac (84.4%)	21,584 ft²	0.50 ac (83.2%)
Office Building	7,102 ft ²	0.16 ac	7,102 ft ²	0.16 ac
Single-Family Home	0 ft ²	0 ac	4,222 ft ²	0.09 ac
Office Vehicular Use	14,549 ft ²	0.33 ac	8,925 ft ²	0.21 ac
Single-Family Driveway	0 ft ²	0 ac	1,079 ft ²	0.03 ac
Office Sidewalks	256 ft ²	0.01 ac	256 ft ²	0.01 ac
Pervious				
Total	4,034 ft²	0.09 ac (15.6%)	4,357 ft²	0.10 ac (16.8%)
Landscape	4,034 ft ²	0.09 ac	4,357 ft ²	0.10 ac

PROFESSIONAL OFFICE LOT AREA CALCULATIONS:

Impervious	Existing		Proposed	
Total	21,907 ft²	0.51 ac (84.4%)	16,283 ft²	0.37 ac (86%)
Office Building	7,102 ft ²	0.16 ac	7,102 ft ²	0.16 ac
Office Vehicular Use	8,925 ft ²	0.33 ac	8,925 ft ²	0.21 ac
Office Sidewalks	256 ft ²	0.01 ac	256 ft ²	0.01 ac
Pervious				
Total	4,034 ft²	0.09 ac (15.6%)	2,658 ft²	0.06 ac (14%)
Landscape	4,034 ft ²	0.09 ac	2,658 ft ²	0.10 ac

Subdivision of the 0.60-acre parcel and subsequent development of the 0.16-acre single-family lot will provide a +1.2% increase in pervious surface coverage for the combined parcels; however, the +1.2% pervious coverage increase to the 0.16-acre single-family parcel ultimately results in a decrease of pervious area coverage for the 0.44-acre parcel by -1.6%.

RESIDENTIAL LOT AREA CALCULATIONS:

Impervious	Existing		Proposed	
Total	5,624 ft²	0.13 ac (80%)	5,301 ft²	0.12 ac (75.7%)
Single-Family Home	0 ft ²	0 ac	4,222 ft ²	0.09 ac
Office Vehicular Use	5,624 ft ²	0.33 ac	0 ft ²	0 ac
Single-Family Driveway	0 ft ²	0 ac	1,079 ft ²	0.03 ac
Pervious				
Total	1,376 ft²	0.09 ac (20%)	1,699 ft²	0.10 ac (24.3%)
Landscape	1,376 ft ²	0.09 ac	1,699 ft ²	0.10 ac

- 14. DECORATIVE PAVING:** *The development includes the use of brick pavers or stamped or colored concrete, by city specifications, on the site.*

Staff Findings:

The applicant is proposing to install brick pavers within the vehicular driveway and pedestrian walkways to accent the Spanish-Mediterranean architecture style.

E. Traffic Impacts

Although the applicant submitted a traffic statement for the proposed single-family dwelling, Section 4.04.01 of the City of Stuart Land Development Code indicates developments within the Transportation Concurrency Exception Area (TCEA) are exempt from the standards and requirements for transportation concurrency review.

Construction of the single-family dwelling does not have the potential to increase the net peak hour trips and will have a de minimis effect on traffic; therefore, a concurrency review exception certificate will be issued for the proposed and existing developments, per Section 4.04.02 of the Land Development Code.

F. Development Reviews

The requested Major Urban Code Conditional Use petition does not require development reviews. The proposed development will be reviewed and approved by the Development Director under the concurrent Minor Development Plan application. Before the issuance of a site permit or building permit, the applicant will be required to demonstrate compliance with the City of Stuart Land Development Code, Comprehensive Plan, and Code of Ordinance.

City of Stuart Building Department:

The Building Department has reviewed and conceptually approved the Major Urban Code Conditional Use application. Any additional comments will be provided during the review of the site and building permits.

- All building plans must comply with the Florida Building Code (FBC) and Florida Fire Protection Code (FFPC) in effect at the time permit application(s) are submitted.
- All plans must be submitted as one PDF file.
- Separate permits are required for the site, building, dumpster enclosures, fire line, fire sprinkler, fire alarm, kitchen hood, and suppression systems.
- The applicant must schedule a pre-construction meeting before the issuance of a building or site permit.
- The development must provide the required number of ADA parking spaces, in compliance with FAC 208

City of Stuart Fire Rescue:

The City of Stuart Fire Rescue has reviewed and conceptually approved the Major Urban Code Conditional Use application. Any additional comments will be provided during the review of the site and building permits.

- All building plans must comply with the Florida Fire Protection Code (FFPC) in effect at the time permit application(s) are submitted.

City of Stuart Public Works - Utilities:

The Public Works Department has reviewed and conceptually approved the Major Urban Code Conditional Use application. Any additional comments will be provided during the review of the site and building permits.

Engineering Review:

There are no comments regarding the proposed Major Urban Code Conditional Use petition. The applicant will be required to submit preliminary construction plans for review and approval under the Minor Development Plan application. Final construction plans are required to be submitted by the applicant at the time of review for the site permit and building permits. The applicant will be responsible for obtaining all State, Federal, and local permits that may be required as part of this project.

The City of Stuart Public Works, Utilities, and Fire Departments will review the site for water, sewer, dumpster, fire hydrant, fire lane, utility separation requirements, and accessibility.

Environmental Review:

The site is improved and developed, and an environmental review is not applicable. Before the issuance of a site permit or building permit, the applicant, property owner, or successor is required to obtain any required State, Federal, or local permits for development.

G. Community Redevelopment Board (CRB)

On September 3, 2024, the Community Redevelopment Board held a public hearing and voted 3-1 in favor, with two (2) members absent and one (1) vacancy, to allow the proposed detached single-family dwelling to deviate from **1).** Section 3.01.03(A)(1)(d), to allow a 13.5' wide driveway apron on S.E. Seminole Street and up to a twenty-two (22) foot wide driveway on site; **2).** Section 3.01.03(A)(4)(a), to allow balconies to overlook the proposed single-family dwelling patio and pool courtyard, instead of the street facades along S.E. Seminole Street and S.E. Denver Avenue; **3).** Section 3.01.03(A)(1)(a) to allow a minimum 7.34' front yard setback, as measured from the proposed 5' tall privacy wall; a 10.22' front yard setback, as measured from the northeast corner of the proposed single-family dwelling; and an approximate 33' front yard setback, as measured from the northwest corner of the proposed attached garage; **4).** Section 3.01.04(I), to waive requirements to construct a six (6) foot-wide sidewalk and instead require the property owner to dedicate a two (2) foot-wide easement along the future corner lot fronting S.E. Seminole Street and S.E. Denver Avenue; **5).** Section 3.01.04(P), to allow a decorative wall and column(s) between four (4) to five (5) feet in height within the front yard along S.E. Seminole Street; **6).** Section 6.09.02(C)(1), to allow a pool to be constructed between the front facade of the principal building within the interior courtyard of the proposed single-family dwelling; and to allow the existing professional office building to be permitted to deviate from; **7).** Section 3.03.01(F)(2)(a) and

to reduce the number of required parking spaces by six (6), for a total of twenty-five (25) parking stalls for the existing 10,895 ft² structure.

In addition to dedicating a two (2) foot-wide public access easement to the City of Stuart along the future corner lot fronting S.E. Seminole Street and S.E. Denver Avenue, the Community Redevelopment Board also recommends the property owner be responsible for the fee(s) for up to three (3) parking spaces to be paid into the "Stuart Payment in Lieu of Parking Trust Fund".

H. Staff Recommendation

The City of Stuart Development Department has reviewed the Major Urban Code Conditional Use petition and recommends the applicant be required to pay the fee for up to three (3) required parking spaces into the "Stuart Payment in Lieu of Parking Trust Fund" so the City of Stuart may construct additional parking spaces in the CRA, and to construct the six (6) foot-wide continuous sidewalk adjacent to the future lot fronting S.E. Seminole Street and S.E. Denver Avenue and dedicate a two (2) foot-wide sidewalk easement to the City of Stuart for pedestrian access.



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

RESOLUTION NUMBER 87-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE FOR FLAMINIA, LLC LOCATED AT 55 SE OSCEOLA STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM CERTAIN CODE REQUIREMENTS, INCLUDING REQUIRED PARKING, PAYMENT IN LIEU OF PARKING (PILOP) FEES, SIDEWALKS, BUILDING SETBACKS, POOL LOCATION, DRIVEWAY WIDTH, FENCE HEIGHT, AND ARCHITECTURAL STANDARDS FOR THE EXISTING PROFESSIONAL OFFICE BUILDING AND PROPOSED SINGLE-FAMILY DWELLING; REQUIRING SPECIFIC POLICIES TO BE CONSIDERED INCLUDING PARKING REQUIREMENTS, PAYMENT IN LIEU OF PARKING (PILOP) PROGRAM, AND VARIOUS DESIGN STANDARDS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, on September 3, 3034, the Community Redevelopment Board (CRB) held a properly noticed public hearing to consider the Major Urban Code Conditional Use petition, requested by Lucido & Associates (Representative), on behalf of Flaminia, LLC (owner), for the

0.60-acre parcel of land known, and voted 3-1 in favor (two (2) members absent and one (1) vacancy) to forward a recommendation of approval with conditions to the City Commission; and

WHEREAS, on September 23, 2024, the City Commission held a properly noticed public hearing to consider the Major Urban Code Conditional Use petition, requested by Lucido & Associates (Representative), on behalf of Flaminia, LLC (owner), for the 0.60-acre parcel of land; and

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards, and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the Major Urban Code Conditional Use petition; and

WHEREAS, the applicant has committed to the City that its development will comply with all codes, plans, standards, and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon this Resolution; and

WHEREAS, the applicant showed by substantial competent evidence at the public hearing that the Major Urban Code Conditional Use petition is consistent with the City of Stuart Comprehensive Plan, Land Development Code, and the procedural requirements of law; and

WHEREAS, the Major Urban Code Conditional Use approval shall run with the land;

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

SECTION 1: The legal description of the 0.60-acre parcel, as outlined in **Exhibit "A"** attached hereto and made a part hereof by reference. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference. The Conditions of Approval for the development are attached hereto as **Exhibit "C"** and made a part hereof by reference.

SECTION 2: The following documents on file as public records of the City of Stuart, at the City Clerk's office in City Hall, shall be deemed a part of the conditions applicable to the existing professional office building known as the "Forum Building" and the proposed single-family dwelling, also known as the Flaminia, LLC development:

1. **Site Plan**, prepared by Lucido & Associates, dated February 14, 2024 (revised through July 22, 2024).
2. **Landscape Plan (Sheets 1-3)**, prepared by Lucido & Associates, dated February 8, 2024, revised on June 27, 2024.
3. **Boundary & Topographic Survey**, prepared by Bowman Consulting Group, LTD., Inc., Richard E. Barnes Jr., PSM (PSM#7473), dated September 14, 2022.
4. **Single-Family Dwelling Architectural Plans and Elevations**, prepared by Sparc Design, Sean Patrick Sukhu.
5. **Single-Family Dwelling Floor Plan**, prepared by Sparc Design, Sean Patrick Sukhu, dated July 12, 2024.
6. **Traffic Statement**, prepared by Lucido & Associates, Morris A. Crady, AICP.
7. **Payment in lieu of Parking (PILOP) Fee Calculations** by Lucido & Associates, Morris A. Crady, AICP.

SECTION 3: The Applicant is requesting Major Urban Code Conditional Use approval to provide relief from certain provisions of the Land Development Code (LDC), including:

1. Reduce the required number of parking spaces by six (6), for a total of twenty-five (25) parking stalls for the existing 10,895 square foot structure, pursuant to Land Development Code Section 3.03.01(F)(2)(a) – Urban Standards & Regulations for Designated Urban Subdistricts; and
2. Waive the PILOP requirement and fee(s) for up to three (3) parking spaces into the "Stuart Payment in Lieu of Parking Trust Fund", pursuant to Land Development Code Section 6.01.19 – Payment in Lieu of Parking Program (PILOP); and
3. Allow a 13.5' wide driveway apron on S.W. Seminole Street and up to twenty-two (22) foot wide driveway on site, pursuant to Land Development Code Section 3.01.03(A)(1)(d) – Urban Standards & Regulations for Designated Urban Subdistricts; and
4. Allow balconies to overlook the proposed single-family dwelling patio and pool courtyard, instead of the street facades along S.E. Seminole Street and S.E. Denver Avenue, pursuant to Land Development Code Section 3.01.03(A)(4)(a) – Urban Standards & Regulations for Designated Urban Subdistricts.

5. Allow a minimum 7.34' front yard setback, as measured from the proposed 5' tall privacy wall; a 10.22' front yard setback, as measured from the northeast corner of the proposed single-family dwelling; and an approximate 33' front yard setback, as measured from the northwest corner of the proposed attached garage, pursuant to Land Development Code Section 3.01.03(A)(1)(a) – Urban Standards & Regulations for Designated Urban Subdistricts.
6. Waive sidewalk requirements and dedicate a two-foot-wide public access easement along the future parcel frontage on S.E. Seminole Street and S.E. Denver Avenue, pursuant to Land Development Code Section 3.01.04(I) – Architectural Standards & Regulations.
7. Allow a decorative wall and columns between four (4) to five (5) feet in height along the S.W. Seminole Street frontage, pursuant to Land Development Code Section 3.01.04(P) – Architectural Standards & Regulations.
8. Allow a pool to be constructed between the front facade of the principal building within the interior courtyard of the proposed single-family dwelling, pursuant to Land Development Code Section 6.09.02(C)(1) – General Standards & Requirements.

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code and Major Urban Code Conditional Use approval for Flaminia, LLC.

SECTION 5: All Resolutions, or parts of Resolutions, in conflict with this Resolution or any part thereof is hereby repealed to the extent of such conflict. If any provision outlined within this Resolution conflicts with any contractual provision between the City and the applicant, developer, or successor, this Resolution shall prevail.

SECTION 6: If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

SECTION 7: Following the adoption and acceptance of this Resolution by the owner, developer, or successor, and in addition to any other action for failure to otherwise comply with

the Approved Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date, and location of the hearing, along with specific notice of the alleged breach. At the public hearing before the City Commission, the owner, developer, or successor may appear and contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Approved Documents and therefore, the Resolution(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other Resolution pertaining to the development.
- b. Impose an administrative penalty of up to \$1,000.00 for each violation, and up to \$5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this Major Urban Code Conditional Use Resolution by the owner, developer, or successor shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 8: This Resolution shall be effective upon adoption by the City Commission, and proper execution and acceptance by the owner.

SECTION 9: The City Clerk is directed to record a Certified Copy of this Resolution in the public records of Martin County, Florida, within thirty (30) days of City Commission approval.

Passed on the _____ day of _____, 2024.

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:

CAMPBELL RICH, MAYOR
EULA R. CLARKE, VICE MAYOR
CHRISTOPHER COLLINS, COMMISSIONER
SEAN REED, COMMISSIONER
LAURA GIOBBI, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE BAGGETT, ESQ.
CITY ATTORNEY

CITY’S ACKNOWLEDGMENT

The above Resolution was acknowledged before me through ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by Campbell Rich, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name: _____

Exhibit “A” Legal Description

PER TITLE POLICY REFERENCING OFFICIAL RECORDS BOOK 02329, PAGE 0097
(INSTRUMENT #2084804)

ALL OF LOT 18, BLOCK 3, AND THAT PORTION OF THE 16.00’ WIDE PRIVATE ROAD
LYING ADJACENT TO SAID LOT 18, BLOCK 3, ACCORDING TO THE AMENDED PLAT
OF CHARLES A. PORTER ADDITION AS RECORDED IN PLAT BOOK 2, PAGE 75,
PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, PUBLIC RECORDS.

AND

LOTS 10, 11, 12, AND 13, LESS THE SOUTH 10.00 FEET OF SAID LOT 13 AS DEEDED
TO THE CITY OF STUART, IN DEED BOOK 211, PAGE 179, PALM BEACH (NOW
MARTIN) COUNTY, FLORIDA PUBLIC RECORDS, ACCORDING TO THE PLAT OF
HIGH SCHOLL SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 85, PALM
BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS.

PARCEL I.D. NUMBER: 04-38-41-006-000-00100-9

PROPERTY ADDRESS: 55 S.E. Osceola Street, Stuart FL. 34994

Exhibit “B” Map:

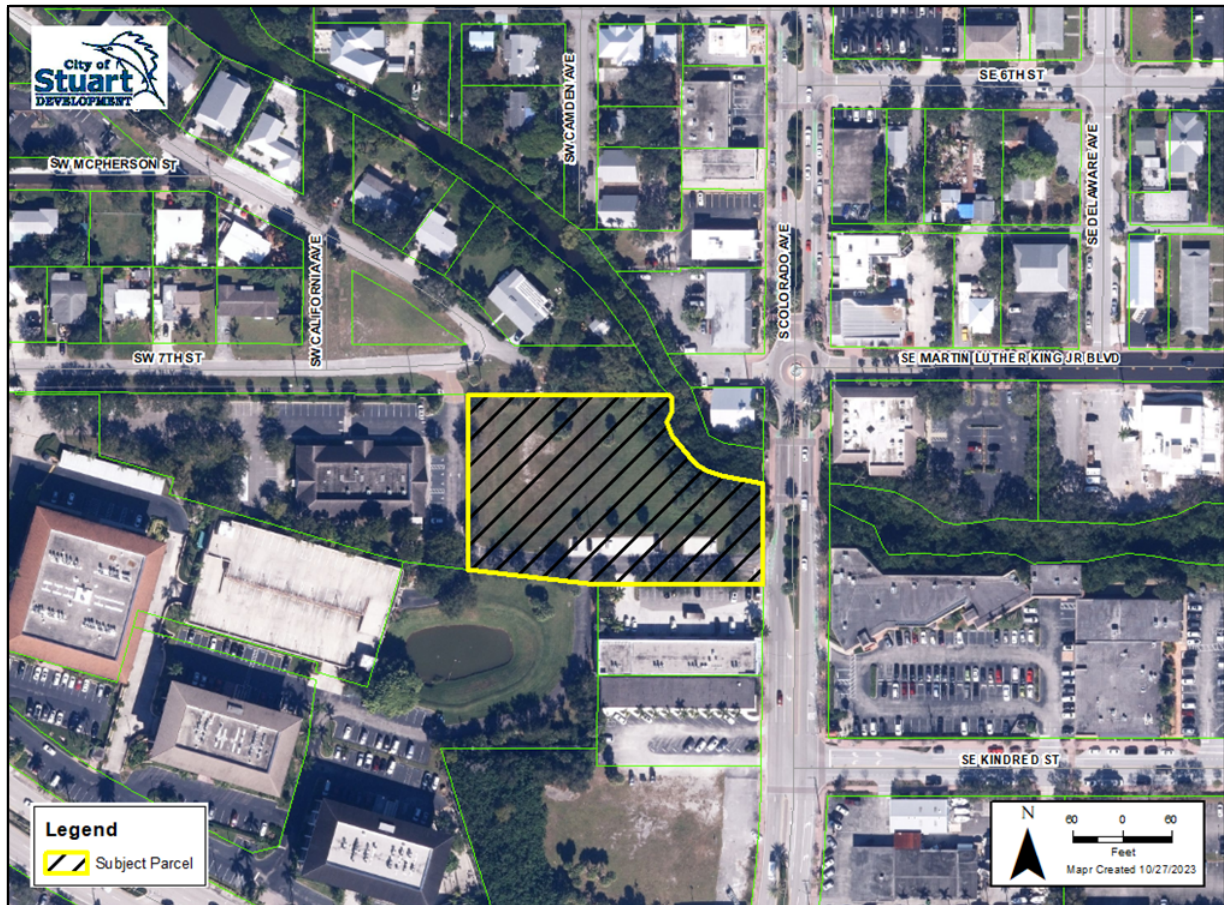
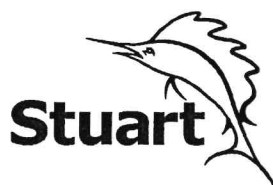


Exhibit “C” Conditions of Approval

1. ***Local Planning Agency Recommended COA:*** Prior to the issuance of a building permit for the future corner lot fronting S.E. Seminole Street and S.E. Denver Avenue, the property owner, developer, or successor shall be required to dedicate a two (2) foot-wide easement for public access to the City of Stuart.
2. ***Local Planning Agency Recommended COA:*** Prior to the issuance of a building permit for the future corner lot fronting S.E. Seminole Street and S.E. Denver Avenue, the property owner, developer, or successor shall be required to pay the fee(s) into the "Stuart Payment in Lieu of Parking Trust Fund" for up to three (3) parking spaces for the Professional Office Building.
3. ~~***Staff Recommended COA:*** Prior to the issuance of a building permit for the future corner lot fronting S.E. Seminole Street and S.E. Denver Avenue, the property owner, developer, or successor shall be required to construct a six (6) foot-wide sidewalk adjacent to the proposed corner lot fronting S.E. Seminole Street and S.E. Denver Avenue.~~



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

Received by: _____

Reviewed by: _____

Urban Code Conditional Use Application

Project ID# *staff entry*

Pre-App Conference Date: April 10, 2023	Application Date: February 26, 2024
---	-------------------------------------

SITE INFORMATION

Project Name: Flaminia LLC	Parcel ID#: 04-38-41-006-000-00100-9
Site Address: 55 SE Osceola Street, Stuart, FL 34994	
Subdivision: High School & Charles A. Porter Addition	Lot(s)10,11,12,13 of High School Plat & Lot 18 of Porter
Site Acreage: 0.6269 acre	Flood Zone/Base Flood Elevation:
Current Zoning District / CRA Subdistrict (if applicable):	
Current Comprehensive Plan Future Land Use Designation: Downtown	
Existing Land Use: See attached project narrative	Proposed Land Use:
Proposed Square Footage (if applicable):	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: Flaminia LLC	Phone Number / Email Address: 772-221-0333
Property Owner's Mailing Address: 55 SE Osceola St., Stuart, FL 34994	maiucci@aol.com
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address: Same as above	
Agent/Contact Person: Morris A. Crady, Lucido & Associates	Phone Number / Email Address: 772-220-2100
Agent's Mailing Address: 701 SE Ocean Blvd., Stuart, FL 34994	mcrady@lucidodesign.com
Architect:	Engineer:
Planner/Surveyor: Bowman Consultants, Richard Barnes	Landscape Architect: Same as agent

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared John E. Maiucci, Managing Member of Flaminia, LLC Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a Minor Development Plan Application in the City of Stuart, FL.
3. That he/she has appointed Morris A. Crady of Lucido & Associates to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Flaminia, LLC

Signature of Owner: [Signature]

John E. Maiucci, Managing Member

By: Name/Title

Street Address: 55 SE Osceola St., 200

City, State, Zip Code: Stuart, FL 34994

772-221-0333

Telephone Number

City, State, Zip Code

maiucci@aol.com

Email Address

Fax Number

STATE OF FLORIDA, COUNTY OF Martin

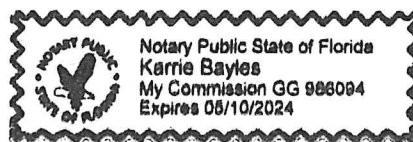
Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

20 day of February, 2024 By John E. Maiucci

Personally Known OR Produced Identification
Type of Identification Produced:

[Signature]
Notary Public

My Commission expires:



Financial Responsibility Form

(Please Print or Type)

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

Name: John E. Maiucci
Title: Managing Member of Flaminia, LLC
Company: Flaminia, LLC
Company Address: 55 SE Osceola St., 200

City/State/Zip Code: Stuart, FL 34994
Telephone Number: 772-221-0333
Facsimile Number:
Email Address (optional): maiucci@aol.com

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

1. Signed this 20th day of FEBRUARY, 20 24.

John E. Maiucci, Managing Member, Flaminia LLC.
Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

Application Requirements

Fee:

- \$1,598.00 – Major Urban Code Conditional Use Permit (Community Redevelopment Board and City Commission Approval)
- \$532.00 – Minor Urban Code Conditional Use Permit (Community Redevelopment Board)

Amendment of Conditions attached to Major UCCU (City Commission)

(This does not include fees that may be charged as a result of application reviews by the City's consultants or any required recording fees)

- A Minor Urban Code Conditional Use Permit shall be required for relief from the following regulations of the urban code; paint colors; public art, and architectural materials.
- A Major Urban Code Conditional Use Permit shall be required for relief from the following regulations of the urban code; density, permitted uses, setbacks, location of parking, location of buildings and structures, conflicts with utilities, curb cuts, historic buildings, pitched roofs in the old downtown district, number of stories, building height not to exceed 45 feet, parking located within a building envelope, location of a formula business, and architectural requirements.

Submittal Requirements: A completed application form, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, the payment of fees, and pertinent information per application type as determined by the Development Director.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the Community Redevelopment Board (CRB) public hearing (if required) followed by a recommendation to the City Commission.

Justification: Please provide justification supporting the request for an Urban Code Conditional Use Permit (include additional pages if needed).

See Project Narrative

(over)



INSTR # 2084804
OR BK 02329 PG 0097
Pgs 0097 - 987 (2pgs)
RECORDED 05/19/2008 04:17:45 PM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 0.70
RECORDED BY S Phoenix

Return to Preparer
THIS INSTRUMENT PREPARED BY:

LAWRENCE E. CRARY III, Esquire
CRARY, BUCHANAN, BOWDISH, BOVIE,
BERES, ELDER & WILLIAMSON, CHARTERED
555 S.W. Colorado Avenue, Suite 1
Post Office Drawer 24
Stuart, Florida 34995-0024
(561) 287-2600

Parcel ID# 04-38-41-006-000-00100.9

WARRANTY DEED

THIS INDENTURE, made this 14th day of May, 2008, between John E. Maiucci, a single man, grantor*, and Flaminia, LLC, a Florida limited liability company, whose post office address is 55 E. Osceola Street, Suite 200, Stuart, FL 34994, grantee*,

WITNESSETH, That said grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, and grantee's heirs and assigns forever, all that certain land situate in Martin County, Florida, to-wit:

All of Lot 18, Block 3, and that portion of the 16.00' wide private road lying adjacent to said Lot 18, Block 3, according to the Amended Plat of CHARLES A. PORTER ADDITION as recorded in Plat Book 2, Page 75, Palm Beach (now Martin) County, Florida, public records,

and

Lots 10, 11, 12, and 13, less the South 10.00 feet of said Lot 13 as deeded to the City of Stuart, in Deed Book 211, page 179, Palm Beach (now Martin) County, Florida public records, according to the plat of HIGH SCHOOL SUBDIVISION as recorded in Plat Book 2, Page 85, Palm Beach (now Martin) County, Florida public records.

SUBJECT TO conditions, restrictions, reservations, limitations and easements of record; zoning and other regulatory ordinances; and taxes for the year 2008 and subsequent years.

THIS PROPERTY is not the homestead of the grantor and is not contiguous thereto.

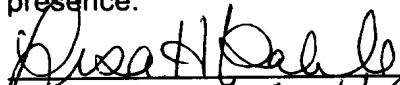
THIS DEED was prepared without the benefit of title examination.

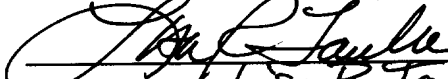
**Grantor" and "grantee" are used for singular and plural, as context requires.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Print name of Witness Lisa H Bable

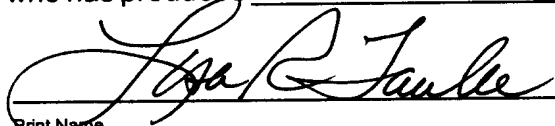

Print name of Witness Lisa R Taube

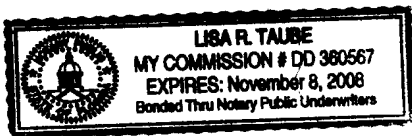

JOHN E. MAIUCCI

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 14th day of May, 2008, by JOHN E. MAIUCCI, ☒ who is personally known to me or ☐ who has produced _____ as identification.

(Notary Seal)


Print Name _____
Notary Public State of Florida
Commission No. _____
My Commission Expires: _____



Project Narrative
Flaminia LLC
Revised Minor Development Plan and
Conditional Use Application

June 24, 2024
Rev. July 22, 2024

Introduction

The professional office building known as the Forum Building, which is located at 55 SE Osceola Street, has been owned by the limited liability company, Flaminia LLC, since 2008. John Maiucci is the Managing Member of Flaminia LLC, and the professional office building has been in the Maiucci family since 1989. The 0.60-acre property is fully developed with an existing 2-story professional office building on the corner of SE Osceola Street and SE Denver Avenue. There are 25 parking spaces adjacent to the building including 2 handicapped spaces and 8 spaces under a portion of the building. In addition, there are 16 paved parking spaces located north of the building at the corner of SE Seminole Street and SE Denver Avenue with driveways on both streets.

Project Description

During the 34 years of family ownership, the 16 parking spaces on the north property have been rarely used and must be constantly monitored for illegal parking activities. John Maiucci would like to redevelop the north parking area and build a single-family home for his use and enjoyment. To accommodate the redevelopment, the 0.60-acre property would be legally split into two separate properties, one lot containing the existing 2-story professional office building including required parking on approximately 18,491 sf (0.42 acres), and the other lot containing the proposed single-family home on approximately 7,000 sf (0.16 acres). Access to the single-family lot would be limited to SE Seminole Street.

SE Seminole Street is a narrow, one-way street with much of the existing development being residential. In fact, the proposed single-family lot and future residence would be adjacent to a recently renovated single-family home.

Other than the lot split and redeveloping the unused parking, no changes to the existing office building that fronts on the corner of SE Osceola Boulevard and SE Denver Avenue are proposed or required.

Single-family Property Zoning Requirements

The zoning of the property is Urban Center which allows for single-family uses. The required and proposed building placement requirements are as follows:

Urban Center Principal Building Placement Requirements (Section 3.01.03)			
Section	Description	Required	Proposed
A.1.a	Front Setback	Build-to line of Zero Feet	Varies 7.3-10.2'
A.1.b	Side Setback	May be Zero Feet	3.5' on west side, 6.8' on east side
A.1.c	Rear Setback	May be Zero Feet	5.58' on west corner, 4' on east corner

A.1.d	Front Street Facade; Driveway	Not less than 80% of lot width; 10' wide driveway may be allowed	SE Seminole St: 92% SE Denver Ave: 85% 13.5' at road edge, 22.1' at garage face
A.1.e	Pedestrian Access	Not Applicable	Not Applicable
A.1.f	Public Courtyard Option	Not Applicable	Not Applicable

Accessory Structures (Pool) - Section 6.09.02(C)(1)			
Setbacks (Pool)	Required	Proposed	
Front	Not allowed	9.26'	
Side (corner)	10 feet	45.56'	
Side (west)	5 feet	42.07'	
Rear	5 feet	39.79'	

Professional Office Parking Requirements

With the proposed elimination of the north parking area (16 spaces) for the single-family residence, the on-site parking would be reduced to 25 on-site parking spaces. For a professional office use under Section 3.01.03.F.2. Urban Code District Uses, the parking code requires 1 parking space per 350 square feet, which yields a requirement of 31 parking spaces.

Urban Code Parking (Section 3.01.03.F.2)				
Existing Use	Parking Rate	Total SF	Parking Required	Parking Provided
Office, business or professional	1 per 350 SF	10,895 SF	31 spaces	25 spaces

Occupancy/Parking Study and Affidavit

Based on 100% occupancy of the building as described in the enclosed Affidavit submitted by the applicant/property owner, who is also a tenant of the building, only 47% of the available 25 on-site parking spaces adjacent to the office building are being occupied. This finding is based on actual leasable area (8,910 sf) and direct observations by the owner during peak morning and afternoon hours from January 31, 2024 through March 20, 2024. As confirmed by the owner, the 25 on-site parking spaces have been more than sufficient for the 8,910 sf of actual leasable area for the past 34 years.

Proposed Parking Rate				
Existing Use	Parking Rate	Leasable SF	Parking Required	Parking Provided
Office, business or professional	1 per 350 SF	8,910 SF	25 spaces	25 spaces

The Payment in Lieu of Parking (PILOP) program is not applicable in this case because the office building is existing and has been occupied by the same owner/landlord for the past 34 years. Clear and convincing evidence has been provided that confirms the existing 25 parking spaces surrounding the office building are sufficient without reliance on the public parking spaces on the street.

To ensure compliance with the existing parking rate supported by the Affidavit, which equates to one parking space per 350 square feet of “net leasable area”, the following note has been added to the Revised Minor Development Plan:

“The proposed parking rate for the existing office building is supported by Affidavit of John E. Maiucci, Managing Member, Flaminia, LLC as recorded in OR Bk___, Pg___, and shall remain in full force and effect for the life of the existing building.”

Section 3.01.06 – Urban Code Conditional Use Requirements- Justification

To be consistent and compatible with adjacent properties and to create a safe and aesthetically pleasing environment for the proposed single-family residence, approval of an Urban Code Conditional Use is required to address setbacks, location of driveway/parking and architectural requirements. As demonstrated in the architectural renderings of the building and on the proposed landscape plan, the proposed conditional use criteria meet and exceed the design objectives of the urban code as reasonably applied to a single-family residence, and as further described below:

Building Setbacks:

Section 3.01.03A.1.a. requires a 0’ setback from the public street frontage on SE Seminole.

The proposed building setback along Seminole Street is approximately 7.3’ between the covered entry to the home and the proposed paver brick driveway. The building setback expands to approximately 10.2’ from the covered entry to the intersection of SE Denver Avenue.

In both cases, the setback begins at the existing public sidewalk that is currently 4 feet wide. To facilitate a 6’ wide sidewalk, the applicant has agreed to provide a 2’ sidewalk easement.

The balance of the building setback between the public sidewalks and the proposed single-family home will be landscaped in accordance with the proposed landscape plans to create shade along the sidewalks, enhance the architectural design of the building and provide appropriate screening of window openings and the pool/patio area along SW Seminole Street. The additional setback at the home’s entry is needed to provide safe access to and from the residence.

As per Section 3.01.03A.1.b. and c., the side and rear setbacks “may” be zero feet. The side setback along SE Denver Avenue is proposed at approximately 6.8 feet including the proposed 2’ sidewalk easement. The increased setback will allow for tree plantings along the sidewalk and enhanced landscaping to complement the architectural design of the building.

The proposed side setback along the west parcel boundary, which is adjacent to an existing single-family residence, is 3.5 feet. The proposed setback matches the existing setback for the garage that was added to the adjacent house in 2022. The proposed setback is sufficient for the maintenance of the structures on each adjoining property.

The minimum rear setback (adjacent to the office parking lot) from the proposed lot line is 4 feet on the single family lot side and 4.5 feet from the existing parking lot. This area will be retained as a shared landscape buffer and drainage area between the 2 properties.

The proposed setbacks are consistent and compatible with the setbacks of existing single-family homes along SW Seminole Street

Driveway Width:

Section 3.01.03.A.1.d. requires a 10' wide driveway if no alley access is available in the rear or side of the lot. The existing parking lot has an approximately 11' wide asphalt driveway on SE Seminole Street and an additional 11' driveway on SE Denver Avenue. The redevelopment plan will eliminate the asphalt driveway on SE Denver in favor of a 13.5' wide paver brick driveway on SW Seminole Street, which will provide access to the single-family home garage. The driveway width expands to 22 feet inside the decorative gates adjacent to the face of the garage. The proposed driveway is equal to or less than the width of the single-family driveway that was recently constructed on the adjacent residential lots.

Buffers:

Subsection 3.01.03.G.1.a. provides the following exception to the landscaping requirements in Section 6.04.00 of the landscape code:

"The width of the landscape buffers shall be determined by the required side and rear setbacks as described in this Urban Code, and buffer screens shall be 25% of those setbacks."

The rear setback (adjacent to the office parking) for the single-family home is 0 feet. The proposed lot line will provide a minimum of 4 feet of landscaping on the single family lot and 4.5 feet of landscaping along the existing parking lot. This area will be retained as a shared landscape buffer to provide landscaping and a 5' high decorative rail fence designed to maintain drainage flows between the two properties.

Sidewalk Along Public Streets:

Section 3.01.04.I. requires the construction of a minimum 6' sidewalk along the frontage of SW Seminole Street and SW Denver Avenue. The existing sidewalk is approximately 4 feet wide. To accommodate a future 6' wide sidewalk the applicant has agreed to dedicate a 2' wide public sidewalk easement along the frontage of Seminole Street and Denver Avenue.

Fences:

Section 3.01.04.H. and P. prohibits fences greater than 4 feet along the public street frontage. The proposed decorative wall and columns along the frontage of SW Seminole Street vary in height from 4 to 5 feet and is set back approximately 7.6 feet from the existing sidewalk. The privacy wall has been designed as an architectural extension of the building to screen the pool area from public view. The privacy wall will be further enhanced with landscaping between the existing sidewalk and wall, consistent with landscaping along the front building facade.

Balconies:

Section 3.01.04.M. requires a balcony for corner lots to "extend along two street facades, but it does not have to be continuous". As shown on the architectural elevations, balconies are proposed facing SW Seminole Street and SW Denver Avenue but are set back on the second floor in a manner that will overlook the pool/patio area, not the street facades

Accessory Structures (Pool):

Section 6.09.02(C)(1). prohibits accessory structures in the front setback. Since the pool is considered an accessory structure, it is not permitted between the front façade of the principal building and the property line. A pool may be permitted in the side and rear yards subject to a minimum 5' setback. For corner lots, the side setback is 10 feet.

As depicted on the architectural elevations, the proposed pool is designed within an interior courtyard with a decorative wall and columns along the frontage of SW Seminole Street that varies in height from 4 to 5 feet and is set back approximately 7.6 feet from the existing sidewalk. The privacy wall and columns have been designed as an architectural extension of the front facade of the building to screen the pool and courtyard areas from views along the public street.

The privacy wall will be further enhanced with landscaping between the existing sidewalk and wall, consistent with the landscaping along the front building facade. The proposed pool location otherwise greatly exceeds the minimum required side and rear setbacks.

Open Space/Drainage/Landscape Area

By converting the existing paved parking to a single-family residence, the amount of open space and landscape area will increase and overall drainage will be maintained.

Traffic Impact

According to the ITE Traffic Manual a single-family home will generate an average of 10 daily trips. The addition of a single-family home will allow the owner of the office building to live where he works. Given these circumstances, the traffic generated by the project is de minimis.

Potable Water and Wastewater Treatment

Prior to the issuance of a building permit for the single-family home, the existing service agreement with the City of Stuart, which provides service to the office building, will be modified as needed to provide service to the proposed single-family home.

Proposed Lot Split

Upon approval of the revised site plan and prior to the submittal of a building permit application for the single-family lot, a legal lot split or replat will be recorded into the official records.

Current Aerial Map

Martin County, FL



Date: 2/15/2024

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Author: Martin County, GIS
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Parcel Assessment Map

Martin County, FL



Date: 1/31/2023

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Author: Martin County GIS
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(772) 220-2100, Fax (772) 223-0220

N.T.S.

Client & Property Owner:	Flaminia, LLC 55 SE Osceola Street Stuart, Florida 34994
Land Planner / Landscape Architect:	Lucido & Associates 701 East Ocean Boulevard Stuart, Florida 34994
Engineer:	Bowman Consulting Group, Ltd., Inc. 301 S.E. Ocean Blvd., Suite 301 Stuart, FL 34994
Surveyor:	Bowman Consulting Group, Ltd., Inc. 301 S.E. Ocean Blvd., Suite 301 Stuart, FL 34994

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REG. # LA6667114
Steven Garrett

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Gross Floor Area:	
Existing Office Building:	10,895 sf
First Floor:	3,793 sf
Second Floor:	7,102
Proposed Single Family Home:	5,570 sf
First Floor:	4,222 sf
Second Floor:	1,348 sf
Maximum Height:	35 feet, 3-stories
Proposed Height:	35 feet, 2-stories

Building Setbacks	Urban Code	Proposed
Front (Stonewall Street): Section 3.01.03A.1.a.	0'	7.34' to 10.22'
Side (Denver Avenue): Section 3.01.03A.1.b.	0'	6.84'
Side (west side): Section 3.01.03A.1.b	0'	3.50'
Rear: Section 3.01.03A.1.c.	0'	5.58' (West Corner) 4.00' (East Corner)
Driveway Width: Section 3.01.03A.1.d.	10'	13.5' @ edge of road 22.1' inside gate
Sidewalk Width Along Public Streets: Section 3.01.03.04(l).	6'	4' existing with 2' Wide Sidewalk Easement
Balconies Along Street Facades: Section 3.01.03A.4.a.	50% street frontage	<50% (set back from street)
Accessory Structures (Pool): Section 6.09.02 (c) (1)		
Front Setback:	Not Allowed	9.26'
Side Setback (West):	5'	42.07'
Side Setback (East):	10'	45.56'
Rear Setback:	5'	39.79'
Building Height:	Maximum	Proposed
Section 3.01.03A.2.a.	35' / 3 stories	35' / 2 stories
Fence Height (front): Section 3.01.04 (H) and (P)	4 feet	5 feet with landscaping

(Section 3.01.03.F.2.)

Proposed Single Family Home:

Required Parking: 1.5 spaces

Parking Provided: 3 (2 in garage, 1 in driveway)

Existing Professional Office (Gross Floor Area)

First floor: 3,793 sf

Second Floor: 7,102 sf

Total: 10,895 sf

Required Parking @ 1 space / 350 sf: 31 spaces

Existing Professional Office (Net Leaseable Area)

First Floor: 3,200 sf

Second Floor: 5,710 sf

Total: 8,910 sf

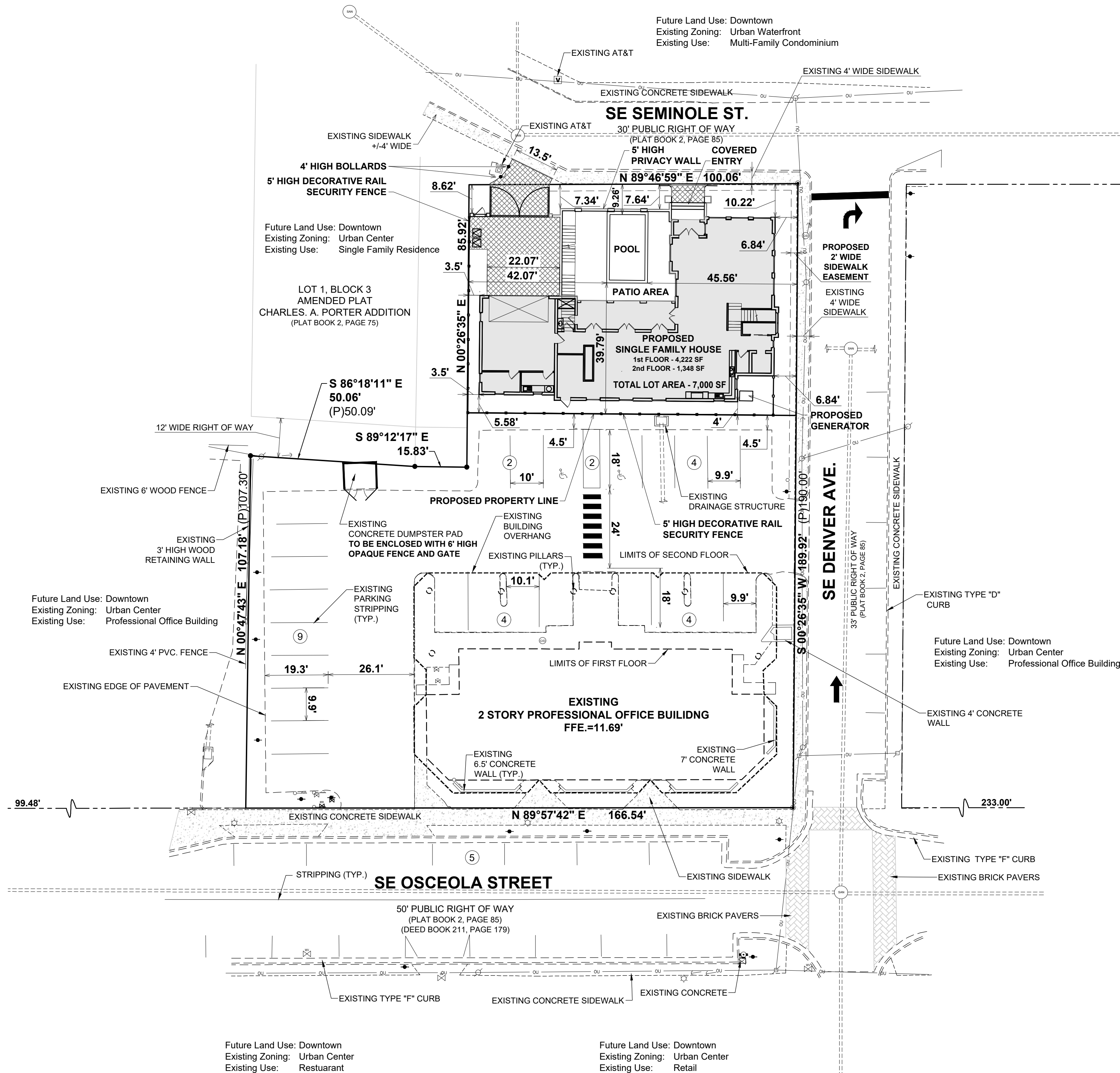
Required Parking @ 1 space / 350 sf: 25 spaces

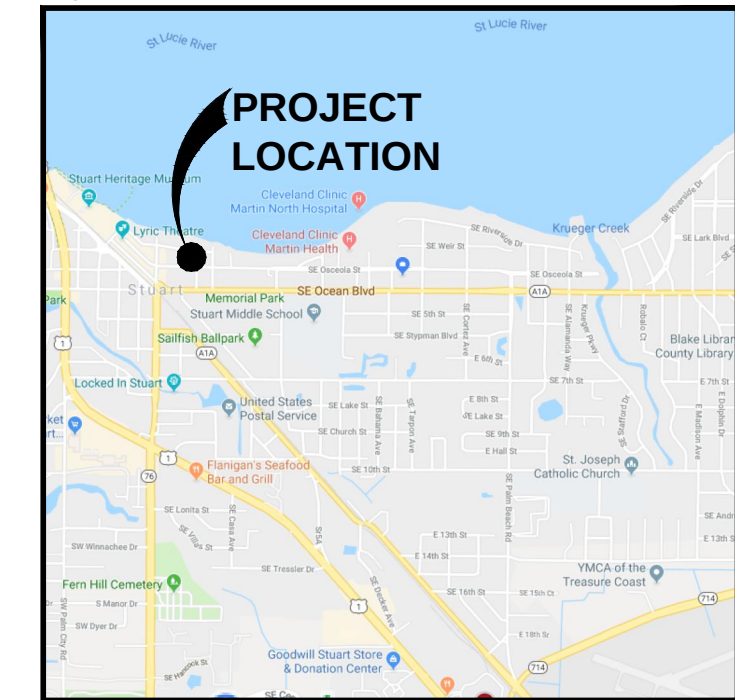
Parking Provided: 25 spaces including 2 Handicap Spaces

Note:
The proposed parking rate for the existing office building is supported by Affidavit of John E. Maiucci, Managing Member, Flaminia, LLC as recorded in OR Bk__, Pg__, and shall remain in full force and effect for the life of the existing building.

Total Area:	25,941 sf	0.60 ac
Existing Use:	Office	
Existing Zoning:	Urban Center	
Existing Future Land Use:	Downtown	
Parcel I.D. Number:	04-38-41-006-000-00100-9	

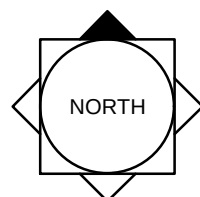
Total Site Area:	25,941 sf	0.60 ac		
Impervious	Existing		Proposed	
Total	21,907 sf	0.51 ac 84.4%	21,584 sf	0.50 ac 83.2%
Office Building:	7,102 sf	0.16 ac	7,102 sf	0.16 ac
Single Family Home:	0 sf	0 ac	4,222 sf	0.09 ac
Office Vehicular Use:	14,549 sf	0.33 ac	8,925 sf	0.21 ac
Single Family Driveway:	0 sf	0 ac	1,079 sf	0.03 ac
Office Sidewalks:	256 sf	0.01 ac	256 sf	0.01 ac
Pervious				
Total	4,034 sf	0.09 ac 15.6%	4,357 sf	0.10 ac 16.8%
Landscape:	4,034 sf	0.09 ac	4,357 sf	0.10 ac
Office Lot Area:	18,941 sf	0.44 ac		
Impervious	Existing		Proposed	
Total	16,283 sf	0.37 ac 86.0%	16,283 sf	0.37 ac 86.0%
Office Building:	7,102 sf	0.16 ac	7,102 sf	0.16 ac
Office Vehicular Use:	8,925 sf	0.33 ac	8,925 sf	0.21 ac
Office Sidewalks:	256 sf	0.01 ac	256 sf	0.01 ac
Pervious				
Total	2,658 sf	0.06 ac 14.0%	2,658 sf	0.06 ac 14.0%
Landscape:	2,658 sf	0.06 ac	2,658 sf	0.06 ac
Residential Lot Area:	7,000 sf	0.16 ac		
Impervious	Existing		Proposed	
Total	5,624 sf	0.13 ac 80.0%	5,301 sf	0.12 ac 75.7%
Single Family Home:	0 sf	0 ac	4,222 sf	0.09 ac
Office Vehicular Use:	5,624 sf	0.33 ac	0 sf	0.0 ac
Single Family Driveway:	0 sf	0 ac	1,079 sf	0.03 ac
Pervious				
Total	1,376 sf	0.09 ac 20.0%	1,699 sf	0.10 ac 24.3%
Landscape:	1,376 sf	0.09 ac	1,699 sf	0.10 ac





Client & Property Owner:	Flaminia, LLC 55 SE Osceola Street Stuart, Florida 34994
Land Planner / Landscape Architect:	Lucido & Associates 701 East Ocean Boulevard Stuart, Florida 34994
Engineer:	Bowman Consulting Group, Ltd., Inc. 301 S.E. Ocean Blvd., Suite 301 Stuart, FL 34994
Surveyor:	Bowman Consulting Group, Ltd., Inc. 301 S.E. Ocean Blvd., Suite 301 Stuart, FL 34994

Landscape Plan

[illegible]

SCALE: 1" = 10'

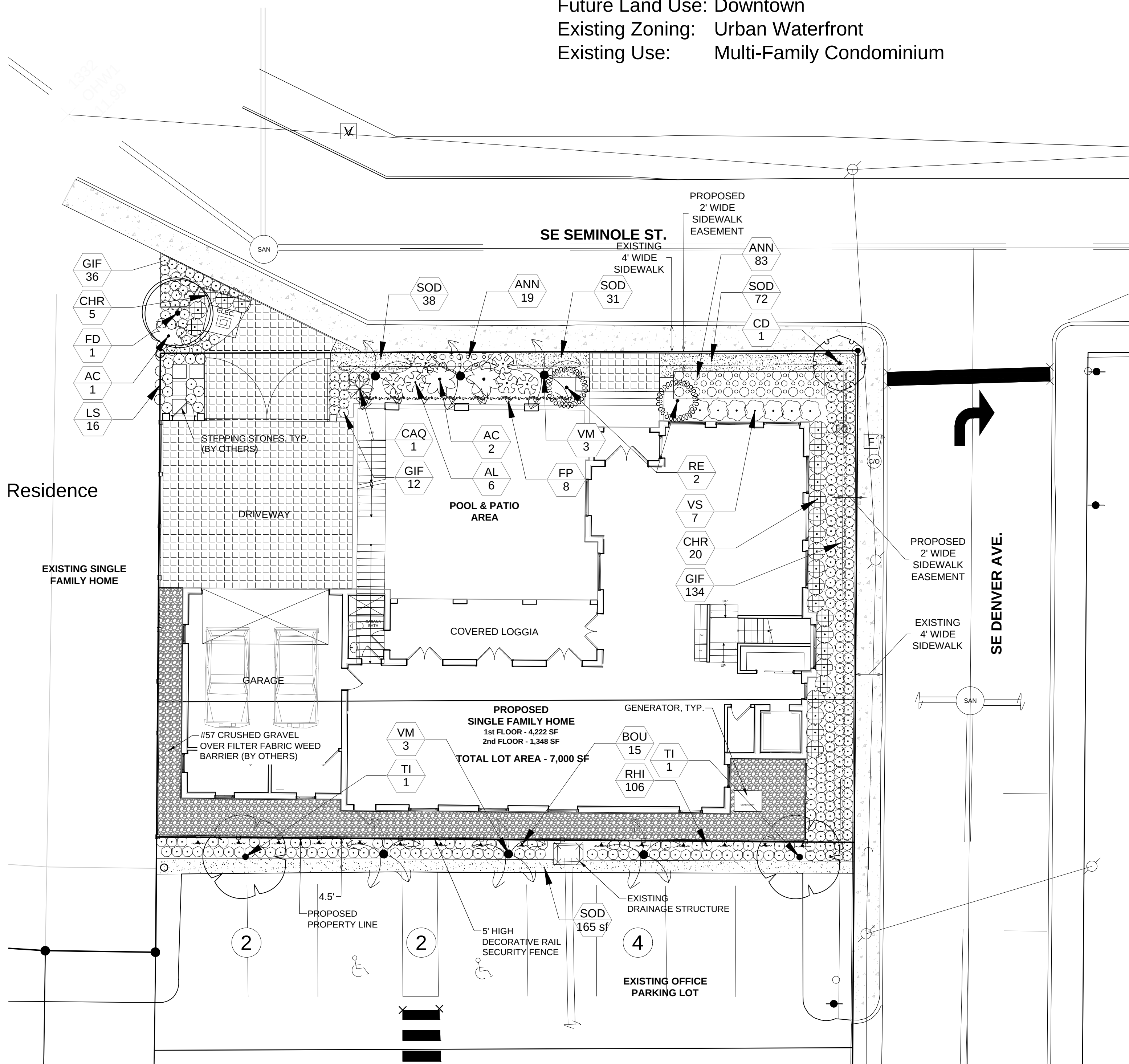
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Designer	---	Sheet
Manager	MC	LA-1
Project Number	22-080	
Municipal Number	---	
Computer File		

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Future Land Use: Downtown
Existing Zoning: Urban Waterfront
Existing Use: Multi-Family Condominium



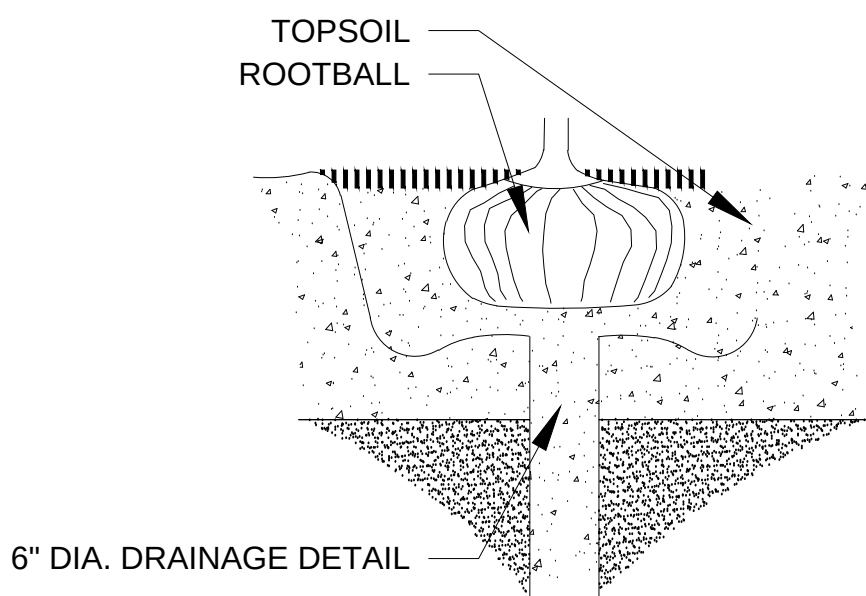
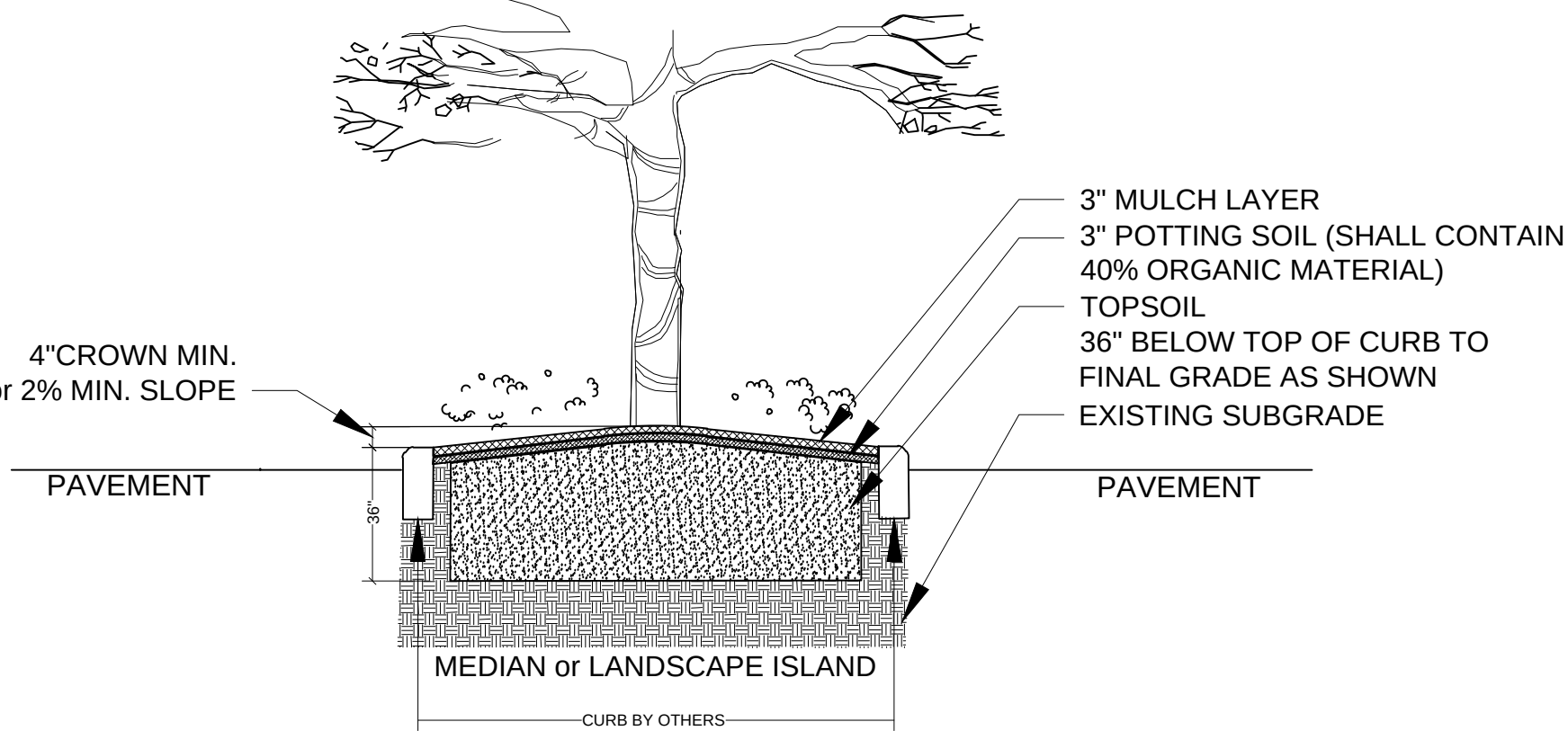
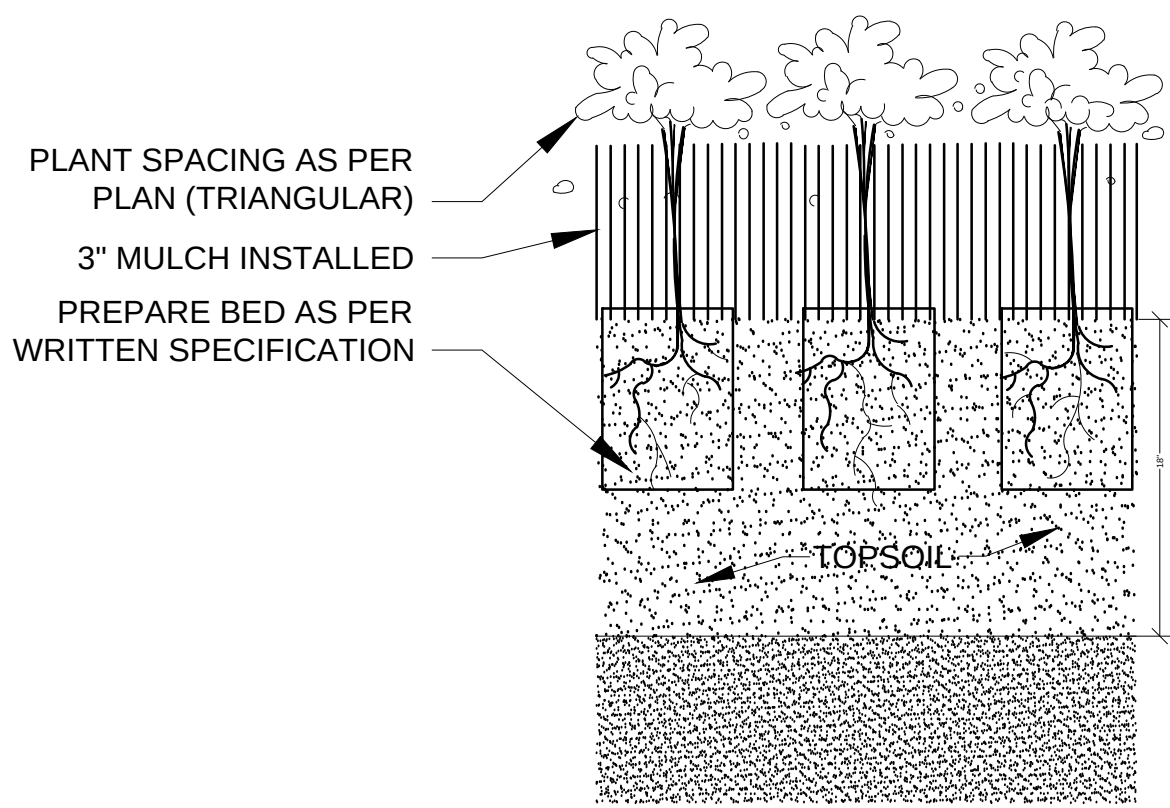
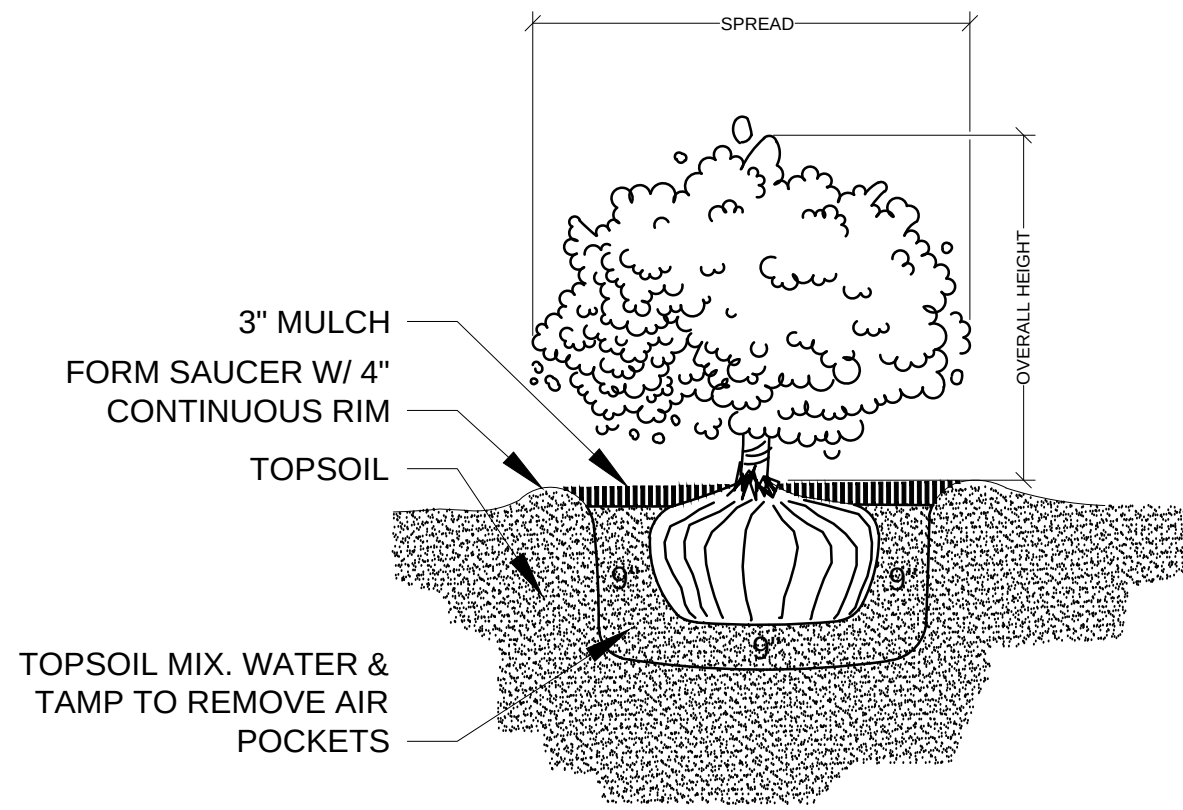
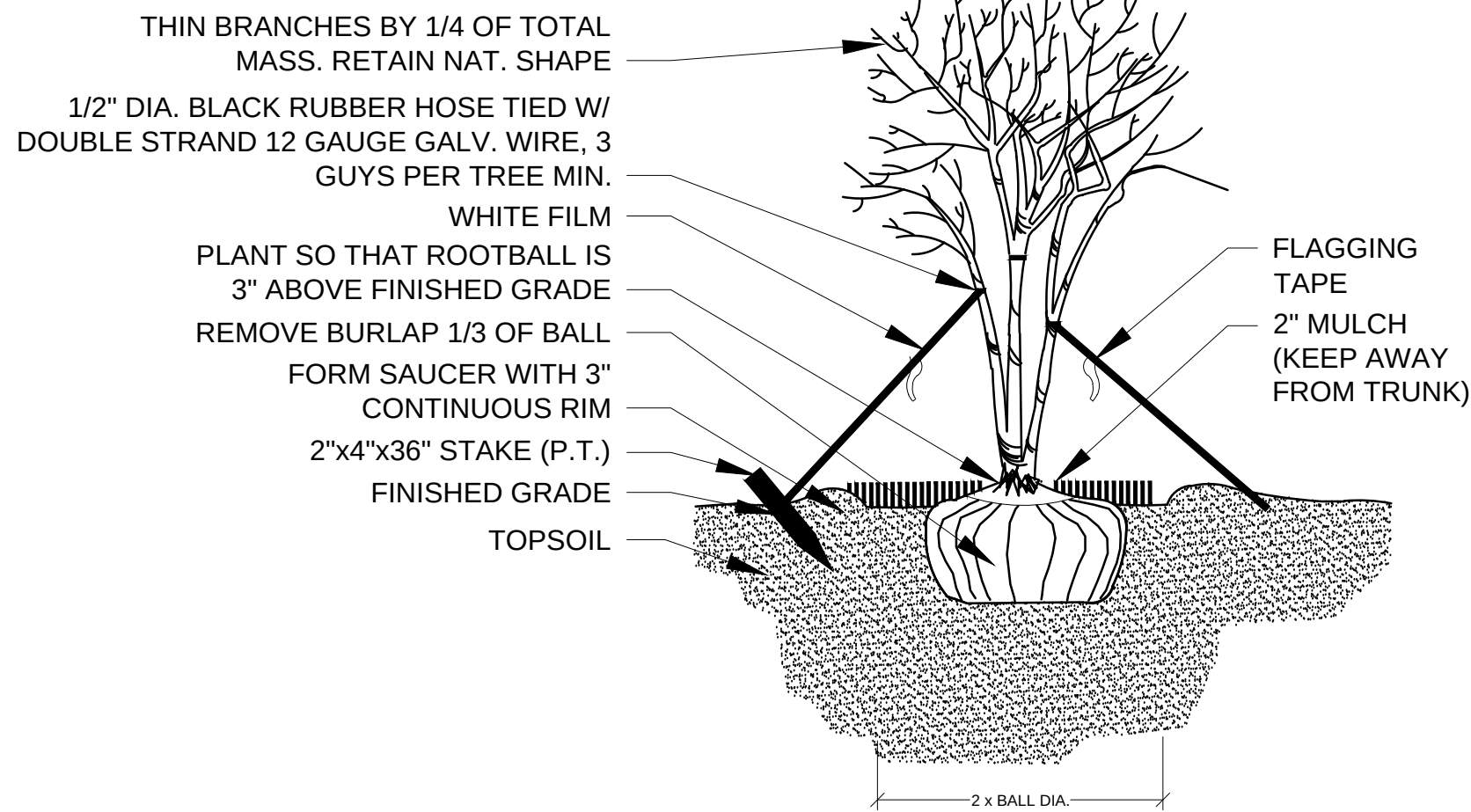
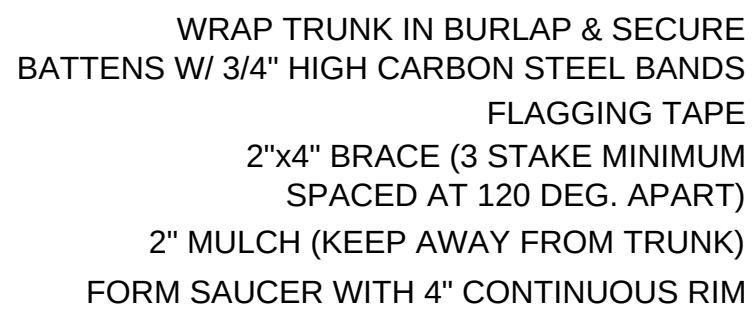
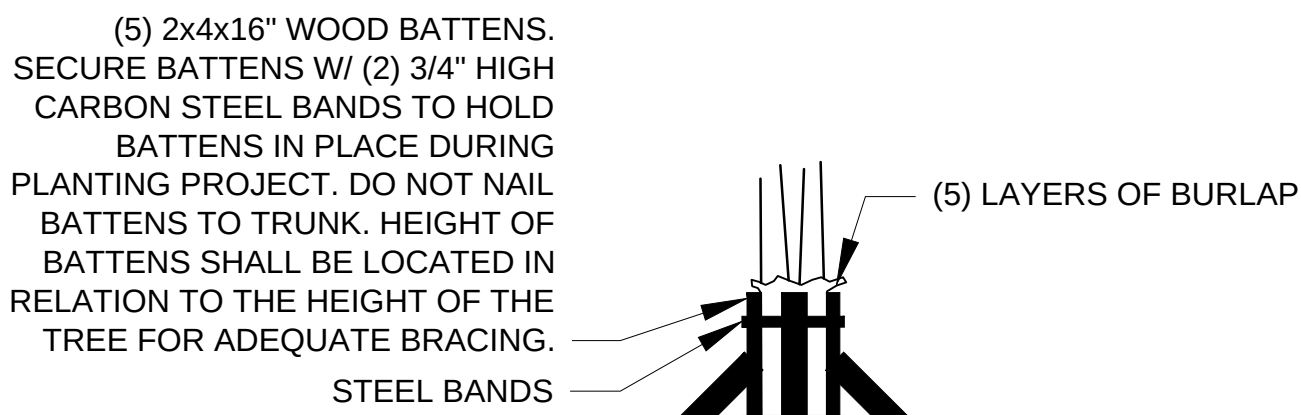
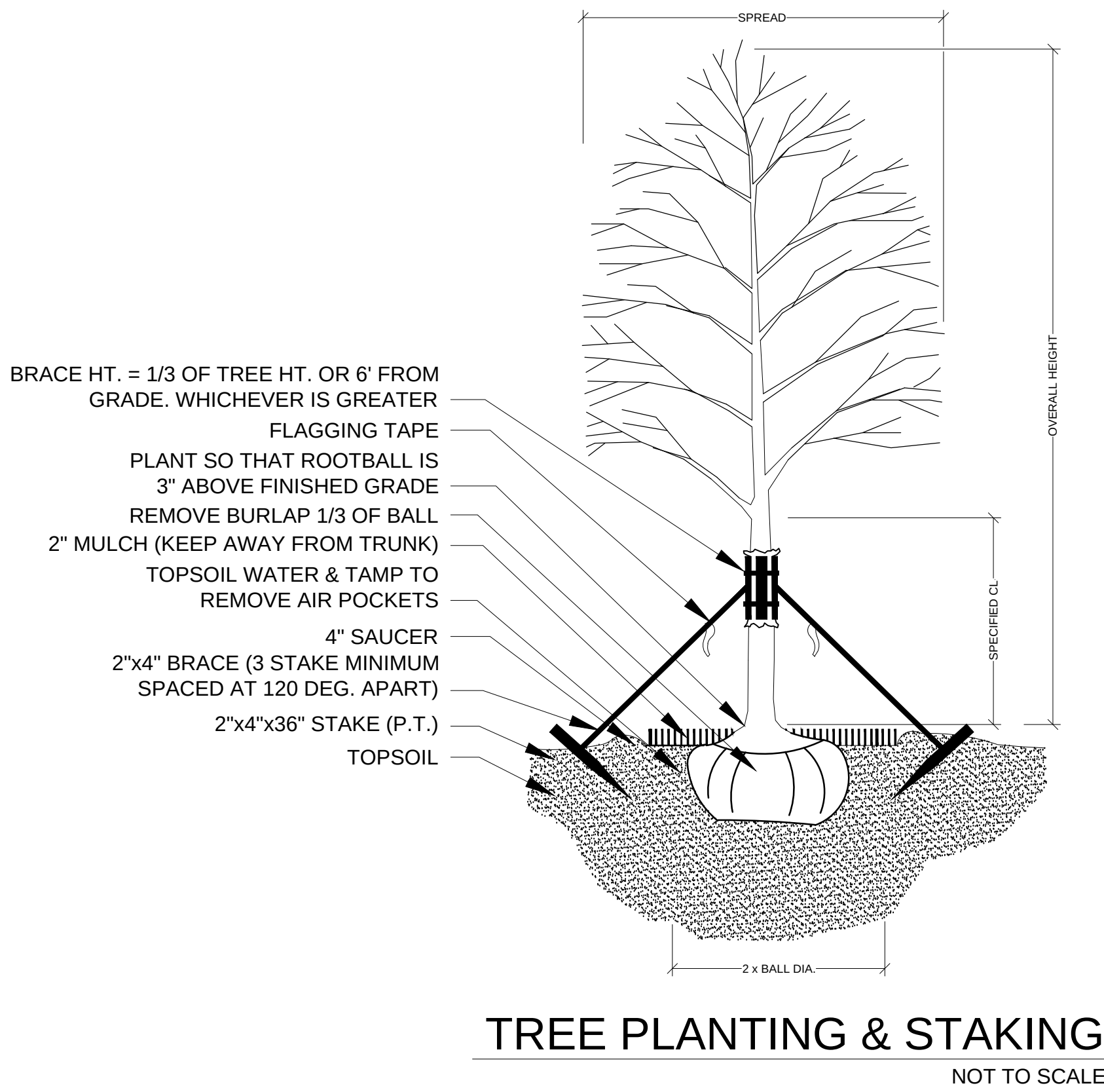
TREES	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	CAL/DBH	
CD	1	Coccoloba diversifolia	Pigeon Plum	45G	12' HT	6' SPR	STD, F, SP	Native	2.5" DBH	
FD	1	Filicium decipiens	Japanese Fern Tree	FG	12' HT	8' SPR	STD, F, SP	Non-native	3.5" DBH	
RE	2	Rhapis excelsa	Lady Palm	15G	5'-6' OA		F, SP, SHADE GROWN	Non-native		
TI	2	Tabebuia impetiginosa	Purple Trumpet Tree	FG	12' HT	6'W	STD, F, SP	Non-native	2.5" DBH	
VM	6	Veitchia montgomeryana	Montgomery Palm	FG	14-18' OA HT		SGL, FH, SP	Non-native		
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SPACING	
AL	6	Alocasia macrorrhizos 'Lutea'	Golden Elephant's Ear	7G	3' HT	3' W	SP, F, SHADE GROWN	Non-native		
AC	3	Alocasia odora 'California'	California Elephant Ear	7G	3-4' OA		SP, F, SHADE GROWN	Non-native		
BOU	15	Bougainvillea	Purple Bougainvillea	3G	2-3' HT	1'-2' SPR	TRL, F, PLANT ON WALL	Non-native		
CHR	25	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	3G	24" HT	18"W	FTB	Native		
CAQ	1	Crinum augustum 'Queen Emma'	'Queen Emma' Crinum	7G	36" HT	36" W	F, SP	Non-native		
GIF	182	Ficus microcarpa 'Green Island'	Green Island Ficus	1G	12" HT	12"W	Full	Non-native		
FP	8	Ficus pumila	Creeping Fig	3G	2-3' HT	1'-2' SPR	TRL, F, PLANT ON WALL	Non-native		
LS	16	Liriope muscari 'Super Blue'	Super Blue Lilyturf	3G	1' HT	1' SPR		Non-native		
RHI	106	Rhaphiolepis indica	Dwarf Indian Hawthorn	1G	10" HT	12"W	Full	Native		
VS	7	Viburnum suspensum	Sandankwa Viburnum	3G	24" HT	18"W	F	Non-native		
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SPACING	SPACING
ANN	102	Annuals sp	Seasonal Annuals	1G	12" OA		Full			12" o.c.
SOD	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SPACING	SPACING
SOD	313	Zoysia x 'Empire'	Empire Zoysia	SOD						12" o.c.

- 1 Encroachment into required buffers and landscaped areas by vehicles, storage, boats, mobile homes or trailers shall not be permitted, and required landscaped areas shall not be used for the storage or sale of materials or products or the storage of equipment.
- 2 Required landscaping shall be maintained so as to at all times present a healthy, neat and orderly appearance, free of refuse and debris. If vegetation which is required to be planted dies, it shall be replaced with equivalent vegetation of the same or similar species and size, which subsequently shall be maintained by the required number of staff or trees according to the standards established in the City of Stuart Landscape Code.
- 3 All landscaping shall be maintained free from disease, pests, weeds and litter. Maintenance shall include weeding, pruning, mulching, pruning, and replacement of plants that are dead or dying. Maintenance shall be in accordance with acceptable horticultural practices. Perpetual maintenance shall be provided to prohibit the reestablishment of harmful exotic species within landscaping and preservation areas.
- 4 Fences, walls, privacy screens, and other structures shall be provided to screen or replace, where necessary, any screening or buffering required as shown on this plan. Regular landscape maintenance shall be provided for the repair or replacement of required walls, fences or structures to a structurally sound condition as shown on this plan.
- 5 All landscape plans shall be submitted to the City of Stuart for review and approval by the City of Stuart Growth Management Department prior to installation.
- 6 All prohibited exotic species must be removed and all required landscape improvements must be inspected and approved by the City of Stuart prior to the issuance of the Certificate of Occupancy.
- 7 No Cypress Mulch or Red Mulch is to be used on site. Eucalyptus or Melaleuca Mulch is to be used in a "30 consistent layer" in all planting beds.
- 8 All landscape planting and minimum requirements will conform to all applicable sections of the City of Stuart Landscape Code. As-built drawings will be submitted to City of Stuart Growth Management with Certification of Landscaping Installation and Maintenance.
- 9 The plan has been designed to meet the tree planting requirements contained within the FPL document entitled "Plant the right tree in the Right Place".
- 10 For existing or proposed utilities, no tree shall be planted where it could, at mature height conflict with overhead lines or power lines.
- 11 Large trees (height at maturity of more than 30') shall be planted no closer than a horizontal distance of 30' from the building.
- 12 Medium trees (height at maturity between 20' and 30') shall be planted no closer than 20' and small trees (height at maturity of less than 20') require no plant.
- 13 No tree shrubs, vines or other plants shall be planted within 5' of an existing or proposed utility pole, guy-wire, or pad-mounted transformer.
- 14 Palms should be planted at a distance equal to or greater than the average trunk length plus two (2) feet from power lines.
- 15 Tree species shall be selected as to minimize conflicts with existing or proposed utilities.

1. Adequate irrigation of landscaped areas shall be provided for the first full growing season and continue thereafter only as necessary to maintain required vegetation in good and healthy condition.
2. Irrigation systems shall conform to the following standards: Irrigation systems shall be continuously maintained in working order and shall be designed not to overlap water zones or to water impervious areas.
3. No irrigation system shall be installed or maintained abutting any public street which causes water from the system to overspray onto the roadway or to strike passing vehicular traffic.

At least 51% of the grass areas are made up of drought-tolerant grass species	10 points
At least 51% of the required shrubs are made up of drought-tolerant species	10 points
At least 51% of the required trees are made up of drought-tolerant species	10 points
Utilization of moisture sensing controller other than a rain-sensor override device	5 points
Plan submitted with low, moderate and high water usage zones indicated on the landscape plan*	5 points
Utilization of compacted mulch with a 3" min. depth in all planted areas except ground cover.	10 points
	50 total points

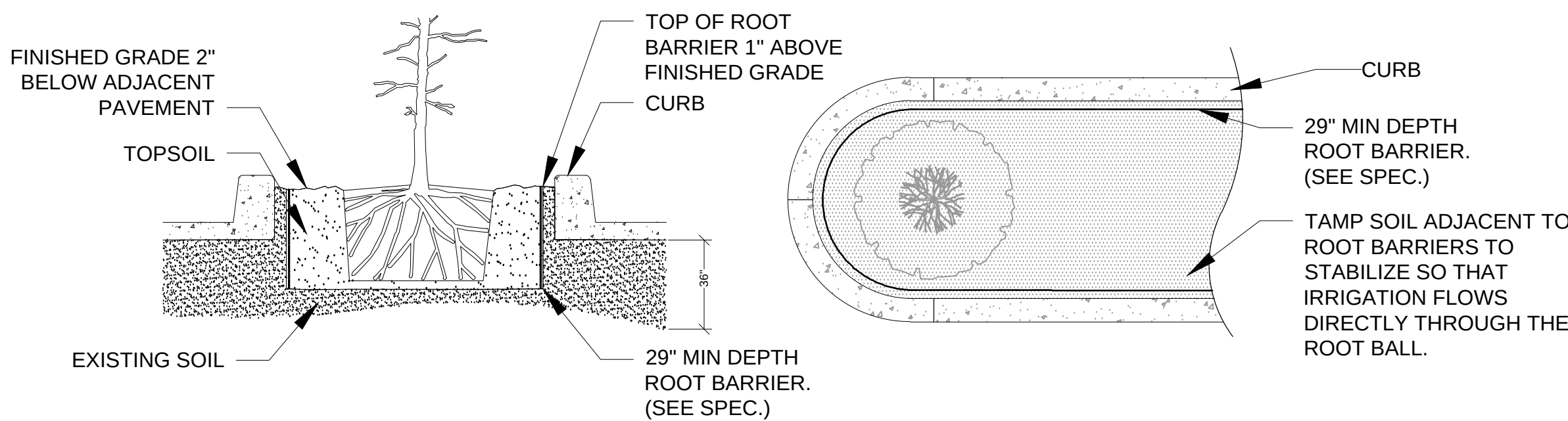
*Refer to Irrigation Notes for water usage zones



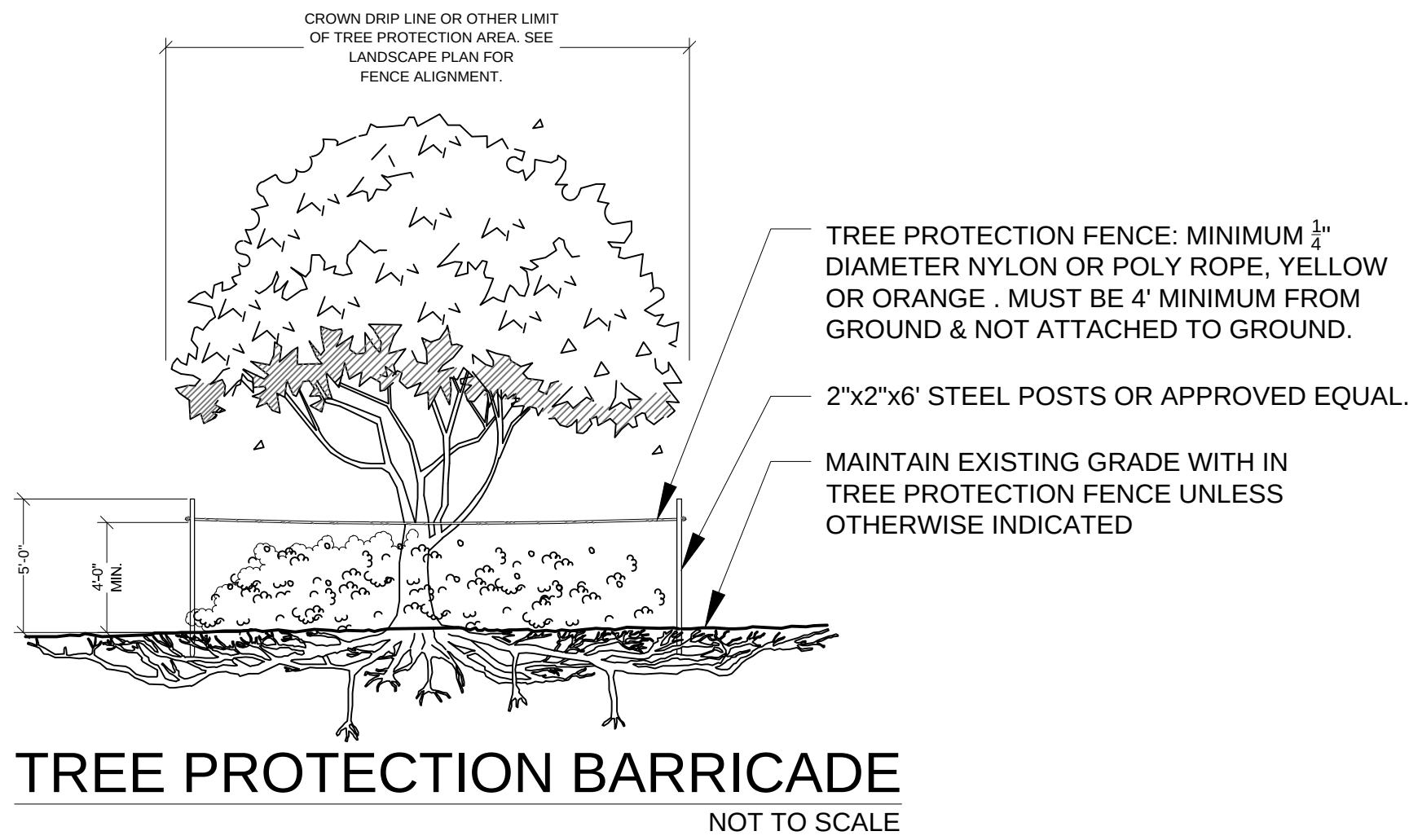
THIS DETAIL SHOWN DEPICTS A MEDIAN AND/OR LANDSCAPE ISLAND AND IS FOR GRAPHIC PURPOSES ONLY; SOIL PREPARATION SHALL APPLY TO ALL TREE, SHRUB, & GROUND COVER AREAS. THIS DOES NOT INCLUDE SOD AREAS

LANDSCAPE AREA PREPARATION DETAIL

- *TOPSOIL SHALL BE NATURAL, FRIABLE, FINE LOAMY SOIL POSSESSING CHARACTERISTICS OF REPRESENTATIVE TOPSOIL IN THE VICINITY OF THE PROJECT SITE THAT PRODUCES HEAVY GROWTH.
- TOPSOIL SHALL HAVE A PH RANGE OF 5.5-7.4, FREE FROM SUBSOIL, WEEDS, LITTER, SODS, CLAY, STONES, STUMPS, ROOTS, TRASH, HERBICIDES, TOXIC SUBSTANCES, OR ANY OTHER MATERIAL WHICH MAY BE HARMFUL TO PLANT GROWTH, OR HINDER PLANTING OPERATIONS.
- TOPSOIL SHALL CONTAIN A MINIMUM OF 3% ORGANIC MATERIAL.
- TOPSOIL MUST PERCOLATE WATER AT A RATE OF 1" PER HOUR (SEE ALSO DRAINAGE TESTING DETAIL FOR TREES)
- LANDSCAPE AREA SOILS SHALL BE APPROVED BY LANDSCAPE ARCHITECT/OWNER PRIOR TO PLANTING



- NOTES:
- 1- ROOT BARRIER SHALL BE "BIO-BARRIER 29" DEPTH OR APPROVED EQUAL.
 - 2- ROOT BARRIER SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS.



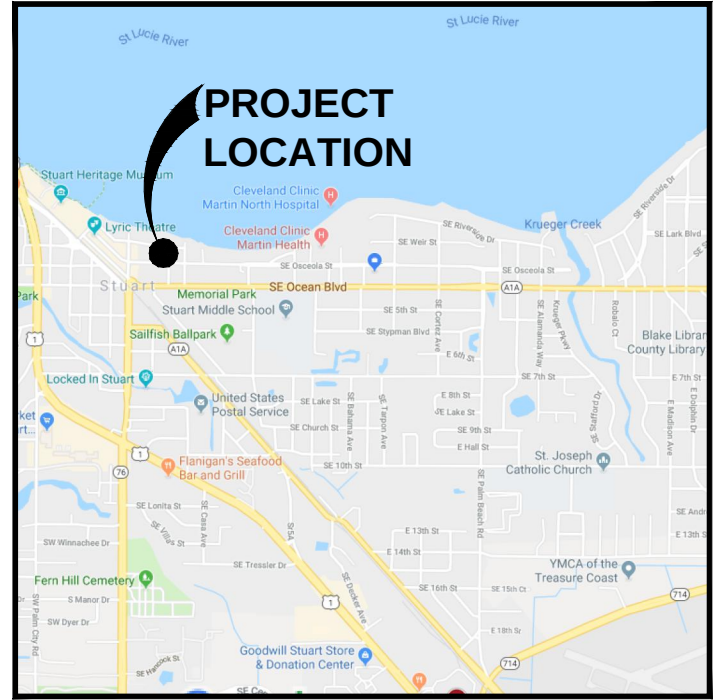
- NOTES:
- 1- SEE LANDSCAPE PLAN FOR FENCE ALIGNMENT.
 - 3- NO PRUNING SHALL BE PERFORMED EXCEPT BY APPROVED ARBORIST.
 - 4- NO EQUIPMENT SHALL OPERATE INSIDE THE PROTECTIVE FENCING INCLUDING DURING FENCE INSTALLATION AND REMOVAL.

DRAINAGE TESTING/DRAINAGE CHANNEL REQUIREMENTS.

PRIOR TO PLANTING, ALL PLANTING PITS SELECTED FOR TESTING SHALL BE TESTED IN THE FOLLOWING MANNER.

- DIG EACH PLANTING PIT TO THE MINIMUM SPECIFIED SIZE.
- FILL PLANTING PIT WITH TWELVE INCHES (12") OF WATER. IF THE WATER LEVEL DROPS FOUR (4") OR MORE WITHIN FOUR (4) HOURS, THE DRAINAGE IS SUFFICIENT AND A DRAINAGE CHANNEL IS NOT REQUIRED. IF THE WATER LEVEL DROPS LESS THAN FOUR INCHES (4") WITHIN THE FOUR (4) HOUR PERIOD, A DRAINAGE CHANNEL IS REQUIRED.
- WHERE REQUIRED, THE DRAINAGE CHANNEL MUST EXTEND DOWN THROUGH THE NON POROUS SOIL AND INTO POROUS SOIL. (SEE DETAIL)
- ALL MATERIAL REMOVED FROM THE DRAINAGE CHANNEL SHALL BE DISCARDED.
- WHEN BACKFILLING PLANTING PITS WITH NATIVE TOPSOIL, CARE MUST BE TAKEN TO KEEP THE CONSISTENCY OF THE SOIL MIX THE SAME THROUGHOUT THE PLANTING PIT AND DRAINAGE CHANNEL.

Key / Location:



Project Team:

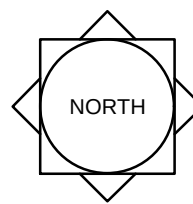
Client & Property Owner:	Flaminia, LLC 55 SE Osceola Street Stuart, Florida 34994
Land Planner / Landscape Architect:	Lucido & Associates 701 East Ocean Boulevard Stuart, Florida 34994
Engineer:	Bowman Consulting Group, Ltd., Inc. 301 S.E. Ocean Blvd., Suite 301 Stuart, FL 34994
Surveyor:	Bowman Consulting Group, Ltd., Inc. 301 S.E. Ocean Blvd., Suite 301 Stuart, FL 34994

Single Family Lot

City of Stuart, Martin County, Florida

Landscape Details

Date	By	Description
02.08.24	KV	Initial Submittal
06.27.24	KV	Resubmittal



SCALE: 1" = 0'

0 0 0 0

Designer	---	Sheet
Manager	MC	
Project Number	22-080	
Municipal Number	---	
Computer File	---	

LA-2

THE CHESAPEAKE NATIONAL ASSOCIATION'S MODEL TITLE POLICY NUMBER 20-020-04-000000, REVISED 10/2018 © 1977 M. SCHUEDE & COMPANIES

1. RIGHTS OR CLAIMS OF PARTIES TO EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS;

2. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, AND ANY OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE LAND;

3. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN IN THE PUBLIC RECORDS;

4. ANY LENS, OR RIGHT TO A LENS, FOR SERVICES, LABOR, OR MATERIALS, HERETOFORE OR HEREAFTER FURNISHED, EMPLOYED BY AND NOT SHOWN BY THE PUBLIC RECORDS;

5. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LENS BY THE PUBLIC RECORDS;

SPECIAL EXCEPTIONS: THIS SCHEDULE, IF ANY, REFERRED TO IN ITEM 4 OF SCHEDULE A, IS THE MORTGAGE IS ATTACHED TO AN OWNER'S POLICY.

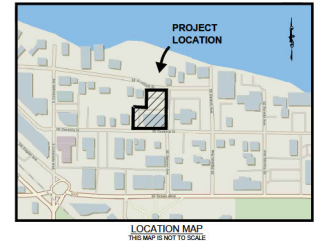
6. TAXES AND ASSESSMENTS FOR THE YEAR 19 IS AND SUBSEQUENT YEARS, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS;

7. RIGHT OF WAY FOR OSCEOLA AVENUE TO NOW LEND AND IN USE;

8. SUBJECT TO MATTERS AS SHOWN ON THAT CERTAIN SURVEY PREPARED BY STEPHEN J. BROWN, INC. JOB NO. 114-1201, DATED 12/3/89.

[illegible]

- = MISCELLANEOUS TREE WITH DIAMETER
- = OAK TREE WITH DIAMETER
- = PALM TREE WITH DIAMETER



ALL OF LOT 18, BLOCK 3, AND THAT PORTION OF THE 16.00' WIDE PRIVATE ROAD LYING ADJACENT TO SAID LOT 18, BLOCK 3, ACCORDING TO THE AMENDED PLAT OF CHARLES A. PORTER ADDITION AS RECORDED IN PLAT BOOK 2, PAGE 75, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, PUBLIC RECORDS

LOTS 10, 11, 12, AND 13, LESS THE SOUTH 10.00 FEET OF SAID LOT 13 AS DEEDED TO THE CITY OF STUART, IN DEED BOOK 211, PAGE 179, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS, ACCORDING TO THE PLAT OF HIGH SCHOOL CONDOMINIUMS AS RECORDED IN PLAT BOOK 2, PAGE 89, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS.

1. THIS IS A BOUNDARY TOPOGRAPHIC SURVEY AS DEFINED IN CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE. SAID SURVEY MEETS THE "STANDARDS OF PRACTICE" FOR SURVEYING AND MAPPING, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 51-17, F.A.C. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH SECTION 472.02, FLORIDA STATUTES. THIS SURVEY WAS PREPARED UTILIZING THE TITLE POLICY PROVIDED BY THE CLIENT. THERE MAY BE OTHER MATTERS IN THE PUBLIC RECORDS THAT AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY THIS OFFICE.
2. THE COORDINATES, BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE 1983 NORTH AMERICAN DATUM OF 1983 (NAD83) ZONE 18. THE POINTS ARE IN THE EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83) ZONE 18 ADJUSTMENT. THIS REFERENCE WAS ESTABLISHED BY USING A TRIMBLE 560 GPS RECEIVER ON THE VIRS NETWORK AND VERIFIED BY THE COORDINATIONS OF THE COAST AND GEODETIC SURVEY MONITORING STATION BENCHMARK AND WAS ESTABLISHED FROM A PRIOR SURVEY PREPARED BY THIS FIRM.

FOUND PT. NAIL & DIAL
"MARTIN COUNTY BENCHMARK MLK-TC"
NORTHING: 1041621.82'
EASTING: 600114.31'

3. THE ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88) AND ARE BASED UPON THE FOLLOWING PUBLISHED MARTIN COUNTY

(1) "COURT-1"
FOUND 2" ALUMINUM DISK
"MARTIN COUNTY BENCHMARK COURT-1"
ELEVATION - 5.05' (N.A.S.D. 88)

FOUND 3" BRASS DISK IN CONCRETE MONUMENT
"F 34 RESET 1030"
ELEVATION = 8.27' (N.A. V.D. 88)

PROCEDURES WITH MULTIPLE MEASUREMENTS ON PROJECT CONTROL POINTS AND HAS A STATISTICAL HORIZONTAL & VERTICAL POSITIONAL PRECISION OF LESS THAN 0.10 FEET.

6. THE LANDS BOUND BY THIS SURVEY ARE LOCATED IN FLOOD ZONE "X", ACCORDING TO THE CITY

7. SITE ADDRESS: 55 SE OSCEOLA ST., STUART, FL 34954.

9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OF PARTIES.

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BOUNDARY & TOPOGRAPHIC SURVEY SHOWN HEREON WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF

TO: FLAMINIA LLC

ROWMAN CONSULTING GROUP, LTD., INC.

 $\sigma_{\text{age}} = 10$

55 Osceola Street, Stuart FL 34994
Forum Office Building

Calculation of fee per parking space (for parcels located within 1,000 feet)
(Assessed land value and ft² based on Martin County Property Appraiser 2024 data)

Parcel	Assessed Land Value		Square Feet		Value per ft ²	Average Assessed Value per ft ²
1	\$147,200	÷	9,200 ft ²	=	\$16.00	
2	\$177,600	÷	11,099 ft ²	=	\$16.00	
3	\$143,210	÷	5,449 ft ²	=	\$26.28	
4	\$131,760	÷	6,930 ft ²	=	\$19.01	
5	\$456,000	÷	38,001 ft ²	=	\$12.00	
Grand Total =					\$89.29 ÷ 5 =	\$17.86

Fee per parking space calculation:

Estimated cost to construct parking lot (Per PW Director)		Land Value = (7,200) square feet X average assessed value per square foot (\$17.86)		Total cost of parking lot		Number of parking spaces (22)		Fee per parking space
\$49,000	+	\$128,592	=	\$177,592	÷	22	=	\$8,072.36

10,895 sf GFA Professional Office (@ 1 per 350 sf) = 31 spaces

Total required parking based on gross floor area = 31 spaces

Total parking spaces on site: 25 (6 spaces needed)

6 parking spaces @ \$8,072.36 = \$48,434.16

Martin County, FL



Date: 8/11/2024
This Geographic Information System Map Product, received from Martin County ("COUNTY") in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.

Author: Martin County GIS
Copyright: Copyright 2015

**AFFIDAVIT OF JOHN E. MAIUCCI, MANAGING MEMBER, FLAMINIA LLC,
A FLORIDA LIMITED LIABILITY COMPANY**

I, John E. Maiucci, Managing Member, Flaminia LLC, and not personally, the undersigned, who being first duly sworn upon oath, deposes and says under penalty of perjury:

The tenant information and parking counts in the "Parking Lot Data and Analysis" attached as Exhibit "A" were prepared by me and submitted to Lucido and Associates. They are an accurate representation of existing tenants and parking conditions on the dates indicated thereon.

This affidavit is signed by John Emil Maiucci in his capacity as managing member of Flaminia LLC, a Florida Limited Liability Company and not personally.

I certify the above facts to be true and correct to the best of my knowledge.

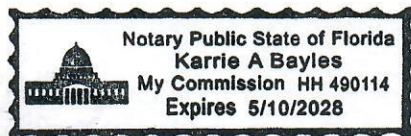

John E. Maiucci, Managing Member,
Flaminia LLC, a Florida limited liability
company and not individually

STATE OF FLORIDA)

COUNTY OF MARTIN)

The foregoing instrument was acknowledged before me this 13th day of June, 2024, by John E. Maiucci, Managing Member, Flaminia LLC, who is personally known to me and who did take an oath and who stated that the facts contained herein are true and correct.

Notary Seal




Notary Public
My Commission Expires:

Exhibit "A"
Parking Lot Data and Analysis
Forum Professional Building
55 SE Osceola Street
June 10, 2024

CURRENT OCCUPANCY (100%):

Office Suite(s)	Leasable Area	Actual Tenant Use
100/102-1 st Floor	3,200 sf	Stuart Law Group
200 - 2 nd Floor	460 sf	Attorney/Property Owner
201 - 2 nd Floor	1,480 sf	Seacoast Service Partners (plumbing/HVAC)
202 - 2 nd Floor	1,370 sf	Cain & Firley, P.A., C.P.A. (public accountant)
203 - 2 nd Floor	1,300 sf	Marc J. Gannon Optometrist, P.A.
204 - 2 nd Floor	1,100 sf	Sholtes Law
Total Leasable Area:	8,910 sf	

PARKING DATA:

1. Wednesday, January 31, 2024; 10:35 am

Back lot: 2

Front lot: 12

Total spaces occupied: 14 spaces

Total spaces available: 25 spaces (front lot)

56% occupied

2. Wednesday, January 31, 2024; 2:53 pm

Back lot: 2

Front lot: 12

Total spaces occupied: 14 spaces

Total spaces available: 25 spaces (front lot)

56% occupied

3. Thursday, February 1, 2024; 10:40 am

Back: 1

Front: 9

Total spaces occupied: 10 spaces

Total spaces available: 25 spaces (front lot)

40% occupied

4. Thursday, February 1, 2024; 1:50 pm

Back: 0

Front: 10

Total spaces occupied: 10 spaces

Total spaces available: 25 spaces (front lot)

40% occupied

5. Tuesday, February 6, 2024; 1:45 pm

Back: 2

Front: 8

Total spaces occupied: 10 spaces

Total spaces available: 25 spaces (front lot)

40% occupied

6. Thursday, February 8, 2024; 1:00 pm

Back: 2

Front: 10

Total spaces occupied: 12 spaces

Total spaces available: 25 spaces (front lot)

48% occupied

7. Thursday, February 8, 2024; 2:40 pm

Back: 2

Front: 9

Total spaces occupied: 11 spaces

Total spaces available: 25 spaces (front lot)

44% occupied

8. Monday, February 12, 2024; 12pm

Back: 2

Front: 10

Total spaces occupied: 12 spaces

Total spaces available: 25 spaces (front lot)

48% occupied

9. Tuesday, February 13, 2024; 3:35pm

Back: 2

Front: 10

Wednesday, February 14, 2024; 2:50pm

Total spaces occupied: 12 spaces

Total spaces available: 25 spaces (front lot)

48% occupied

10. Wednesday, February 14, 2024; 2:50pm

Back: 3

Front: 10

Total spaces occupied: 13 spaces

Total spaces available: 25 spaces (front lot)

52% occupied

11. Friday, February 16, 2024; 2:10pm

Back: 2

Front: 9

Total spaces occupied: 11 spaces

Total spaces available: 25 spaces (front lot)

44% occupied

12. Tuesday, February 20, 2024; 1:45pm

Back: 1

Front: 8

Total spaces occupied: 9 spaces

Total spaces available: 25 spaces (front lot)

36% occupied

13. Wednesday, February 21, 2024; 12:30pm

Back: 2

Front: 10

Total spaces occupied: 12 spaces

Total spaces available: 25 spaces (front lot)

40% occupied

14. Friday, February 23, 2024; 9:35am

Back: 2

Front: 10

Total spaces occupied: 12 spaces

Total spaces available: 25 spaces (front lot)

48% occupied

15. Monday, February 26, 2024; 3:20pm

Back: 2

Front: 11

Total spaces occupied: 13 spaces

Total spaces available: 25 spaces (front lot)

52% occupied

16. Monday, March 4, 2024; 3:45 pm

Back: 2

Front: 12

Total spaces occupied: 14 spaces

Total spaces available: 25 spaces (front lot)

56% occupied

17. Friday, March 8, 2024; 1:15 pm

Back: 2

Front: 8

Total spaces occupied: 10 spaces

Total spaces available: 25 spaces (front lot)

40% occupied

18. Wednesday, March 20, 2024; 11:50 am

Back: 2

Front: 14

Total spaces occupied: 16 spaces

Total spaces available: 25 spaces (front lot)

64% occupied

PARKING RATE ANALYSIS:

Average Parking Occupancy based on 18 data points and 25 available parking spaces: 47%

Actual Parking Rate based on 100% occupancy of leasable area (8,910 sf): 1 space per 742 sf

Proposed Parking Rate based on 25 available parking spaces: 1 space per 356 sf



TRAFFIC IMPACT STATEMENT

Introduction

The professional office building known as the Forum Building, which is located at 55 SE Osceola Street, has been owned by the limited liability company, Flaminia LLC, since 2008. John Maiucci is the Managing Member of Flaminia LLC, and the professional office building has been in the Maiucci family since 1989. The 0.60-acre property is fully developed with an existing 2-story professional office building on the corner of SE Osceola Street and SE Denver Avenue. There are 26 parking spaces adjacent to the building including 2 handicapped spaces and 8 spaces under a portion of the building. In addition, there are 17 paved parking spaces located north of the building at the corner of SE Seminole Street and SE Denver Avenue with driveways on both streets.

Project Description

John Maiucci would like to redevelop the 17 excess parking spaces and build a single-family home for his use and enjoyment. To accommodate the redevelopment, the 0.60-acre property would be legally split into two separate properties, one lot containing the existing 2-story professional office building including required parking on approximately 18,491 sf (0.42 acres), and the other lot containing the proposed single-family home on approximately 7,450 sf (0.08 acres). Access to the single-family lot would be limited to SE Seminole Street.

SE Seminole Street is a narrow, one-way street with much of the existing development being residential. In fact, the proposed single-family lot and future residence would be adjacent to a recently renovated single-family home.

Other than the lot split and redeveloping the unused parking, no changes to the existing office building that fronts on the corner of SE Osceola Boulevard and SE Denver Avenue are proposed or required.

Net Traffic Impact

Since the construction of a single-family home does not have the potential to increase net peak hour trips and is such a low intensity as to have a de minimis effect on traffic, a concurrency review exception certificate is requested in accordance with *Section 4.04.02. – De minimis*.

sparcdesign
Jupiter Commerce Park
3021 Jupiter Park Circle
Suite 102
Jupiter, FL 33458
† 561.203.7539

SEAN PATRICK SUKHU
AR97488

AA26003806

This item has been electronically signed
and sealed by Sean Sukhu, R.A. on
the date and/or time stamp shown
using a digital signature

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locations. Publication is expressly limited to
original site for which it was prepared.

MAIUCCI RESIDENCE
NEW CONSTRUCTION
55 SE OSCEOLA STREET
SUITE 200
STUART, FL 34994

PROJECT ISSUE DATES:

SHEET NAME

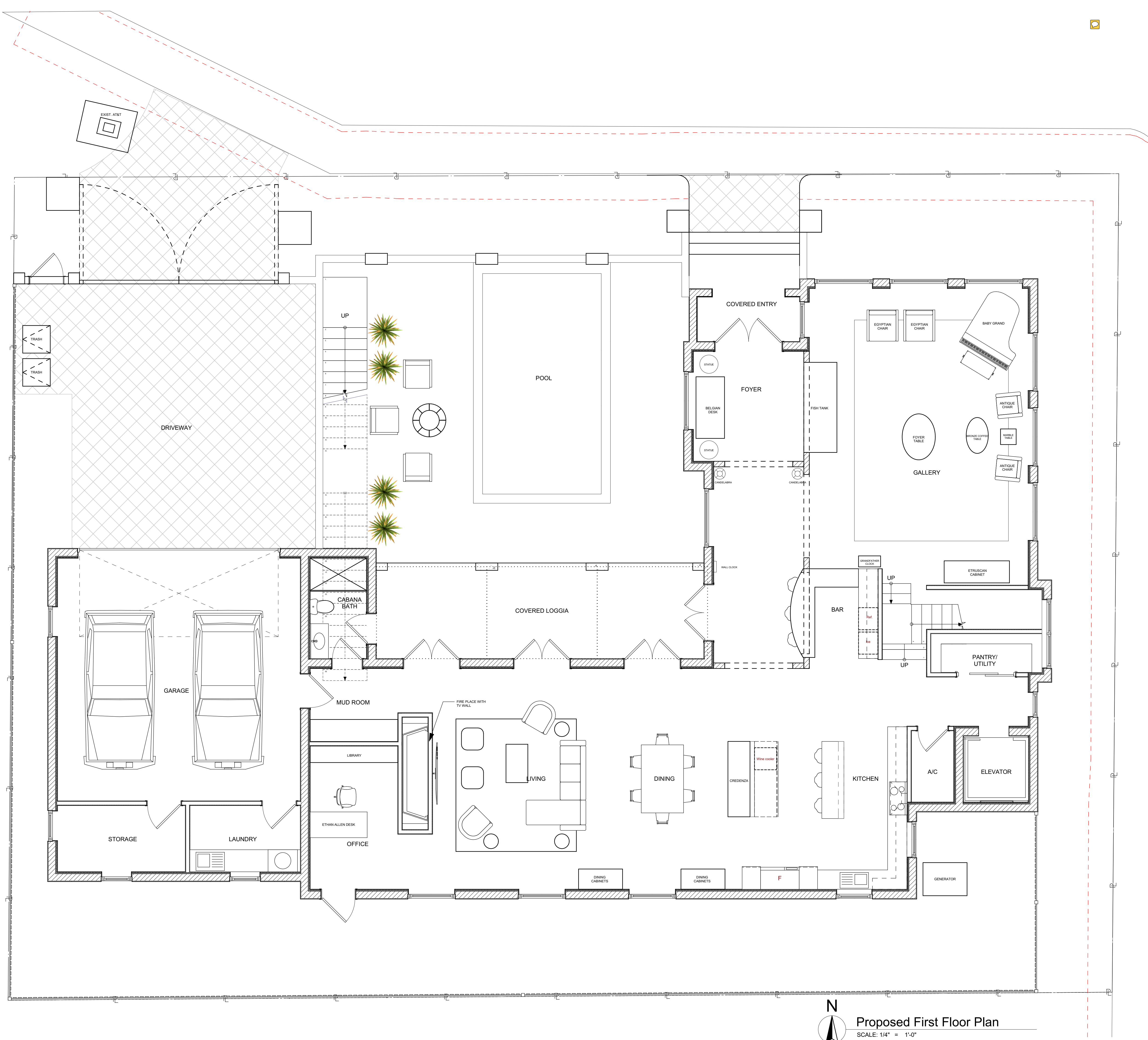
Proposed First Floor Plan

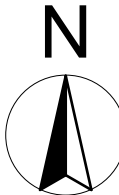
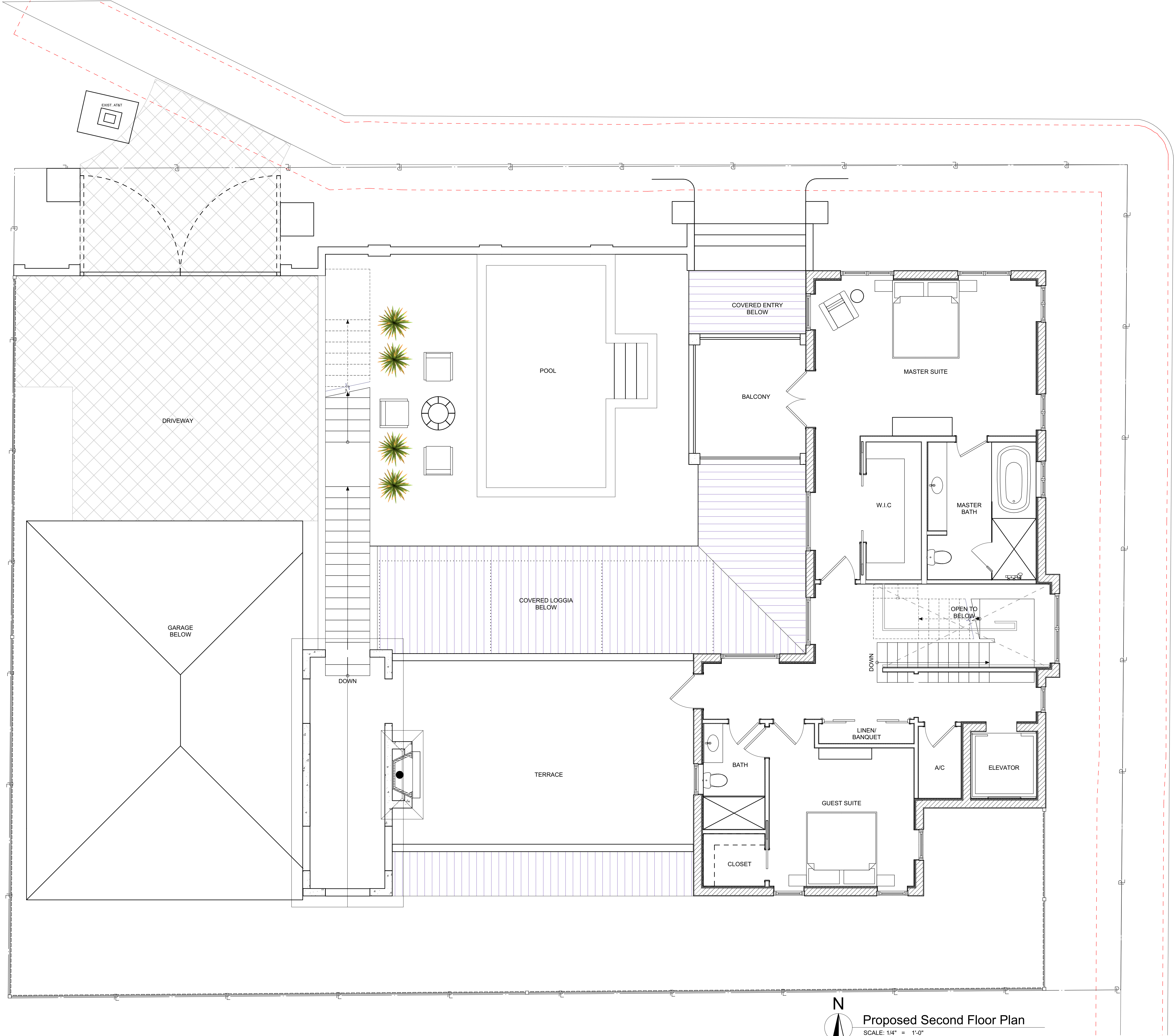
Project Number: 2023.130

DATE: 2024.07.12

SHEET NUMBER

A-101





Proposed Second Floor Plan

SCALE: 1/4" = 1'-0"

sparc
design

Architecture · Planning · Interiors
www.sparcdesign.us

sparcdesign
Jupiter Commerce Park
3021 Jupiter Park Circle
Suite 102
Jupiter, FL 33458
† 561.203.7539

SEAN PATRICK SUKHU
AR#7488

AA24003806

This item has been electronically signed
and sealed by Sean Sukhu, R.A., on
the date and/or time stamp shown
using a digital signature

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MAIUCCI RESIDENCE
NEW CONSTRUCTION
55 SE OSCEOLA STREET
SUITE 200
STUART, FL 34994

PROJECT ISSUE DATES:

SHEET NAME

Proposed
Second Floor
Plan

Project Number: 2023.130

DATE: 2024.07.12

SHEET NUMBER

A-102

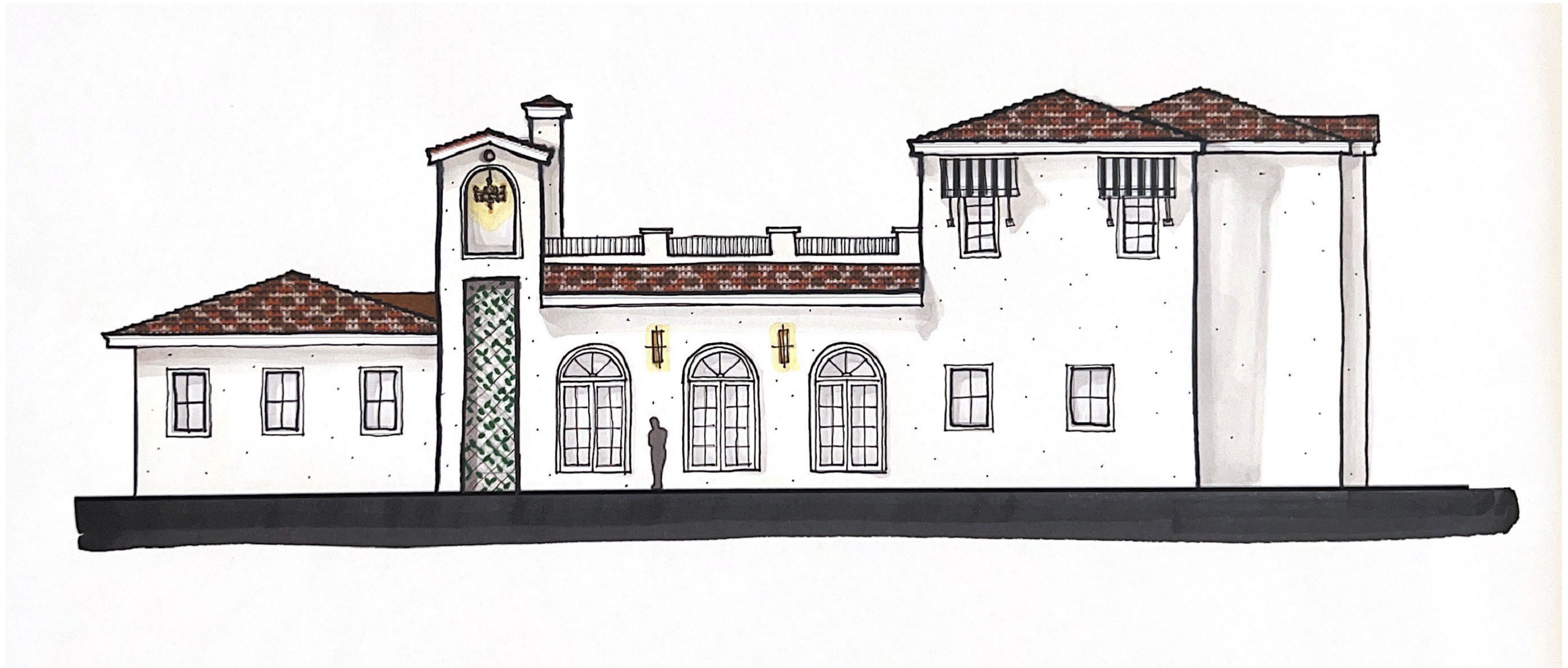


MAIUCCI RESIDENCE
MASTERPLAN STUDY
FRONT ELEVATION



MAIUCCI RESIDENCE
MASTERPLAN STUDY
LEFT ELEVATION

sparc
design



MAIUCCI RESIDENCE
MASTERPLAN STUDY
REAR ELEVATION



MAIUCCI RESIDENCE
MASTERPLAN STUDY
RIGHT ELEVATION

sparc
design

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

AFFIDAVIT ATTESTING TO NOTIFICATION

I, MORRIS CRADY, being first duly sworn, depose(s) and say(s):

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

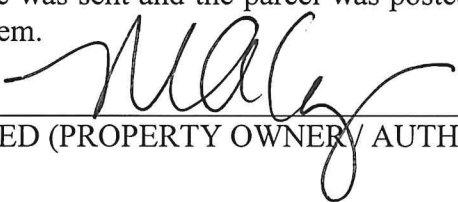
Parcel I.D.: 04-38-41-006-000-00100-9
55 SE Osceola Street, Stuart, FL, 34994
Major Urban Code Conditional Use (Project # Z24020009)

A copy of the notice was sent by regular U.S. Mail on August 19, 2024 to all owners of real property located within 300 feet of the subject property; and

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

A photograph showing the placement of the notification sign be made a part of this Affidavit; and

Notice was sent and the parcel was posted 15+ days prior to the scheduled public hearing(s) for this item.



SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

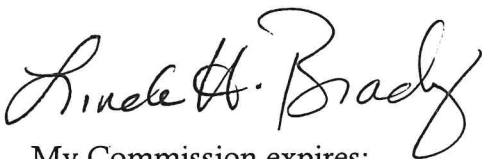
STATE OF FLORIDA, COUNTY OF MARTIN

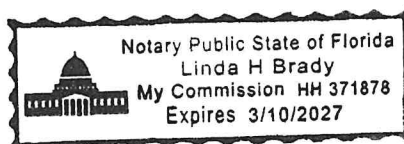
Sworn and subscribed before me by means of ✓ physical presence or online notarization, this 19 day of August, 2024 by MORRIS CRADY.

Personally Known OR Produced Identification

Type of Identification Produced:

Notary Public, State of Florida
(Notary Seal)


My Commission expires:



Sign Specifications

Pursuant to Ordinance 2266-2013

Sections 11.01.08.6.A.2, 11.01.08.9.A.3, 11.01.09.6.B, 11.01.09.9.B, and 11.02.02

The City of Stuart requires a notification by posting for the public hearing required for your application. The following is a representation of the sign that is required for proper notification.

Please have a sign created and installed to the following specifications:

- The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the Development Department in advance of installation.
- The sign shall not be less than 24" by 36" in dimension when adjacent to non-arterial roads.
- The sign shall have a uniform "City blue" background.
- The sign shall have white lettering and a legible font size.
- The sign shall be double-sided and waterproof.

The sign must be installed at least fifteen (15) days before the public hearing, or before **Monday, August 19, 2024**. After installation of the sign, please complete the included Affidavit Attesting to Notification by Posting form and return it to the City of Stuart Development Department. Please include a photo of the sign after it has been installed.

Failure to provide posted notice continuously from the time posted notice is to commence until the Public Hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this code and action taken by the City subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the City. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.

Should you have any questions regarding the posted sign, please contact Kris McCrain, Principal Planner, at (772) 600-1268, or by email at kmccrain@ci.stuart.fl.us.

Sign Specifications

(36" Non-Arterial Road)

NOTICE OF PUBLIC HEARING

Major Urban Code Conditional Use for Professional Office Building & Single-Family Dwelling (Project #Z24020009)

The applicant requests Major Urban Code Conditional Use approval to deviate from parking requirements, payment in lieu of parking, sidewalks, building setbacks, pool location, driveway width, fence height, and architectural standards, per Sections 6.01.00 and 3.01.00 of the Land Development Code.

COMMUNITY REDEVELOPMENT BOARD

September 3, 2024 at 4:00 P.M.

CITY COMMISSION

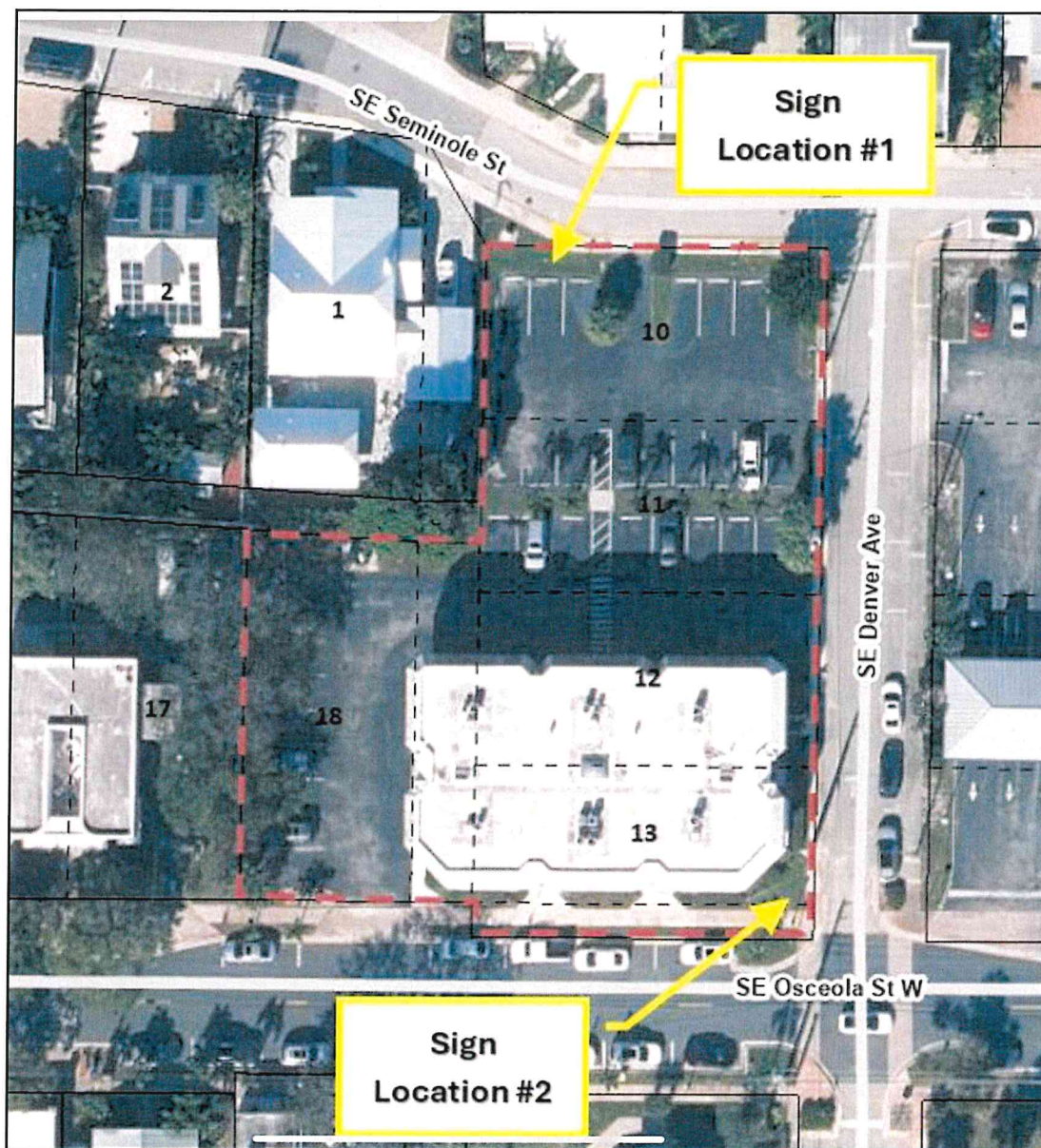
September 23, 2024 at 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM-4:00 PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

(24" Non-Arterial Road)

Sign Location







Sign 1- SE Seminole Street- Side 1



Sign 1- SE Seminole Street- Side 2



Sign 2- SE Osceola Street- Side 1



Sign 2- SE Osceola Street- Side 2

Notice to Surrounding Property Owners

Public Hearing(s): Community Redevelopment Board (CRB)
City Commission

Petitioner: Flaminia, LLC

Parcel I.D. No.: 04-38-41-006-000-00100-9

Property Address: 55 SE Osceola Street, Stuart, Florida 34994

Petition: Major Urban Code Conditional Use (Project # Z24020009)

Proposed Request: The applicant is requesting Major Urban Code Conditional Use approval to deviate from parking requirements, payment in lieu of parking, sidewalks, building setbacks, pool location, driveway width, fence height, and architectural standards for a single-family dwelling and professional office building, per Sections 6.01.00 and 3.01.00 of the Land Development Code.

Dear Property Owner:

Please be advised that the City of Stuart will conduct public hearings before the **Community Redevelopment Board (CRB) on Tuesday, September 3, 2024, beginning at 4:00 P.M.**, and before the **City Commission on Monday, September 23, 2024, beginning at 5:30 P.M.**, to consider the above-referenced Major Urban Code Conditional Use petition.

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

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application submittal is available for review at the City Development Department office located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please contact Kris McCrain, Principal Planner, at (772) 600-1268 or by email at Kmccrain@ci.stuart.fl.us.

Sincerely,

Kris McCrain

Kris McCrain
Principal Planner

Location Map



Land Development Code Waiver Table:

Code Waiver	Required	Proposed
Front Setback:	Build-to-line of 0'	7.34' to 10.22'
Side Setback (Denver Ave):	0'	6.84'
Side Setback (West):	0'	3.50'
Rear Setback:	0'	5.58' (West Corner) 4.00' (East Corner)
Driveway Width:	10' wide	13.5' @ Edge of Road 22.1' On-Site
Sidewalk:	6'	4'
Balconies:	50% Street Frontage	<50% (Setback from Street)
Pool:	Front Setback: Not Permitted Side Setback (West): 5' Side Setback (East): 10' Rear Setback: 5'	9.26' 42.07' 45.56' 39.79'
Parking:	31	25
Payment in Lieu of Parking:	3 parking stalls	0 Parking Stalls

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 9/23/2024

Prepared by: Kristopher McCrain

Title of Item:

2300 S.E. OCEAN BOULEVARD - STARBUCKS AT OCEAN EAST MALL MAJOR CONDITIONAL USE PETITION (RC):

RESOLUTION No. 97-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE PETITION FOR THE STARBUCKS AT OCEAN EAST MALL LOCATED AT 2300 SE OCEAN BOULEVARD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM REQUIRED BUILDING SETBACKS, MINIMUM LOT COVERAGE, LOCATION OF PARKING, AND LANDSCAPING REQUIREMENTS FOR THE S.E. OCEAN BOULEVARD OVERLAY ZONE STANDARDS OUTLINED UNDER LAND DEVELOPMENT CODE SECTION 3.03.00; REQUIRING CERTAIN DESIGN STANDARDS TO BE CONSIDERED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The 11.28-acre subject parcel located at 2300 SE Ocean Boulevard is designated by the Business Limited (B-1) Zoning District, Commercial Future Land Use, and is within the S.E. Ocean Boulevard Overlay Zone. The site was developed around 1972 as a commercial shopping plaza and currently includes an approximate 118,252 ft² building, 581 associated parking stalls, and landscaping.

On April 29, 2024, applications for a Minor Development Plan and Plat were submitted to the Development Department by Kimley-Horn & Associates, on behalf of Ocean East Capital Partners, LLC, to subdivide the existing site into two (2) parcels, with the commercial shopping plaza totaling approximately 10.59-acres and a future out parcel fronting SE Ocean Boulevard totaling 0.70-acres.

The Minor Development Plan application proposes to develop the 0.70-acre out parcel and construct a 2,767 ft² convenience restaurant with a drive-through and a 503 ft² outdoor covered dining area. Additional site improvements include associated vehicular parking, trash collection, landscaping, signage, and lighting.

Access to the proposed restaurant will be provided through the existing lighted intersection on SE Ocean Boulevard into Ocean East Mall Plaza and the existing drive aisles within the shopping plaza located to the south and west of the proposed Starbucks site. ADA access is provided to the west side of the proposed building and an accessible crosswalk will be provided to allow pedestrians to safely cross the drive aisle and to provide pedestrian connections to the existing sidewalk on SE Ocean Boulevard.

The Major Conditional Use petition requested by the applicant requires review from the Local Planning Agency (LPA) and a recommendation to be forwarded to the City Commission for a final determination of the following code deviations:

Building Placement:

- ***Code Requirement:*** The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted; The width of

the principal building shall be not less than 50 percent of the lot width.

- **Requested Deviation:** The proposed building will be setback ±64-feet from S.E. Ocean Boulevard to allow for one-way traffic circulation and sufficient drive-through queuing and to allow the proposed building width to be 27% of the lot width.

Parking:

- **Code Requirement:** The lesser of 25% of the parking area or one row of the parking area may be located between the front building facade and the front property line. All other parking shall be located behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in Land Development Code Section 6.04.06 – *Landscaping*.
- **Requested Deviation:** ±45% of the parking to be located at the front of the property between the building facade and front property line to achieve a cohesive look with the existing shopping plaza and meet parking requirements. A landscape buffer is provided to meet city requirements to screen the onsite parking along S.E. Ocean Boulevard.

Landscaping:

- **Code Requirement:** Tree materials planted along all street facades shall consist of the following:
 - *For buildings with front setbacks of ten to 15 feet:* 50% flowering trees and 50% palms.
 - *For buildings with front setbacks of 15 feet or greater:* 25% flowering trees, 25% palms, and 50% shade trees.
- **Requested Deviation:** The applicant will provide landscape standards based on the approved setback for the principal building. All landscape plans will be revised prior to administrative approval of the Minor Development Plan application.

Lot Coverage:

- **Code Requirement:** Not more than 65% of a building site may be covered by impervious surface coverage.
- **Requested Deviation:** The subject parcel (Parcel “A”) currently includes 79% impervious area and 21% pervious area. The proposed in-fill development proposes 9% building area, 70% impervious area, and 21% pervious surface area, thus yielding a de minimus change. Landscape islands are proposed wherever possible to provide pervious areas throughout the plaza. The applicant has agreed to work with staff under the Minor Development Plan application review to comply with the 65% minimum impervious surface coverage requirements by installing permeable pavement within the subject parcel.

Funding Source:

N/A

Recommended Action:

The City of Stuart Development Department has reviewed the Major Conditional Use petition for the S.E. Ocean Boulevard Overlay Zone and recommends the City Commission grant approval with the conditions recommended by the Local Planning Agency at the public hearing on September 12, 2024.

ATTACHMENTS:

1. Staff Report
2. Draft Resolution 97-2024

3. Conditional Use Application
4. Justification Statement
5. Preliminary Site Plan
6. Survey
7. Landscape Plan
8. Irrigation Plan
9. Civil & Lighting Plan
10. Drainage Statement
11. Traffic Impact Analysis
12. Building Elevations
13. Signage Plan
14. Public Notice Packet



To: Local Planning Agency (*LPA*)

Through: Jodi Kugler, Development Director

From: Kristopher McCrain, Principal Planner

Date: September 23, 2024

Subject: Starbucks at Ocean East Mall – *Major Conditional Use (Project No.: Z24080002)*

GENERAL INFORMATION:

**Property Owner:
& Applicant** Ocean East Capital Partners, LLC
Alan Esquenazi
151 N Nob Hill Road, Suite 290
Plantation, FL 33324

**Representing
Agent of Record:** Shelby Graziani, E.I.
Kimley-Horn & Associates
445 24th Street, Suite 200
Vero Beach, FL 32960

Location: 2300 S.E. Ocean Boulevard, Stuart FL 34994

Parcel I.D.: 03-38-41-000-000-00100-7

Existing Zoning: Business Limited (*B-1*)

Existing Land Use: Commercial

Parcel Size: 11.28-acre (491,356.8 ft²) – *Existing Plaza Parcel*
0.70-acre (30,492 ft²) – *Proposed Starbucks Out Parcel*

Existing Use: Shopping Plaza

Proposed Use: Shopping Plaza and 0.7-acre out parcel for future Starbucks Drive-through Restaurant

Overlay District: S.E. Ocean Boulevard Overlay Zone

A. Project Description

The 11.28-acre subject parcel located at 2300 SE Ocean Boulevard is designated by the Business Limited (B-1) Zoning District, Commercial Future Land Use, and is within the S.E. Ocean Boulevard Overlay Zone. The site was developed around 1972 as a commercial shopping plaza and currently includes an approximate 118,252 ft² building, 581 associated parking stalls, and landscaping.

On April 29, 2024, applications for a Minor Development Plan and Plat were submitted to the Development Department by Kimley-Horn & Associates, on behalf of Ocean East Capital Partners, LLC, to subdivide the existing site into two (2) parcels, with the commercial shopping plaza totaling approximately 10.59-acres and a future out parcel fronting SE Ocean Boulevard totaling 0.70-acres.

The Minor Development Plan application proposes to develop the 0.70-acre out parcel and construct a 2,767 ft² convenience restaurant with a drive-through and a 503 ft² outdoor covered dining area. Additional site improvements include associated vehicular parking, trash collection, landscaping, signage, and lighting.

Access to the proposed restaurant will be provided through the existing lighted intersection on SE Ocean Boulevard into Ocean East Mall Plaza and the existing drive aisles within the shopping plaza located to the south and west of the proposed Starbucks site. ADA access is provided to the west side of the proposed building and an accessible crosswalk will be provided to allow pedestrians to safely cross the drive aisle and to provide pedestrian connections to the existing sidewalk on SE Ocean Boulevard.

B. Major Conditional Use Request

The Major Conditional Use petition requested by the applicant requires review from the Local Planning Agency (LPA) and a recommendation to be forwarded to the City Commission for a final determination of the following code deviations:

Building Placement:

- **Code Requirement:** The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted; The width of the principal building shall be not less than 50 percent of the lot width.

- **Requested Deviation:** The proposed building will be setback ± 64 -feet from S.E. Ocean Boulevard to allow for one-way traffic circulation and sufficient drive-through queuing and to allow the proposed building width to be 27% of the lot width.

Parking:

- **Code Requirement:** The lesser of 25% of the parking area or one row of the parking area may be located between the front building facade and the front property line. All other parking shall be located behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in Land Development Code Section 6.04.06 – *Landscaping*.
- **Requested Deviation:** $\pm 45\%$ of the parking to be located at the front of the property between the building facade and front property line to achieve a cohesive look with the existing shopping plaza and meet parking requirements. A landscape buffer is provided to meet city requirements to screen the onsite parking along S.E. Ocean Boulevard.

Landscaping:

- **Code Requirement:** Tree materials planted along all street facades shall consist of the following:
 - *For buildings with front setbacks of ten to 15 feet:* 50% flowering trees and 50% palms.
 - *For buildings with front setbacks of 15 feet or greater:* 25% flowering trees, 25% palms, and 50% shade trees.
- **Requested Deviation:** The applicant will provide landscape standards based on the approved setback for the principal building. All landscape plans will be revised prior to administrative approval of the Minor Development Plan application.

Lot Coverage:

- **Code Requirement:** Not more than 65% of a building site may be covered by impervious surface coverage.
- **Requested Deviation:** The subject parcel (Parcel "A") currently includes 79% impervious area and 21% pervious area. The proposed in-fill development proposes 9% building area, 70% impervious area, and 21% pervious surface area, thus yielding a de minimus change. Landscape islands are proposed wherever possible to provide pervious areas throughout the plaza. The applicant has agreed to work with staff under the Minor Development Plan application review to comply with the 65% minimum impervious surface coverage requirements by installing permeable pavement within the subject parcel.

C. Maps

LOCATION & AERIAL MAP



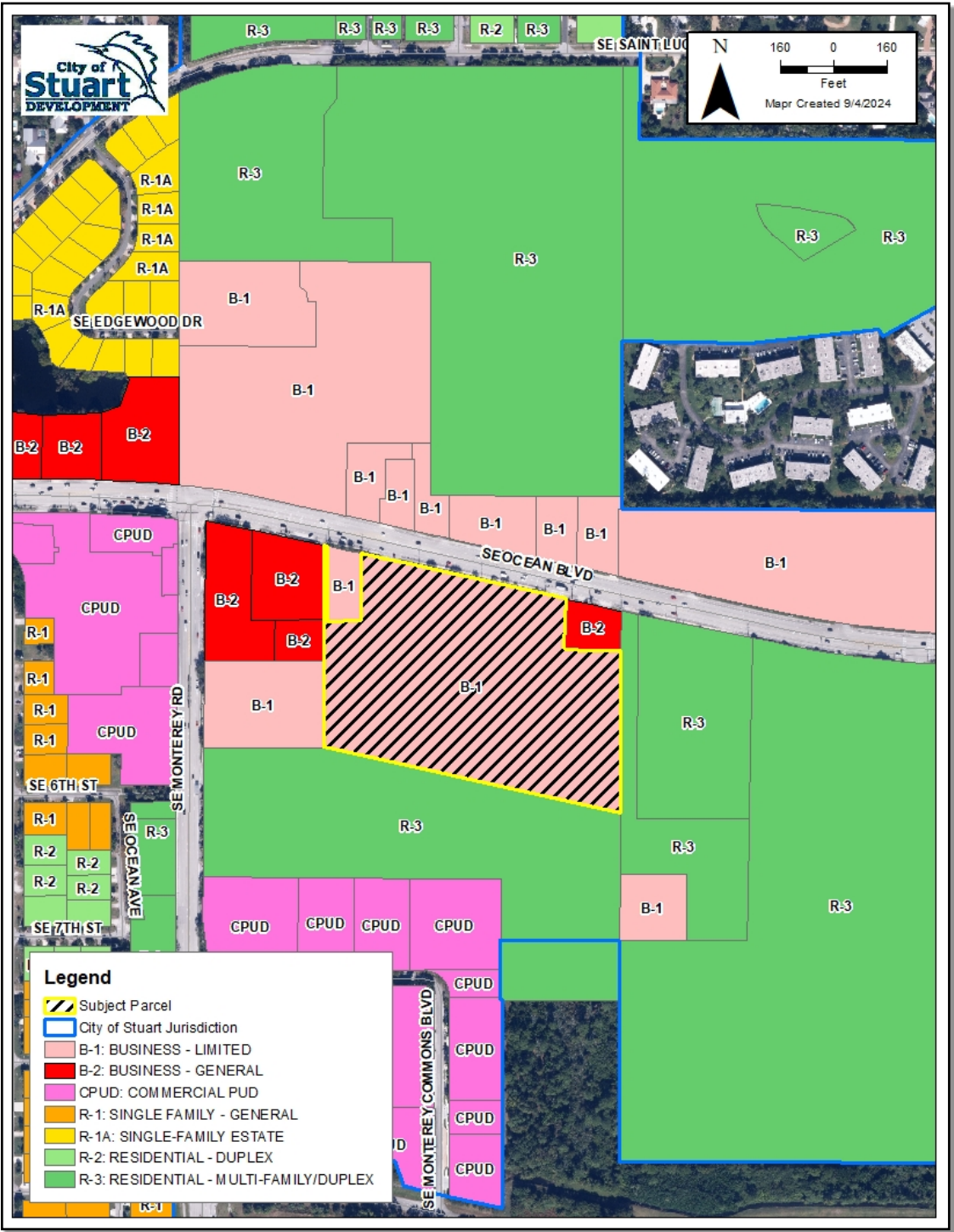
ADJACENT LAND USE & ZONING

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		Business Limited (B-1)	Commercial	Commercial Plaza
Adjacent Parcels	North	Business Limited (B-1) & SE Ocean Blvd. right-of-way	Commercial	Professional Office, Convenience Restaurant, Automotive Oil Change,
	South	Residential, Multi- Family/Office (R-3)	Public	Retail & Restaurant, Convenience

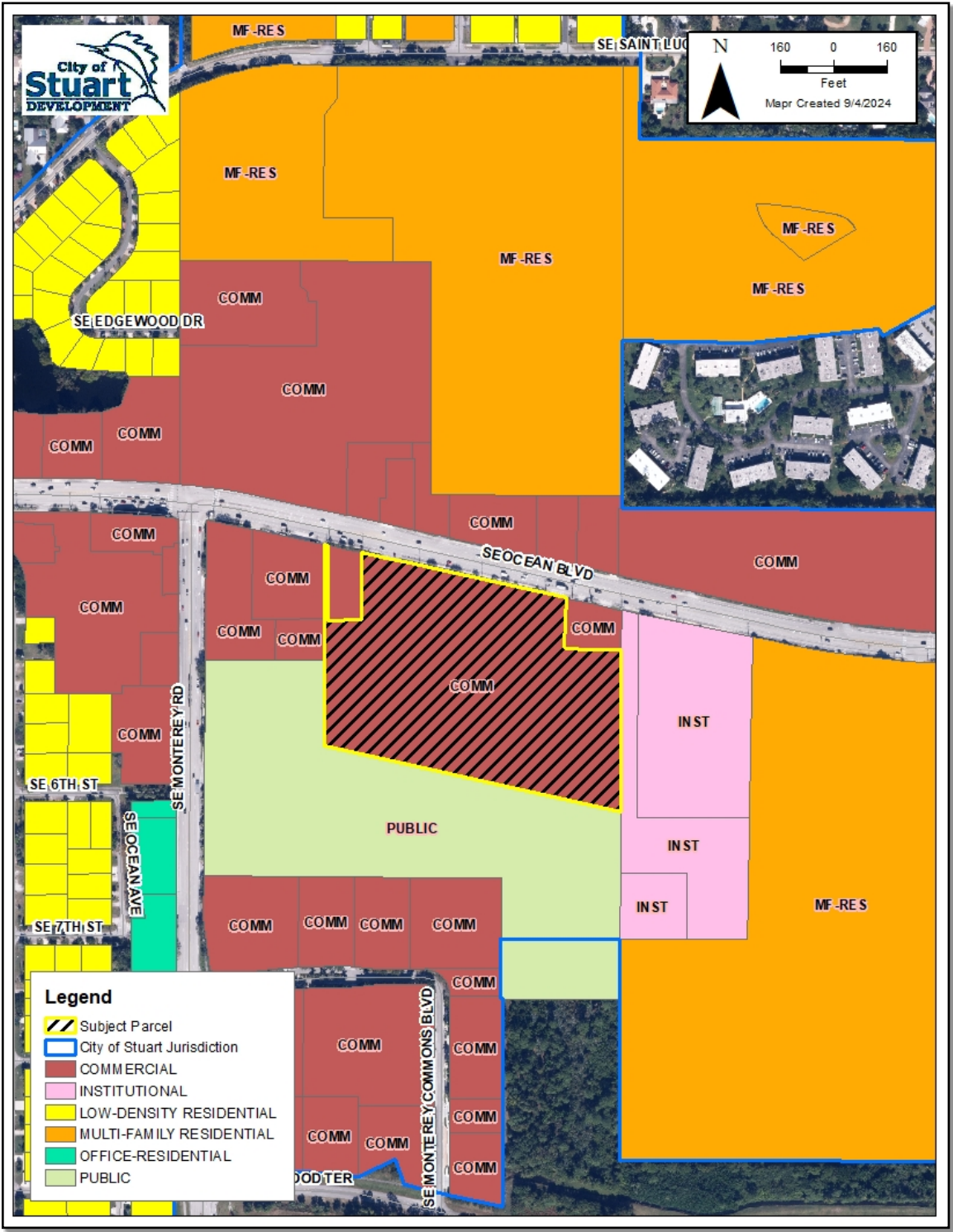
Starbucks at Ocean East Mall
Major Conditional Use

	East	Business General (B-2) Residential, Multi-Family/Office (R-3)	Institutional	Church, School, Multi-Family, Theater & Fuel Station
	West	Business Limited (B-1) Business General (B-2)	Commercial	Office, Retail & Restaurant

ZONING MAP



FUTURE LAND USE MAP



**Major Conditional Use
Standards of Review
Land Development Code Section 11.01.11**

The submitted Major Conditional Use petition was reviewed under Standards of Review for Conditional Use petitions, per Land Development Code Section 11.01.11(G)(5). The factors that the Local Planning Agency (LPA) and City Commission shall consider when granting a Conditional Use approval are as follows:

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

Staff Findings: The proposed use is not contrary to the established uses in the immediate area. The site was previously a parking lot for the existing shopping center. Specifically, the NE corner where the Oceans East Starbucks is proposed is severely unused. The proposed Starbucks out parcel will remain under the B-1 zoning and Commercial Future Land Use designations. The requested Major Conditional Use petition would allow for increased frontage setbacks to align with the existing commercial shopping plaza and allow for vehicular traffic and pedestrian traffic to safely traverse the site.

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

Staff Findings: The convenience restaurant provides a consistent parking lot design with the existing plaza parking lot. The SE Ocean Boulevard corridor currently includes neighborhood commercial uses, including retail, restaurants, grocery, professional offices, and multi-family residential uses. The proposed non-residential use is not anticipated to increase or overtax the load on public facilities such as schools, utilities, streets, or other public infrastructure.

The proposed development will require review and compliance under the Minor Development Plan application for water, wastewater, and sanitation, as well as compliance reviews of the construction/civil plans.

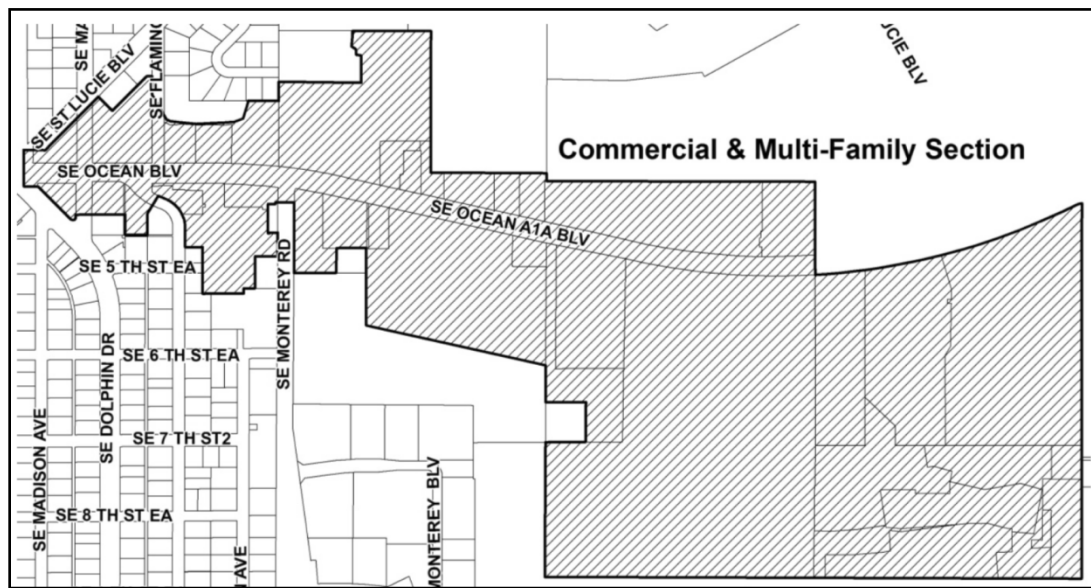
C. The proposed use will not be contrary to the future land use designation and will not have an adverse effect on the goals, policies, and objectives of the Comprehensive Plan.

Staff Findings: Oceans East Starbucks will not have any adverse effects on any Goals, Policies, or

Objectives of the Comprehensive Plan. The proposed Starbucks facility is creating a space that has been underutilized and will provide services for the public to enjoy.

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

Staff Findings: The existing district boundaries are logically drawn in relation to existing conditions on the property. The Development Department does not foresee any future changes to the boundary of the B-1 Zoning District, Commercial Future Land Use, or S.E. Ocean Boulevard Overlay Zone depicted below.



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

Staff Findings: The proposed use will not create or excessively increase the traffic flow near our site. The proposed drive-through restaurant provides ample queuing to maximize one-way traffic circulation throughout the site. ADA-accessible paths are also provided for pedestrians traversing the site. A pedestrian connection is also provided from the building to SE Ocean Boulevard.

In addition, no new ingress/egress is being proposed on SE Ocean Boulevard. All traffic will access the site via the lighted intersection into the site. As a part of the Minor Development Plan application review, the Traffic Impact Analysis submitted by the applicant is being reviewed and will be required to comply with the City's traffic concurrency review.

F. The proposed use will not create drainage or a stormwater quality problem.

Staff Findings: The proposed changes from the SE Overlay zone will not create drainage or stormwater quality issues. Additionally for the proposed Oceans East Starbucks project Kimley-Horn & Associates is providing a drainage plan that displays the drainage improvements to the shopping center's stormwater management system.

The 11.29-acre subject parcel currently provides 79% impervious area and 21% pervious area. The proposed in-fill development proposes 9% building area, 70% impervious area, and 21% pervious surface area, thus yielding a de minimus change. Landscape islands are proposed wherever possible to provide consistency throughout the plaza.

G. The proposed use will not significantly reduce light or air to adjacent areas.

Staff Findings: The proposed development will not significantly reduce light or air to the adjacent properties. The adjacent properties shouldn't see a reduction because the development is in the far NE corner of the existing plaza. A photometric lighting plan has been submitted as part of the Minor Development Plan and Major Conditional Use applications. The photometric lighting plan is attached to the agenda item for reference.

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

Staff Findings: The proposed convenience restaurant use is permitted within the Business Limited (B-1) Zoning District.

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

Staff Findings: The proposed site design is not out of scale with the uses permitted by right within the Business Limited (B-1) Zoning District and SE Ocean Boulevard Overlay Zone. The proposed use is similar to the existing uses within the surrounding area.

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

Staff Findings: The proposed Convenience Restaurant is identified as a permitted use within the

Business Limited (B-1) and Business General (B-2) Zoning District. The applicant has identified this site as an underutilized property and hopes to reactivate the space within this shopping center. The proposed use is intended to contribute positively to the community, offer service to surrounding neighborhoods, and aligns with the adjacent existing uses.

D. Traffic Impacts

The submitted Traffic Impact Analysis prepared by Kimley-Horn & Associates, dated March 7, 2024 (revised August 5, 2024) is currently under review with the City of Stuart's Traffic Consultant. Prior to approval of the Minor Development Plan application, the applicant will be required to comply with traffic concurrency in the City of Stuart, per Land Development Code Section 4.05.00.

According to the submitted Traffic Impact Analysis, dated March 7, 2024 (revised August 5, 2024), the generation potential for the proposed development program was calculated using trip generation rates and equations published by the Institute of Transportation Engineers (ITE) Trip Generation Report, Eleventh Edition. Because pass-by rates published for a Coffee/Donut Shop with Drive-Through use were found to be between 90-98% with a small sample size, the pass-by rates published for Land Use Code 934 (Fast Food with Drive-Through) were used.

As indicated in Table 1, the proposed development is projected to generate an additional 193 net new external daily trips, an additional 78 net new external AM peak hour trips (+40 in, +38 out), and an additional 8 net new external PM peak hour trips (+4 in, +4 out) in comparison to the existing development on site.

E. Development Reviews

The proposed development plan will be reviewed and approved administratively by the Development Director. Prior to the issuance of a site permit or building permit, the applicant will be required to demonstrate compliance with the City of Stuart Land Development Code, Comprehensive Plan, and Code of Ordinance. After the approval of the Minor Development Plan application, a Plat will be required to be approved by the City Commission for the proposed subdivision. Approval of the plat will be required before the Development Department may issue any site permit of building permits.

City of Stuart Building Department:

The Building Department has reviewed and conceptually approved the Major Conditional Use application.

Any additional comments will be provided during the review of the Minor Development Plan application and at the time of submittal of a site permit or building permit.

- All building plans must comply with the Florida Building Code (*FBC*) and Florida Fire Protection Code (*FFPC*) in effect at the time permit application(s) are submitted.
- All plans must be submitted as one PDF file.
- Separate permits are required for the site, building, dumpster enclosures, fire line, fire sprinkler, fire alarm, kitchen hood, and suppression systems.
- The applicant must schedule a pre-construction meeting before the issuance of a building or site permit.
- The development must provide the required number of ADA parking spaces, in compliance with FAC 208

City of Stuart Fire Rescue:

The City of Stuart Fire Rescue has reviewed and conceptually approved the Major Conditional Use application. Any additional comments will be provided during the review of the Minor Development Plan application and at the time of submittal of a site permit or building permit.

- All building plans must comply with the Florida Fire Protection Code (*FFPC*) in effect at the time permit application(s) are submitted.

City of Stuart Public Works - Utilities:

The Public Works Department has reviewed and conceptually approved the Major Conditional Use application. Any additional comments will be provided during the review of the Minor Development Plan application and at the time of submittal of a site permit or building permit.

Engineering Review:

There are no comments regarding the proposed Major Conditional Use petition. The applicant is required to submit preliminary construction plans for review and approval under the Minor Development Plan application. Final construction plans must be submitted at the time of review for the site permit and building permits. The applicant will be responsible for obtaining all State, Federal, and local permits that may be

required as part of this project.

The City of Stuart Public Works, Utilities, and Fire Departments will review the site for water, sewer, dumpster, fire hydrant, fire lane, utility separation requirements, and accessibility.

Environmental Review:

The site is improved and developed, and an environmental review is not applicable. Before the issuance of a site permit or building permit, the applicant, property owner, or successor is required to obtain any required State, Federal, or local permits for development.

G. Local Planning Agency (LPA)

On September 12, 2024, the Local Planning Agency (LPA) held a public hearing and voted 4-1 in favor, with two (2) Board Members and one (1) Ex Officio Board Member absent and one (1) vacancy, to deviate from **1).** Section 3.03.02(B)(1)(a & d), to allow the front building façade to be constructed adjacent to S.E. Ocean Boulevard with a ±64-foot setback and to allow the width of the principal building to be 27% of the lot width; **2).** Section 3.03.02(B)(2)(a), to allow ±45% of the parking area to be located between the building facade and the front property line.

The LPA also recommended as a condition of the Major Conditional Use approval, the applicant to work with staff under the Minor Development Plan application review to comply with the 65% minimum impervious surface coverage requirements by installing permeable pavement within the subject parcel, pursuant to Section 3.03.02(B)(6); and to revise the landscape plan to comply with the S.E. Ocean Boulevard Overlay Zone under Section 3.03.02(B)(4)(ii), to require 25% flowering trees, 25% palms, and 50% shade trees. The applicant has also agreed to install landscaping along the ±11-acre parcel frontage to be consistent with the future out parcel.

H. Staff Recommendation

The City of Stuart Development Department has reviewed the Major Conditional Use petition for the S.E. Ocean Boulevard Overlay Zone and recommends the City Commission grant approval with the conditions recommended by the Local Planning Agency at the public hearing on September 12, 2024.



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

RESOLUTION NUMBER 97-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE PETITION FOR THE STARBUCKS AT OCEAN EAST MALL LOCATED AT 2300 SE OCEAN BOULEVARD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM REQUIRED BUILDING SETBACKS, MINIMUM LOT COVERAGE, LOCATION OF PARKING, AND LANDSCAPING REQUIREMENTS FOR THE S.E. OCEAN BOULEVARD OVERLAY ZONE STANDARDS OUTLINED UNDER LAND DEVELOPMENT CODE SECTION 3.03.00; REQUIRING CERTAIN DESIGN STANDARDS TO BE CONSIDERED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, on September 12, 2024, the Local Planning Agency (LPA) held a properly noticed public hearing to consider the Major Conditional Use petition, submitted by Kimley-Horn & Associates (Representative), on behalf of Ocean East Capital Partners, LLC (owner), for a future 0.70-acre out parcel of land to be known as Starbucks at Ocean East Mall, and voted to forward a recommendation of approval with conditions to the City Commission; and

WHEREAS, on September 23, 2024, the City Commission held a properly noticed public hearing to consider the Major Conditional Use petition, submitted by Kimley-Horn &

Associates (Representative), on behalf of Ocean East Capital Partners, LLC (owner), for a future 0.70-acre out parcel of land to be known as Starbucks at Ocean East Mall; and

WHEREAS, the applicant has committed to the City of Stuart that its development will comply with all codes, plans, standards, and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon this Resolution; and

WHEREAS, at the public hearing, the applicant showed by substantial competent evidence that the Major Conditional Use petition is consistent with the City of Stuart Comprehensive Plan, Land Development Code, and the procedural requirements of law; and

WHEREAS, the Major Conditional Use approval shall run with the land;

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

SECTION 1: The legal description of the future 0.70-acre out parcel, as outlined in **Exhibit "A"** attached hereto, made a part by reference. The Ocean East Starbucks Preliminary Master Plan depicting the existing 11.29-acre parcel and future 0.70-acre out parcel is attached as Exhibit "B" and made a part by reference. The Conditions of Approval for the development are attached hereto as **Exhibit "C"** and made a part hereof by reference.

SECTION 2: The following documents on file as public records of the City of Stuart, at the City Clerk's office in City Hall, shall be deemed a part of the conditions applicable to the Ocean East Starbucks development:

1. **Preliminary Master Site Plan**, prepared by Kimley-Horn & Associates, dated March 15, 2024 (revised through June 25, 2024).
2. **Boundary Survey (Sheets 1-6)**, prepared by Elizabeth A. Lindsay, P.L.S., dated January 31, 2024 (Revised Through 7/25/2024).
3. **Drainage Statement**, prepared by Kimley-Horn & Associates, dated August 9, 2024 March 15, 2024 (revised through June 25, 2024).
4. **Traffic Impact Analysis**, prepared by Kimley-Horn & Associates, Stephanie Guerra, P.E., dated March 7, 2024 (revised August 5, 2024).

SECTION 3: The Applicant is requesting Major Conditional Use approval to provide relief from certain provisions of the S.E. Ocean Boulevard Overlay Zone outlined under Land Development Code Section 3.03.02(B) – *Commercial & Multi-Family Section*, including:

Building Placement:

- ***Code Requirement:*** The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted; The width of the principal building shall be not less than 50 percent of the lot width.
- ***Requested Deviation:*** The proposed building will be setback ± 64 -feet from S.E. Ocean Boulevard to allow for one-way traffic circulation and sufficient drive-through queuing and to allow the proposed building width to be 27% of the lot width.

Parking:

- ***Code Requirement:*** The lesser of 25% of the parking area or one row of the parking area may be located between the front building facade and the front property line. All other parking shall be located behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in Land Development Code Section 6.04.06 – *Landscaping*.
- ***Requested Deviation:*** $\pm 45\%$ of the parking to be located at the front of the property between the building facade and front property line to achieve a cohesive look with the existing shopping plaza and meet parking requirements. A landscape buffer is provided to meet city requirements to screen the onsite parking along S.E. Ocean Boulevard.

Landscaping:

- ***Code Requirement:*** Tree materials planted along all street facades shall consist of the following:
 - *For buildings with front setbacks of ten to 15 feet: 50% flowering trees and 50% palms.*
 - *For buildings with front setbacks of 15 feet or greater: 25% flowering trees, 25% palms, and 50% shade trees.*

- ***Requested Deviation:*** The applicant will revise the landscape plan for review under the Minor Development Plan application to provide 25% flowering trees, 25% palms, and 50% shade trees, pursuant to Section 3.03.02(B)(4)(a)(ii).

Lot Coverage:

- ***Code Requirement:*** Not more than 65% of a building site may be covered by impervious surface coverage.
- ***Requested Deviation:*** The applicant will be required to comply with the 65% minimum impervious surface coverage requirements by installing permeable pavement within the 0.70-acre out parcel and/or 11.28-acre subject parcel.

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code and Major Conditional Use approval for Starbucks at Ocean East Mall.

SECTION 5: All Resolutions, or parts of Resolutions, in conflict with this Resolution or any part thereof is hereby repealed to the extent of such conflict. If any provision outlined within this Resolution conflicts with any contractual provision between the City and the applicant, developer, or successor, this Resolution shall prevail.

SECTION 6: If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

SECTION 7: Following the adoption and acceptance of this Resolution by the owner, developer, or successor, and in addition to any other action for failure to otherwise comply with the Approved Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date, and location of the hearing, along with specific notice of the alleged breach. At the public hearing before the City Commission, the owner, developer, or successor may appear and contest the allegation of breach or explain the reason or the reasons for the breach. Upon a finding of a material breach of the Approved Documents and therefore, the Resolution(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other Resolution pertaining to the development.
- b. Impose an administrative penalty of up to \$1,000.00 for each violation, and up to \$5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this Major Conditional Use Resolution by the owner, developer, or successor shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 8: This Resolution shall be effective upon adoption by the City Commission and recorded in the public records.

SECTION 9: The City Clerk is directed to record a Certified Copy of this Resolution in the public records of Martin County, Florida, within thirty (30) days of City Commission approval.

Passed on the _____ day of _____, 2024.

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:

CAMPBELL RICH, MAYOR

EULA R. CLARKE, VICE MAYOR

CHRISTOPHER COLLINS, COMMISSIONER

SEAN REED, COMMISSIONER

LAURA GIOBBI, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE BAGGETT, ESQ.
CITY ATTORNEY

CITY’S ACKNOWLEDGMENT

The above Resolution was acknowledged before me through ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by Campbell Rich, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name: _____

Exhibit “A” Legal Description

THE FOLLOWING DESCRIBED PARCEL OF LAND SITUATED IN MARTIN COUNTY, FLORIDA LYING SOUTH OF EAST OCEAN BOULEVARD. (STATE ROAD A-1-A); THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS THE WEST 440 FEET THEREOF, SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LESS PARCEL CONVEYED TO JAMES N. BRUNER, AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 110 PAGE 355, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. $\frac{1}{4}$, S.E. $\frac{1}{4}$) OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE RD. A-1-A (EAST OCEAN BOULEVARD), THENCE SOUTH $0^{\circ}26'09''$ WEST, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, A DISTANCE OF 603.00 FEET, THENCE NORTH $76^{\circ}51'47''$ WEST, A DISTANCE OF 913.60 FEET TO THE EAST LINE OF THE WEST 440.00 FEET OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$) THENCE NORTH $0^{\circ}37'46''$ EAST ALONG SAID EAST LINE A DISTANCE OF 600.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE THROUGH A-1-A; THENCE SOUTH $77^{\circ}01'09''$ EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 910.97 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCELS:

1. BEGIN WHERE THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS THE WEST 447.50 FEET THEREOF SECTION 3, BEGIN WHERE THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS THE WEST 447.50 FEET THEREOF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF

STATE RD. A1A; THENCE RUN SOUTH $0^{\circ} 37'46''$ WEST ALONG SAID WEST LINE A DISTANCE OF 231.90 FEET, THENCE RUN SOUTH $89^{\circ}22'14''$ EAST A DISTANCE OF 100.00 FEET, THENCE RUN NORTH $0^{\circ}37'46''$ EAST A DISTANCE OF 100.00 FEET, THENCE RUN NORTH $0^{\circ}37'46''$ EAST, A DISTANCE OF 210.00 FEET TO SAID RIGHT-OF-WAY LINE THENCE RUN NORTH $77^{\circ}01'09''$ WEST, A DISTANCE OF 102.37 FEET TO THE POINT OF WEST, A DISTANCE OF 102.37 FEET TO THE POINT OF BEGINNING.

2. BEGIN WHERE THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 BEGIN WHERE THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD. A-1-A (EAST OCEAN BOULEVARD), THENCE SOUTH $0^{\circ}26' 09''$ WEST ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER A DISTANCE OF 115.92 FEET THENCE NORTH $88^{\circ}31'31''$ WEST, A DISTANCE OF 156.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $89^{\circ}41'31''$ AND THE RADIUS OF 9.05 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 14.17 FEET TO THE END OF SAID CURVE; THENCE NORTH $01^{\circ}10'00''$ EAST, A DISTANCE OF 140.29 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD. A1A (EAST OCEAN BOULEVARD); THENCE SOUTH $77^{\circ} 01'09''$ EAST, A DISTANCE OF 167.77 FEET TO THE POINT OF BEGINNING.

SAID LAND CONTAINING 489,434 SQUARE FEET OR 11.24 ACRES, MORE OR LESS.

PROPERTY ADDRESS: 2300 SE OCEAN BOULEVARD, STUART, FLORIDA

PARCEL ID: 03-38-41-000-000-00100-7

SAID LAND ALSO DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL OF LAND LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST OCEAN BOULEVARD (STATE ROAD A-1-A); THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LESS THE WEST 440 FEET THEREOF, AND LESS THE PARCEL CONVEYED TO JAMES N. BRUNER, AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 110 PAGE 355, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. $\frac{1}{4}$, S.E. $\frac{1}{4}$) OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND THE SOUTHERLY RIGHT-OF WAY LINE OF STATE ROAD A-1-A (EAST OCEAN BOULEVARD), THENCE SOUTH $00^{\circ}10'03''$ WEST, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, A DISTANCE OF 115.92 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID EAST LINE SOUTH $0^{\circ}10'03''$ WEST, A DISTANCE OF 483.81 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A PARCEL CONVEYED TO JAMES N. BRUNER IN OFFICIAL RECORD BOOK 110, PAGE 355, THENCE NORTH $77^{\circ}18'17''$ WEST ALONG SAID NORTH LINE A DISTANCE OF 910.72 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 440.00 FEET OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. $\frac{1}{4}$ OF THE S.E. $\frac{1}{4}$) OF SAID SECTION 3, THENCE NORTH $00^{\circ}07'58''$ EAST ALONG SAID EAST LINE A DISTANCE OF 600.00 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD A-1-A; THENCE SOUTH $77^{\circ}17'31''$ EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 7.68 FEET TO THE EAST LINE OF THE WEST 447.50 FEET OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. $\frac{1}{4}$ OF THE S.E. $\frac{1}{4}$) OF SAID SECTION 3; THENCE SOUTH $00^{\circ}07'58''$ WEST ALONG SAID LINE, A DISTANCE OF 231.90 FEET TO A POINT; THENCE SOUTH $89^{\circ}38'42''$ EAST A

DISTANCE OF 100.00 FEET; THENCE NORTH 00°06'35" EAST A DISTANCE OF 210.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID STATE ROAD A-1-A; THENCE SOUTH 77°17'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 633.31 FEET TO A POINT THENCE SOUTH 00°54'08" WEST A DISTANCE OF 140.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°41'31" AND THE RADIUS OF 9.05 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 14.17 FEET TO THE END OF SAID CURVE; THENCE SOUTH 88°46'46" EAST, A DISTANCE OF 156.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 489,434 SQUARE FEET OR 11.24 ACRES, MORE OR LESS.

PROPERTY ADDRESS: 2300 SE OCEAN BOULEVARD, STUART, FLORIDA

PARCEL ID: 03-38-41-000-000-00100-7

Exhibit “B” Preliminary Master Plan:

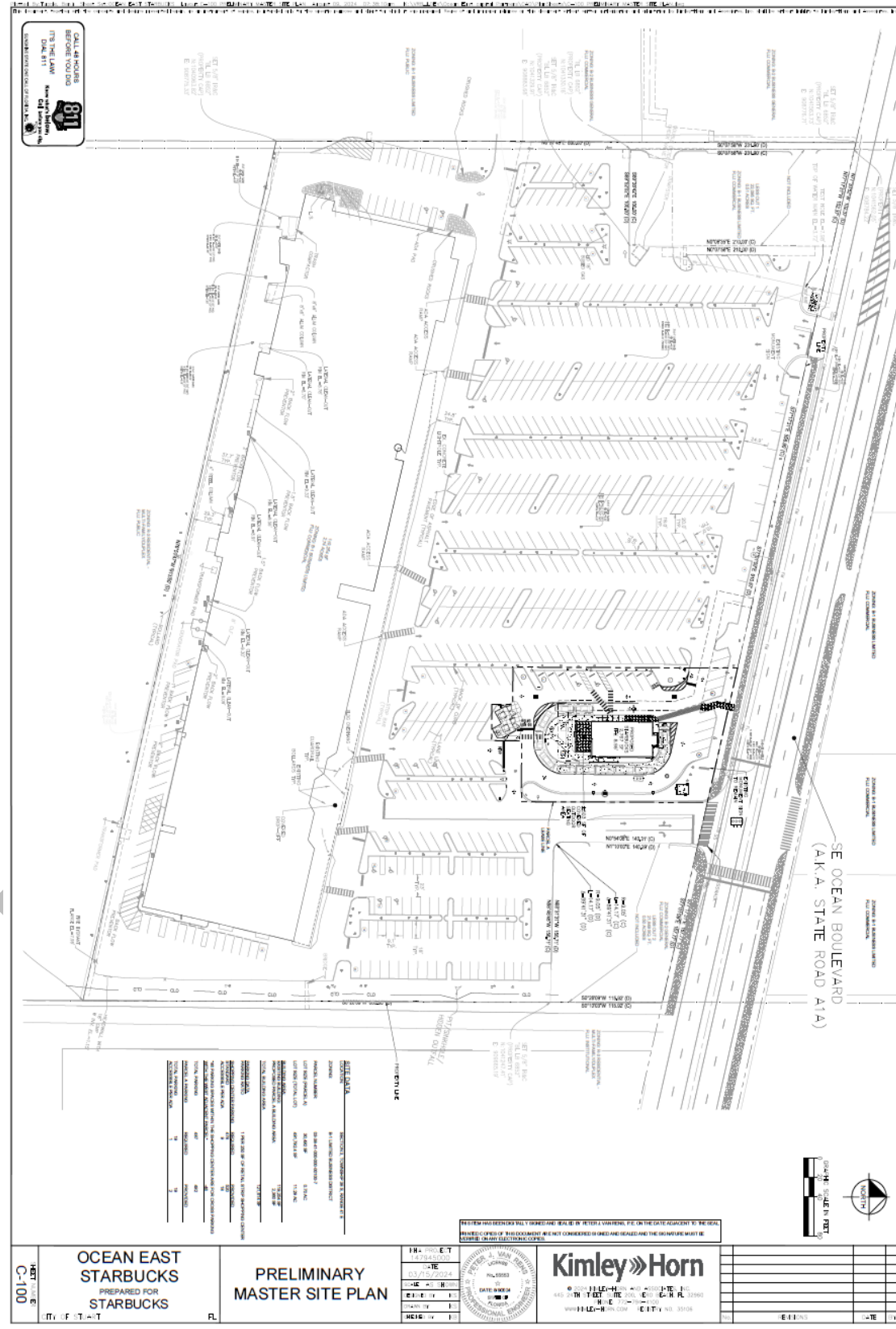
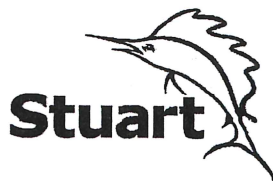


Exhibit “C” Conditions of Approval

1. The proposed building shall not be setback from S.E. Ocean Boulevard more than ± 64 -feet to allow for one-way traffic circulation and sufficient drive-through queuing.
2. The proposed building may be constructed with a minimum width of 27% of the lot width.
3. $\pm 45\%$ of the parking area may be located at the front of the property between the building facade and the front property line adjacent to S.E. Ocean Boulevard.
4. Prior to the approval of the Minor Development Plan, the applicant will be required to revise the landscape plan to provide a minimum of 25% flowering trees, 25% palms, and 50% shade trees, pursuant to Section 3.03.02(B)(4)(a)(ii) of the Land Development Code.
5. Prior to the issuance of a site permit for the future out parcel, the property owner, developer, or successor shall be required to comply with the 65% minimum impervious surface coverage requirements by installing permeable pavement within the 0.70-acre out parcel and/or 11.28-acre subject parcel.
6. Prior to the issuance of a Certificate of Occupancy for the out parcel, the entire length of the parcel fronting S.E. Ocean Boulevard shall be landscaped to be consistent with the approved landscape plan for the future out parcel.



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

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

Application for Conditional Use Permit

Project ID# _____
(Staff Entry)

Pre-App Conference Date: April 11th, 2023	Application Date: March 15th, 2024
---	------------------------------------

SITE INFORMATION

Project Name: Ocean East Starbucks	Parcel ID#: 03-38-41-000-000-00100-7
Site Address: 2300 SE Ocean East Blvd, Stuart FL	
Subdivision:	Lot(s):
Site Acreage: 0.70 acres out of 11.28 acre parcel	Flood Zone/Base Flood Elevation: Zone X
Current Zoning District / CRA Subdistrict (if applicable):	B-1 Limited Buisness
Current Comprehensive Plan Future Land Use Designation:	Commercial
Existing Land Use:	Proposed Land Use: Coffee shop with drive through
Proposed Square Footage (if applicable): 30,454	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: Ocean East Capital Partners, LLC	Phone Number / Email Address: 305-779-3164/Alan.equenazi@colliers.com
Property Owner's Mailing Address: 151 N Nob Hill Rd #290 Plantation, FL 33324	
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address:	
Agent/Contact Person: Peter Van Rens, P.E.	Phone Number / Email Address: 772-794-4073/Peter.VanRens@kimley-horn.com
Agent's Mailing Address: 445 24th Street, Suite 200, Vero Beach, FL 32960	
Architect: Andy McLoud - Changeup	Engineer: Peter Van Rens P.E. - Kimley-Horn
Planner:	Landscape Architect: Kyler Durham - Kimley-Horn

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared Alan Esquenazi

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a _____ in the City of Stuart, FL.
3. That he/she has appointed Peter Van Rens, P.E. to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Alan Esquenazi@colliers.com

Alan Esquenazi
Signature of Owner:

10805 GOLDEN EAGLE CT
Street Address
Plantation, FL 33324

P.O. Box
305-779-3164

Telephone Number

Alan.Esquenazi@colliers.com

Email Address:

Alan Esquenazi

By: Name/Title
Plantation FL 33324

City, State, Zip Code

City, State, Zip Code

Fax Number

STATE OF FLORIDA, COUNTY OF Indian River

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

8th day of August, 2024 By Alan Esquenazi

Personally Known OR Produced Identification
Type of Identification Produced:

Elizabeth R. Hamilton
Notary Public

My Commission expires:

Oct. 6th 2026

Elizabeth R. Hamilton
State of Florida
Notary Public
Commission No. HH 313318
My Commission Expires October 6, 2026

Financial Responsibility Form

(Please Print or Type)

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

Name: Alan Esquenazi
Title: Owner
Company: OCEAN EAST Capital Partners LLC
Company Address: 151 HOBHILL ROAD # 290, PLANTATION FL. 33329

City/State/Zip Code: Plantation, FL 33324
Telephone Number: 305-779-3164
Facsimile Number:
Email Address (optional): Alan.Esquenazi@colliers.com

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

1. Signed this 9 day of August, 2024.



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

Application Requirements

Fee: \$1,598.00 – Conditional Use Permit *(this does not include fees that may be charged as a result of application reviews by the City's consultants or any required recording fees.)*

Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit). The data requirements for a site plan and a concept plan are available at the Development Department. **Note:** An application for a Conditional Use Permit may not be filed if the City Commission has denied an application for a Conditional Use Permit for the subject property within the previous two years.

The applicant has the burden of proof to demonstrate to the City Commission that the following standards are met:

1. The proposed use is not contrary to the established land uses in the immediate area;
2. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.
3. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the Comprehensive Plan;
4. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
5. The proposed use will not create or excessively increase traffic congestion or otherwise affect Public Safety;
6. The proposed use will not create drainage or a storm water quality problem;
7. The proposed use will not significantly reduce light or air to adjacent areas;
8. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district;
9. The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood; and
10. There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the City.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the City Commission public hearing.

Justification: Please provide justification supporting the request for a Conditional Use Permit *(include additional pages if needed)*:

(over)

Date: 05/13/2024

RE: Applications for Permits and Approvals

TO: Whom it May Concern

Ocean East Capital Partners LLC (the "Owner") is in the process of obtaining required approvals located at 2300 SE Ocean Blvd. Stuart, FL 34994 (the "Site").

On behalf of the Owner, I hereby authorize Kimley-Horn and Associates, Inc. (the "Engineer"), the Applicant's consulting engineers, to act as agents of the Owner for the purpose of obtaining permits and approvals related to the renovation of the Site.

In such capacity, the Engineer's authority is expressly limited to signing and delivering applications for permits and approvals that are related to the renovation of the Site and to advancing nominal funds on the Owner's behalf as required to file such applications. The Engineer is not authorized to negotiate on the Owner's behalf or to bind or obligate the Owner in any manner whatsoever, including without limitation accruing any obligations on the Owner's behalf to pay for or construct improvements without additional authorization in writing from the Owner.

Sincerely,



Name: Alan Esquenazi

Title: MANAGER

Company: Ocean East Capital Partners LLC

NOTARY

County of Florida Indian River

State of Florida

The foregoing instrument was acknowledged before me this 13th day of May, 2024 by Alan Esquenazi of Ocean East Capital Partners LLC who is (personally known to me) or who has produced _____, as identification and who did not take an oath.

NOTARY PUBLIC:

My Commission Expires: 10/06/2026



Print Name: Elizabeth R. Hamilton





September 5, 2024

Planning and Zoning Department
City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994

RE: Starbucks- Ocean's East Starbucks Stuart, FL 3994
Justification Statement
Minor Development Plan / Conditional Use

Request Summary

On behalf of the applicant, Ocean East Capital Partners, L.L.C., Kimley-Horn and Associates, Inc. (hereinafter referred to as the agent) has prepared and hereby respectfully submits an application for the approval of a Minor Development Plan and Conditional Use to redevelop ± 0.70 acres of an existing parking lot within a ± 11.24 -acre shopping center for a $\pm 2,767$ SF Restaurant w/ Drive-Thru inclusive of ± 503 SF of outdoor dining area. The property is located at the northeast corner of Ocean's East Shopping Center and is within the municipal boundaries of the City of Stuart. The subject property's property control number (PCN) is 03-38-41-000-000-00-00100-7.

The subject property is currently within the following Zoning District and Land Use:

Zoning Districts: B-1 Limited Business

Land Use: Commercial

Surrounding Uses

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east, and west of the overall property. Note that the acreages, uses, number of units, etc. listed below are from the Property Appraiser of Martin County's website.

NORTH:

PCN	Acreage per PA	Zoning	Use
03-38-41-000-000-00102-5	0.9035	B-1	Mixed Store/ Office

EAST:

PCN	Acreage per PA	Zoning	Use
03-38-41-000-000-00101-6	0.521	B-2	Service Station

WEST:

PCN	Acreage per PA	Zoning	Use
03-38-41-045-000-00001-0	0.49	B-1	999- Mixed Use

SOUTH:

PCN	Acreage per PA	Zoning	Use
03-38-41-000-000-00100-7	11.2887	B-1	Shopping Center

Site Design

The proposed development for the subject site will include a ±2,767 SF restaurant with drive- thru. The existing site is an existing parking lot. The design promotes urban infill by repurposing an existing parking lot into a facility the public can utilize and receive service from. Convenience and general restaurants are a permitted use in B-1 zoned areas. The site is compliant with the standards outlined in Table 6 for B-1 zoned properties. The proposed drive-thru contains one lane with one order point. Once the order is placed, cars will move thru the lane adjacent to the building in which they will be serviced at the pick-up windows. The proposed queuing meets the requirements from the LDC Section 6.01.07. The site proposes a one-way circulation pattern for consumers to navigate. As a result, angled parking spaces (60°) at a stall to curb length of 20' by 9' in width is proposed. Proposed bike rack facilities are incorporated south of the proposed patio area. The required 13' one-way driveway length is provided throughout the site as well. The restaurant also provides ±503 SF of open-air outdoor seating at the south side of the principal building. The patio area will be surrounded with proposed landscape. Access to the proposed restaurant is to be provided via an ingress from Ocean East Mall as well as existing drive aisles within the shopping plaza located South and West of the proposed Starbucks. ADA access is provided to the west side of the proposed building as part of the site design. An accessible crosswalk will be provided to allow pedestrians to cross the drive-aisle in a safe manner to connect to the existing sidewalk on SE Ocean Boulevard. The pedestrian path is lined with decorative pavement to meet the overlay standards. Landscape plans are included for evaluation in this submittal package as well for proposed foliage throughout the site.

The site is within the S.E Ocean Boulevard Overlay Zone and is requesting Major Conditional Use Approval to support the development of this project. A waiver request table is included below to outline where the project is seeking relief from for the overlay standards. This table is also available in the proposed site plan sheet for the Starbucks.

WAIVER REQUEST TABLE			
	CODE SECTION	REQUIRED	PROVIDED
BUILDING PLACEMENT REQUIREMENTS	LDC 3.03.02.B.1a & 3.03.02.B.1d	THE FRONT BUILDING FAÇADE SHALL BE CONSTRUCTED ADJACENT TO THE STREET ALONG THE S.E. OCEAN BOULEVARD PROPERTY LINE WITH A MAXIMUM SETBACK OF TEN (10) FEET. FOR CONFLICTS WITH THE AMERICANS WITH DISABILITIES ACT, A GREATER SETBACK MAY BE PERMITTED.	THE PROPOSED BUILDING FRONTAGE RUNS NORTH TO SOUTH AND FACES THE WEST LEASE LINE RATHER THAN S.E. OCEAN BOULEVARD. THIS ALLOWS ONSITE QUEUING TO BE MAXIMIZED. THE PROPOSED BUILDING IS ALSO SETBACK $\pm 64'$ FROM SE OCEAN BOULEVARD TO ALLOW FOR THE ONE WAY TRAFFIC CIRCULATION THROUGH THE SITE & COHESIVENESS OF THE PARKING THROUGHOUT THE CENTER.
		THE WIDTH OF THE PRINCIPAL BUILDING SHALL NOT BE LESS THAN 50% OF THE LOT WIDTH.	THE PROPOSED PRINCIPAL BUILDING WIDTH IN PARCEL A IS $\pm 27\%$ OF THE LOT WIDTH. THE BUILDING IS POSITIONED THIS WAY DUE TO THE CONSTRAINTS OF THE LEASE LINE AND TO ALLOW FOR SITE CIRCULATION OF THE ONE-WAY TRAFFIC FLOW AND MAXIMUM ONSITE STACKING.
LOT COVERAGE REQUIREMENTS	LDC 3.03.02.B.6.a	NOT MORE THAN 65% OF THE BUILDING SITE MAY BE COVERED BY IMPERVIOUS SURFACES.	PARCEL A CURRENTLY IS AN EXISTING PARKING LOT WITH $\pm 79\%$ IMPERVIOUS AREA AND 21% PERVIOUS AREA. IN THE PROPOSED CONDITION, PARCEL A IS INCLUSIVE OF 9% BUILDING AREA, 70% IMPERVIOUS AREA, AND 21% PERVIOUS AREA THUS YIELDING A DEMINIMUS CHANGE.

			LANDSCAPE ISLANDS ARE PROPOSED WHEREVER POSSIBLE TO PROVIDE PERVIOUS SPACE AS WELL AS A COHESIVE LOOK THROUGHOUT THE CENTER.
PARKING REQUIREMENTS	LDC 3.03.02.B.2.a	THE LESSER OF 25% OF THE PARKING AREA OR ONE ROW OF PARKING AREA MAY BE LOCATED BETWEEN THE FRONT OF THE BUILDING FACADE AND THE FRONT PROPERTY LINE. ALL OTHER PARKING SHALL BE LOCATED BEHIND THE REAR BUILDING FACADE OR AT THE SIDE PROPERTY LINES. THIS REQUIREMENT SHALL NOT APPLY TO A PROPERTY THAT ABUTS A RESIDENTIAL ZONING DISTRICT. THE PARKING AREAS SHALL BE SCREENED BY A LANDSCAPE BUFFER AS DESCRIBE IN SECTION 6.04.06, LANDSCAPING, OF THIS CODE.	±45% OF THE PROPOSED PARKING IS LOCATED AT THE FRONT OF THE PROPERTY BETWEEN THE BUILDING FACADE AND FRONT PROPERTY LINE TO ACHIEVE A COHESIVE LOOK WITH THE CENTER & MEET CITY PARKING CRITERIA. A LANDSCAPE BUFFER IS PROVIDED TO MEET CITY REQUIREMENTS TO SCREEN THE ONSITE PARKING ALONG THE SE OCEAN BOULEVARD AND DOWN THE EAST LEASE LINE.
LANDSCAPE REQUIREMENTS	LDC 3.03.02.B.4.a.i & ii	TREE MATERIALS PLANTED ALONG ALL STREET FACADES SHALL CONSIST OF THE FOLLOWING: I. FOR BUILDINGS WITH FRONT SETBACKS OF 10 TO 15 FEET: 50% FLOWERING TREES AND 50% PALMS. II. FOR BUILDINGS WITH FRONT SETBACKS OF 15 FEET OR GREATER: 25 PERCENT FLOWERING TREES, 25 PERCENT PALMS, AND 50 PERCENT SHADE TREES.	APPLICANT TO PROVIDE LANDSCAPE STANDARDS BASED ON THE APPROVED SETBACK FOR THE SITE. LANDSCAPE PLANS TO BE UPDATED AS NEEDED PRIOR TO MINOR DEVELOPMENT PLAN APPROVAL.

The applicant is seeking relief from building placement, lot coverage, and parking requirements. Additionally, based on the outcomes of the building placement deviation requests, the applicant is willing to follow landscape requirements per the decided setback for the site. The proposed building setback allows for one way traffic circulation through the site as well as parking through-out the center. To allow for one way circulation throughout the site, we are also requesting the proposed building width may be less than 50% and the building frontage facing the west lease line. Additionally, the site design has a proposed impervious area of ±79% (inclusive of building area), which is 14%

over the allowable impervious surface coverage in the SE Ocean Boulevard Overlay zone. The site plan is showing $\pm 20\%$ additional parking than the allowable 25% between the building façade and the front property line. The proposed design was used to create a cohesive look with the whole parking center and to meet parking criteria with minimal changes to the existing shopping center layout. Below is how the proposed Starbucks site aligns with the City of Stuart Comprehensive Plan.

City of Stuart Comprehensive Plan

Starbucks has indoor seating and provides drive-thru facilities to provide a quick service option to its patrons. Due to the increased demand of contactless dining, drive-thru facilities have become essential to sustained profitability and economic stability. There exists another restaurant facility which provides a drive-thru service that is located within proximity of the proposed site and in the same zoning district, B-1 – Business Limited.

A. Future Land Use Element

The site was previously an existing parking lot for the shopping plaza and is proposed to be redeveloped to provide a ± 0.70 -acre lot out of the existing 11.24-acre parcel. The proposed site is a proposed quick-service fast food restaurant with drive-thru access. The future land use for this site is Commercial. The proposed development is consistent with the classification for future land use as it is a proposed restaurant with drive-thru service.

B. Transportation Element

The proposed redevelopment of this site is providing additional ADA accessible pedestrian paths, a fire lane, queuing onsite, and parking spaces for the proposed facility. The site promotes compact development by repurposing a commercial in nature space with a facility that can be utilized by constituents. A traffic analysis is included as a part of this package.

C. Housing Element

The proposed redevelopment does not apply to the housing element portion of the comprehensive plan.

D. Infrastructure Element

The proposed development aligns with the infrastructure element by proposing related necessary infrastructure to serve the site including water and fire lines, sanitary sewer gravity lines, as well as a private lift station. Additionally, proposed drainage elements improve the site from the existing condition by reducing runoff by means of decreased impervious area and increased pervious area.

E. Conservation Element

The proposed redevelopment does not apply to the conservation element portion of the comprehensive plan.

F. Recreation And Open Space Element

The proposed redevelopment does not apply to the recreation and open space element portion of the comprehensive plan.

G. Intergovernmental Coordination Element

The proposed redevelopment will require permitting efforts across multiple jurisdictions which will align with the goals, objectives, and policies of the intergovernmental coordination element of the comprehensive plan.

H. Capital Improvement Element

The proposed redevelopment does not apply to the capital improvement element of the comprehensive plan.

I. Coastal Element

The proposed redevelopment does not apply to the coastal element of the comprehensive plan.

J. Public Schools Facilities Element

The proposed redevelopment does not apply to the public schools element of the comprehensive plan.

K. Economic Development Element

The proposed redevelopment brings business to an existing parking field which will positively impact the economy of the City of Stuart. The development offers employment opportunities for citizens as well. These principles illustrate that the project aligns with the economic development element of the comprehensive plan.

Conditional Use Justification

The applicant would like to proceed with an application requesting relief from select items of the SE Ocean Boulevard overlay standards. The site is currently zoned B-1 and is currently in the SE Ocean Boulevard Overlay Zone. The nature of this site is to serve the public. For the proposed site plan to function, relief from a portion of the overlay zone requirements would be required. Below is the conditional use justification needed to seek relief from the overlay district standards listed in our waiver request table above.

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

The proposed use is not contrary to the established uses in the immediate area. The site was previously a parking lot for the existing shopping center. Specifically, the NE corner where the Oceans East Starbucks is proposed is severely unused. The Starbucks is to remain B-1 zoning and the land use “commercial” is to remain the same. The conditional use for us to avoid East Ocean Overlay code is to enable our site design to have a “flow” through the site allowing for a smooth experience.

B. The proposed use would not significantly depart from the densities or intensities of the use in the school’s surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure. The facility will consist of a parking lot design that will encompass a flow that is consistent with the existing parking structure. The site will have an anticipated hours on 7am-9pm with an anticipated 6 workers at once.

- C. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies, and objectives of the comprehensive plan.**
Oceans East Starbucks will not have any adverse effects on any goals, policies, or objectives of the comprehensive plan. The proposed Starbucks facility is creating a space that was previously unused for the public to enjoy a service not previously there.

- D. The existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change.**
The existing district boundaries are logically drawn in relation to existing conditions on the property. The applicant does not foresee any future changes to the district boundary and agree with where the site is in the City of Stuart.

- E. The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.**
The proposed use will not create or excessively increase the traffic flow near our site. The proposed redevelopment is providing additional ADA accessible pedestrian paths, a fire lane, and parking spaces for the proposed facility. In addition, there is no new ingress/egress being applied to SE Ocean Boulevard, all traffic will remain on the side road or the existing ingress/egress on Ocean Boulevard. As a part of this application a Traffic Impact Analysis was conducted and included for the city to review. Additionally, onsite queuing is maximized by the one way traffic circulation through the site.

- F. The proposed use will not create drainage or storm water quality problem:**
The proposed changes from the SE Overlay zone will not create drainage or storm water quality issues. Additionally for the proposed Oceans East Starbucks project Kimley-Horn & Associates is providing a drainage plan that displays the drainage improvements to the shopping center's stormwater management system.

- G. The proposed use will not significantly reduce light or air to adjacent areas.**
The proposed changes from the SE Overlay zone will not significantly reduce light or air to the adjacent properties. The adjacent properties shouldn't see a reduction because the development is in the far NE corner of the existing parking center. A photometric site plan is included as part of this development application.

- H. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.**
The proposed building is a Starbucks coffee shop intended for public use. The proposed facility will provide an employment opportunity within the city of Stuart as well as a safe place for people to come and work/meet/study.

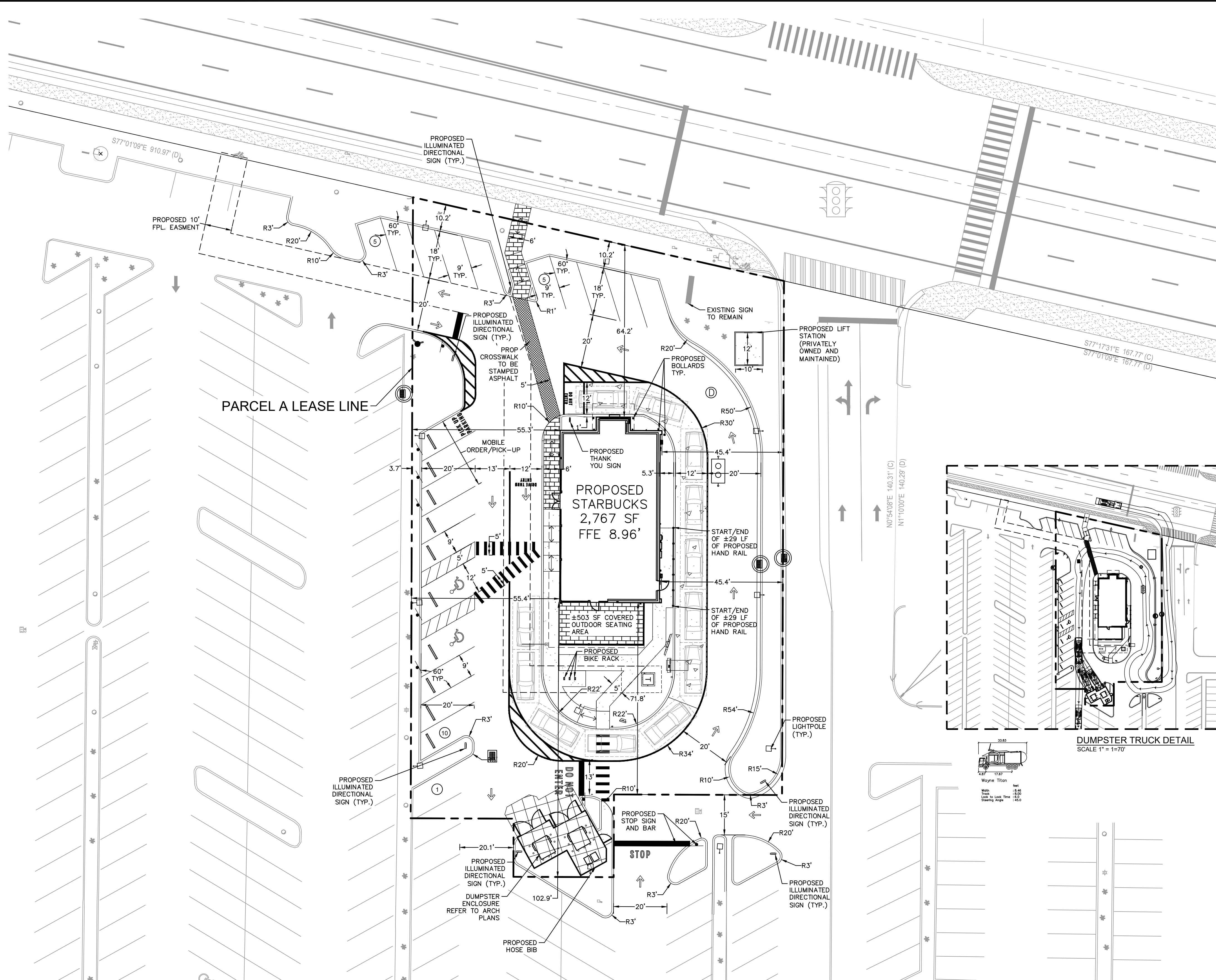
- I. **The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood; and**
The proposed site design is not out of scale with the uses permitted by right within the city. The Oceans East Starbucks conforms with a several uses within the SE Ocean Boulevard overlay zone as outlined and justified in the table above. Starbucks goal is to redevelop this existing parking lot to help generate space for the public to use and enjoy.
- J. **There is no other adequate site for the proposed use in districts in which the proposed use permitted by right within the city.**
The existing site is an underutilized property in a shopping center that was developed back in the 1980's. The goal for this addition of Starbucks is to reactivate the space within this shopping center. It is intended to contribute positively to the community and offer service to the residents of the city of Stuart and is commercial in nature which aligns with the future land use for the site as well as the B-1 zoning.

Conclusion

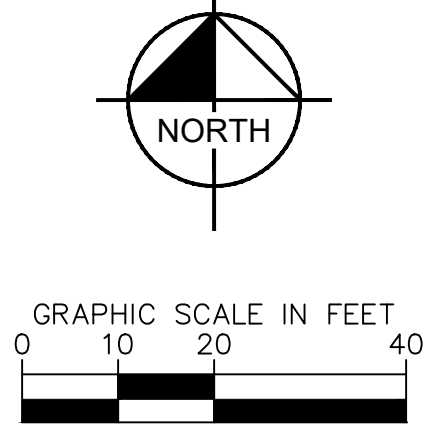
On behalf of the property owner, Kimley-Horn respectfully requests favorable review and consideration of these applications for Minor Development Plan and Conditional Use. The project manager at Kimley-Horn is Kristina Belt who can be reached at (772)794-4033 or via email at Kristina.Belt@kimley-horn.com Please contact us with any questions or for additional information in support of the requested application.

Sincerely,

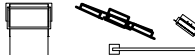
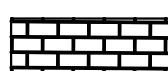
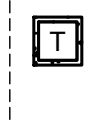
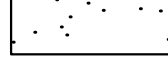
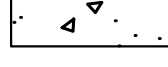
Kristina Belt, P.E.
 Project Manager
 Kimley-Horn and Associates, Inc.

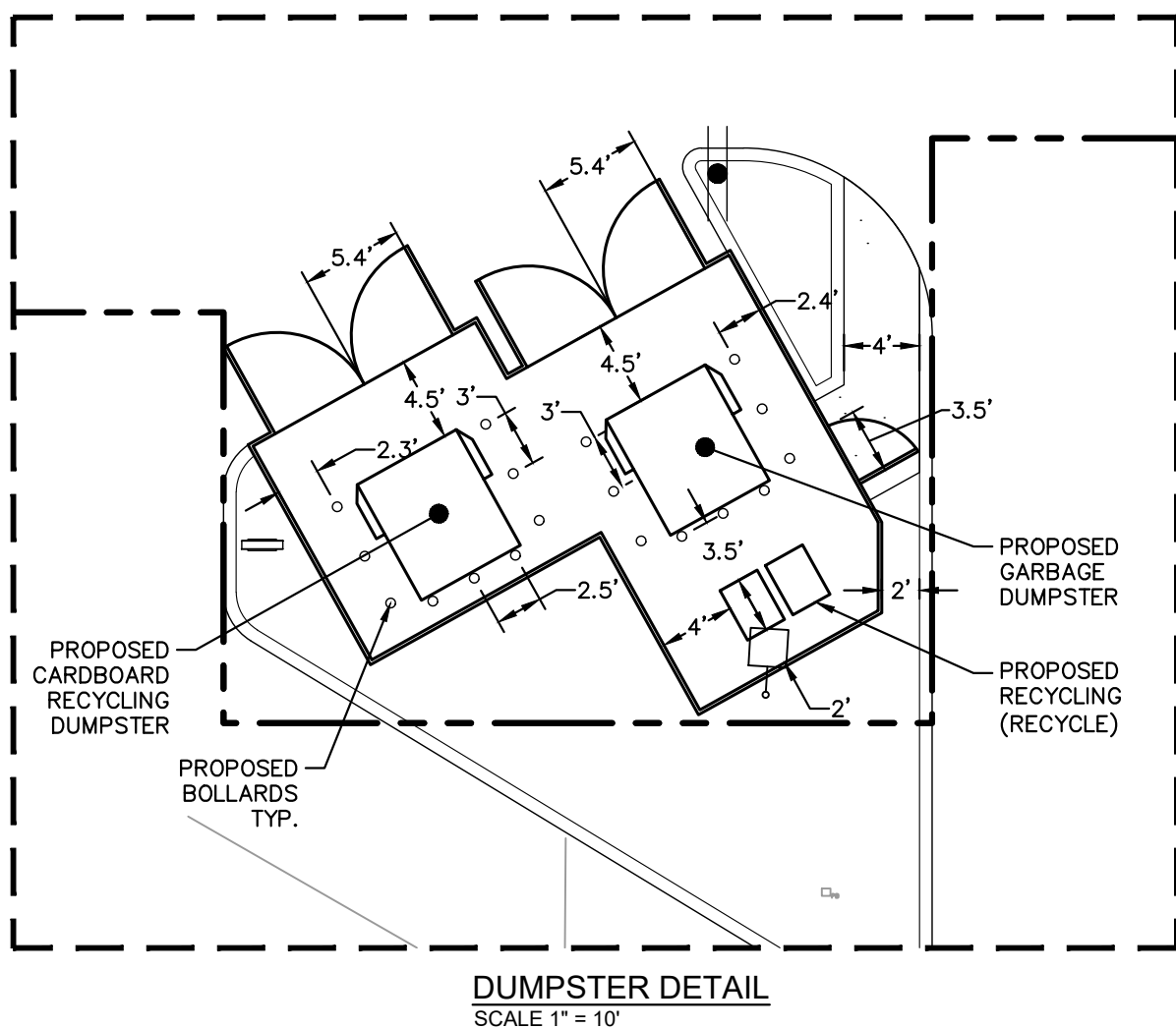
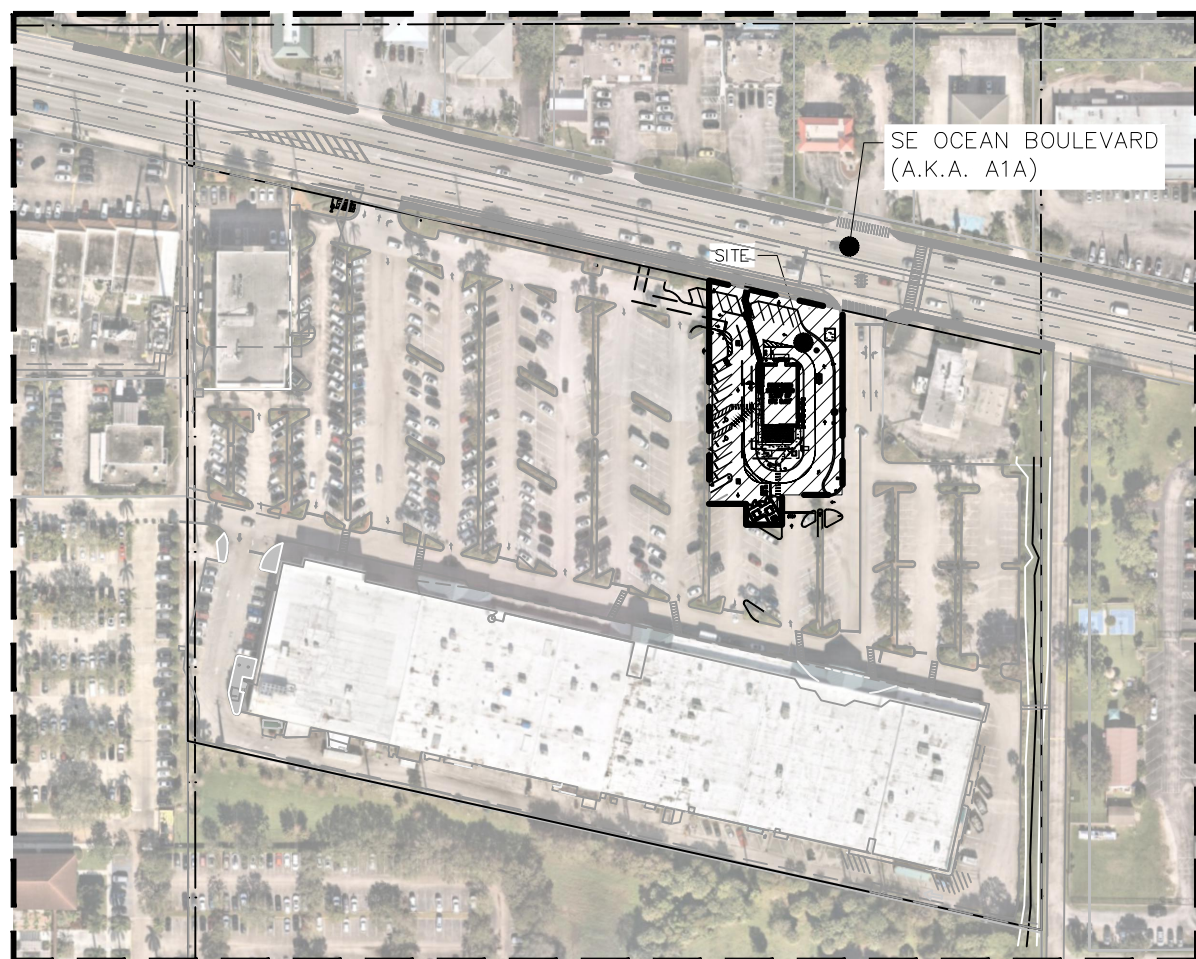


SITE DATA		SECTION 3, TOWNSHIP 38 S, RANGE 41 E	
ZONING:	B-1 LIMITED BUSINESS DISTRICT		
FUTURE LAND USE:	COMMERCIAL		
PARCEL NUMBER:	03-38-41-000-000-0010-7		
EXISTING USE:	RETAIL		
PROPOSED USE:	RESTAURANT CONVENIENCE		
SITE AREA (PARCEL A)	30,414 SF	0.698 AC	
SITE AREA (TOTAL LOT)	489,434 SF	11.24 AC	
BUILDING HEIGHT:	MAXIMUM 45' (4 STORY)	PROVIDED 18' (1 STORY)	
<u>TOTAL LOT COVERAGE:</u>	489,434 SF	PROPOSED	100%
	<u>EXISTING</u>		
PARCEL A COVERAGE	30,414 SF	30,414 SF	100%
BUILDING AREA:	NI/A	2,767 SF	9.1%
INTERVIEWS AREA:	24,340 SF	21,363 SF	70.2%
PERVIOUS AREA (ON-SITE):	6,068 SF	6,284 SF	20.6%
PERVIOUS AREA (OFF-SITE):	449 SF		
FLOOR AREA TOTAL (PARCEL A):	0.077		
PARCEL B COVERAGE	459,122.4 SF	459,122.4 SF	100%
<u>PARKING SETBACKS:</u>	<u>REQUIRED</u>	<u>PROVIDED</u>	
FRONT (NORTH)	10'	64.2'	
REAR (SOUTH)	0'	75.0'	
SIDE (WEST)	5'	55.3'	
SIDE (EAST)	5'	45.7'	
<u>PARKING SUMMARY</u>	<u>REQUIRED</u>	<u>PROVIDED</u>	
TOTAL PARKING	19	19	
ACCESSIBLE PER ADA	1	2	
PARKING RATIO	1 PER EMPLOYEE ON LARGEST SHIFT, PLUS 15 EMPLOYEE ON SHIFT = 6 EMPLOYEE SERVICE AREA = 1,300 SF		
	19 PARKING SPACES REQUIRED		



LEGEND

	PROPOSED PAVEMENT MARKINGS		PROPOSED ILLUMINATED DIRECTIONAL SIGN
	PROPOSED DRIVE-THRU EQUIP.		PROPOSED GREASE TRAP
	PROPOSED PAVEMENT MARKINGS		PROPOSED WHEEL STOP
	PROPOSED TREMRON 4X8 PAVERS, NATURAL GREY. REFER TO ARCH PLANS FOR DETAILS		PROPOSED TRANSFORMER
	PROPOSED SIDEWALK. SEE SHEET C-201		PROPOSED STORM INLETS
	PROPOSED STANDARD DUTY BLACK INTEGRAL COLOR CONCRETE. REFER TO ARCH PLANS FOR DETAILS		PROPOSED DIRECTIONAL SIGN
	PROPOSED HEAVY DUTY CONCRETE (THICKEN EDGE) SEE SHEET C-201		PROPOSED LIGHT POLE
	PROPOSED PARKING COUNT		



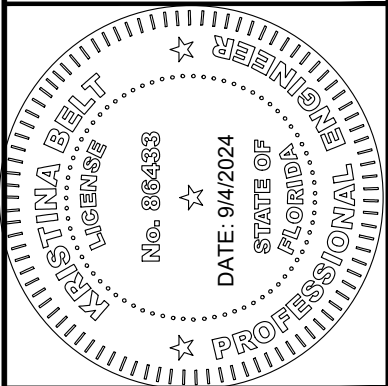
WAIVER TABLE			
	CODE SECTION	REQUIRED	PROVIDED
REQUIRED SETBACKS	LAND DEVELOPMENT CODE SECTION 3.03.02.B.1a & 3.03.02.B.1d	BUILDING PLACEMENT: THE FRONT BUILDING FACADE SHALL BE CONSTRUCTED ADJACENT TO THE STREET ALONG THE S.E. OCEAN BOULEVARD PROPERTY LINE WITH A SETBACK OF NOT LESS THAN TEN FEET. IN CASES OF CONFLICT WITH THE AMERICANS WITH DISABILITIES ACT, A GREATER CONFLICT MAY BE PERMITTED.	THE PROPOSED BUILDING FRONTAGE RUNS NORTH TO SOUTH AND FACES THE WEST LEASE LINE RATHER THAN S.E. OCEAN BOULEVARD. THIS ALLOWS ONSITE QUEUING TO BE MAXIMIZED. THE PROPOSED BUILDING IS ALSO SETBACK 364' FROM SE OCEAN BLVD TO ALLOW FOR THE ONE-WAY TRAFFIC CIRCULATION THROUGH THE SITE & COHESIVENESS OF THE PARKING THROUGHOUT THE CENTER.
		BUILDING PLACEMENT: THE WIDTH OF THE PRINCIPAL BUILDING SHALL NOT BE LESS THAN 50% OF THE LOT WIDTH.	THE PROPOSED PRINCIPAL BUILDING WIDTH IN PARCEL A IS ±27% OF THE LOT WIDTH. THE BUILDING IS POSITIONED THIS WAY DUE TO THE CONSTRAINTS OF THE LEASE LINE AND TO ALLOW FOR SITE CIRCULATION OF THE ONE-WAY TRAFFIC FLOW AND MAXIMUM ONSITE STACKING.
LOT COVERAGE REQUIREMENTS	LAND DEVELOPMENT CODE SECTION 3.03.02.B.6.a	LOT COVERAGE: NOT MORE THAN 65% OF THE BUILDING SITE MAY BE COVERED BY IMPERVIOUS SURFACE COVERAGE.	PARCEL A CURRENTLY IS AN EXISTING PARKING LOT WITH ±79% IMPERVIOUS AREA AND 21% PERVIOUS AREA. IN THE PROPOSED CONDITION, PARCEL A IS INCLUSIVE OF 9% BUILDING AREA, 70% IMPERVIOUS AREA, AND 21% PERVIOUS AREA THUS YIELDING A DEMINIMUS CHANGE. LANDSCAPE ISLANDS ARE PROPOSED WHEREVER POSSIBLE TO PROVIDE PERVIOUS SPACE AS WELL AS A COHESIVE LOOK THROUGHOUT THE CENTER.
PARKING REQUIREMENTS	LAND DEVELOPMENT CODE SECTION 3.03.02.B.2.a	PARKING: THE LESSER OF 25% OF THE PARKING AREA OR ONE ROW OF PARKING AREA MAY BE LOCATED BETWEEN THE FRONT OF THE BUILDING FACADE AND THE FRONT PROPERTY LINE. ALL OTHER PARKING SHALL BE LOCATED BEHIND THE REAR BUILDING FACADE OR AT THE SIDE PROPERTY LINES. THIS REQUIREMENT SHALL NOT APPLY TO A PROPERTY THAT ABUTS A RESIDENTIAL ZONING DISTRICT. THE PARKING AREAS SHALL BE SCREENED BY A LANDSCAPE BUFFER AS DESCRIBE IN SECTION 6.04.06, LANDSCAPING, OF THIS CODE.	±45% OF THE PROPOSED PARKING IS LOCATED AT THE FRONT OF THE PROPERTY BETWEEN THE BUILDING FACADE AND FRONT PROPERTY LINE TO ACHIEVE A COHESIVE LOOK WITH THE CENTER & MEET CITY PARKING CRITERIA. A LANDSCAPE BUFFER IS PROVIDED TO MEET CITY REQUIREMENTS TO SCREEN THE ONSITE PARKING ALONG THE SE OCEAN BOULEVARD AND DOWN THE EAST LEASE LINE.
**LANDSCAPE REQUIREMENTS	LAND DEVELOPMENT CODE SECTION 3.03.02.B.4.a.i & ii	LANDSCAPING: TREE MATERIALS PLANTED ALONG ALL STREET FACADES SHALL CONSIST OF THE FOLLOWING: I. FOR BUILDINGS WITH FRONT SETBACKS OF 10 TO 15 FEET: 50% FLOWERING TREES AND 50% PALMS. II. FOR BUILDINGS WITH FRONT SETBACKS OF 15 FEET OR GREATER: 25 PERCENT FLOWERING TREES, 25 PERCENT PALMS, AND 50 PERCENT SHADE TREES.	APPLICANT TO PROVIDE LANDSCAPE STANDARDS BASED ON THE APPROVED SETBACK FOR THE SITE. LANDSCAPE PLANS TO BE UPDATED AS NEEDED PRIOR TO MINOR DEVELOPMENT PLAN APPROVAL.

** DUE TO THE REQUESTED SETBACK DEVIATION, FINAL LANDSCAPE REQUIREMENT DETERMINATIONS WILL BE MADE WITH THE CITY'S DECISION ON THE SETBACK REQUEST.

[illegible]

Kimley»»Horn

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.
445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: 772-794-4100
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106



KHA PROJECT 147945000	DATE 03/15/2024	SCALE AS SHOWN	DESIGNED BY KSE	DRAWN BY KSE	CHECKED BY KSE
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PRELIMINARY SITE PLAN

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

CITY OF STUART
FL

SHEET NUMBER
C-101

LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED PARCEL OF LAND SITUATED IN MARTIN COUNTY, FLORIDA LYING SOUTH OF EAST OCEAN BOULEVARD. (STATE ROAD A-1-A); THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS THE WEST 440 FEET THEREOF, SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LESS PARCEL CONVEYED TO JAMES N. BRUNER, AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 110 PAGE 355, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

ALSO DESCRIBED AS FOLLOWS

BEGIN AT THE INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. ¼, S.E. ¼) OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND THE SOUTHERLY RIGHT-OF WAY LINE OF STATE RD. A-1-A (EAST OCEAN BOULEVARD), THENCE SOUTH 0°26'09" WEST, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, A DISTANCE OF 603.00 FEET, THENCE NORTH 76°51'47" WEST, A DISTANCE OF 913.60 FEET TO THE EAST LINE OF THE WEST 440.00 FEET OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. ¼, S.E. ¼) THENCE NORTH 0°37'46" EAST ALONG SAID EAST LINE A DISTANCE OF 600.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE THROUGH A-1-A; THENCE SOUTH 77°01'09" EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 910.97 FEET TO THE POINT OF BEGINNING

LESS AND EXCEPTING THE FOLLOWING DESCRIBED PARCELS:

1. BEGIN WHERE THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS THE WEST 447.50 FEET THEREOF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE RD. A1A; THENCE RUN SOUTH 0° 37'46" WEST ALONG SAID WEST LINE A DISTANCE OF 231.90 FEET, THENCE RUN SOUTH 89°22'14" EAST A DISTANCE OF 100.00 FEET, THENCE RUN NORTH 0°37'46" EAST, A DISTANCE OF 210.00 FEET TO SAID RIGHT-OF-WAY LINE THENCE RUN NORTH 77°01'09" WEST, A DISTANCE OF 102.37 FEET TO THE POINT OF BEGINNING

2. BEGIN WHERE THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD. A-1-A (EAST OCEAN BOULEVARD), THENCE SOUTH 0°28' 09" WEST ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER A DISTANCE OF 115.92 FEET THENCE NORTH 88°31'31" WEST, A DISTANCE OF 156.71 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°41'31" AND THE RADIUS OF 9.05 FEET, THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 14.17 FEET TO THE END OF SAID CURVE; THENCE NORTH 01°10'00" EAST, A DISTANCE OF 140.29 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD. A1A (EAST OCEAN BOULEVARD); THENCE SOUTH 77 ° 01'09" EAST, A DISTANCE OF 167.77 FEET TO THE POINT OF BEGINNING.

SAID LAND CONTAINING 489,434 SQUARE FEET OR 11.24 ACRES, MORE OR LESS.

PROPERTY ADDRESS: 2300 SE OCEAN BOULEVARD, STUART, FLORIDA
PARCEL ID: 03-38-41-000-000-00100-7

SAID LAND ALSO DESCRIBED AS FOLLOWS:

THAT PORTION OF THE FOLLOWING DESCRIBED PARCEL OF LAND LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST OCEAN BOULEVARD (STATE ROAD A-1-A); THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LESS THE WEST 440 FEET THEREOF, AND LESS THE PARCEL CONVEYED TO JAMES N. BRUNER, AS SET FORTH IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 110 PAGE 355, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCE AT THE INTERSECTION WITH THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. ¼, S.E. ¼) OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND THE SOUTHERLY RIGHT-OF WAY LINE OF STATE ROAD A-1-A (EAST OCEAN BOULEVARD), THENCE SOUTH 00°10'03" WEST, ALONG THE EAST LINE OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, A DISTANCE OF 115.92 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID EAST LINE SOUTH 01°10'03" WEST, A DISTANCE OF 483.81 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A PARCEL CONVEYED TO JAMES N. BRUNER IN OFFICIAL RECORD BOOK 110, PAGE 355, THENCE NORTH 77°18'17" WEST ALONG SAID NORTH LINE A DISTANCE OF 910.72 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 440.00 FEET OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. ¼ OF THE S.E. ¼) OF SAID SECTION 3, THENCE NORTH 00°07'58" EAST ALONG SAID EAST LINE A DISTANCE OF 600.00 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD A-1-A; THENCE SOUTH 77°17'31" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 7.68 FEET TO THE EAST LINE OF THE WEST 447.50 FEET OF SAID NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (N.E. ¼ OF THE S.E. ¼) OF SAID SECTION 3; THENCE SOUTH 00°07'58" WEST ALONG SAID LINE, A DISTANCE OF 231.90 FEET TO A POINT; THENCE SOUTH 89°38'42" EAST A DISTANCE OF 100.00 FEET; THENCE NORTH 00°06'35" EAST A DISTANCE OF 210.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID STATE ROAD A-1-A; THENCE SOUTH 77°17'31" EAST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 633.31 FEET TO A POINT THENCE SOUTH 00°54'08" WEST A DISTANCE OF 140.31 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°41'31" AND THE RADIUS OF 9.05 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 14.17 FEET TO THE END OF SAID CURVE; THENCE SOUTH 88°46'46" EAST, A DISTANCE OF 156.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 489,434 SQUARE FEET OR 11.24 ACRES, MORE OR LESS.

PROPERTY ADDRESS: 2300 SE OCEAN BOULEVARD, STUART, FLORIDA
PARCEL ID: 03-38-41-000-000-00100-7

ABBREVIATIONS

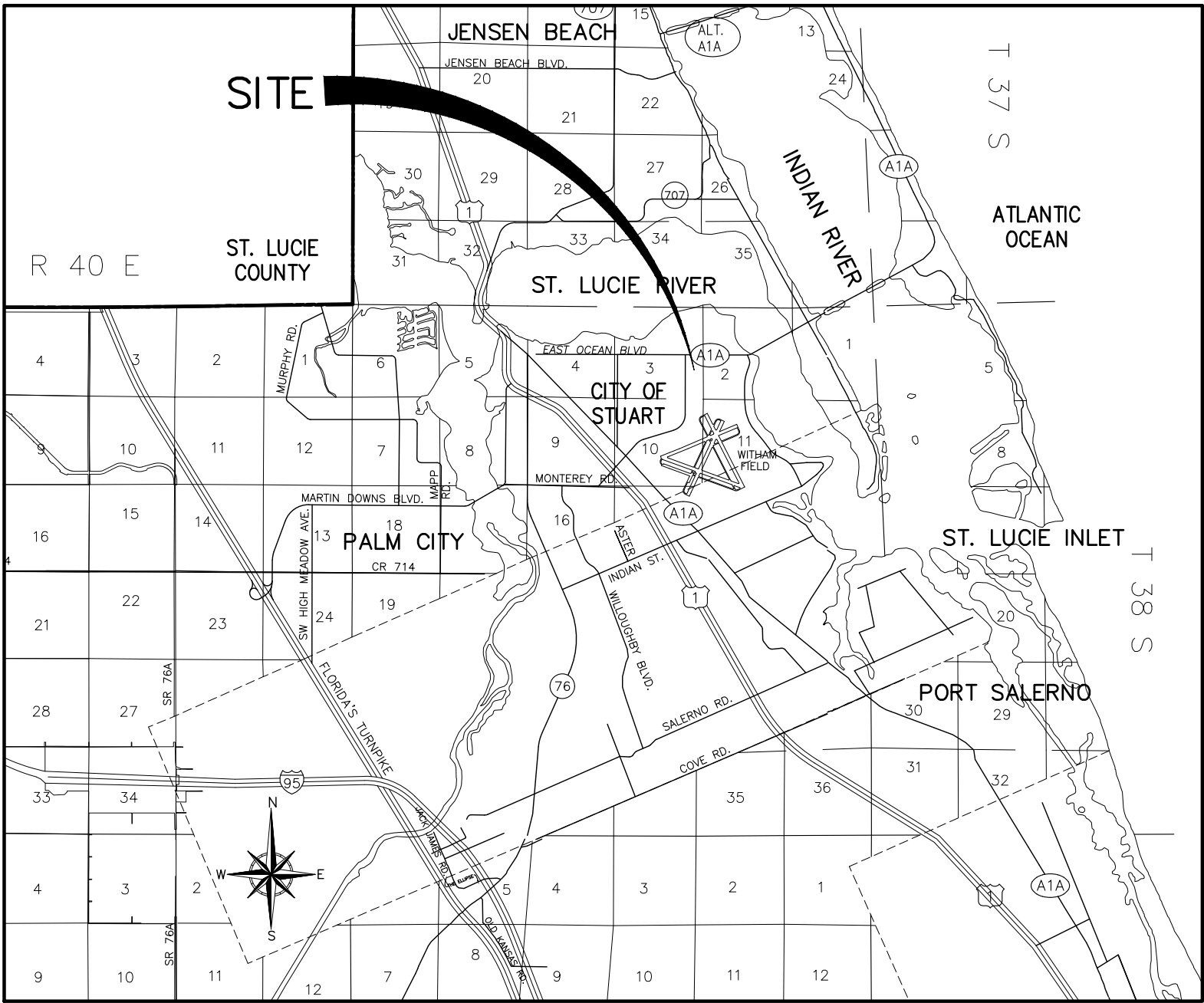
BL	BETSY LINDSAY, INC.
Δ	CENTRAL (DELTA) ANGLE
(C)	COMPUTED
(D)	PER DEED
CB	CHORD BEARING
CBS	CONCRETE BLOCK STRUCTURE
CD	CHORD DISTANCE
CM	CONCRETE MONUMENT
CMP	CORRUGATED METAL PIPE
CONC.	CONCRETE
EL.	ELEVATION
FND.	FOUND
HDPE	HIGH DENSITY POLYETHYLENE
INV.	INVERT
IR&C	IRON ROD & CAP
L	LENGTH
LB	LICENSED BUSINESS
M.B.	MAP BOOK
MNW	MAG NAIL & WASHER
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
PK	PARKER KALON NAIL
P.L.S.	PROFESSIONAL LAND SURVEYOR
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER
PVC	POLY VINYL CHLORIDE
R	RADIUS
RCP	REINFORCED CONCRETE PIPE

SYMBOL LEGEND

× 15.25	FIELD LOCATED POINT WITH ELEVATION (HARD SURFACES)
× 15.2	FIELD LOCATED POINT WITH ELEVATION (SOFT SURFACES)
⊗	PINE TREE
⊙	OAK TREE
✱	PALM TREE
⊙	SANITARY MANHOLE
■	CATCH BASIN
○	BOLLARD
⊙	GREASE MANHOLE
+	SIGN
✱	CONCRETE LIGHT POLE
⊙	TELEPHONE RISER
⊙	FIBER OPTIC RISER
✱	GATE VALVE
✱	IRRIGATION CONTROL VALVE
⊙	FIRE HYDRANT
⊙	WATER METER
⊙	WOOD POLE
⊙	WELL
⊙	FIRE DEPARTMENT CONNECTION

BURIED UTILITY LINETYPE LEGEND

— FM —	BURIED FORCE MAIN LINE
— SS —	BURIED SANITARY SEWER LINE
— EE —	BURIED ELECTRIC LINE
— FO —	BURIED FIBER OPTIC CABLE LINE
— TT —	BURIED TRAFFIC SIGNAL LINE
— WM —	BURIED WATER LINE
— UN —	BURIED LINE UNKNOWN UTILITY LINE



LOCATION MAP
(NOT TO SCALE)

SURVEYOR'S NOTES

- BEARINGS, COORDINATES AND DISTANCES AS SHOWN HEREON ARE REFERENCED TO GRID NORTH, BASED ON STATE PLANE COORDINATES, U.S. SURVEY FEET, NORTH AMERICAN DATUM OF 1983/2011 (N.A.D. 83/11), FLORIDA EAST ZONE, REFERENCE A BEARING OF S89°56'50"E ALONG THE NORTH LINE OF THE SOUTH EAST QUARTER OF SECTION 3, TOWNSHIP 38 SOUTH, RANGE 41 EAST.
- ELEVATIONS AS SHOWN HEREON REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88), REFERENCE NATIONAL GEODETIC SURVEY MARTIN COUNTY BENCHMARK "GCY D13", ELEVATION = 14.84 FEET AND "V 517", ELEVATION = 7.27'. THE TEMPORARY BENCHMARKS AS SHOWN ON THIS SURVEY ARE BASED ON A CLOSED LEVEL LOOP, WITH A VERTICAL CLOSURE OF 0.00. ELEVATIONS AS SHOWN HAVE BEEN MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 0.05 FEET.
- THIS SURVEY IS BASED ON A CLOSED GEOMETRIC FIGURE EXCEEDING A HORIZONTAL CLOSURE OF 1:10,000.
- THERE WAS NO ATTEMPT TO LOCATE ANY SUBSURFACE FOUNDATIONS.
- NO UNDERGROUND UTILITIES WERE LOCATED OR SHOWN HEREON.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR UNLESS DIGITALLY SIGNED.
- THIS SURVEY WAS DONE IN THE FIELD UTILIZING GLOBAL POSITIONING SYSTEM (G.P.S.) WITH REAL TIME KINEMATIC (R.T.K.) ALL DISTANCES GIVEN ARE GRID DISTANCES. THE SCALE FACTOR IS 1.00001252
- THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONE X, REFERENCE FEMA MAP COMMUNITY NO. 120165, PANEL 0153, SUFFIX H, EFFECTIVE DATE FEBRUARY 19, 2020. NO SEARCH FOR MAP MODIFICATIONS HAS BEEN DONE BY THIS SURVEYOR.
- LAST DATE OF FIELD DATA ACQUISITION WAS CARRIED OUT ON JULY 25, 2024.
- THIS SURVEY WAS DONE WITH THE BENEFIT OF A TITLE COMMITMENT CARRIED OUT BY FIRST AMERICAN TITLE INSURANCE COMPANY; REFERENCE CUSTOMER REFERENCE NUMBER: 2300 SE OCEAN BLVD; REFERENCE FIRST AMERICAN FILE NUMBER: 1082-6239328; DATED OCTOBER 25, 2022 AT 8:37 A.M.. REFERENCE THE FOLLOWING EXCEPTIONS IN SCHEDULE B:
 - Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
 - Easement for ingress and egress as set forth in Deed(s) recorded in Book 110, page 353 and Official Records Book 110, page 355 of the public records of Martin County, Florida.
 - Easement(s) granted to Florida Power & Light Company, recorded in Book 333, page 304, of the Public Records of Martin County, Florida. (RESPONSE: AFFECTS PARCEL, SHOWN ON SURVEY)
 - Easement(s) granted to Florida Power & Light Company, recorded in Book 333, page 306, of the Public Records of Martin County, Florida. (RESPONSE: DEED NOT SUPPLIED)
 - Easement(s) granted to Florida Power & Light Company, recorded in Book 334, page 1675, of the Public Records of Martin County, Florida. (RESPONSE: DEED NOT SUPPLIED)
 - Right of Way Easement(s) granted to Southern Bell Telephone & Telegraph Company, recorded in Book 336, page 489, of the Public Records of Martin County, Florida. (RESPONSE: DEED NOT SUPPLIED)
 - Agreement with Standard Oil Company, a Division of Chevron Oil Company, recorded in Book 338, page 548 of the public records of Martin County, Florida. (RESPONSE: DEED NOT SUPPLIED)
 - Boundary Adjustment and Exchange of Quit Claim Deeds recorded in Book 723, page 983 of the public records of Martin County, Florida. (RESPONSE: DEED NOT SUPPLIED)
 - Easement Agreement recorded in Book 723, Page 1007, as amended under Amendment to Easement Agreement recorded in Book 2312, Page 1069, of the public records of Martin County, Florida. (RESPONSE: AFFECTS PARCEL, SHOWN ON SURVEY)
 - Utility Easement recorded in Book 1194, page 420 and corrected by Utility Easement recorded in Book 1243, page 2132 of the public records of Martin County, Florida. (RESPONSE: AFFECTS PARCEL, SHOWN ON SURVEY)
 - Easement(s) granted to Florida Power & Light Company, recorded in Book 1555, page 2915, of the Public Records of Martin County, Florida. (RESPONSE: AFFECTS PARCEL, SHOWN ON SURVEY)
 - Easement(s) granted to Florida Power & Light Company, recorded in Book 2312, Page 1079. (RESPONSE: AFFECTS PARCEL, SHOWN ON SURVEY)
 - Resolution No. 67-2012 granting special exception for the construction of 120 foot tall Stealth Telecommunications Tower within B-2 Zoning District recorded in Book 2603, Page 1004. (RESPONSE: DOES NOT AFFECT PARCEL, SHOWN ON SURVEY)
 - Rights of tenants, as tenants only, under those certain lease agreements set forth on Exhibit B attached hereto.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE "BOUNDARY SURVEY" AS SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CHARGE ON JANUARY 31, 2024 THROUGH JULY 25, 2024 AND SAID "BOUNDARY SURVEY" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THIS "BOUNDARY SURVEY" COMPLIES WITH THE STANDARDS OF PRACTICE FOR "BOUNDARY SURVEY" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY
A DIVISION OF HALEY WARD, INC.

Elizabeth A. Lindsay
Date: 2024.07.26
13:32:22 -04'00'

ELIZABETH A. LINDSAY, P.L.S. NOT VALID WITHOUT THE ORIGINAL SIGNATURE
FLORIDA REGISTRATION NO. 4724 AND SEAL OF A FLORIDA LICENSED SURVEYOR
AND MAPPER UNLESS DIGITALLY SIGNED

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ELIZABETH A. LINDSAY, P.L.S. 4724 ON JULY 26, 2024



EAST OCEAN MALL
MARTIN COUNTY, FLORIDA

BOUNDARY SURVEY
KIMLEY HORN

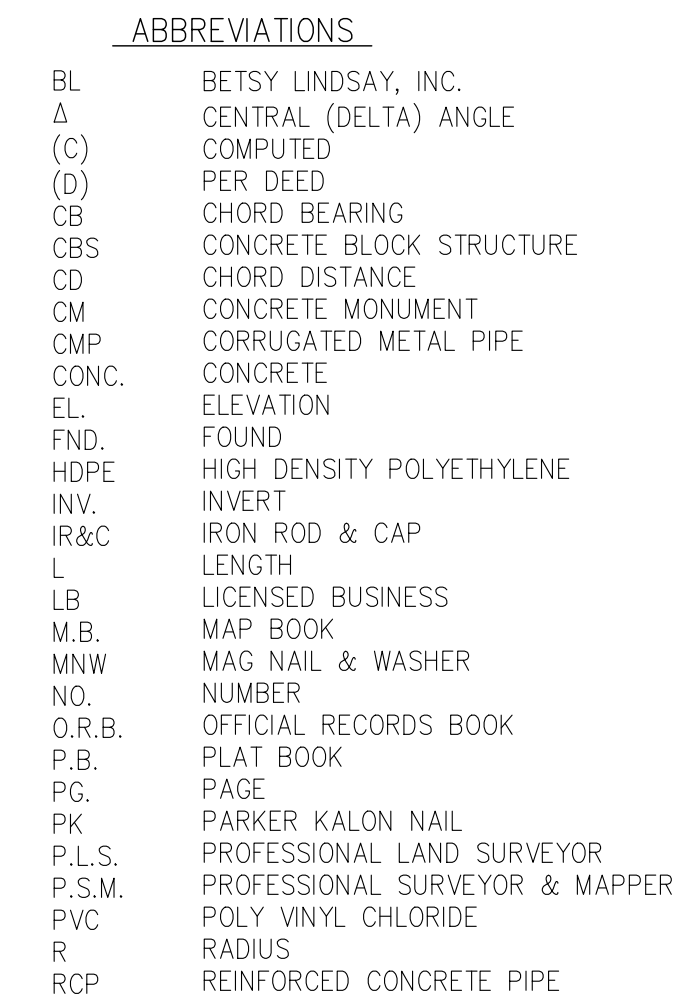
SHEET NO. 1
OF 6 SHEETS
PROJECT NO.
2011799_24-07

BETSY LINDSAY
A DIVISION OF HALEY WARD, INC.

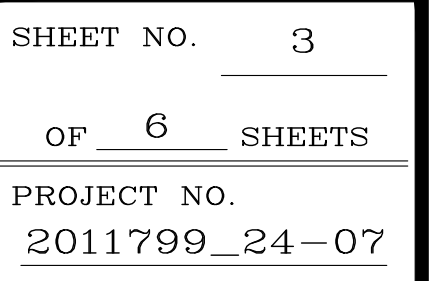
7997 SW JACK JAMES DRIVE
STUART, FLORIDA 34997
(772)286-5763 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

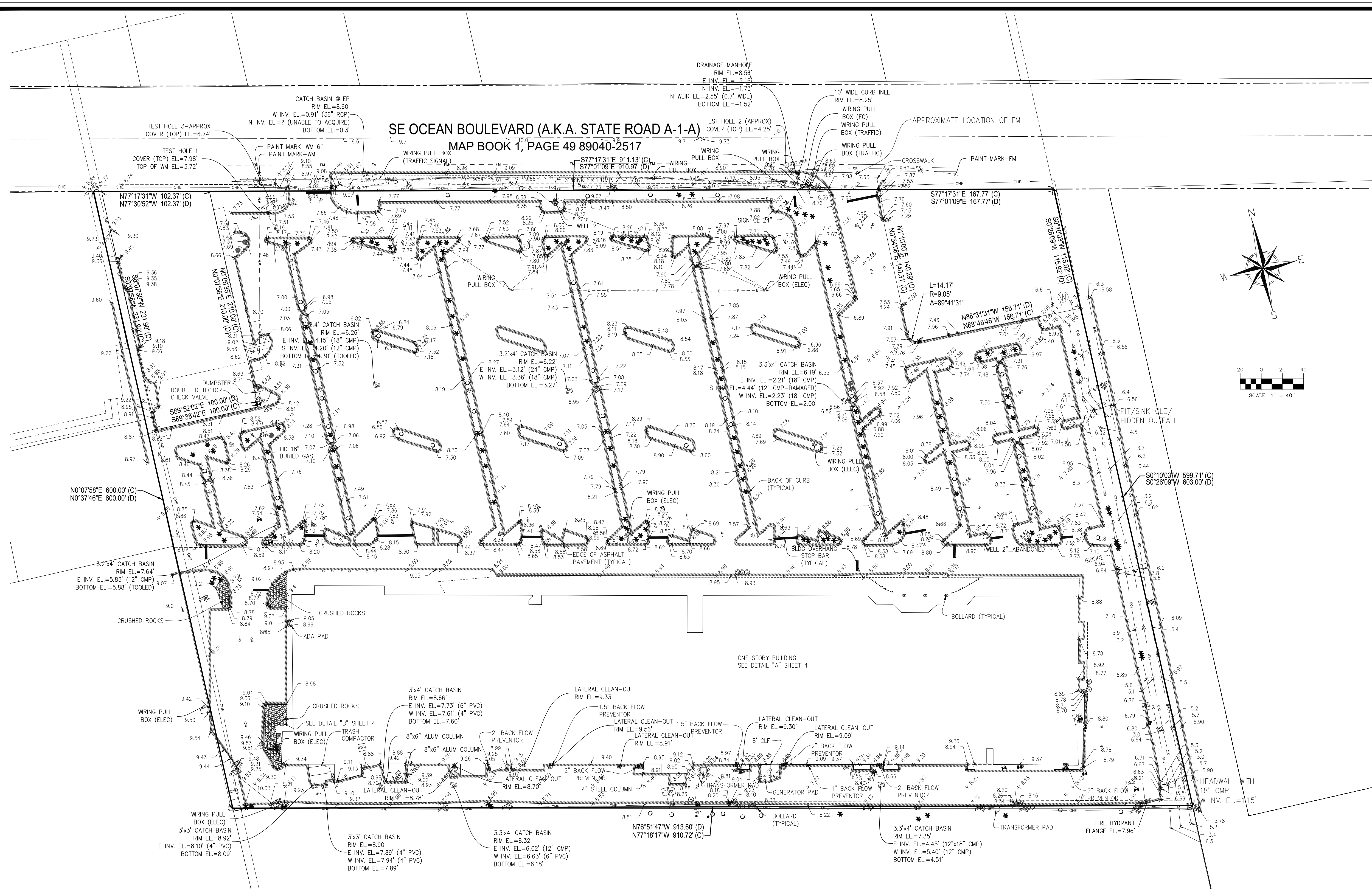
DATE	REVISIONS
04/19/2024	ADD UNDERGROUND UTILITY LINES
05/28/2024	ADD TEST HOLES PER INFRAMP
07/25/2024	ADD ROAD CROWN ELEV.

DATE 01/31/2024
SCALE AS SHOWN
FIELD BK. MC 69
DRAWN BY C.R.
CHECKED BY E.A.L.



SHEET NO. 2
OF 6 SHEETS
PROJECT NO.
2011799_24-07





BBETSY LINDSAY
A DIVISION OF HALEY WARD, INC.

7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

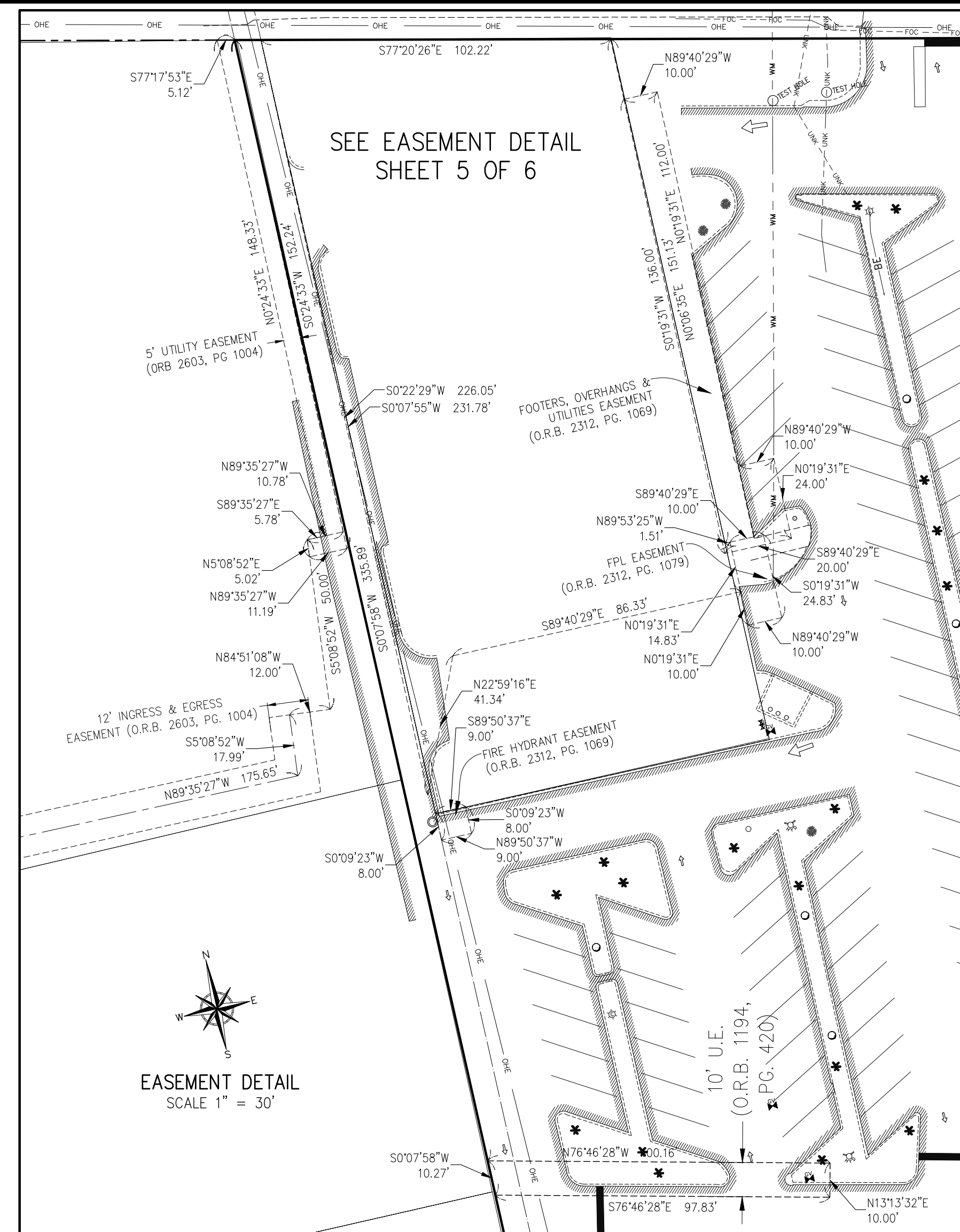
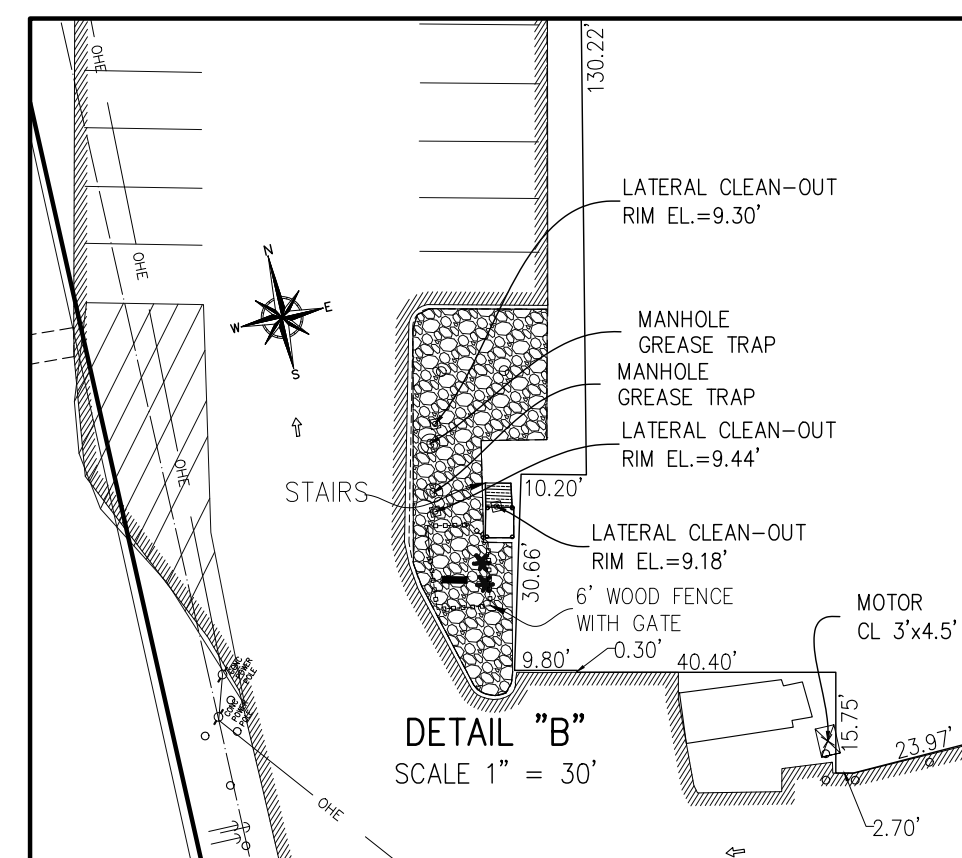
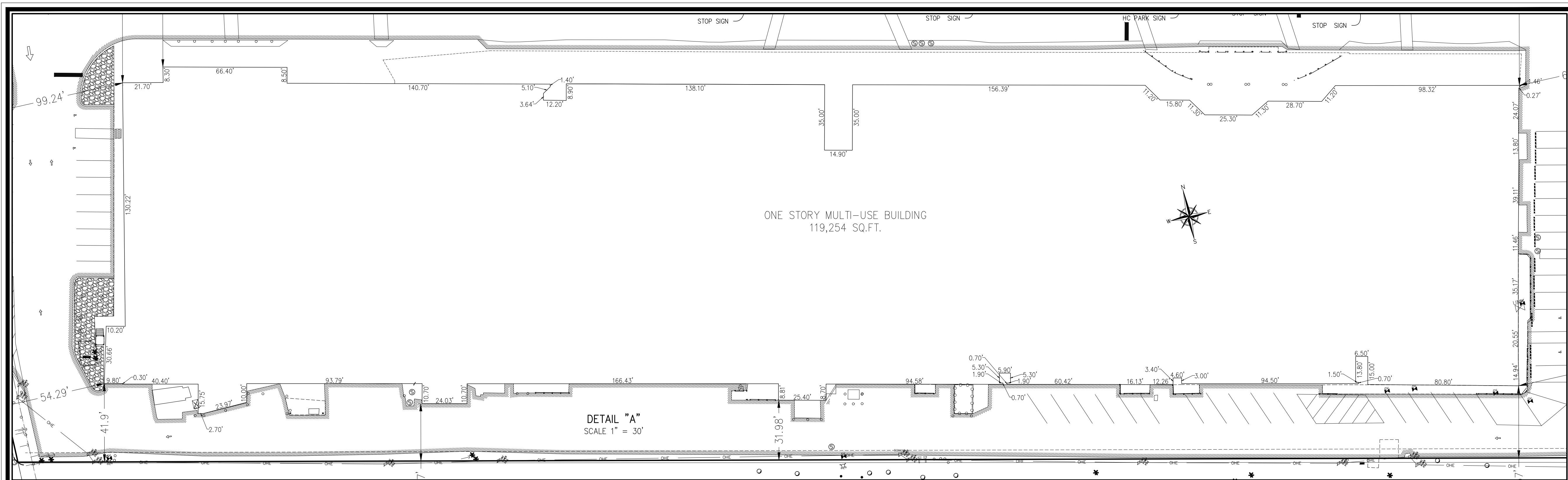
DATE	REVISIONS
04/19/2024	ADD UNDERGROUND UTILITY LINES
05/28/2024	ADD TEST HOLES PER INFRAMAP
07/25/2024	ADD ROAD CROWN ELEVATIONS

DATE 01/31/2024
SCALE 1"=50'
FIELD BK. MC 69
DRAWN BY C.R.
CHECKED BY E.A.L.

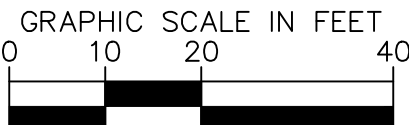
EAST OCEAN MALL
MARTIN COUNTY, FLORIDA

BOUNDARY SURVEY
KIMLEY HORN

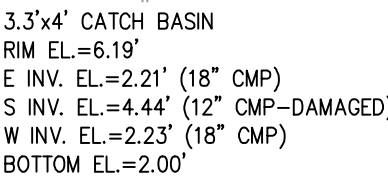
SHEET NO. 4
OF 6 SHEETS
PROJECT NO.
2011799_24-07



- A. ALL LANDSCAPE AREAS NOT COVERED BY SOIL SHALL BE COVERED BY A MINIMUM 3-INCH LAYER OF SHREDDED HARDWOOD MULCH.
- B. A MULCH RING WITH A MINIMUM RADIUS OF 24 INCHES (48 INCH DIAMETER), IS REQUIRED AROUND NEWLY INSTALLED TREES AND PALMS.
- C. CYPRESS MULCH SHALL NOT BE USED.
- D. NO MULCH SHALL BE PLACED TOUCHING OR WITHIN SIX INCHES OF THE TRUNK OF A TREE OR PALM.



Know what's below.
Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC. 

CITY OF STUART

SHEET NUMBER
L-200

Δ	SITE PLAN MODIFICATIONS	06/25/2024	TCL
No.	REVISIONS	DATE	BY

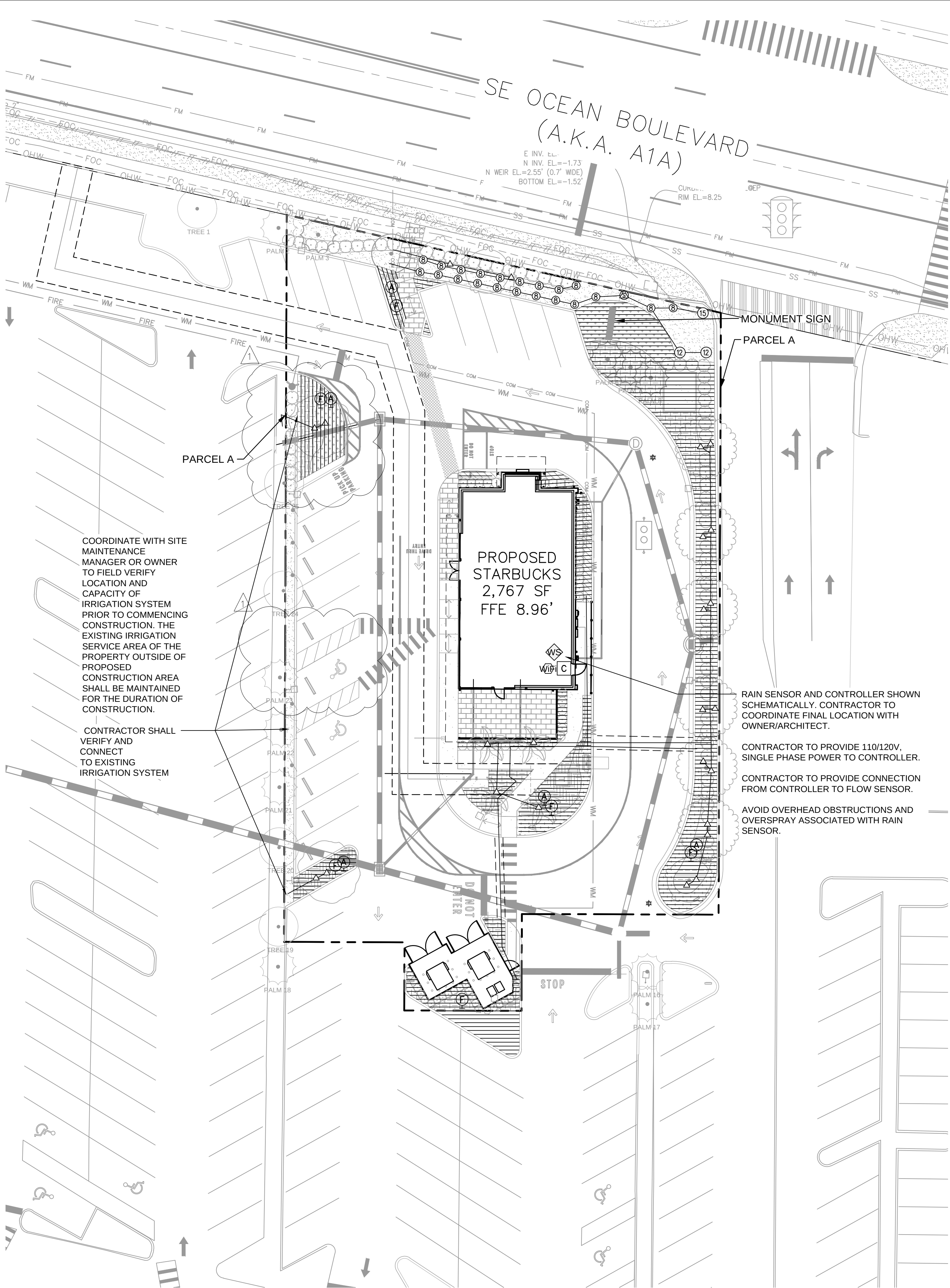
Plotted By: Durham, Kyle Sheet Set: OCEAN EAST STARBUCKS Layout: IRRIGATION PLAN August 09, 2024 09:46:43am \\kimley-horn.com\li\vrp\VRB-LDEV\Ocean east capital partners\CAD\plansheets\L-300 IRRIGATION PLAN.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

CALL 48 HOURS
BEFORE YOU DIG

IT'S THE LAW!
DIAL 811


Know what's below.
Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

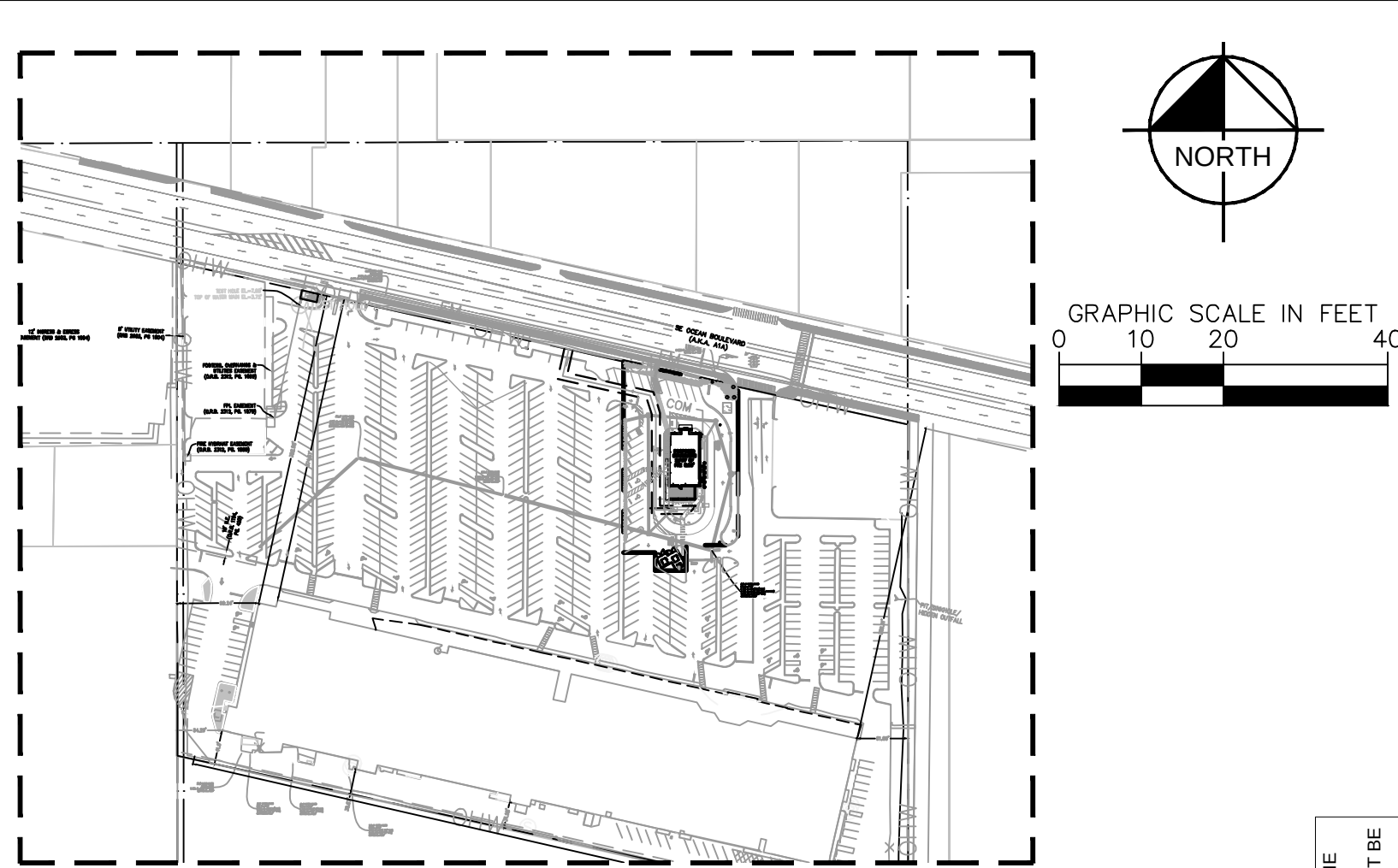


RAIN SENSOR AND CONTROLLER SHOWN SCHEMATICALLY. CONTRACTOR TO COORDINATE FINAL LOCATION WITH OWNER/ARCHITECT.

CONTRACTOR TO PROVIDE 110/120V, SINGLE PHASE POWER TO CONTROLLER.

CONTRACTOR TO PROVIDE CONNECTION FROM CONTROLLER TO FLOW SENSOR.

AVOID OVERHEAD OBSTRUCTIONS AND OVERSPRAY ASSOCIATED WITH RAIN SENSOR.



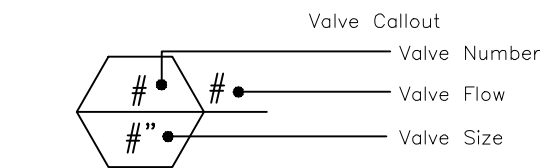
VICINITY MAP:
NTS

IRRIGATION SCHEDULE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY	PSI
	RAIN BIRD 1804-U-PRS 15 STRIP SERIES TURF SPRAY 4IN. POP-UP SPRINKLER WITH CO-MOLDED WIPER SEAL. 1/2IN. NPT FEMALE THREADED INLET. PRESSURE REGULATING.	1	30
	RAIN BIRD 1804-U-PRS HE-VAN SERIES TURF SPRAY 4IN. POP-UP SPRINKLER WITH CO-MOLDED WIPER SEAL. 1/2IN. NPT FEMALE THREADED INLET. PRESSURE REGULATING.	24	30
	RAIN BIRD 1800-1400 FLOOD FIXED FLOW RATE 0.25 GPM - 2.0 GPM, FULL CIRCLE BUBBLER, 1/2IN. FIP.	24	20

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY
	RAIN BIRD XC2-100-LC WIDE FLOW DRIP CONTROL KIT, FOR LIGHT COMMERCIAL USES. 1IN. PEB VALVE. WITH 1IN. PRESSURE REGULATING 40PSI BASKET FILTER. 0.3-20 GPM.	4
	RAIN BIRD MDPCAP DRIPLINE FLUSH VALVE CAP IN COMPRESSION FITTING COUPLER.	6
	RAIN BIRD ARV050 1/2IN. AIR RELIEF VALVE. MADE OF QUALITY RUST-PROOF MATERIALS. WITH A 6IN. DRIP VALVE BOX (SEB 7XB EMITTER BOX). USE WITH INSTALLATION BELOW SOIL. THE VALVE WILL ALLOW AIR TO ESCAPE THE PIPELINE, THUS PREVENTING WATER HAMMER OR BLOCKAGE.	5
	AREA TO RECEIVE DRIPLINE RAIN BIRD XFD-09-1B XFD ON-SURFACE PRESSURE COMPENSATING LANDSCAPE DRIPLINE. 0.9 3.017 L.F. GPH EMITTERS AT 18" O.C. DRIPLINE LATERALS SPACED AT 18" APART. WITH EMITTERS OFFSET FOR TRIANGULAR PATTERN. UV RESISTANT. SPECIFY XF INSERT FITTINGS.	

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY
	RAIN BIRD PEB 1IN., 1-1/2IN., 2IN., 3IN. PLASTIC INDUSTRIAL REMOTE CONTROL VALVE. LOW FLOW OPERATING CAPABILITY, GLOBE CONFIGURATION.	2
	RAIN BIRD ESPLXME2-LXMMSS 12 STATION TRADITIONALLY-WIRED, COMMERCIAL CONTROLLER. INDOOR/OUTDOOR, PLASTIC WALL-MOUNT ENCLOSURE. INSTALL IN LXMMSS STAINLESS STEEL CABINET.	1
	RAIN BIRD LNK2WiFi UPGRADES CONTROLLERS (ESP-M, ESP-RZKE, ST8) TO HAVE WEATHER DATA FOR ET-BASED ADJUSTMENTS (WATERSENSE APPROVED) & WIFI CAPABILITIES.	1
	RAIN BIRD WS-PRO2-PHS MAXICOM2, SITECONTROL, IQ, OR WEATHER REACH SERVER. COLLECTS AND STORES WEATHER DATA FROM FIELD LOCATIONS. PHONE CONNECT, SOLAR POWER MODEL. DIAL UP PHONE MODEM FOR PHONE COMMUNICATION WITH CENTRAL CONTROLLER. SOLAR POWERED.	1
	IRRIGATION LATERAL LINE: PVC CLASS 200 SDR 21 +/- 712.2 L.F.	
	PIPE SLEEVE: PVC SCHEDULE 40 AS SHOWN	



IRRIGATION CONNECTIONS TO EXISTING SYSTEM:

- THE IRRIGATION CONTRACTOR SHALL SECURE ANY AND ALL NECESSARY PERMITS FOR THE WORK PRIOR TO COMMENCEMENT OF HIS OPERATIONS ON-SITE. COPIES OF THE PERMITS SHALL BE SENT TO THE OWNER/GENERAL CONTRACTOR.
- CONTRACTOR SHALL COORDINATE WITH PROPERTY OWNER FOR OPERATING PARAMETERS OF THE EXISTING SYSTEM.
- CONTRACTOR SHALL VERIFY CONTROLLER AND MAINLINE POINT OF CONNECTION AT PROJECT SITE WITH PROPERTY OWNER.
- COORDINATE WITH PLANTING PLAN FOR PLANTER BED LOCATIONS AND TREE LOCATIONS.
- ALL WIRING SHALL BE OF DIRECT BURIAL COPPER WIRE.
- SPRAY HEADS, BUBBLERS, AND LATERALS SHOWN TO EXPRESS THE DESIGN INTENT TO PROVIDE 100% HEAD-TO-HEAD COVERAGE FOR ALL PROPOSED PLANTING AREAS. NEW IRRIGATION SPRAY HEADS AND BUBBLERS ARE TO BE INSTALLED TO SERVE PROPOSED PLANTINGS. AMENDING AN EXISTING NO-SITE IRRIGATION SYSTEM. CONTRACTOR SHALL MAKE ADJUSTMENTS TO THE DESIGN INTENT LAYOUT TO CONNECT TO THE EXISTING SYSTEM. IT IS ASSUMED THAT THE CONTRACTOR MAY NEED TO INSTALL ADDITIONAL LATERALS, SLEEVES, EXTEND MAINLINE, OR ADD CONTROL VALVES AND WIRING TO ACCOMMODATE THE IRRIGATION SYSTEM AMENDMENTS.
- VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF IRRIGATION SYSTEM. ALL UTILITIES AND STRUCTURES MAY NOT BE SHOWN ON THESE PLANS-CONTRACTOR SHALL VERIFY THEIR LOCATION.
- ALL PRESSURE MAINLINES UNDER ASPHALT PAVEMENT SHALL BE PLACED WITHIN SLEEVES AS NOTED. WHERE ELECTRIC VALVE CONTROL LINES PASS THROUGH A SLEEVE WITH OTHER MAIN OR LATERAL LINES THEY SHALL BE CONTAINED WITHIN A SEPARATE, SMALLER CONDUIT. ALL SLEEVES SHALL BE SIZED TWO PIPE SIZES GREATER THAN PIPE IT CARRIES.
- CONTRACTOR SHALL PROVIDE "AS-BUILT" DRAWINGS OF THE FINAL INSTALLATION TO OWNER AT SUBSTANTIAL COMPLETION BEFORE RECEIVING FINAL PAYMENT. ALL SLEEVES UTILIZED BY THE IRRIGATION CONTRACTOR, WHETHER INSTALLED BY HIM OR NOT, SHALL BE LOCATED ON THE "AS-BUILT" DRAWINGS. THE DEPTH BELOW FINISH GRADE, TO THE NEAREST FOOT OF EACH END OF EACH SLEEVE SHALL BE NOTED AT EACH SLEEVE LOCATION ON THE "AS-BUILT" DRAWINGS.

IRRIGATION DESIGN NOTES:

- INSTALLATION WORK SHALL BE COORDINATED WITH OTHER CONTRACTORS IN SUCH A MANNER AS TO ALLOW FOR SPEEDY AND ORDERLY COMPLETION OF ALL WORK ON THE SITE.
- ALL PROPOSED TREES AND SHRUBS SHALL BE IRRIGATED BY A 100% AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- IRRIGATION SYSTEM SHALL BE CAPABLE OF SUPPLYING AN AVERAGE OF 1" OF WATER PER WEEK WITHIN WATERING RESTRICTIONS AS APPLICABLE.
- IRRIGATION SYSTEM SHALL NOT BE INSTALLED THROUGH EXISTING, OR PRESERVED PLANT COMMUNITIES.
- IRRIGATION SPRINKLER ZONES SHALL BE SEPARATED FOR HIGH AND LOW WATER REQUIREMENTS AND OPERATING ON DIFFERENT WATERING CYCLES.
- IRRIGATION OVERTHROW TO IMPERVIOUS AND NATURAL AREAS SHALL BE MINIMIZED.
- A RAIN SENSOR SHALL BE INSTALLED WITH THE IRRIGATION CONTROL SYSTEM, INSTALLED AT A LOCATION TO BE COORDINATED WITH OWNER.
- IRRIGATED AREAS SHALL BE FULLY IRRIGATED WITH SPRAY HEADS & ROTORS SPACED TO PROVIDE 100% HEAD TO HEAD COVERAGE. ALL PROPOSED TREES AND PALMS SHALL BE IRRIGATED WITH TREE BUBBLERS.
- THIS PLAN DEPICTS DESIGN INTENT ONLY FOR AMENDING AN EXISTING IRRIGATION SYSTEM AND ITS SOLE PURPOSE IS TO PROVIDE GUIDANCE FOR IRRIGATION IMPROVEMENTS REQUIRED TO SERVE PROPOSED PLANTINGS. THE SELECTED CONTRACTOR IS REQUIRED TO PROVIDE AN IRRIGATION DESIGN, AS REQUIRED BY THE PERMIT AGENCY. CONTRACTOR'S IRRIGATION DESIGN TO BE REVIEWED AND APPROVED BY THE OWNER PRIOR TO SUBMITTING FOR AN IRRIGATION SYSTEM CONSTRUCTION PERMIT.
- POINT OF CONNECTION TO BE DETERMINED BY IRRIGATION CONTRACTOR AND VERIFIED WITH THE LANDSCAPE ARCHITECT. IRRIGATION SYSTEM CONNECTIONS TO THE CITY OR COUNTY SERVICE SHALL COMPLY WITH ALL APPLICABLE CODES.
- IRRIGATION SYSTEM CONNECTION TO POTABLE WATER SUPPLY WILL REQUIRE A DEDICATED IRRIGATION METER AND BACKFLOW PREVENTER. IRRIGATION CONTRACTOR RESPONSIBLE FOR ASSOCIATED PERMITTING AND FEES.

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

CITY OF STUART

SHEET NUMBER
L-300

Kimley»Horn

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.
445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: 772-794-4100
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

KHA PROJECT
147945000

DATE
03/15/2024

SCALE AS SHOWN

DESIGNED BY KD

DRAWN BY KD

CHECKED BY BVU

FL

IRRIGATION PLAN

06/25/2024

TCL

SITE PLAN MODIFICATIONS

REVISIONS

DATE

BY

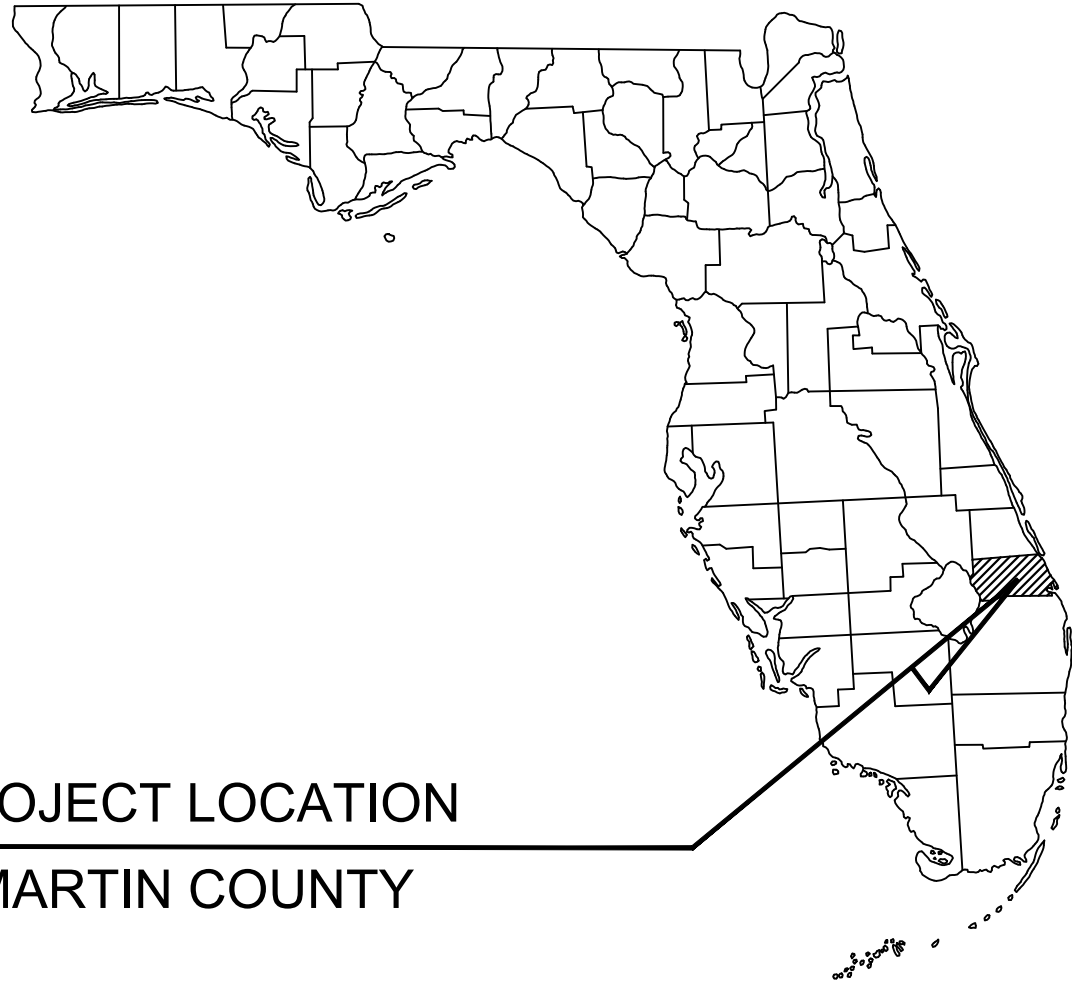
DEVELOPMENT PLANS

OCEAN'S EAST STARBUCKS

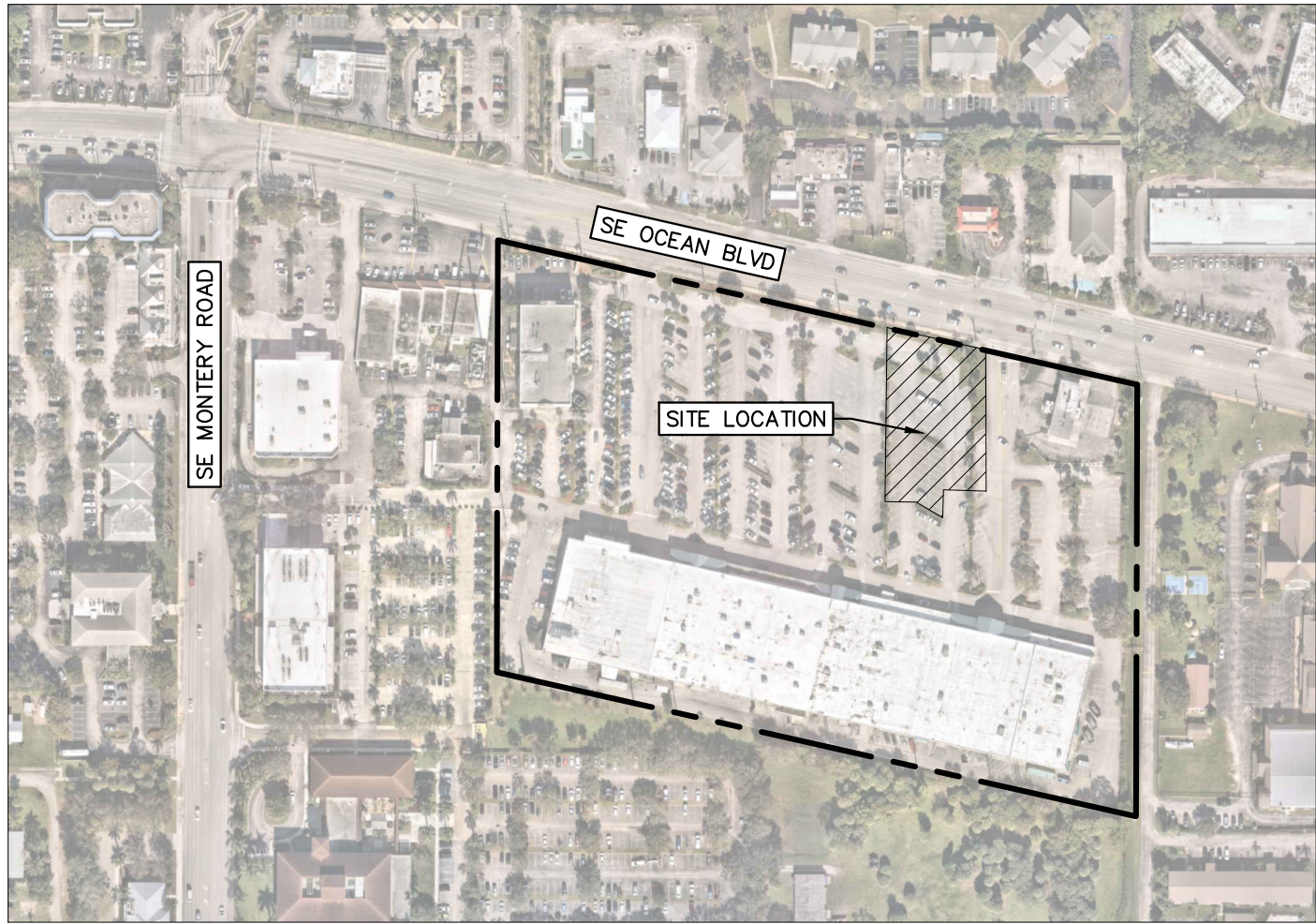
2300 SE OCEAN BLVD, CITY OF STUART, FLORIDA 34994

GOVERNMENT/UTILITY CONTACTS

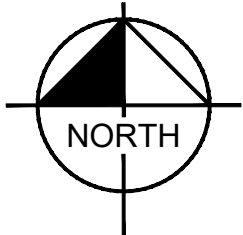
FIRE DEPARTMENT	CITY OF STUART FIRE RESCUE 800 SE MARTIN LUTHER KING JR. BLVD, STUART, FLORIDA 34994 MCAWLEY@SI.STUART.FL.US 772-288-5353
CONTACT: MATT CAWLEY	
UTILITIES AND ENGINEER DEPARTMENT	UTILITIES AND ENGINEERING OFFICES 300 SW ST. LUCIE AVENUE STUART, FL 34994 MROGOLINO@CI.STUART.FL.US 772-221-4700
CONTACT: MARC ROGOLINO	
BUILDING/PERMITTING	121 SW FLAGLER AVENUE STUART, FL 34994 SNICOLOSI@CI.STUART.FL.US 772-600-1273
CONTACT: STEVE NICOLosi	
CITY OF STUART POLICE	830 SE MARTIN LUTHER KING, JR. BOULEVARD STUART, FL 34994 BBOSSIO@CI.STUART.FL.US 772-220-5404
CONTACT: BRIAN BOSSIO	
PLANNING & DEVELOPMENT	121 SW FLAGLER AVENUE STUART, FL 34994 GALVARADO@CI.STUART.FL.US 772-600-1245
CONTACT: GRACE ALVARADO	
MARTIN COUNTY SCHOOL BOARD	500 SE OCEAN BLVD, STUART, FL 34994 EVERMARK@MARTINSCHOOLS.ORG 772-219-1200 EXT. 30220
CONTACT: KIMBERLY EVERMAN	
PLANNING	121 SW FLAGLER AVENUE STUART, FL 34994 MARBUZOW@CI.STUART.FL.US 772-600-1255
CONTACT: MECHELLE ARBUZOW	
CRA DEVELOPMENT	121 SW FLAGLER AVENUE STUART, FL 34994 PGANDHI@CI.STUART.FL.US 772-288-5432
CONTACT: PINAL GANDHISAVDAS	
SURVEY	121 SW FLAGLER AVENUE STUART, FL 34994 JNENTWICK@CI.STUART.FL.US 772-288-5328
CONTACT:	
LANDSCAPE PLAN	121 SW FLAGLER AVENUE STUART, FL 34994 JNENTWICK@CI.STUART.FL.US 772-288-5328
CONTACT:	
TELEPHONE COMPANY	AT&T 855-398-5841
CONTACT:	
ELECTRIC DEPARTMENT	FLORIDA POWER & LIGHT 888-988-8249
CONTACT:	



PROJECT LOCATION
MARTIN COUNTY



SITE LOCATION MAP
(1" = 250')



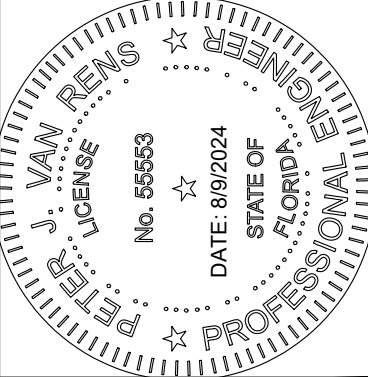
NOTES:

- IF REPRODUCED, THE SCALES SHOWN ON THESE PLANS ARE BASED ON A 24" X 36" SHEET.

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
C-000	COVER SHEET
C-001	TOPO BOUNDARY ALTA NSPS LAND TITLE SURVEY
C-003	DEMOLITION AND EROSION CONTROL PLAN
C-004	EROSION CONTROL DETAILS
C-005	EROSION CONTROL DETAILS
C-100	PRELIMINARY MASTER SITE PLAN
C-101	PRELIMINARY SITE PLAN
C-102	SITE DETAILS
C-200	PRELIMINARY PAVING GRADING AND DRAINAGE PLAN
C-201	PAVING, GRADING, AND DRAINAGE DETAILS
C-300	PRELIMINARY UTILITY PLAN
C-301	UTILITY DETAILS
C-302	UTILITY DETAILS
C-303	UTILITY DETAILS
C-304	UTILITY DETAILS
C-400	PRELIMINARY PHOTOMETRICS PLAN
C-500	FIRE PLAN

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY PETER J. VAN RENNS P.E. ON THE DATE ADJACENT TO THE SEAL.
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE
VERIFIED ON ANY ELECTRONIC COPIES.



Peter
J Van
Renns

Digitally signed by Peter J.
Van Renns
DN: cn=Peter J Van Renns,
c=US, o=KIMLEY-HORN
AND ASSOCIATES, INC.,
email=peter.vanrenns@kimley-
horn.com
Date: 2024.08.08 16:59:43 -
0400

KHA PROJECT	147945000
DATE	03/15/2024
SCALE	AS SHOWN
DESIGNED BY	KS
DRAWN BY	KS
CHECKED BY	KB

COVER SHEET

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

CITY OF STUART

SHEET NUMBER
C-000



ENGINEER

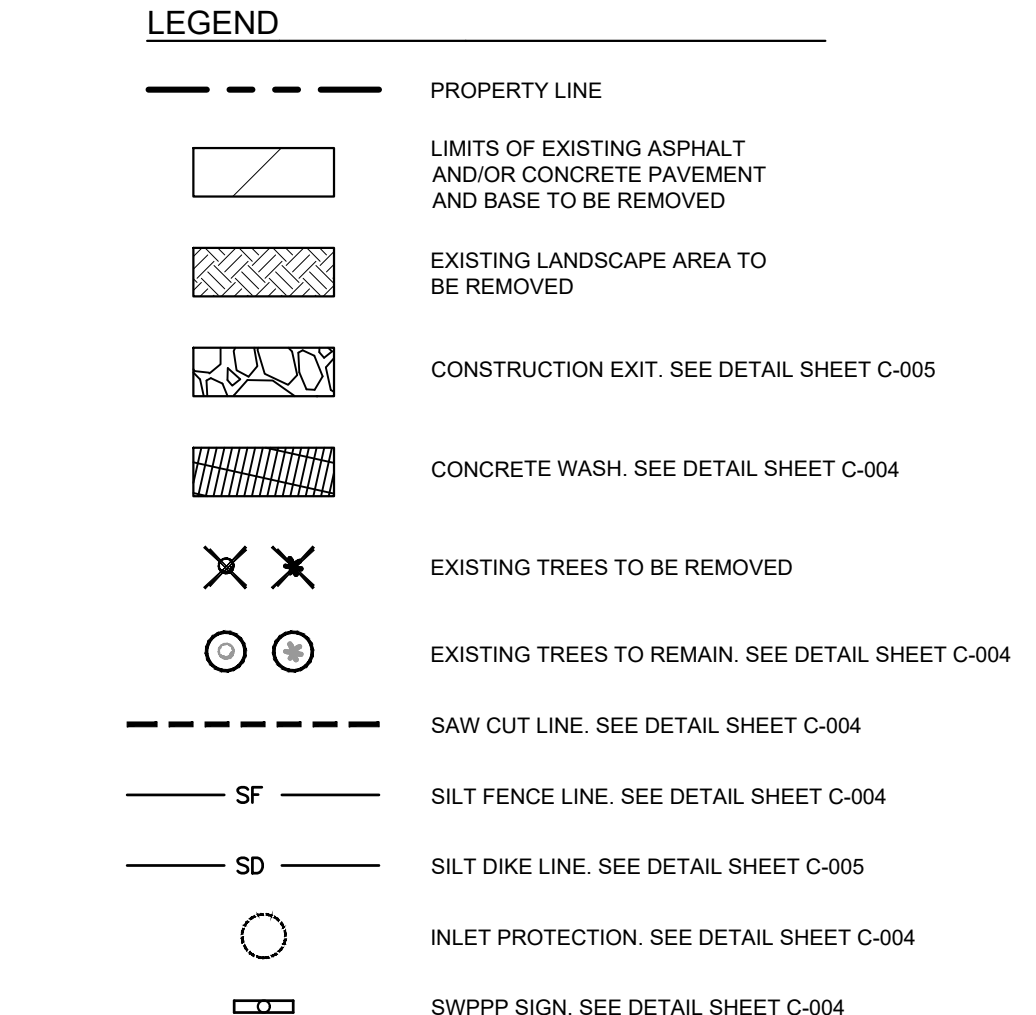
Kimley»Horn

445 24TH STREET,
SUITE 200
VERO BEACH, FLORIDA 32960
(P) 772-794-4033
CONTACT: SHELBY GRAZIANI, P.E.
SHELBY.GRAZIANI@KIMLEY-HORN.COM

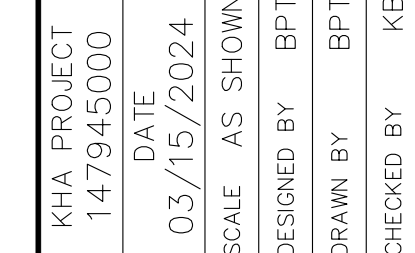
SURVEYOR



7997 JACK JAMES DRIVE, STUART, FL 34997
(P) 772-286-5753
CONTACT: ELIZABTH A. LINDSAY
BLINDSAY@HALEYWARD.COM



Kimley»»Horn
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4445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: 772-794-4100
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106



OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

318 of 54

1. SOLID WASTE DISPOSAL...ANY MISCELLANEOUS GARBAGE, HAZARDOUS WASTE, YARD WASTE (INCLUDING EXCESS FERTILIZERS, HERBICIDES AND PESTICIDES), AND CONSTRUCTION OR DEMOLITION DEBRIS SHALL BE DISPOSED OF OFF-SITE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RECYCLING OF MATERIALS IS ENCOURAGED IF APPLICABLE. CALL THE ORANGE COUNTY SOLID WASTE HOTLINE AT 407-836-6601 FOR INFORMATION
2. DURING CONSTRUCTION, WHEN COMBUSTIBLES ARE BROUGHT ON TO THE SITE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AN ADEQUATE SUPPLY OF WATER ACCEPTABLE TO THE FIRE DEPARTMENT SHALL BE PROVIDED AND MAINTAINED, NFPA 1 (7TH 2018 EDITION)
3. PRIOR TO DEMOLITION OR CONSTRUCTION ACTIVITIES ASSOCIATED WITH EXISTING STRUCTURES, PROVIDE A NOTICE OF ASBESTOS RENOVATION OR DEMOLITION FORM TO THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION (EPD), FOR MORE INFORMATION, OR TO DETERMINE IF AN EXEMPTION FROM THE CONTRACTOR CONTACT THE EPD AT 407-836-6601. FOR MORE INFORMATION, REFERENCE ORANGE COUNTY CODE CHAPTER 15 ENVIRONMENTAL CONTROL, ARTICLE III AIR QUALITY CONTROL, DIVISION 4 ASBESTOS REGULATIONS, SEC. 108 NOTIFICATION PROCEDURE AND REQUIREMENTS, SUBSECTION A(1)
4. THE CONTRACTOR'S RESPONSIBILITY IS TO IDENTIFY AND REMOVE ALL ASBESTOS BY THE CONTRACTOR TO IMPLEMENT THIS DEMOLITION PLAN. THIS PRELIMINARY DEMOLITION PLAN SIMPLY INDICATES THE KNOWN OBJECTS ON THE SUBJECT TRACT THAT ARE TO BE DEMOLISHED AND REMOVED FROM THE SITE. THE CONTRACTOR SHALL NOT WARRANT THAT THIS PLAN IS COMPLETE. WHILE EMPLOYED BASED ON SURVEY AND UTILITY INFORMATION PROVIDED BY OTHERS, SHOWS ALL IMPROVEMENTS AND UTILITIES, THAT THE IMPROVEMENTS AND UTILITIES ARE ACCURATELY LOCATED AND DEPICTED. THE CONTRACTOR SHALL REMOVE, THE CONTRACTOR IS RESPONSIBLE FOR PERFORMING ITS OWN SITE RECONNAISSANCE TO SCOPE ITS WORK AND TO CONFIRM WITH THE OWNERS OF IMPROVEMENTS AND UTILITIES THE ABILITY AND PROCESS FOR THE REMOVAL OF UTILITIES
5. THIS PLAN IS INTENDED TO GIVE A GENERAL GUIDE TO THE CONTRACTOR, NOTHING MORE. THE GOAL OF THE DEMOLITION IS TO LEAVE THE SITE IN A STATE SUITABLE FOR THE REUSE OF THE PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF IMPROVEMENTS, UTILITIES, ETC. TO ACQUIRE THIS GOAL ARE THE RESPONSIBILITY OF THE CONTRACTOR.
7. THE CONTRACTOR IS STRONGLY CAUTIONED TO REVIEW THE FOLLOWING GOALS AND DISBURSEMENTS PRIOR TO BIDDING AND IMPLEMENTING THE DEMOLITION PLAN.
 - a. ENVIRONMENTAL SITE ASSESSMENT PROVIDED BY THE OWNER,
 - b. ASBESTOS BUILDING INSPECTION REPORT(S) PROVIDED BY THE OWNER,
 - c. GEOTECHNICAL REPORT PROVIDED BY THE OWNER,
 - d. OTHER REPORTS THAT ARE APPLICABLE AND AVAILABLE.
8. THE CONTRACTOR SHALL CONTACT THE OWNER TO VERIFY WHETHER ADDITIONAL INVESTIGATIONS OR REMEDIATION OF THE DEMOLITION SITE ARE REQUIRED. PREPARED AND TO OBTAIN/REVIEW/AND COMPLY WITH THE RECOMMENDATION OF SUCH STUDIES PRIOR TO STARTING ANY WORK ON THE SITE.
9. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS FOR THE DEMOLITION OF THE STRUCTURES AND THE DISPOSAL OF THE DEMOLISHED MATERIALS OFF-SITE. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO REVIEW THE SITE, DETERMINE THE APPLICABLE REGULATIONS, RECEIVE THE REQUIRED PERMITS AND AUTHORIZATIONS, AND COMPLY THEREWITH.
10. KN DOES NOT REPRESENT THAT THE REPORTS AND SURVEYS REFERENCED ABOVE ARE ACCURATE, COMPLETE, OR COMPREHENSIVE SHOWING ALL ITEMS THAT MAY BE NEARBY OR AFFECTED BY THE DEMOLITION.
11. GC TO I/C EXISTING STORM STRUCTURE AND EASTBOUND PIPE. GC TO TV EASTBOUND PIPE TO OUTFALL AND COORDINATE FINDING WITH ENGINEER OF

THE EXISTING UTILITIES SHOWN ON THE PLAN ARE BASED ON AVAILABLE RECORDS. THE CONTRACTOR MUST FIELD DETERMINE THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. REPORT DISCREPANCIES AND POTENTIAL CONFLICTS WITH PROPOSED UTILITIES TO ENGINEER PRIOR TO INSTALLATION OF ANY PIPING. REFER TO DEMOLITION SECTION OF GEOTECH REPORT FOR FURTHER RECOMMENDATIONS.

SEE LANDSCAPE PLANS AND TREE DISPOSITION PLANS FOR TREE REMOVAL INFORMATION

Plotted By: Tugale, Benji Sheet Set: OCEAN EAST STARBUCKS Layout: C-005 EROSION CONTROL DETAILS August 09, 2024 07:37:56pm K:\VIB-DEV\Ocean East capital Partners\CAD\PlanSheets\C-004 EROSION CONTROL DETAILS.dwg

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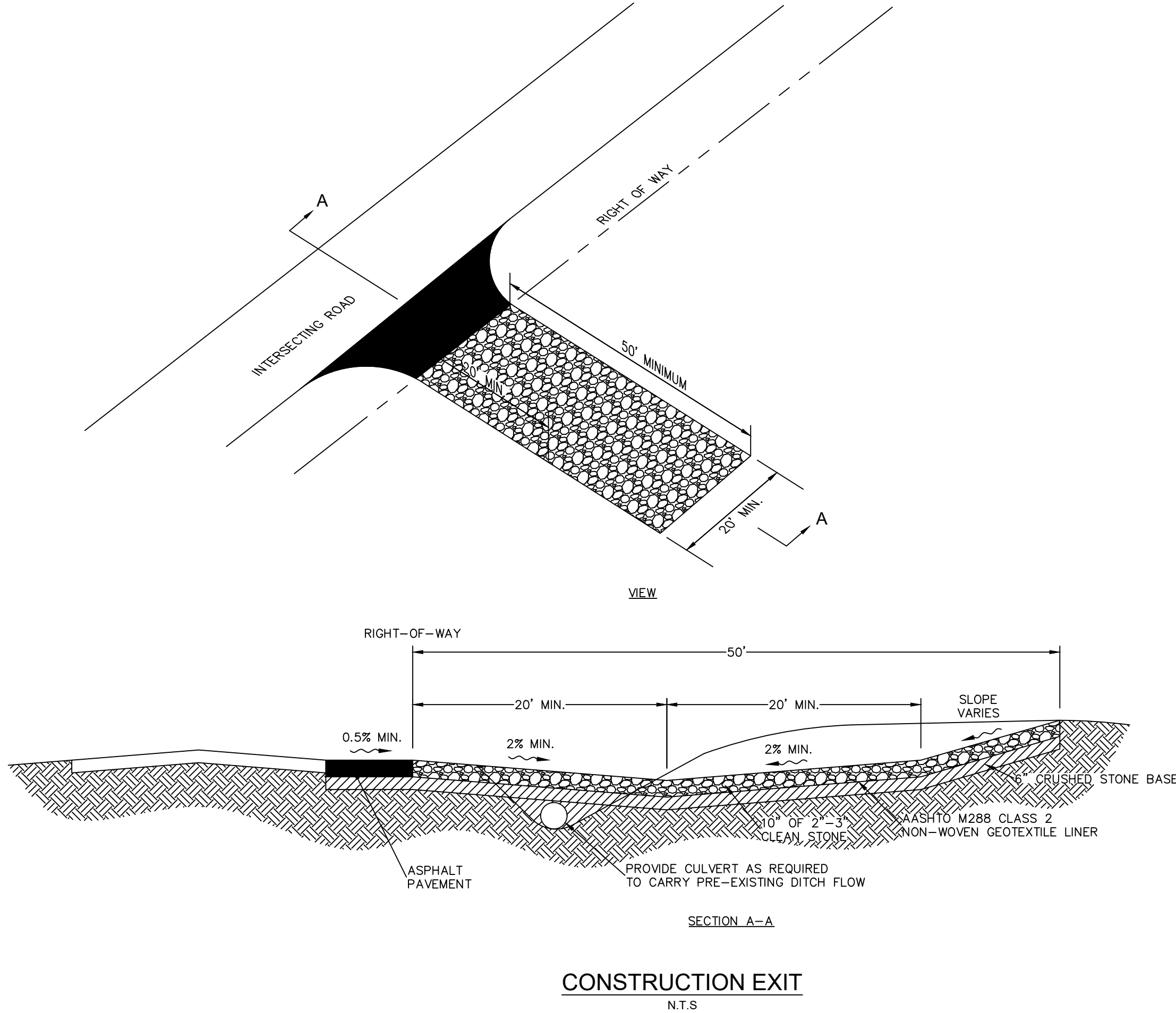
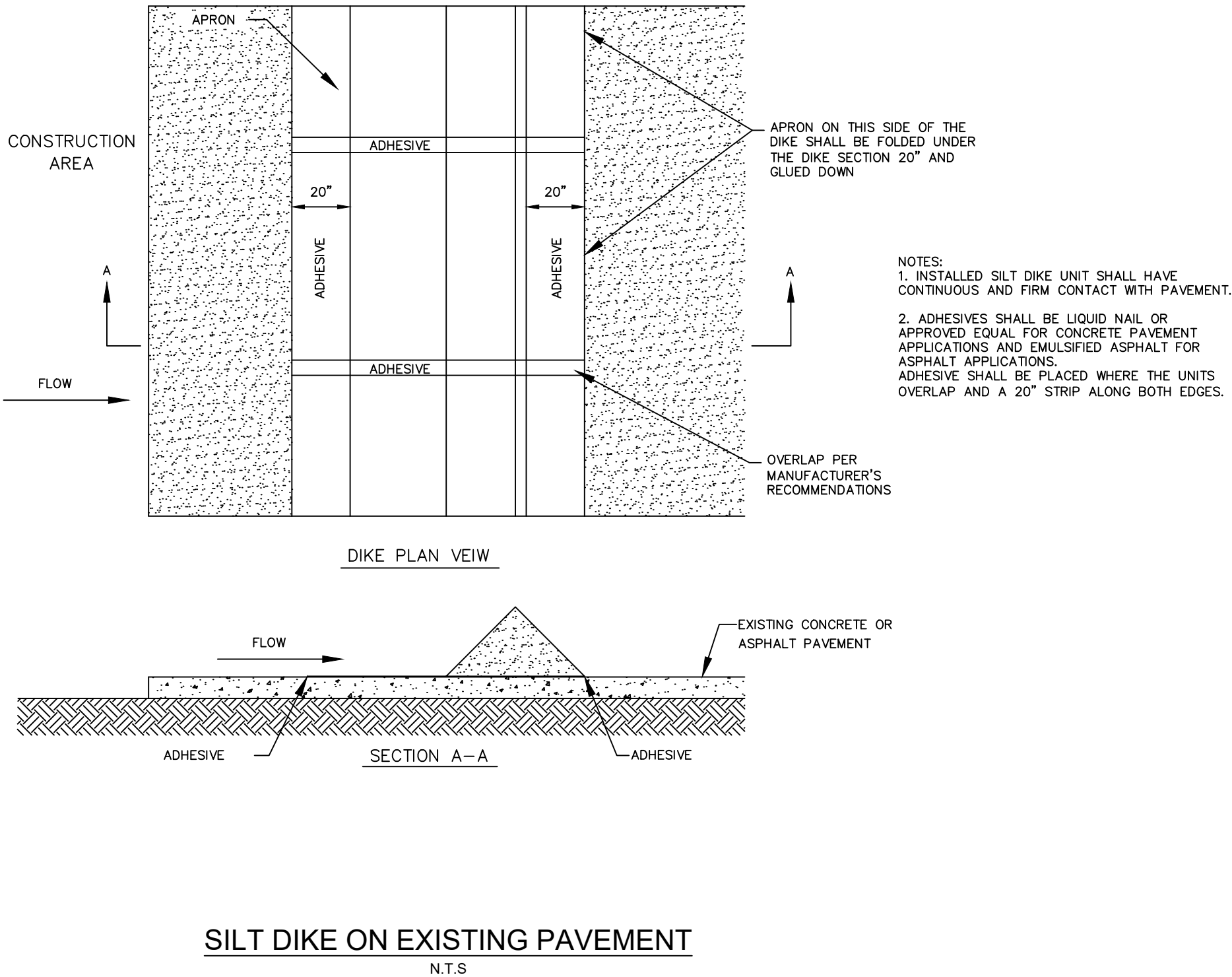
CALL 48 HOURS
BEFORE YOU DIG

811

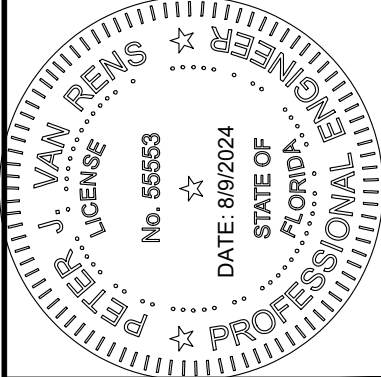
IT'S THE LAW!
DIAL 811

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KHA PROJECT	147945000
DATE	03/15/2024
SCALE	AS SHOWN
DESIGNED BY	BPT
DRAWN BY	BPT
CHECKED BY	KB

EROSION CONTROL DETAILS

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

SHEET NUMBER
C-005

CITY OF STUART

FL

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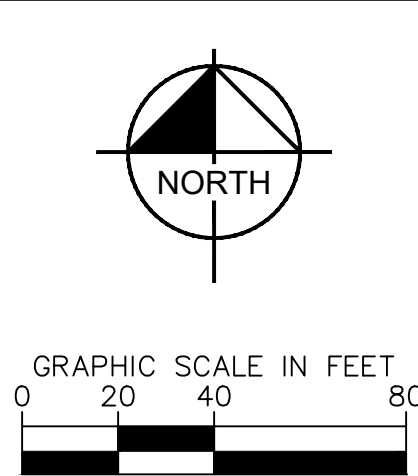
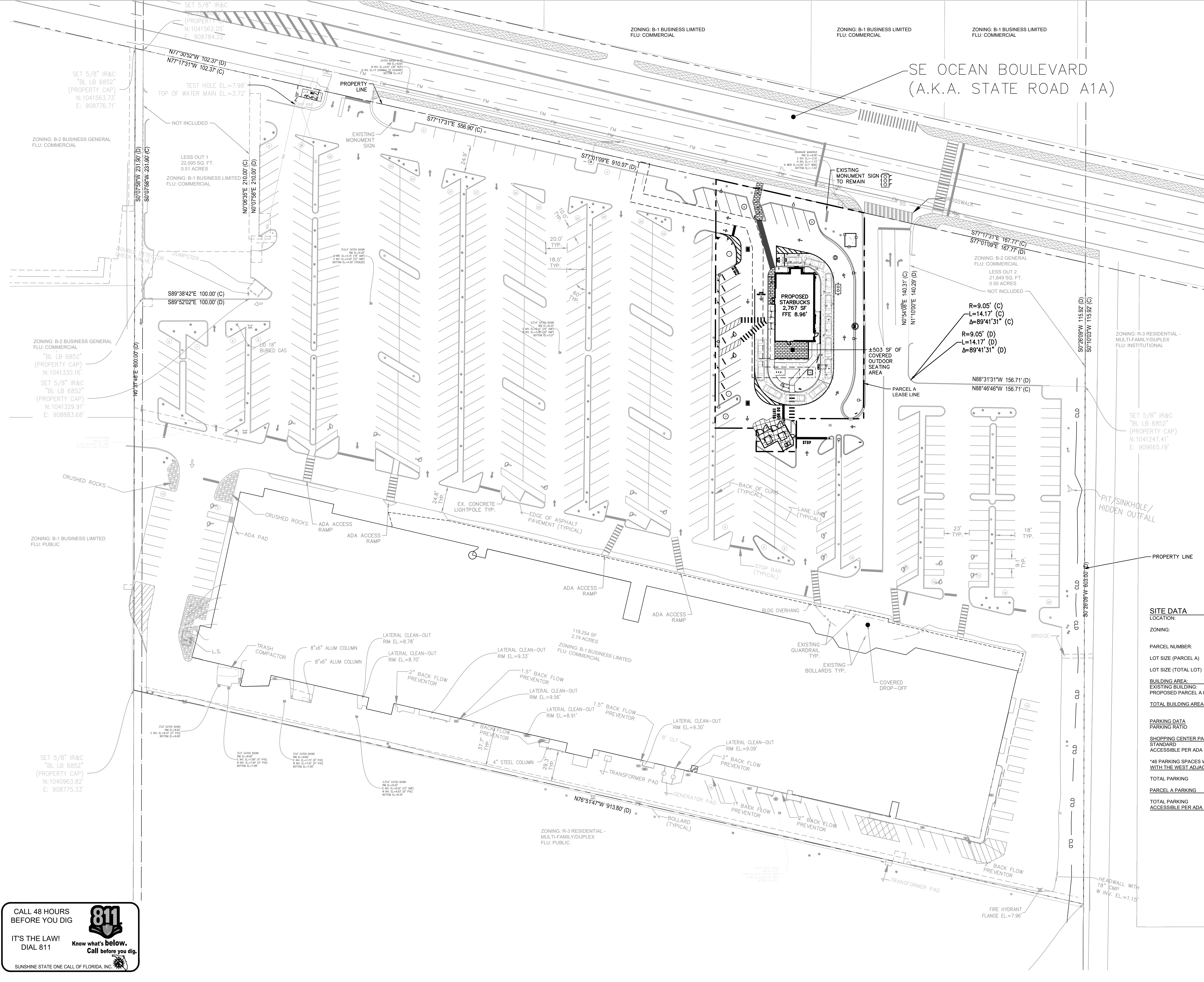
REVISIONS

No.

DATE

BY

Plotted By: Tugale, Benji Sheet Set: OCEAN EAST STARBUCKS Layout: C-100 PRELIMINARY MASTER SITE PLAN August 09, 2024 07:38:10am K:\VRB-LEDA\Ocean East capital Partners\CAD\PlanSheets\C-100 PRELIMINARY MASTER SITE PLAN.dwg
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KHA PROJECT	147945000
DATE	03/15/2024
SCALE	AS SHOWN
DESIGNED BY	KS
DRAWN BY	KS
CHECKED BY	KB

SITE DATA	
LOCATION:	SECTION 3, TOWNSHIP 38 S, RANGE 41 E
ZONING:	B-1 LIMITED BUSINESS DISTRICT
PARCEL NUMBER:	03-38-41-000-000-0100-7
LOT SIZE (PARCEL A)	30,492 SF 0.70 AC
LOT SIZE (TOTAL LOT)	491,792.4 SF 11.29 AC
BUILDING AREA:	
EXISTING BUILDING:	119,254 SF
PROPOSED PARCEL A BUILDING AREA:	2,360 SF
TOTAL BUILDING AREA	121,614 SF
PARKING DATA	
PARKING RATIO	1 PER 250 SF OF RETAIL STRIP SHOPPING CENTER
SHOPPING CENTER PARKING	
STANDARD	478
ACCESSIBLE PER ADA	9
46 PARKING SPACES WITHIN THE SHOPPING CENTER ARE FOR CROSS PARKING WITH THE WEST ADJACENT PARCEL	46
TOTAL PARKING	487
PARCEL A PARKING	
TOTAL PARKING	19
ACCESSIBLE PER ADA	1

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Call what you dig.

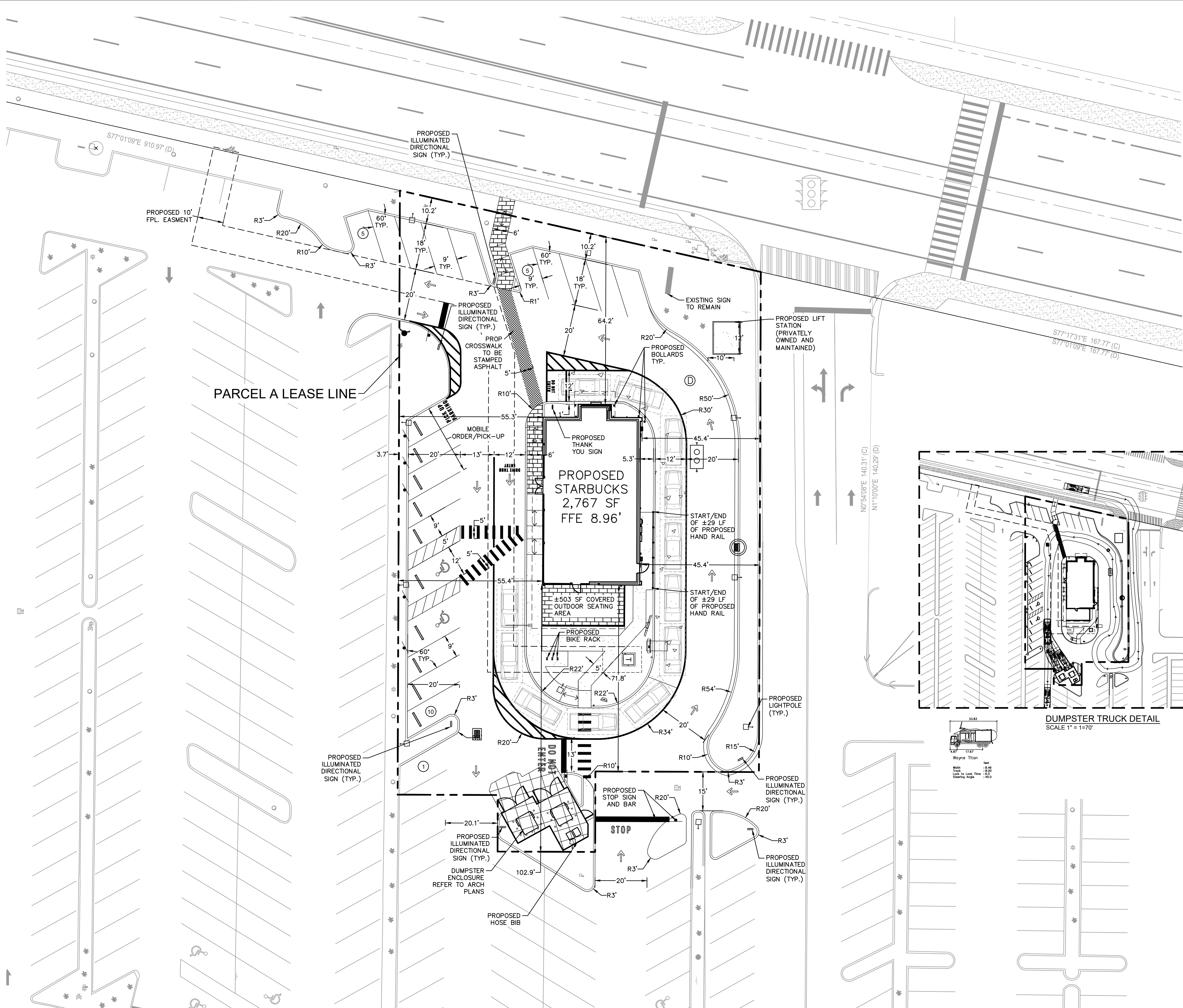
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

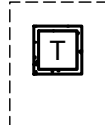
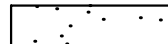
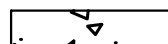
PRELIMINARY
MASTER SITE PLAN

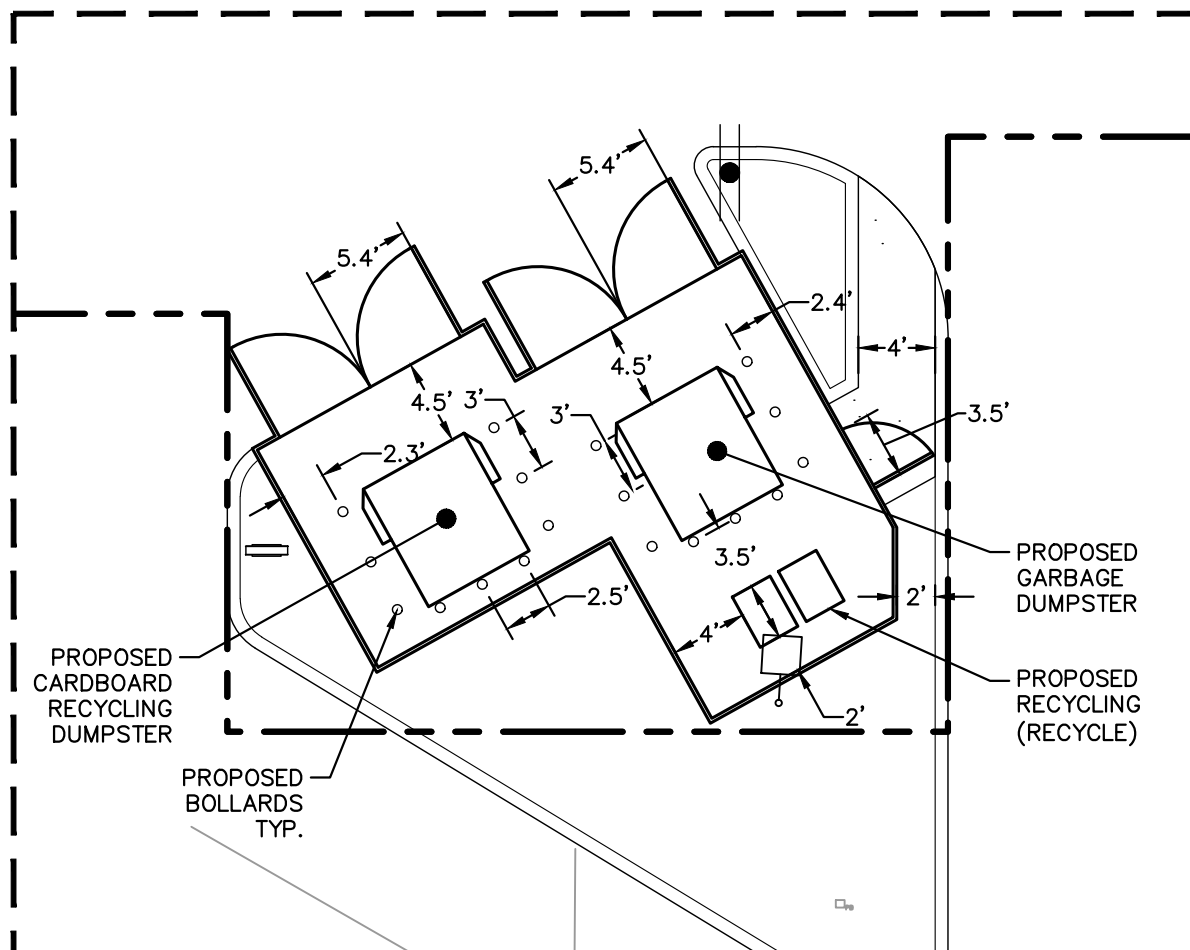
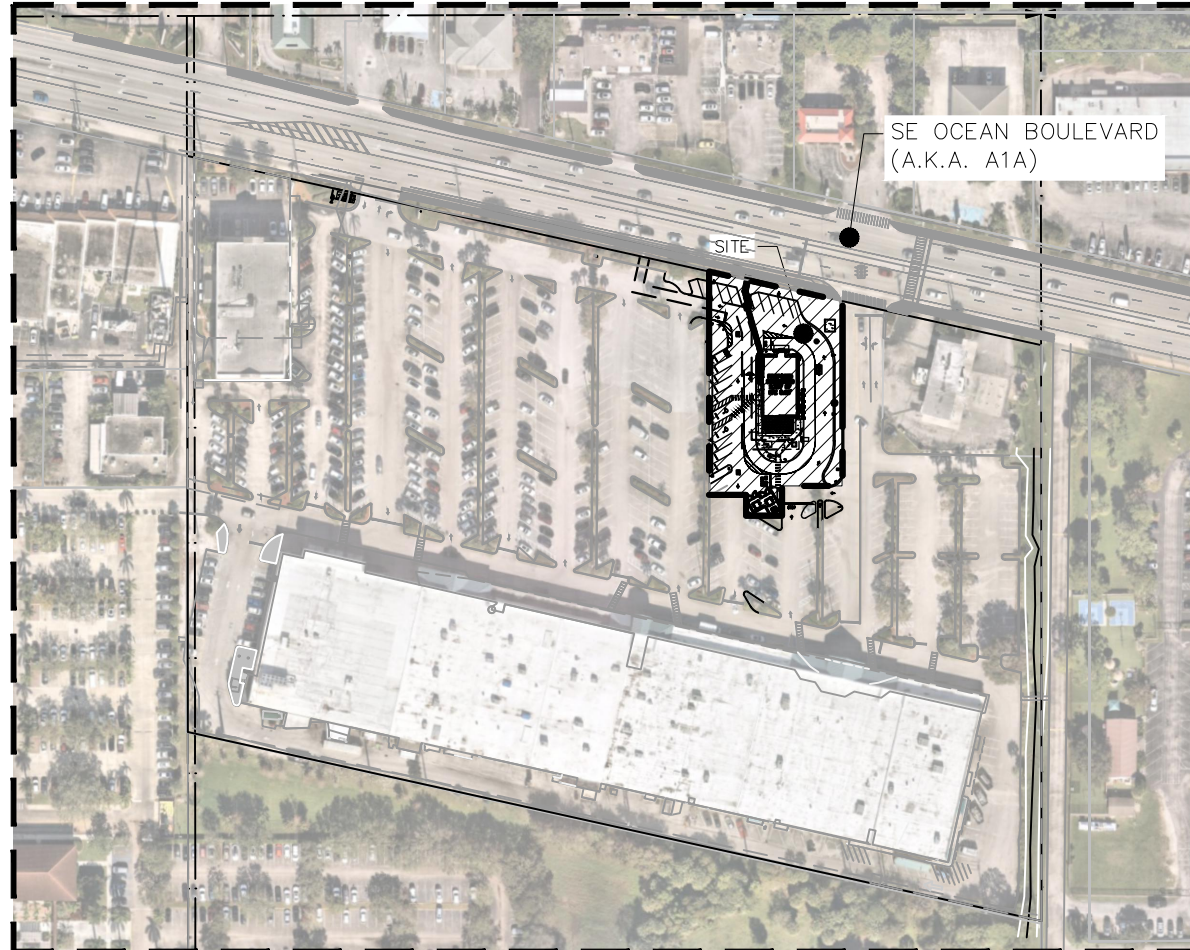
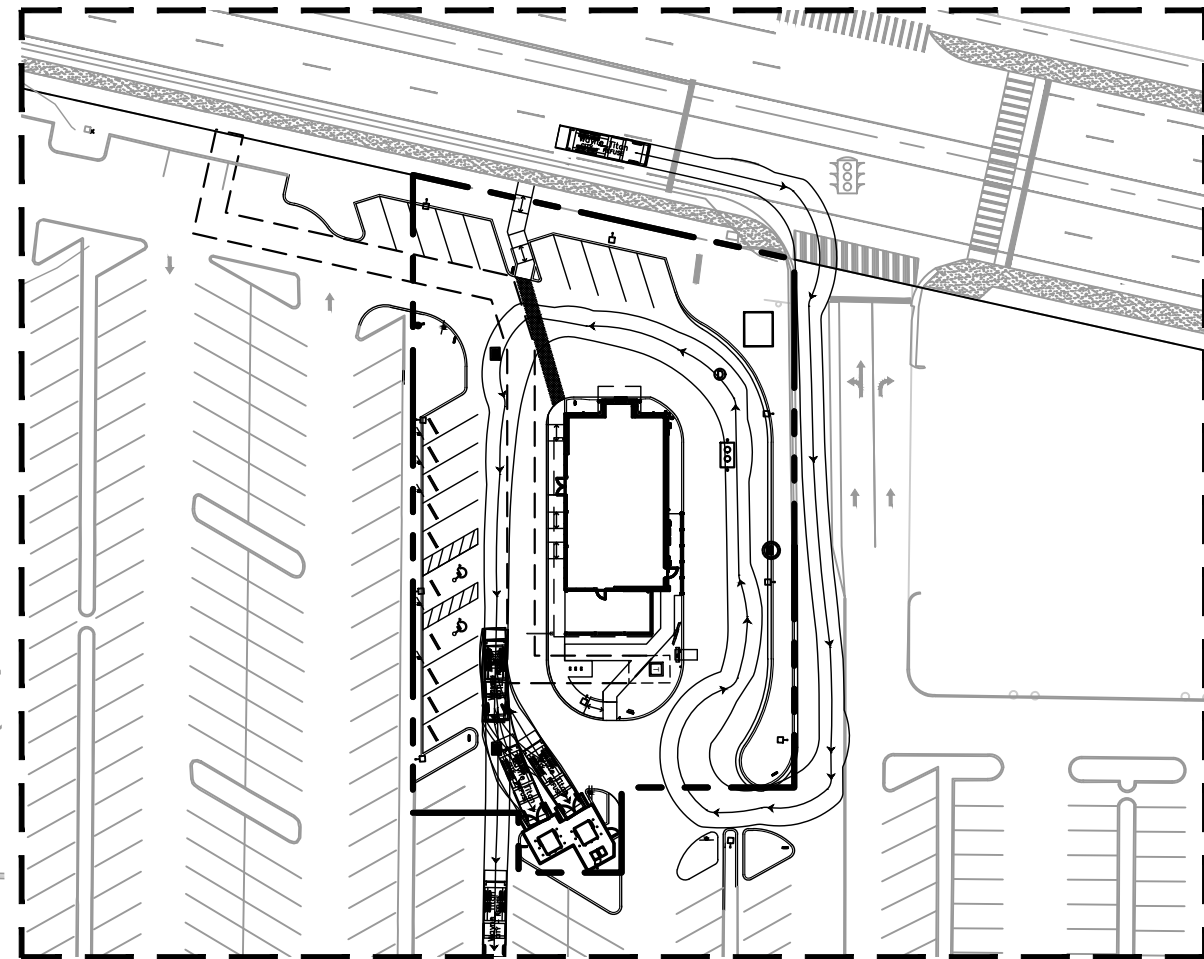
CITY OF STUART

SHEET NUMBER	C-100
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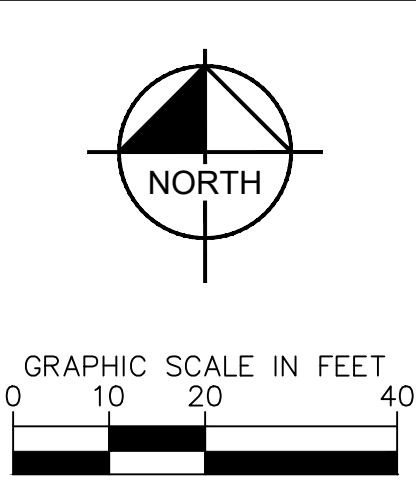


SITE DATA		
LOCATION:	SECTION 3, TOWNSHIP 38 S, RANGE 41 E	
ZONING:	B-1 LIMITED BUSINESS DISTRICT	
FUTURE LAND USE:	COMMERCIAL	
PARCEL NUMBER:	03-38-41-000-00100-7	
EXISTING USE:	RETAIL	
PROPOSED USE:	RESTAURANT CONVENIENCE	
BUILDING AREA:	30,414 SF	0.698 AC
SITE AREA (TOTAL LOT)	489,434 SF	11.24 AC
BUILDING HEIGHT:	MAXIMUM 45' (4 STORY)	PROVIDED 18' (1 STORY)
TOTAL LOT COVERAGE:		
EXISTING	489,434 SF	PROPOSED 100%
PARCEL A COVERAGE	30,414 SF	100%
BUILDING AREA:	N/A	2,767 SF 9.1%
IMPERVIOUS AREA:	24,346 SF	21,561 SF 70.7%
PERVIOUS AREA (ON-SITE):	6,068 SF	6,164 SF 20.2%
PERVIOUS AREA (OFF-SITE):	449 SF	
FLOOR AREA RATIO (PARCEL A):	0.077	
PARCEL B COVERAGE	459,122.4 SF	100%
BUILDING SETBACKS:		
FRONT (NORTH)	REQUIRED 10'	PROVIDED 64.2'
REAR (SOUTH)	0'	75.0'
SIDE (WEST)	5'	55.3'
SIDE (EAST)	5'	45.7'
PARKING SUMMARY:		
TOTAL PARKING	REQUIRED 19	PROVIDED 19
ACCESSIBLE PER ADA	1	2
PARKING RATIO:		
1 PER EMPLOYEE ON LARGEST SHIFT, PLUS 1 SPACE PER 100 SF OF SERVICE AREA		
EMPLOYEE ON SHIFT = 6 EMPLOYEE		
SERVICE AREA = 1,300 SF		
19 PARKING SPACES REQUIRED		

LEGEND			
	PROPOSED PAVEMENT MARKINGS		PROPOSED ILLUMINATED DIRECTIONAL SIGN
	PROPOSED DRIVE-THRU EQUIP.		PROPOSED GREASE TRAP
	PROPOSED PAVEMENT MARKINGS		PROPOSED WHEEL STOP
	PROPOSED TREMRON 4X8 PAVERS, NATURAL GREY, REFER TO ARCH PLANS FOR DETAILS		PROPOSED TRANSFORMER
	PROPOSED SIDEWALK, SEE SHEET C-201		PROPOSED STORM INLETS
	PROPOSED STANDARD DUTY BLACK INTEGRAL COLOR CONCRETE, REFER TO ARCH PLANS FOR DETAILS FOR DETAILS		PROPOSED DIRECTIONAL SIGN
	PROPOSED HEAVY DUTY CONCRETE (THICKEN EDGE) SEE SHEET C-201		PROPOSED LIGHT POLE
	PROPOSED PARKING COUNT		



WAIVER TABLE			
	CODE SECTION	REQUIRED	PROVIDED
REQUIRED SETBACKS	LAND DEVELOPMENT CODE SECTION 3.03.02	THE FRONT BUILDING FACADE SHALL BE CONSTRUCTED ADJACENT TO THE STREET ALONG S.E. OCEAN BOULEVARD PROPERTY LINE WITH A MAXIMUM SETBACK OF TEN (10) FEET. FOR CONFLICTS WITH THE AMERICANS WITH DISABILITIES ACT, A GREATER SETBACK MAY BE PERMITTED.	PROPOSED BUILDING IS SETBACK ±64' FROM SE OCEAN BLVD TO ALLOW FOR THE ONE WAY TRAFFIC CIRCULATION THROUGH THE SITE & COHESIVENESS OF THE PARKING THROUGHOUT THE CENTER
		THE WIDTH OF THE PRINCIPAL BUILDING SHALL NOT BE LESS THAN 50% OF THE LOT WIDTH.	PROPOSED PRINCIPAL BUILDING WITHIN PARCEL A IS ±27% TO ALLOW FOR SITE CIRCULATION OF THE ONE-WAY TRAFFIC FLOW
LOT COVERAGE REQUIREMENTS	LAND DEVELOPMENT CODE SECTION 3.03.04	NOT MORE THAN 65% OF THE BUILDING SITE MAY BE COVERED BY IMPERVIOUS SURFACES.	PARCEL A IS ±72%
PARKING REQUIREMENTS	LAND DEVELOPMENT CODE SECTION 6.04.06	THE LESSER OF 25% OF THE PARKING AREA OR ONE ROW OF PARKING AREA MAY BE LOCATED BETWEEN THE FRONT OF THE BUILDING FACADE AND THE FRONT PROPERTY LINE. ALL OTHER PARKING SHALL BE LOCATED BEHIND THE REAR BUILDING FACADE OR AT THE SIDE PROPERTY LINE.	±45% OF THE PROPOSED PARKING IS LOCATED AT THE FRONT OF THE PROPERTY BETWEEN THE BUILDING FACADE AND FRONT PROPERTY LINE TO ACHIEVE A COHESIVE LOOK WITH THE CENTER & MEET CITY PARKING CRITERIA
LANDSCAPE REQUIREMENTS	LAND DEVELOPMENT CODE SECTION 6.04.07, 11.01.11.	AT LEAST 30% OF ALL REQUIRED LANDSCAPING IN THE FORM OF TREES, SHRUBS, GROUND COVER, AND GRASS SHALL COLLECTIVELY CONSIST OF NATIVE VEGETATION. WE WERE ABLE TO REACH A TOTAL OF 97% NATIVE VEGETATION.	WE DO NOT HAVE ONE SPECIES EXCEEDS THE 25% MAX. (PER CITY OF STUART CODE) WE USED THE CITY OF STUART PLANT LIST AND SOUTH FLORIDA WATER MANAGEMENT (NATIVE PLANTS) APPROVED PLANT LIST FOR OUR SELECTIONS OF LANDSCAPE ON THIS SITE.



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REVISIONS		DATE	BY
1	CITY OF STUART COMMENTS	06/25/2024	KS

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KHA PROJECT	147945000
DATE	03/15/2024
SCALE	AS SHOWN
DESIGNED BY	KS
DRAWN BY	KS
CHECKED BY	KB

PRELIMINARY SITE PLAN

OCEAN EAST STARBUCKS PREPARED FOR STARBUCKS

Plotted By: Tugale, Benji Sheet Set: OCEAN EAST STARBUCKS Layout: C-102 SITE DETAILS August 09, 2024 01:33:45pm K:\VRB_LDEV\Ocean East capital Partners\CAD\PlanSheets\C-102 SITE DETAILS.dwg This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

CALL 48 HOURS BEFORE YOU DIG

IT'S THE LAW!

DIAL 811

811

Know what's below. Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

NOTE: ALL TRAFFIC FLOW ARROWS TO BE WHITE
ON-SITE TRAFFIC FLOW ARROWS
N.T.S.

NOTE:
1. ALL TRAFFIC MARKINGS TO BE WHITE LATEX AS PER DIMENSIONS SHOWN.
2. ALL TRAFFIC MARKINGS UNDER MUTED JURISDICTION TO BE SOLID WHITE AS SPECIFIED IN THEIR GUIDELINES.
STOP BAR DETAIL
N.T.S.

DECORATIVE ASPHALT TREATMENT
N.T.S.

NOTE:
1. THIS SIGN MAY ALSO BE WALL MOUNTED
2. SEE ALSO SIGN BASE DETAILS
ACCESSIBLE PARKING SIGN
N.T.S.

SIGN BASE
N.T.S.

R1-5L YIELD TO PEDESTRIAN
N.T.S.

R1-5R YIELD TO PEDESTRIAN
N.T.S.

R1-1 STOP SIGN
N.T.S.

R6-2L ONE WAY SIGN
N.T.S.

R6-2R ONE WAY SIGN
N.T.S.

CROSS SECTION

NOTE:
1. THE U-CHANNEL, ROLLED, MILD, CARBON STEEL POST WILL BEND, BREAK, OR PULL OUT OF THE GROUND WHEN IT IS HIT.
2. THE POST SHOULD BE DRIVEN INTO THE GROUND AND NOT ENCASED IN CONCRETE. DRIVE POSTS INTO THE GROUND NO MORE THAN 3.5 FEET TO MAKE IT EASIER TO PULL OUT DAMAGED POSTS.
3. SPLICES CAN BE PURCHASED COMMERCIALY TO INSTALL AT GROUND LEVEL. THEY ALLOW THE POST TO BREAK OFF ON IMPACT. THESE DEVICES IMPROVE SAFETY WHEN THE POST IS HIT AND WILL MAKE REPAIR EASIER.

SIGN POST
N.T.S.

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DATE	03/15/2024
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DESIGNED BY	BPT
DRAWN BY	BPT
CHECKED BY	KB

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

SHEET NUMBER
C-102

CITY OF STUART

FL

SITE DETAILS

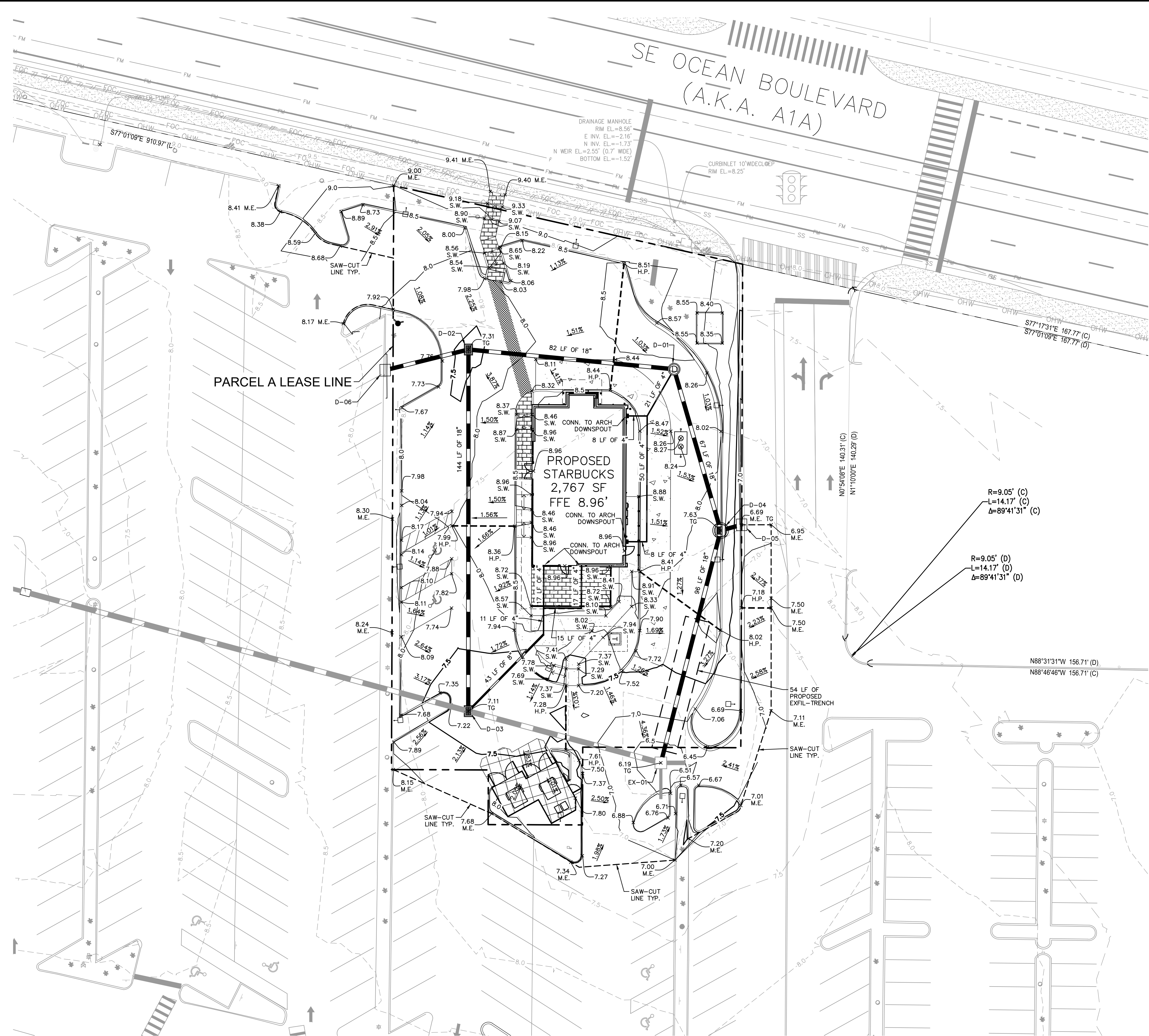
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NO.	REVISIONS	DATE	BY

Page 323 of 545

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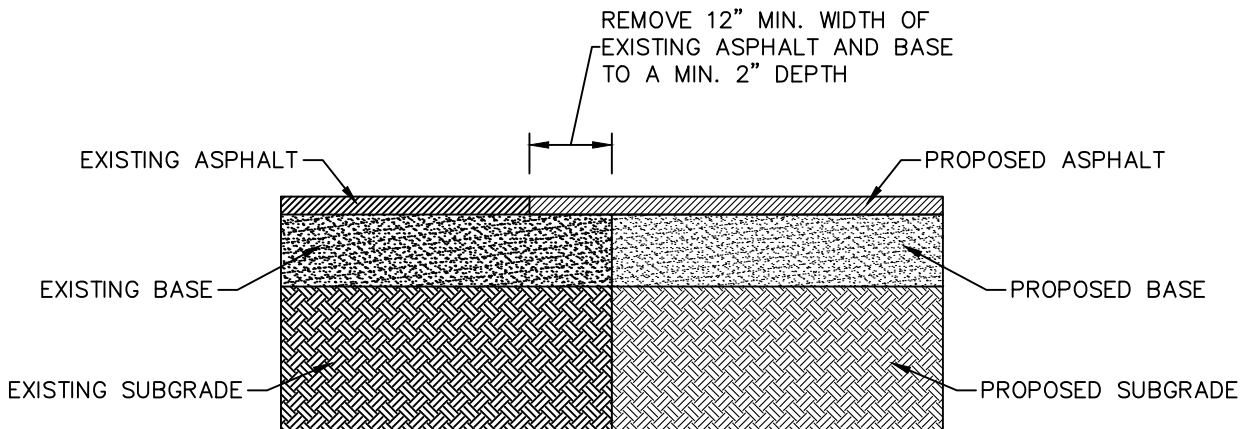
GRADING AND UTILITY LEGEND	
	PROPERTY LINE
	SAW-CUT LINE. SEE THIS SHEET FOR DETAIL
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED STORM PIPE
	PROPOSED STORM INLETS
	PROPOSED LIGHT POLE
	EXISTING STORM PIPE
	PROPOSED RIDGE
	TOP OF SIDEWALK
	MATCH EXISTING ELEVATION
	TOP OF GRATE
	HIGH POINT

PAVING LEGEND	
	EXISTING SIDEWALK
	PROPOSED SIDEWALK SEE SHEET C-201
	PROPOSED STANDARD DUTY BLACK INTEGRAL COLOR CONCRETE REFER TO ARCH PLANS FOR DETAILS FOR DETAILS
	PROPOSED HEAVY DUTY ASPHALT SEE SHEET C-201
	PROPOSED TREMRON 4X8 PAVERS, NATURAL GREY, REFER TO ARCH PLANS FOR DETAILS
	PROPOSED HEAVY DUTY CONCRETE (THICKEN EDGE) SEE SHEET C-201

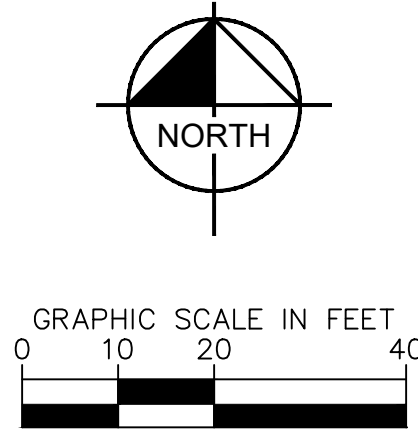
STRUCTURE TABLE	
STRUCTURE NAME:	DETAILS:
D-01	PROP. MANHOLE RIM: 8.45 INV: 4.09 (S) INV: 4.09 (SW) INV: 4.09 (W)
D-02	PROP. CATCH BASIN RIM: 7.31 INV: 3.58 (E) INV: 3.58 (S) INV: 3.58 (W)
D-03	PROP. CATCH BASIN RIM: 7.11 INV: 2.50 (N) INV: 2.50 (NE) INV: 2.50 (W) INV: 2.50 (E)
D-04	PROP. CURB INLET RIM: 7.63 INV: 3.42 (S) INV: 3.42 (N) INV: 3.42 (E)
D-05	PROP. CURB INLET RIM: 6.69 INV: 3.53 (W)
D-06	PROP. CURB INLET RIM: 7.89 INV: 3.84 (E)
EX-01	EX. CATCH BASIN RIM: 6.19 INV: 2.23 (S) INV: 2.23 (W) INV: 2.23 (N) INV: 2.21 (E)

NOTES:

- GC TO TV EXISTING STORM TO EVALUATE INTEGRITY OF EXISTING STORMWATER INFRASTRUCTURE. GC TO COMMUNICATE INEFFICIENCIES WITH OWNER AND EOR
- GC TO JET/CLEAN EXISTING STORM STRUCTURE AND EASTBOUND PIPE. GC TO TV EASTBOUND PIPE TO OUTFALL AND COORDINATE FINDING WITH ENGINEER OF RECORD.



SAW-CUT
N.T.S.



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PRELIMINARY PAVING
GRADING AND
DRAINAGE PLAN

OCEAN EAST
STARBUCKS
PREPARED FOR
STARBUCKS

SHEET NUMBER
C-200

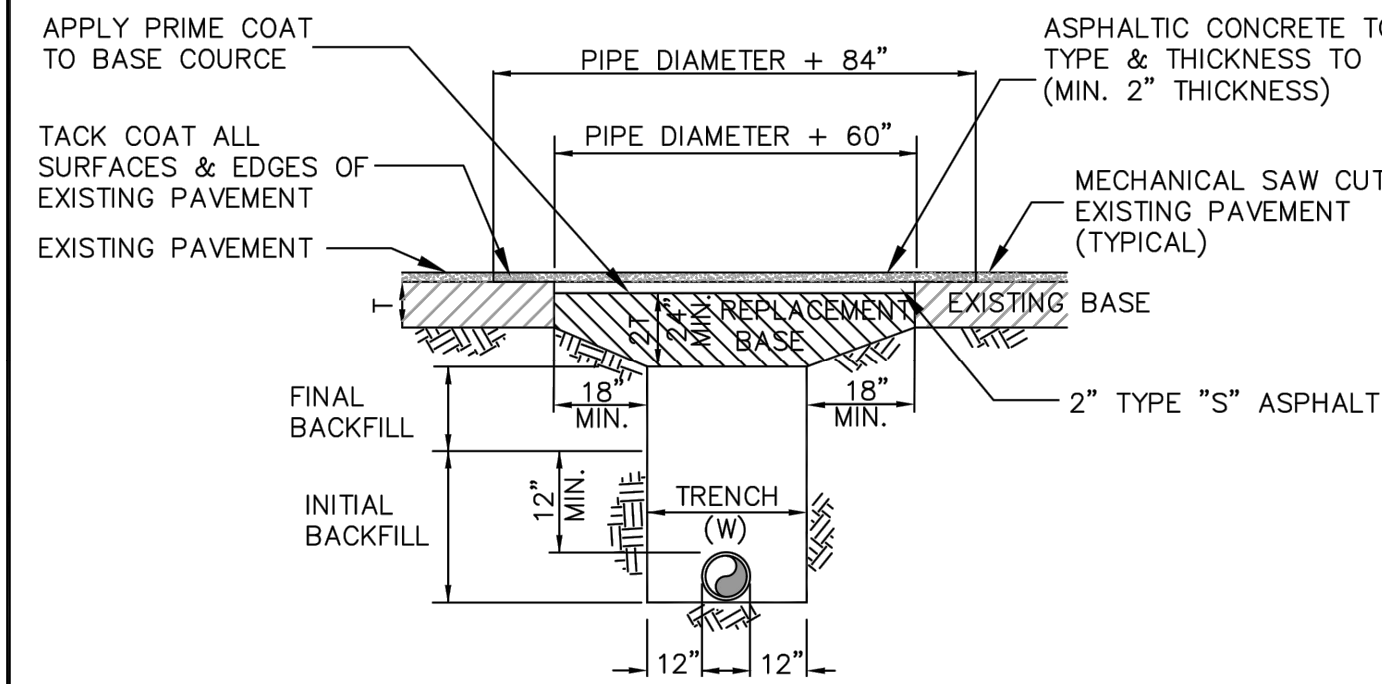
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LIMEROCK SAND-CLAY, SHELL, ETC.
6" LAYERS, COMPACTED THICKNESS.

DENSITY REQUIREMENTS:
98% UNDER ROADWAY / WITHIN 3' OF E.O.P.
98% SHOULDER PAVEMENT.
(METHOD: AASHTO T-180)

NOTES:

PAVEMENT RESTORATIONS FOR LONGITUDINAL CUTS IN ARTERIAL STREETS SHALL INCLUDE FULL LANE WIDTH RESURFACING FOR EACH LANE WITHIN THE LIMITS OF THE CUT.

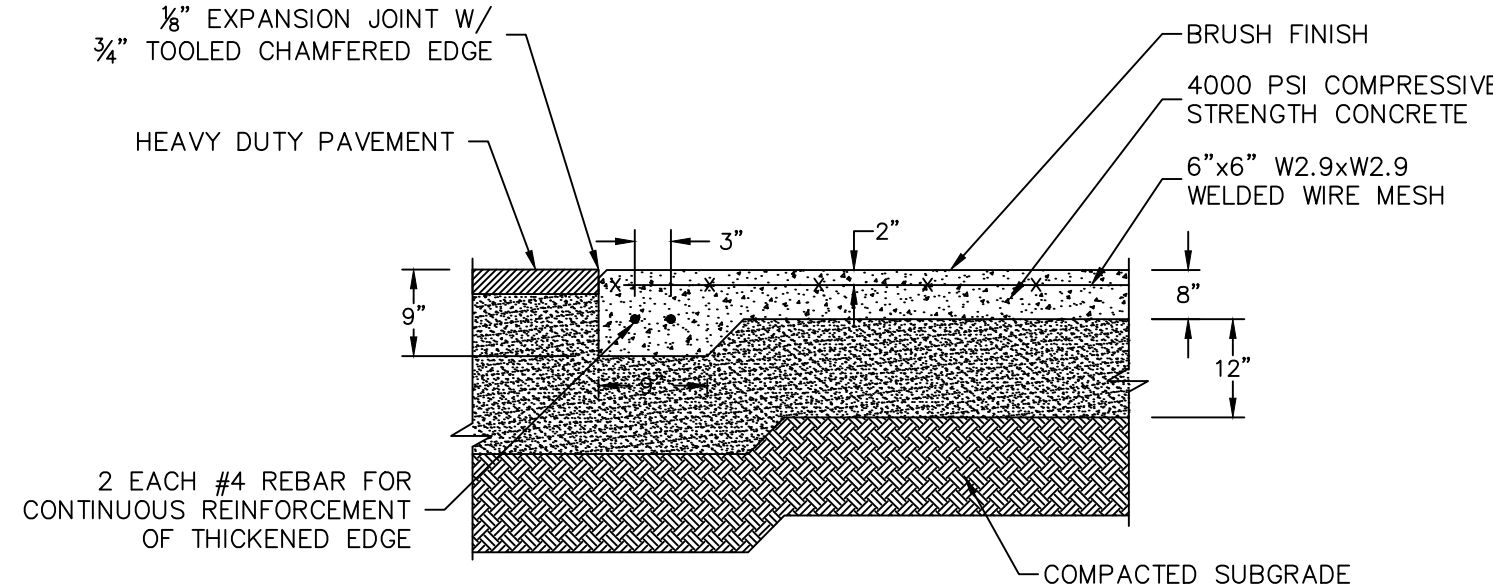


STANDARD UTILITY DETAILS
City of Stuart
Utilities & Engineering Department
121 S.W. Flagler Avenue, Stuart, Florida 34994

UTILITY ROAD CUT PAVEMENT RESTORATION

DATE: OCTOBER 2021
FILE NAME: 2021 CCS Std Details.dwg

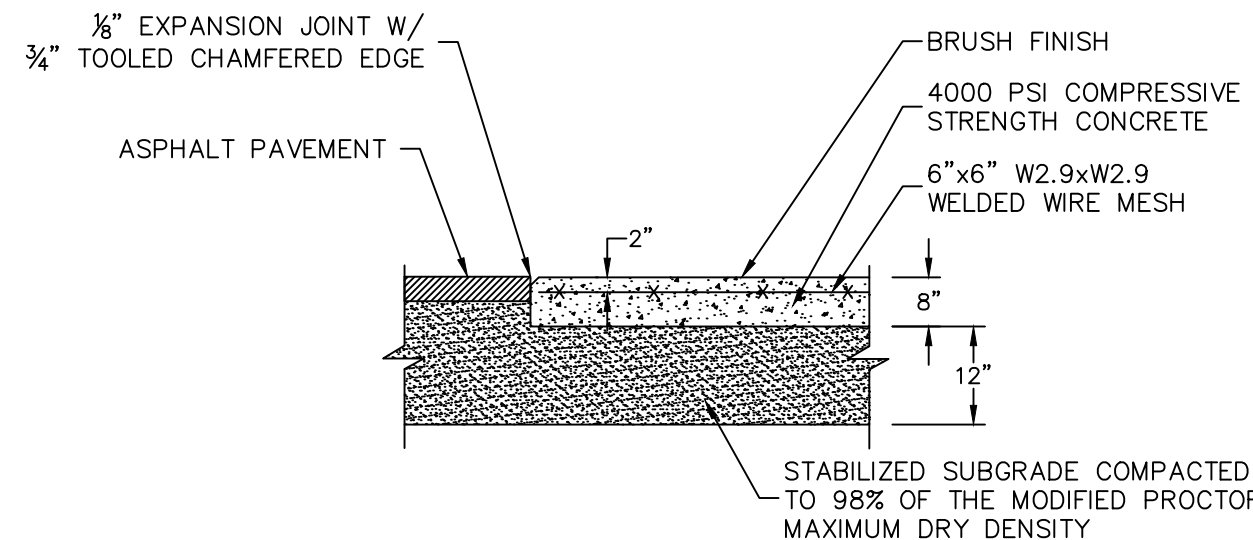
SHEET NUMBER
6



NOTE:
CONTRACTOR TO REFER TO THE GEOTECHNICAL REPORT FOR SITE WORK SPECIFICATIONS.

HEAVY DUTY CONCRETE THICKEND EDGE DETAIL

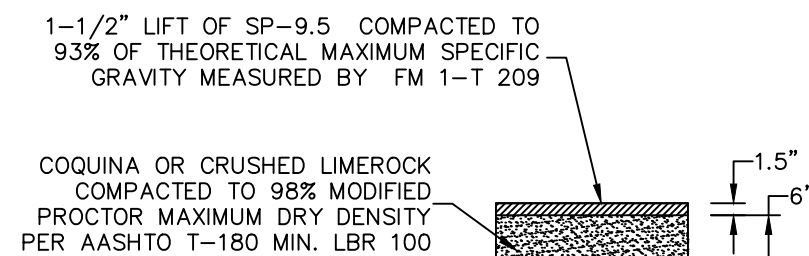
N.T.S.



NOTE:
CONTRACTOR TO REFER TO THE GEOTECHNICAL REPORT FOR SITE WORK SPECIFICATIONS.

HEAVY DUTY CONCRETE EDGE DETAIL

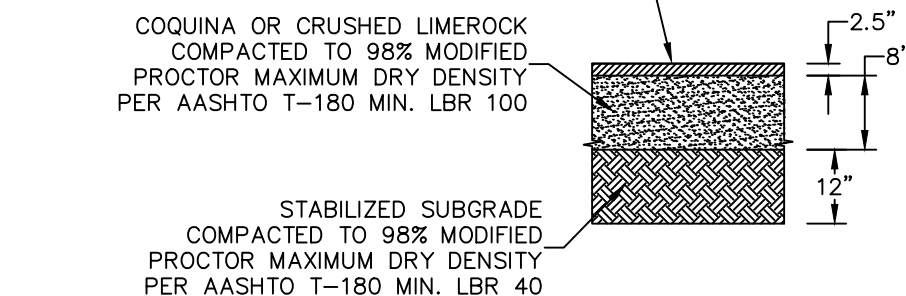
N.T.S.



LIGHT DUTY ASPHALT

N.T.S.

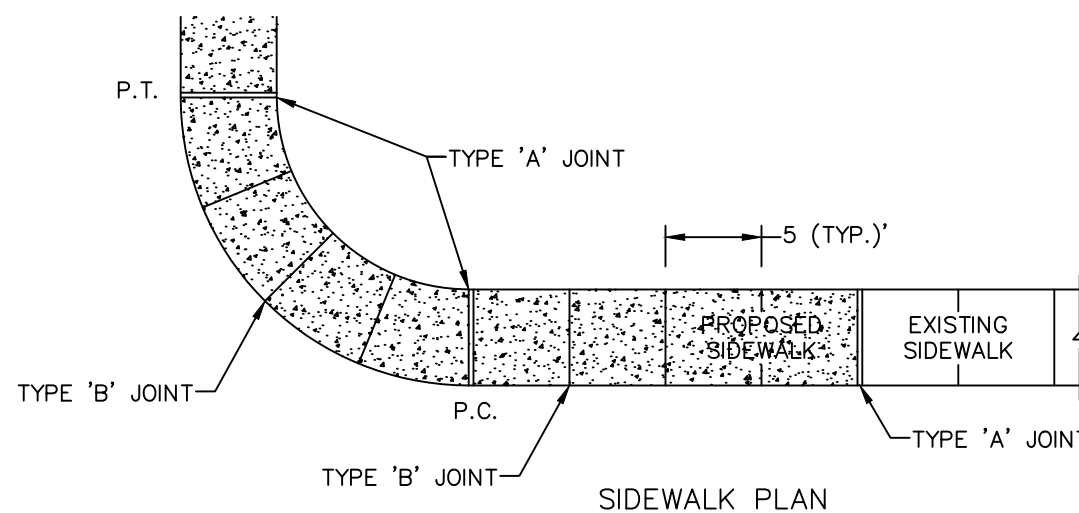
1 - 1/2" LIFT OF SP-9.5 COMPACTED TO 93% OF THEORETICAL MAXIMUM SPECIFIC GRAVITY MEASURED BY FM 1-T 209



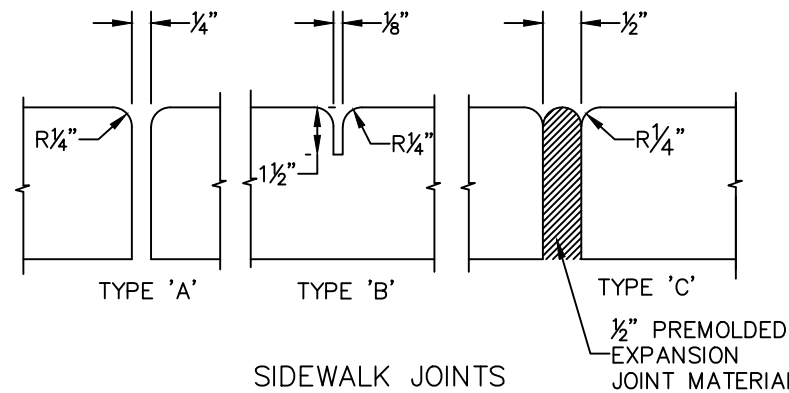
HEAVY DUTY ASPHALT

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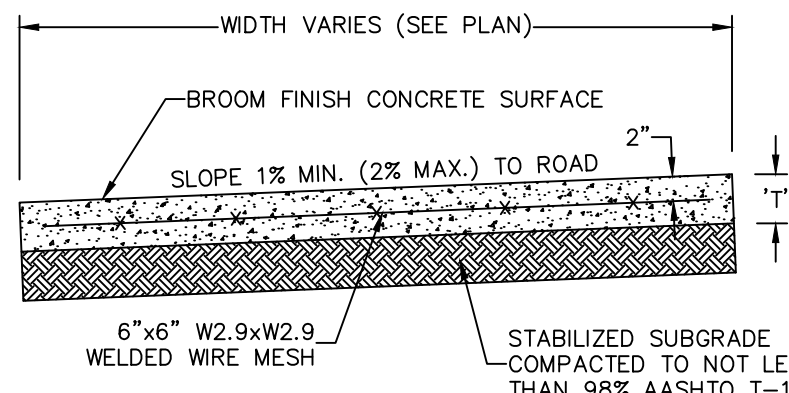
NOTE:
CONTRACTOR TO REFER TO THE GEOTECHNICAL REPORT FOR SITE WORK SPECIFICATIONS.



SIDEWALK JOINTS



SIDEWALK JOINTS

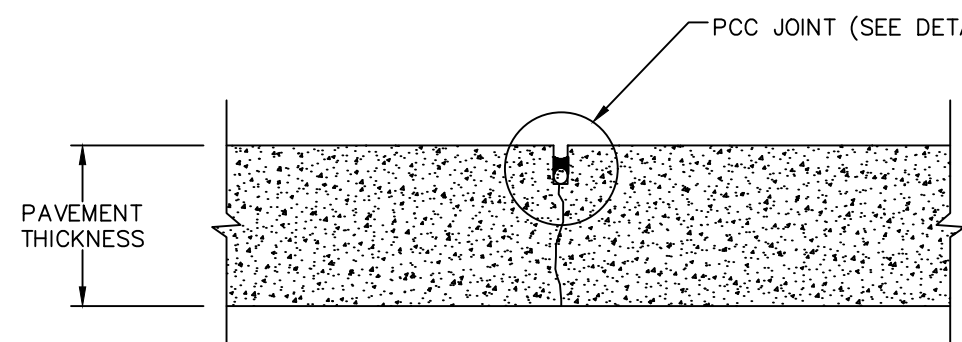


STANDARD CROSS SECTION

NOTE:
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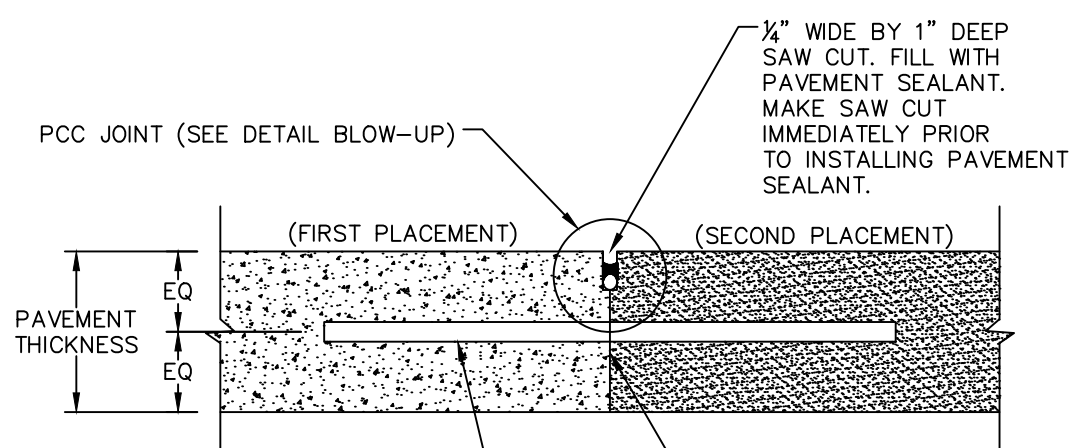
CONCRETE SIDEWALK

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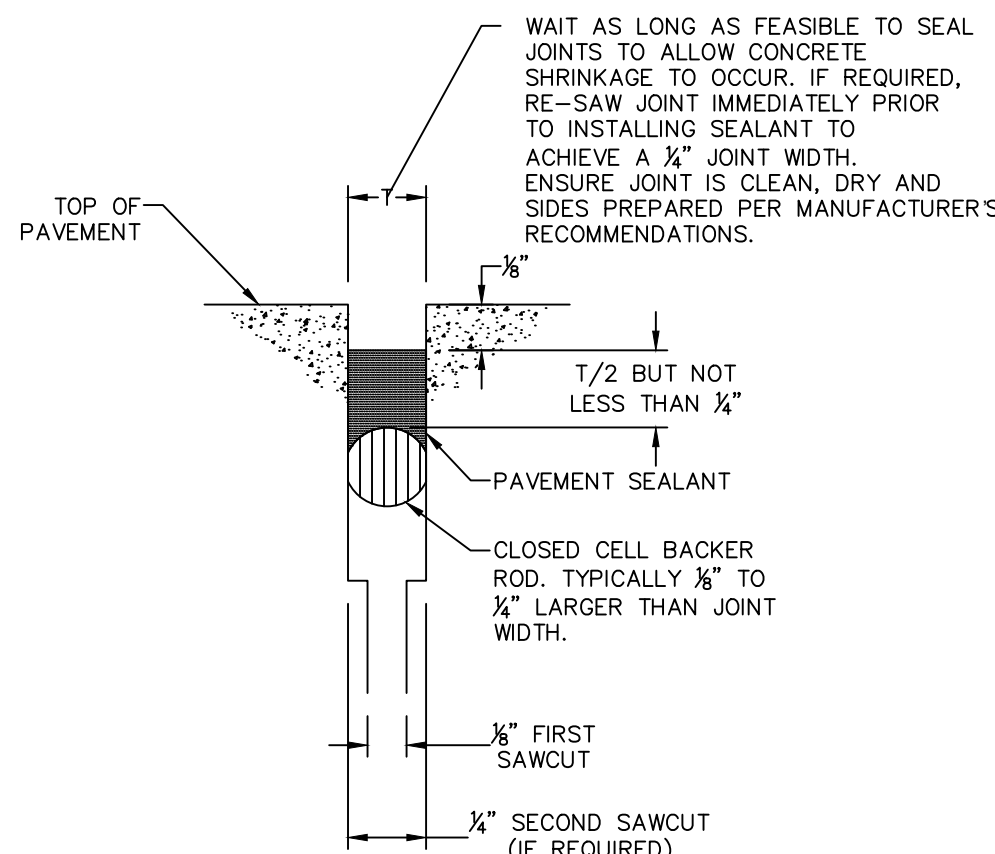
NOTE:
10" JOINT SPACING UNLESS OTHERWISE NOTED

CONTRACTION JOINT



3/4" DIAMETER DOWEL FOR 6" THICK PAVEMENTS AND 1/2" DIAMETER DOWEL FOR 4" OR 5" THICK PAVEMENTS. DOWELS TO BE 10" LONG CENTERED WITH JOINT SPACED AT 18" ON CENTER. DOWEL TO BE INSTALLED IN FORM WITH AN APPROVED ALIGNMENT DEVICE. LIGHTLY OIL FULL LENGTH OF DOWEL.

CONSTRUCTION JOINT



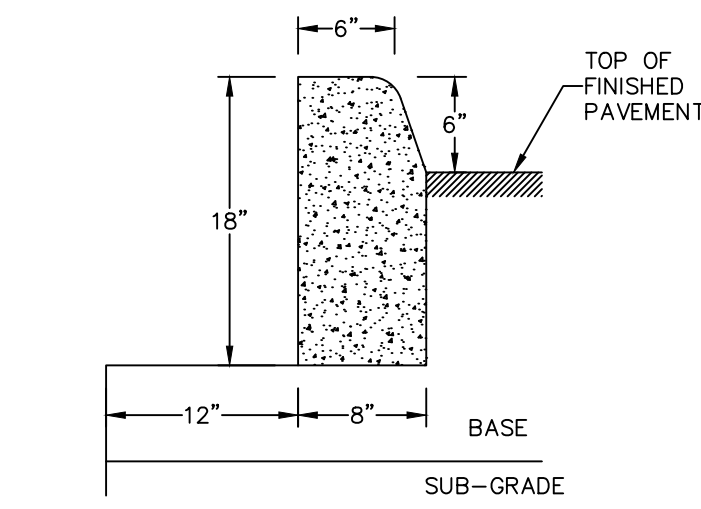
NOTE:
1. ENSURE JOINTS ARE CLEAN AND DRY PRIOR TO THE APPLICATION OF THE JOINT SEALANT.
2. INSTALL CLOSED CELL BACKER ROD AFTER JOINTS HAVE BEEN CLEANED AND DRIED IN ACCORDANCE WITH SEALANT MANUFACTURER'S REQUIREMENTS.
3. INSTALL BACKER ROD AT CONSISTENT AND UNIFORM DEPTH.
4. JOINT SEALANT APPLICATION SHALL BE IN STRICT COMPLIANCE WITH SEALANT MANUFACTURER'S REQUIREMENTS.

PCC JOINT DETAIL BLOW-UP (TYP.)

NOTE:
CONTRACTOR TO REFER TO THE GEOTECHNICAL REPORT FOR SITE WORK SPECIFICATIONS.

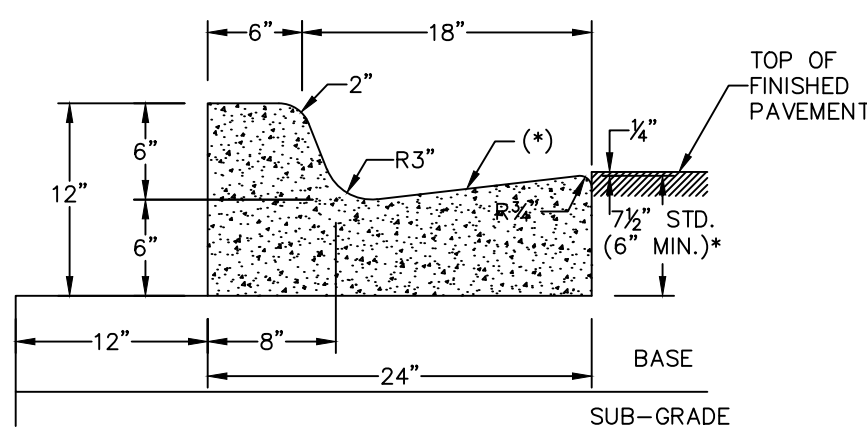
HEAVY DUTY CONCRETE JOINT DETAILS

N.T.S.



TYPE "D" CURB

N.T.S.

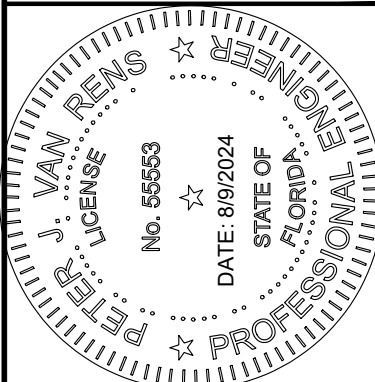


* WHEN USED ON HIGH SIDE OF ROADWAYS, THE CROSS SLOPE OF THE GUTTER SHALL MATCH THE CROSS SLOPE OF THE ADJACENT PAVEMENT AND THE THICKNESS OF THE LIP SHALL BE 6" UNLESS OTHERWISE SHOWN ON THE PLANS. ASPHALT SURFACE ON HIGH SIDE TO BE FLUSH WITH LIP OF CURB OR CURB & GUTTER.

TYPE "F" CURB AND GUTTER

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AND DRAINAGE
DETAILS

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PREPARED FOR
STARBUCKS

CITY OF STUART

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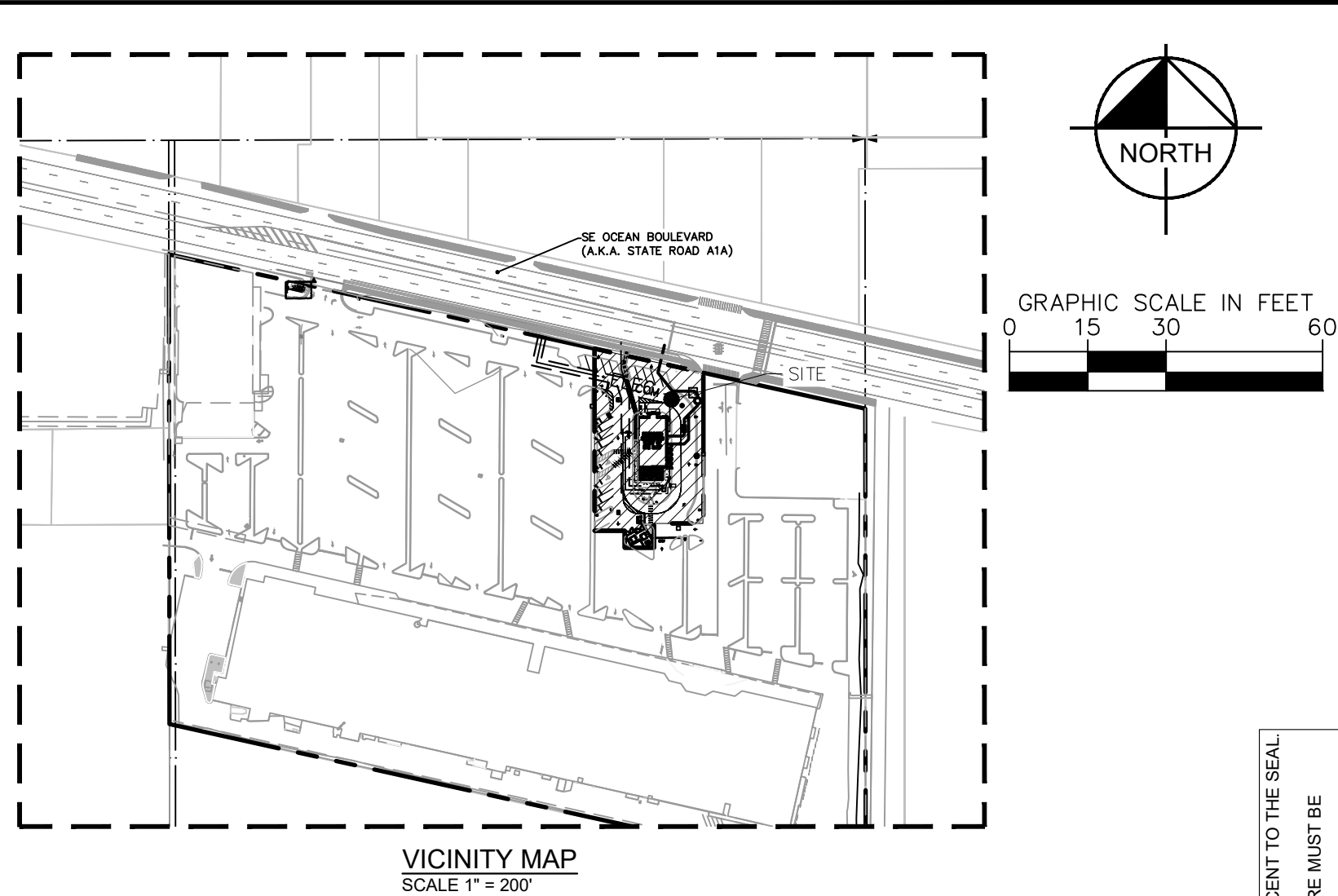
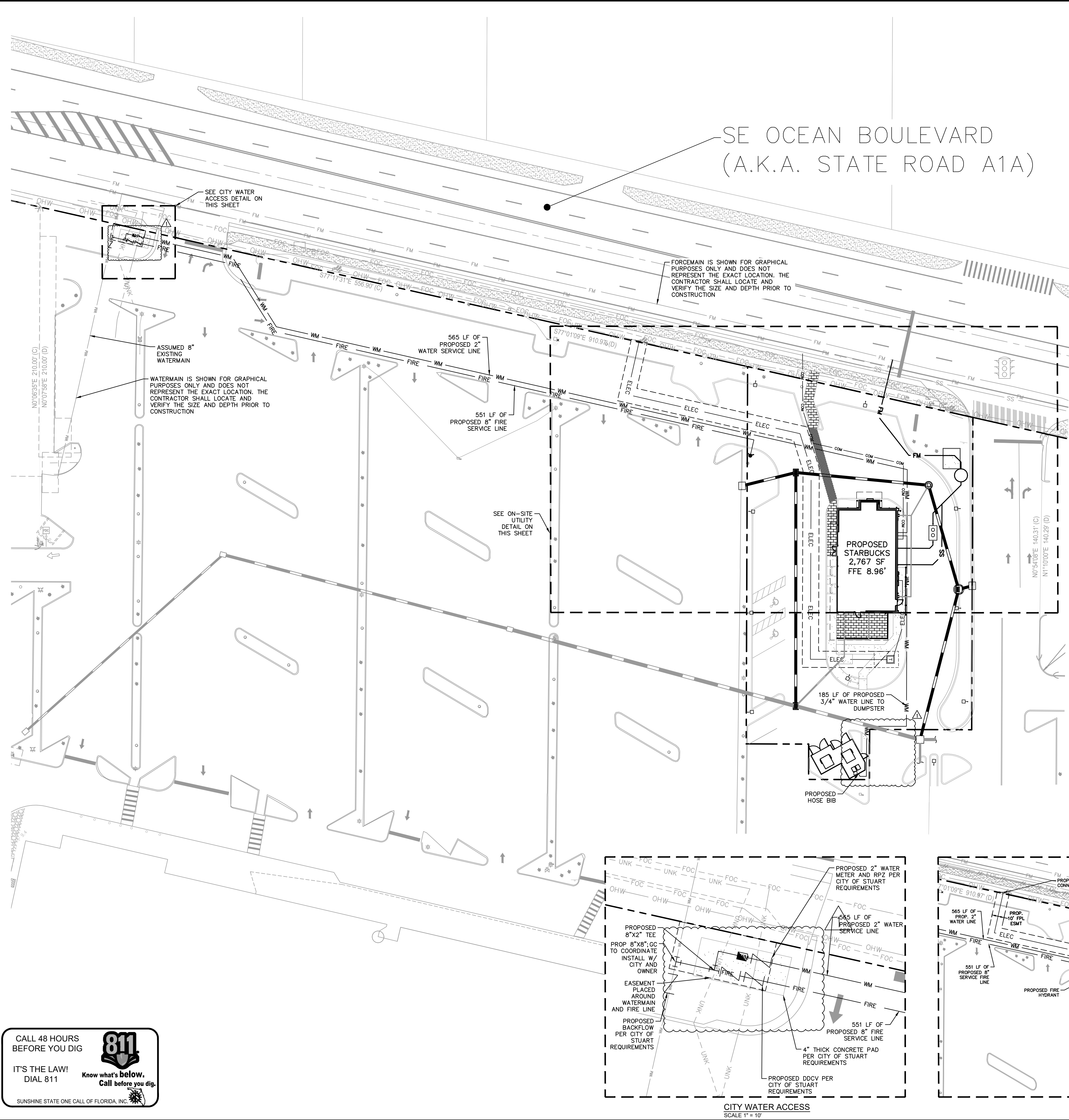


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1. GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL CONNECTIONS TO EXISTING WATER MAINS.
 2. DRY UTILITY COORDINATION AND PLANS ARE BY OTHERS AND ARE FOR REFERENCE. REFER TO ARCH/MEP PLANS FOR BUILDING UTILITY CONNECTIONS.
 3. EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND DETERMINE THE DEPTH OF EXISTING UTILITIES PRIOR TO CONSTRUCTION. DAMAGE TO EXISTING UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE REPAIRED AT THE CONTRACTOR'S SOLE EXPENSE.
 4. LIFT STATION IS TO BE PRIVATELY OWNED AND MAINTAINED.
 5. ALL CONSTRUCTION PERTINENT TO THIS DEPARTMENT SHALL BE INSTALLED, INSPECTED, AND TESTED IN ACCORDANCE WITH THE CITY OF STUART MINIMUM DESIGN AND CONSTRUCTION STANDARDS LATEST EDITION AND THE CITY OF STUART SPECIFICATIONS AND ORDINANCES WHERE APPLICABLE. IN CASE OF DISCREPANCIES BETWEEN THE CONSTRUCTION PLANS AND AFOREMENTIONED MANUALS, THE MOST RESTRICTIVE SHALL APPLY.

LEGEND			
---	PROPERTY LINE	---	PROPOSED ELECTRIC LINE
WM	PROPOSED WATER LINE	ELEC	PROPOSED FIRE LINE
FIRE	PROPOSED FIRE LINE	GAS	PROPOSED TELEPHONE LINE
SS	PROPOSED SEWER LINE	COM	PROPOSED STORM PIPE
FM	PROPOSED FORCEMAIN	---	EXISTING SANITARY SEWER
---	EXISTING STORM PIPE	SS	EXISTING FORCEMAIN
WM	EXISTING WATERMAIN	FM	EXISTING UNKNOWN LINE
---	EXISTING FIBER OPTICS LINE	---	PROPOSED STORM CATCH BASIN
T	PROPOSED TRANSFORMER	---	PROPOSED STORM CURB INLET
		---	PROPOSED GREASE TRAP
		---	PROPOSED LIGHT POLE

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06/25/2024

CITY OF STUART COMMENTS

1

By

DATE

No.

REVISIONS

PRELIMINARY UTILITY PLAN

OCEAN EAST STARBUCKS
PREPARED FOR
STARBUCKS

CITY OF STUART

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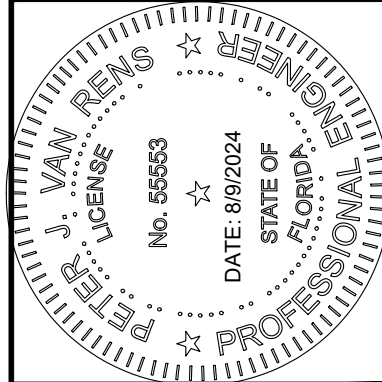
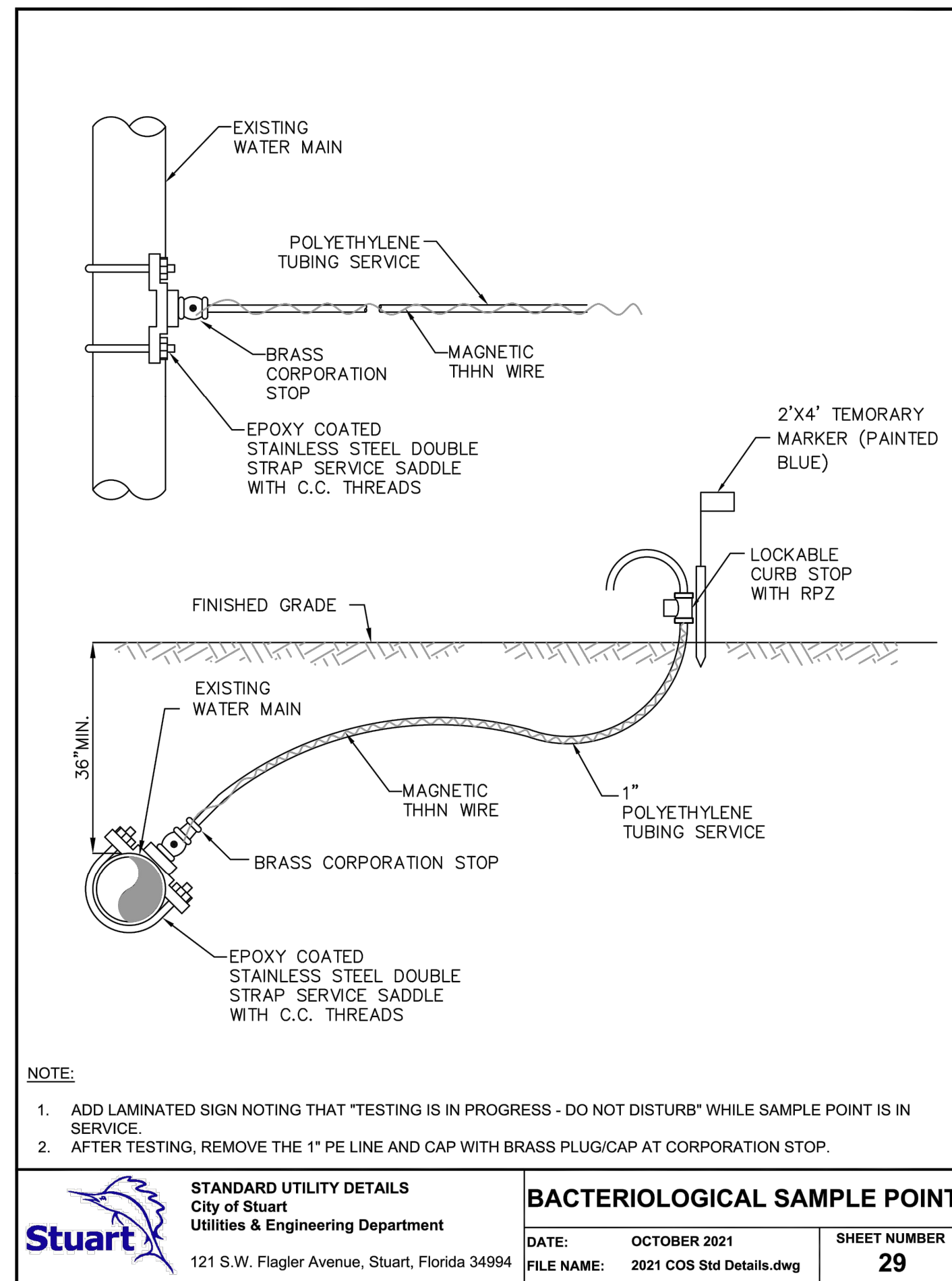
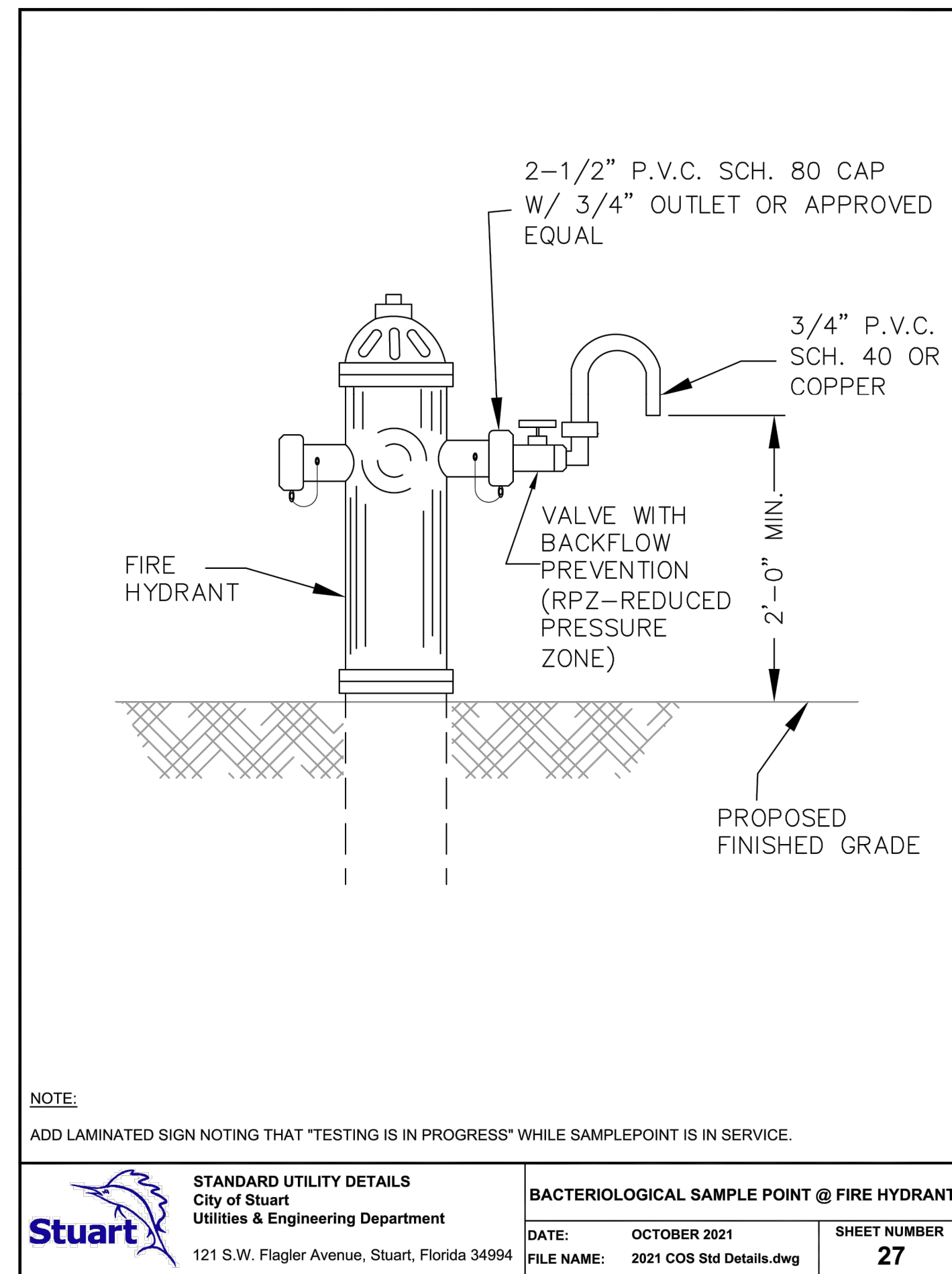
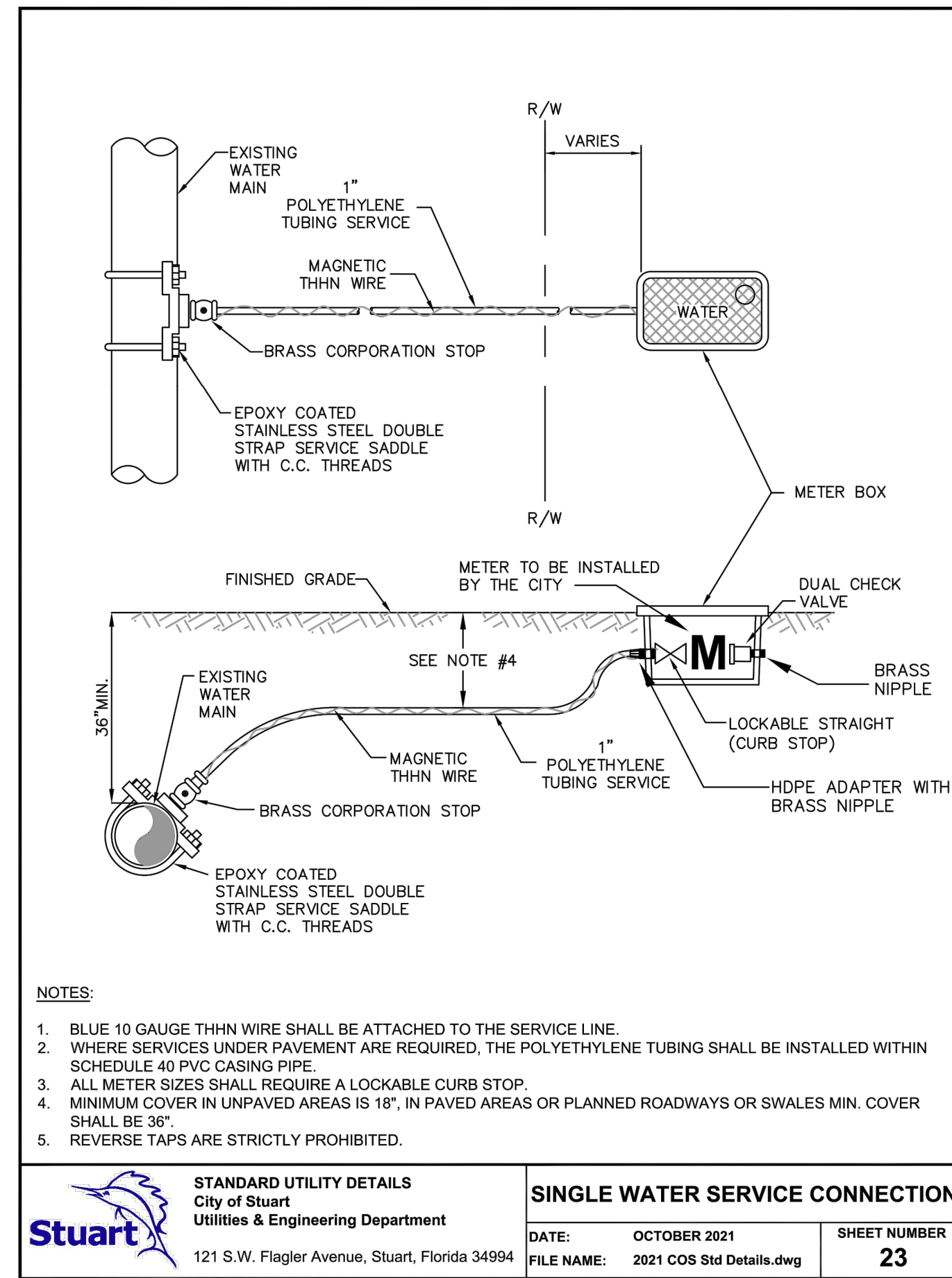
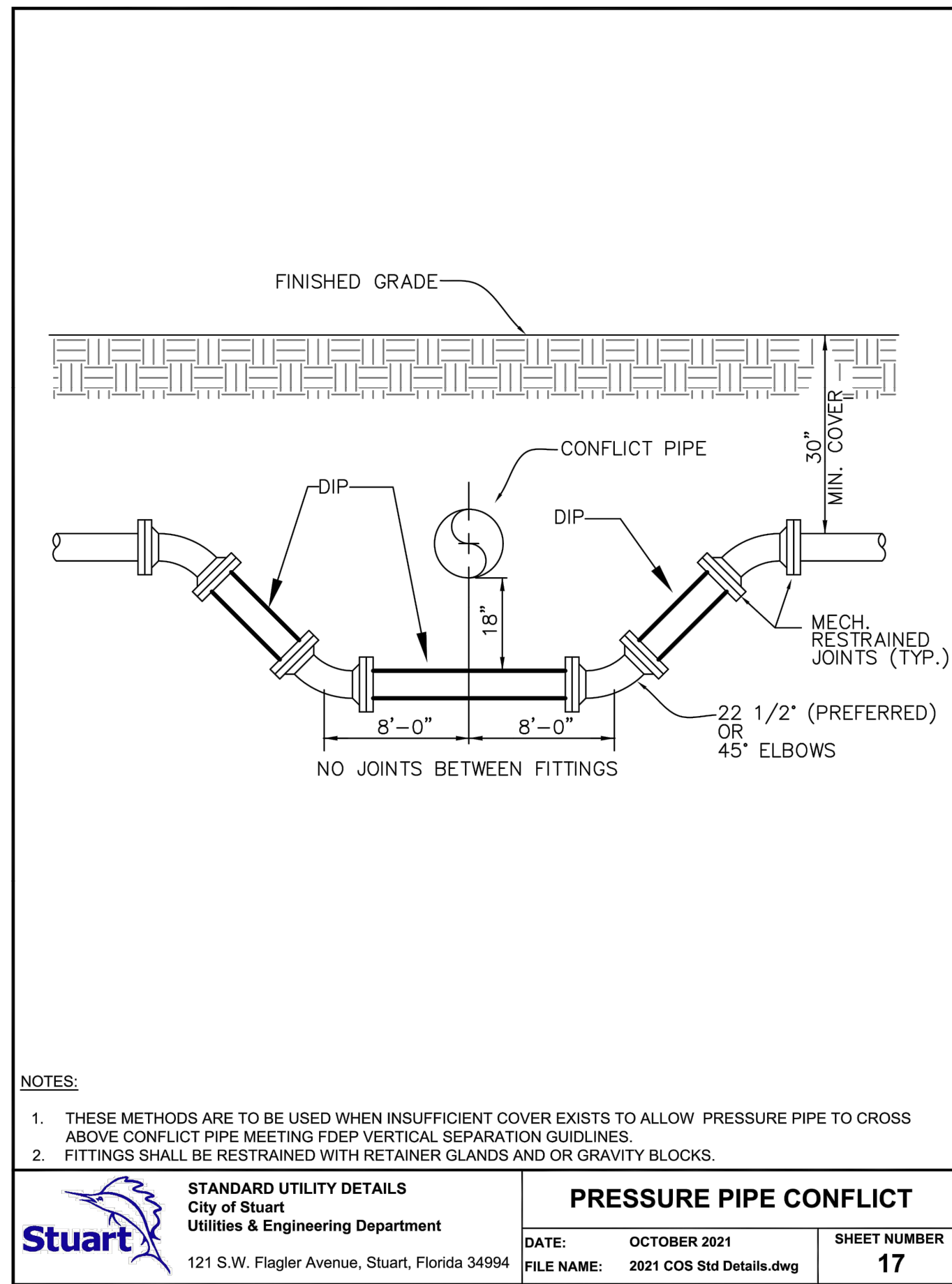
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Page 326 of 545



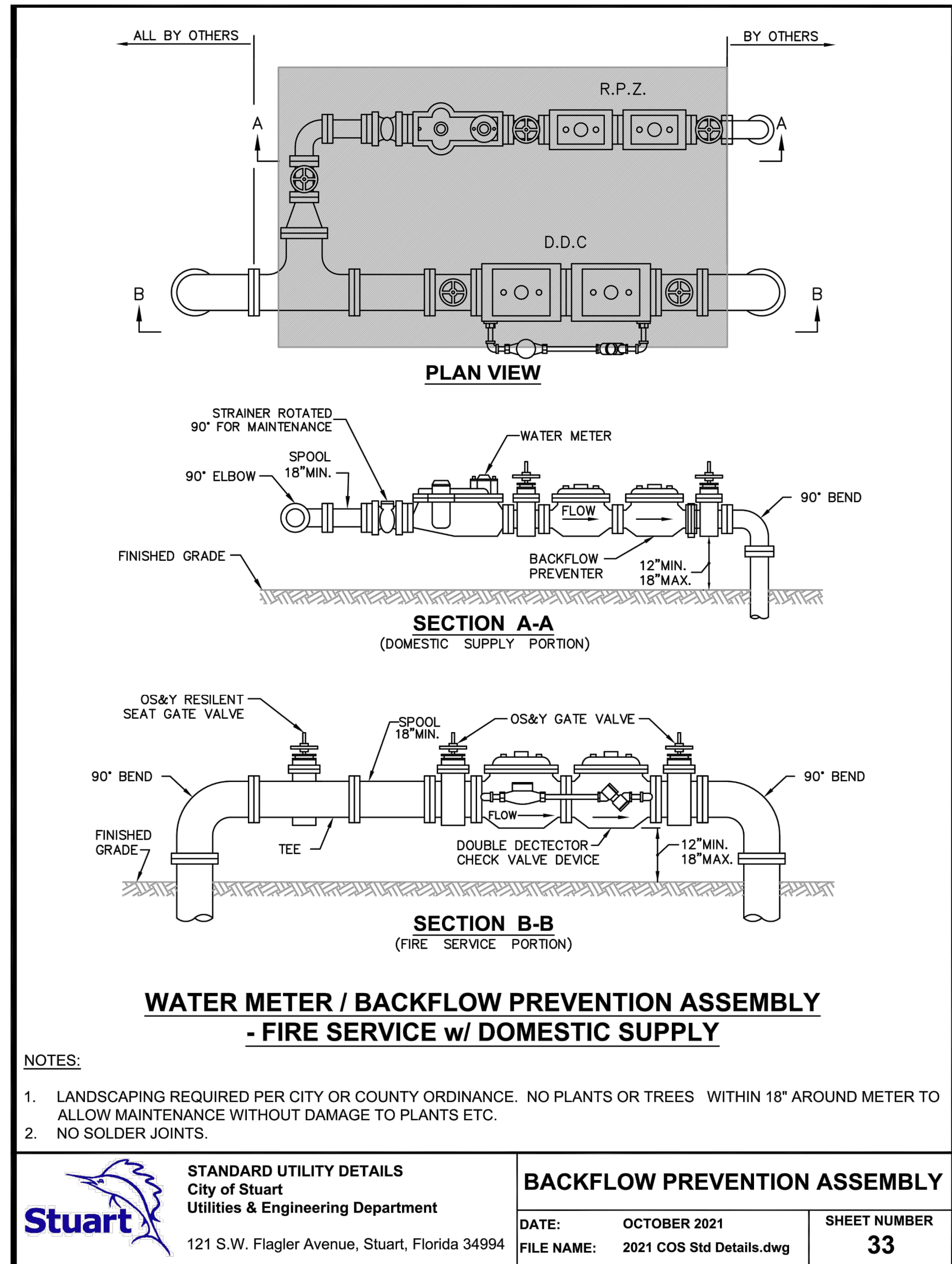
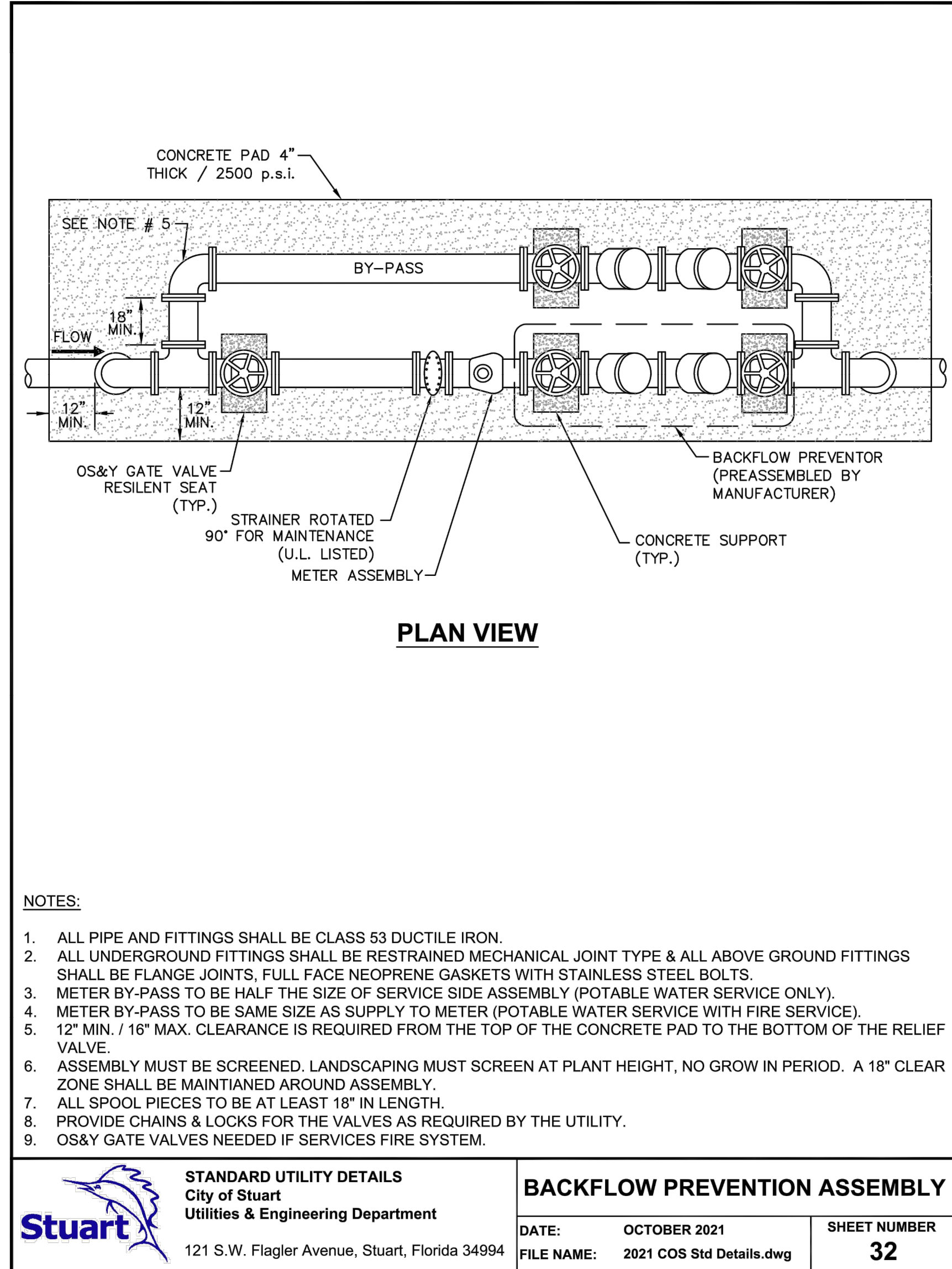
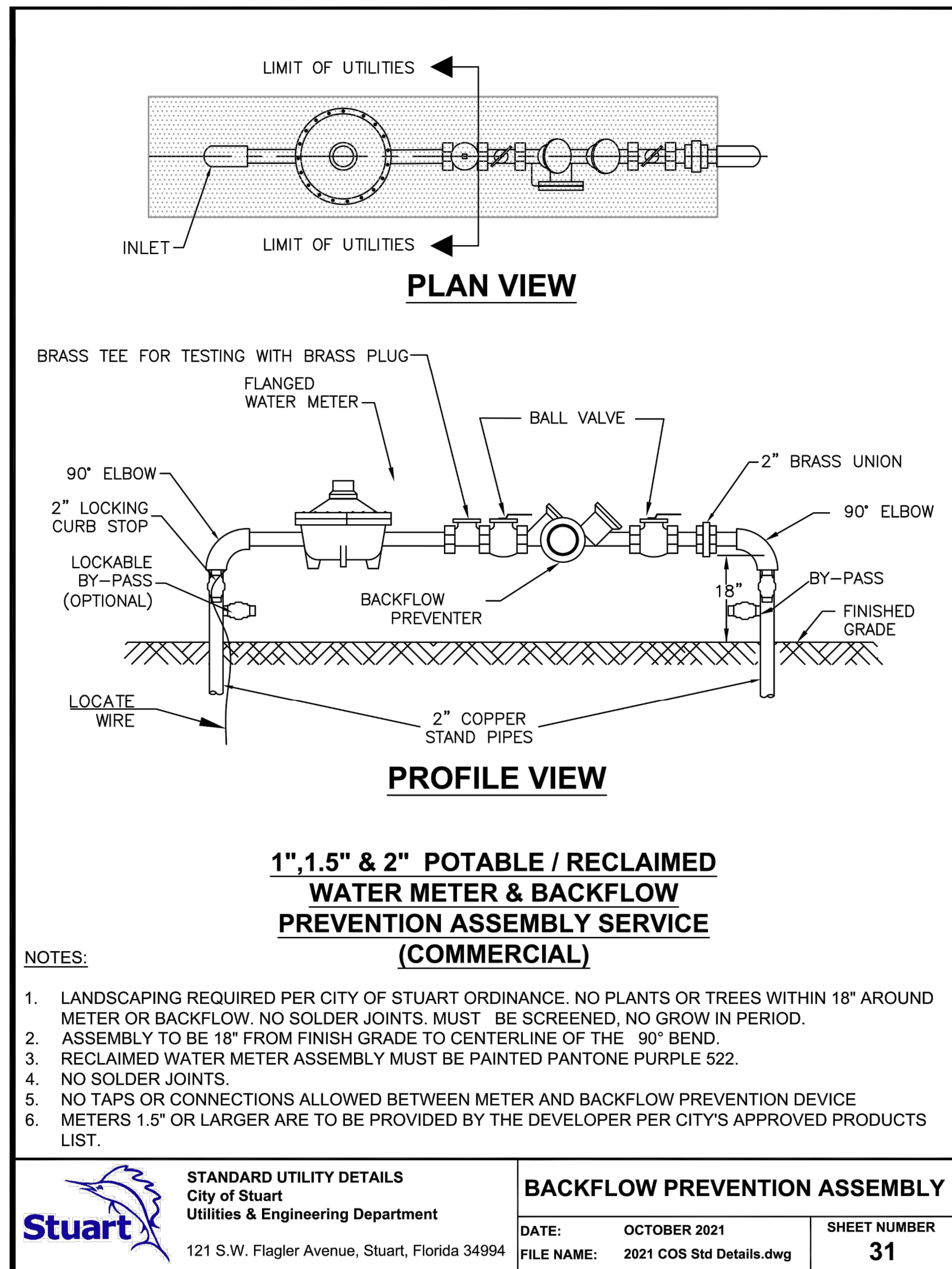
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		DRAWN BY	KSC
		CHECKED BY	KE

UTILITY DETAILS

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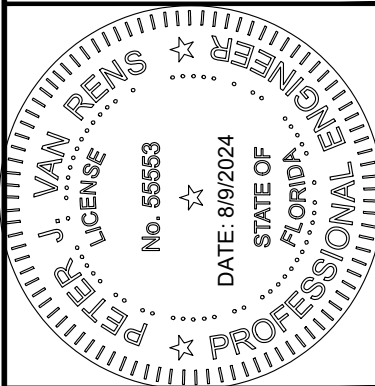
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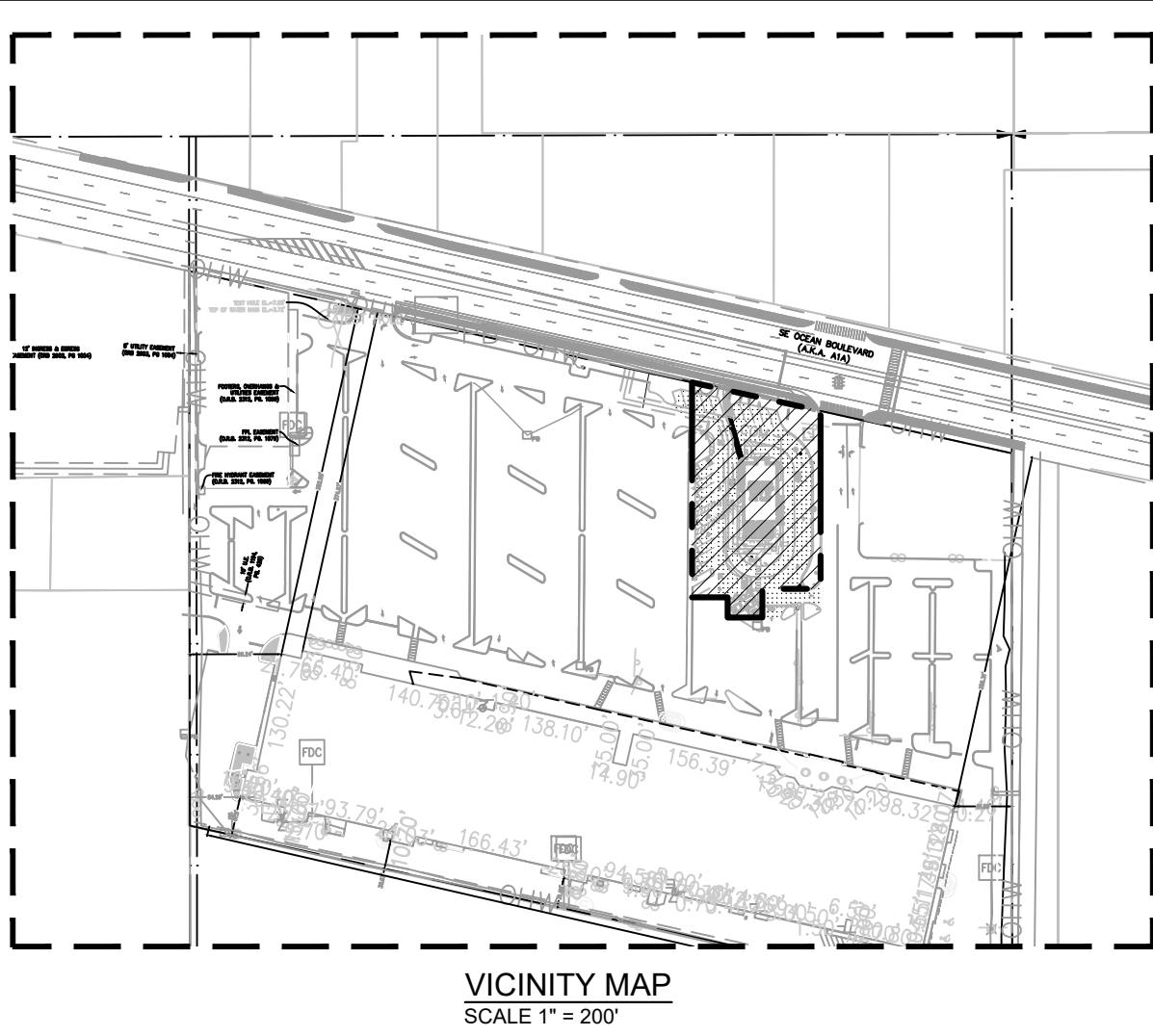
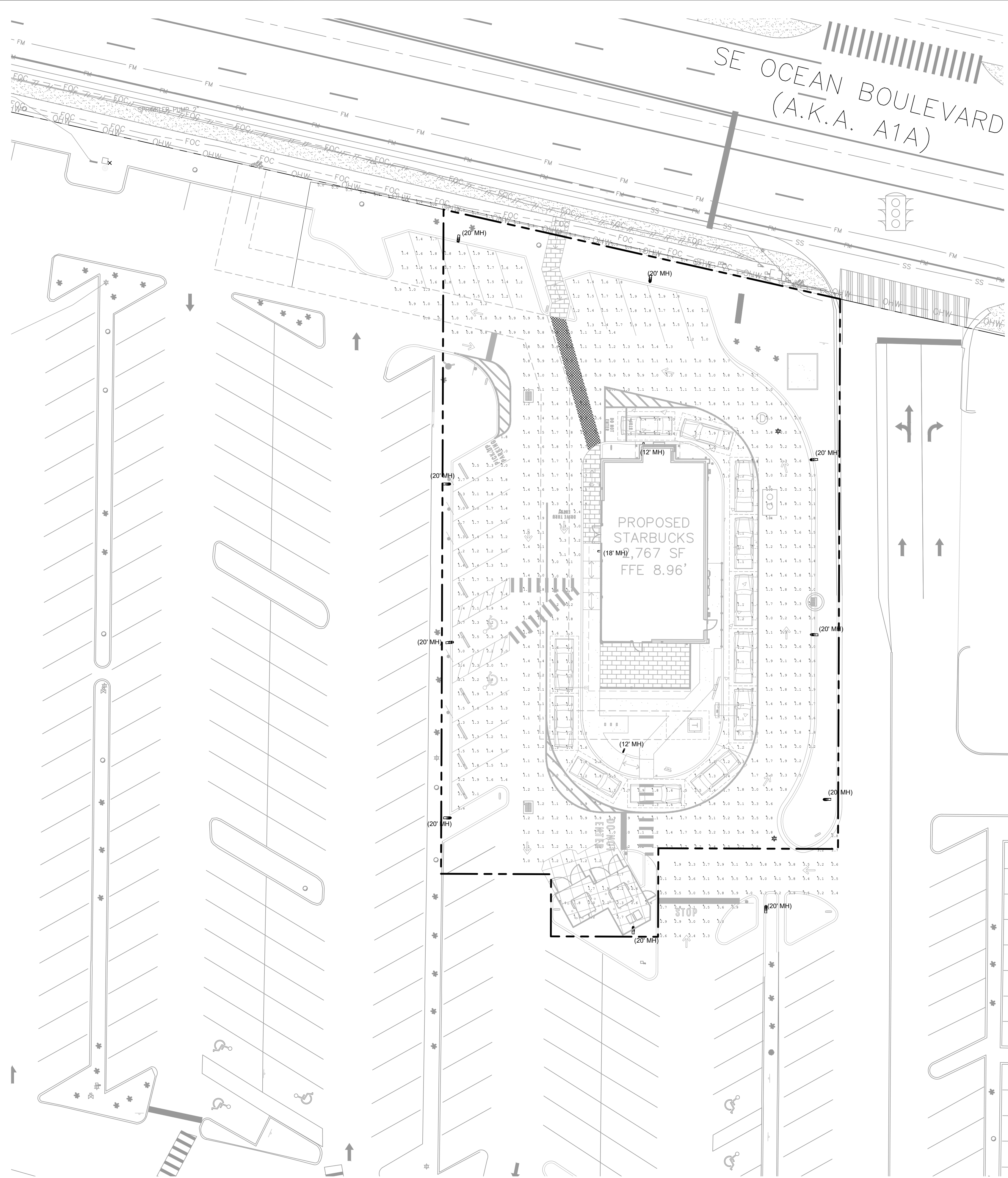
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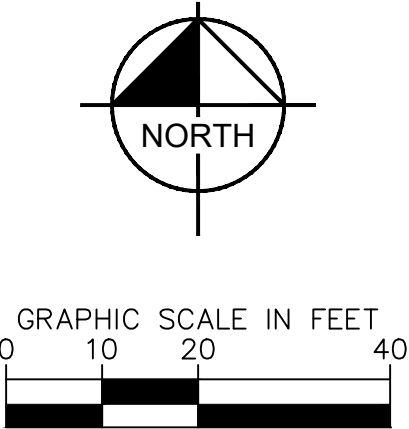
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STARBUCKS LIGHTING CRITERIA

FOOTCANDLE LEVELS	AVG.	MIN.	MAX.
SITE ENTRY	3.0	1.50	6.0
GENERAL PARKING	1.5	0.75	3.0
PARKING ADJACENT TO BUILDING	1.5	0.75	3.0
DRIVE THRU ENTRY	3.0	1.50	6.0
DRIVE THRU LANE	1.5	0.75	3.0
DRIVE THRU WINDOW	5.0	2.50	10.0
* REAR SERVICE DOOR	5.0	2.50	10.0
* SIDEWALK ADJACENT TO BUILDING	1.5	0.75	3.0
* MAIN BUILDING ENTRY	10.0	5.0	15.0
* PATIO	3.0	1.50	6.0
TRASH ENCLOSURE	1.5	0.75	3.0
SITE ENTRY DRIVE	1.5	0.75	3.0
CITY OF STUART RW	0.2	-	-

* TO BE PROVIDED BY OTHERS



Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Description	Tag	Luminaire Watts
	7	OSQM-C-6L-40K7-4M-Ux-xx-xx-xx	Single	6L, 40K7, Type IV	Area light fixture	37
	2	OSQM-C-6L-30K7-4B-Ux-xx-xx-xx	Single	6L, 30K7, Type III	Area light fixture	37
	2	OSQW-C-4L-27K7-2M-UL-xx-xx-xx	Single	4L, 27K7, Type II	Wall mount fixture	30
	1	OSQM-C-9L-40K7-4M-Ux-xx-xx-xx	Single	9L, 40K7, Type IV	Area light fixture	55
	1	OSQP-C-2L-27K7-2R-2T-xx-xx-xx	Single	9L, 27K7, Type II	Pedestrian light fixture	11

Calculation Summary					
Label	CalcType	Units	Avg	Max	Min
City Right of Way	Illuminance	Fc	0.17	N.A.	N.A.
Drive thru entry	Illuminance	Fc	3.01	3.3	2.4
Drive thru lane	Illuminance	Fc	1.50	3.2	1.0
Drive thru window	Illuminance	Fc	5.45	6.1	4.4
General Parking 1	Illuminance	Fc	1.56	1.9	1.0
General Parking 2	Illuminance	Fc	1.79	3.0	1.1
Site Entry 1	Illuminance	Fc	3.15	4.2	1.9
Site Entry Drive 1	Illuminance	Fc	1.51	3.0	0.7
Trash enclosure	Illuminance	Fc	2.10	2.7	1.4

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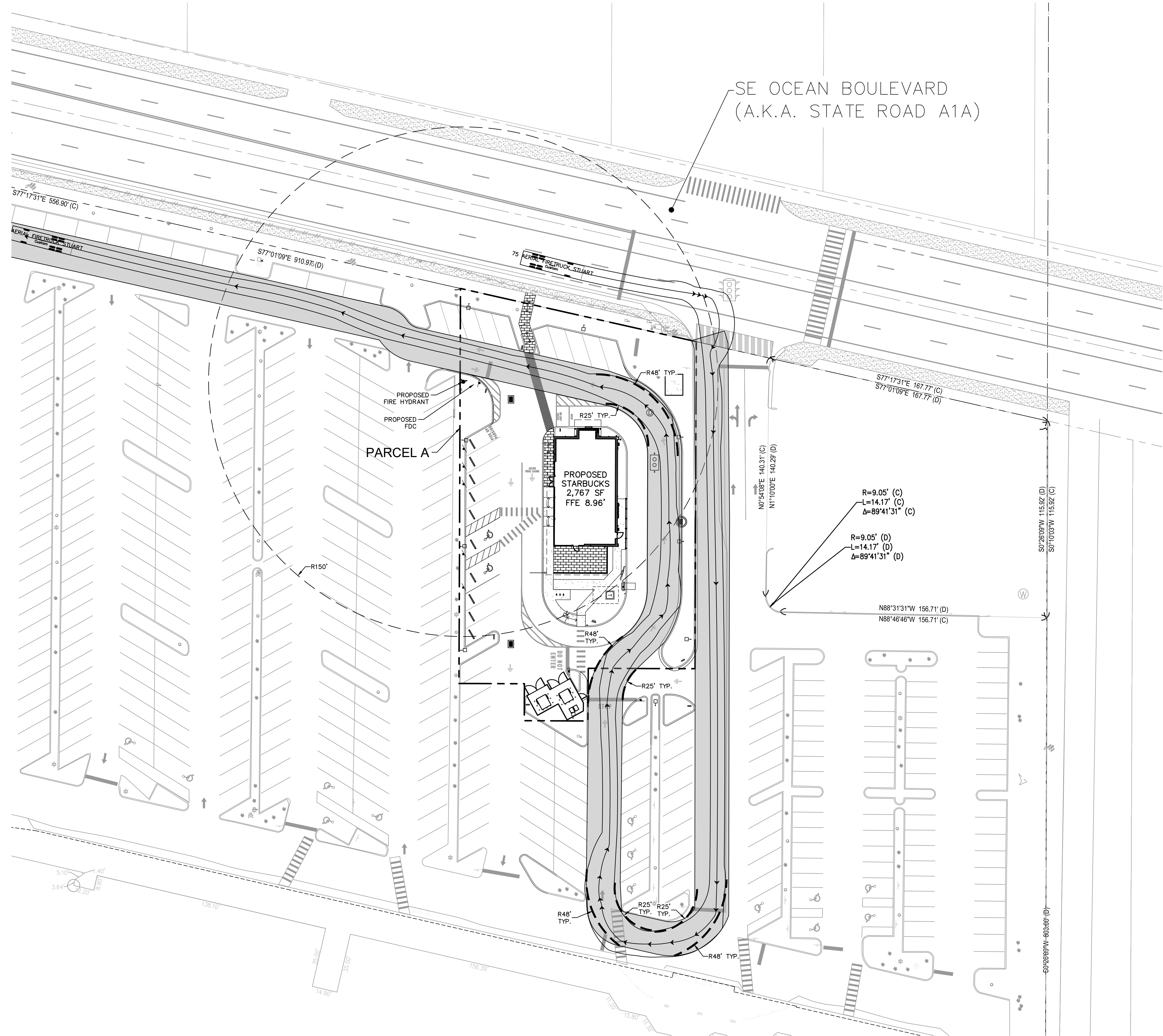
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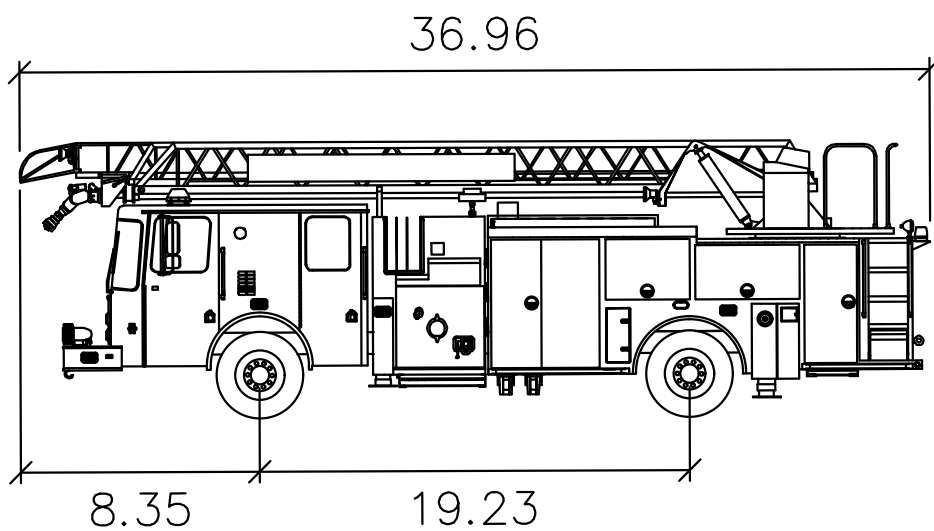
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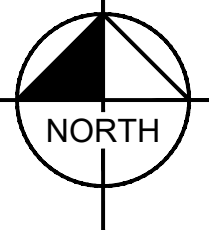
LEGEND

FIRE TRUCK ROUTE



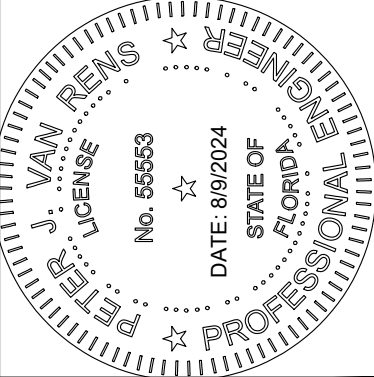
75 AERIAL FIRETRUCK STUART

	feet
Width	: 8.33
Track	: 8.33
Lock to Lock Time	: 6.0
Steering Angle	: 45.0


NORTH

GRAPHIC SCALE IN FEET
0 15 30 60

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FIRE PLAN

OCEAN EAST
STARBUCKS
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No.	REVISIONS	DATE	BY

DRAINAGE STATEMENT

August 9, 2024

SUBJECT: Ocean's East Starbucks
2300 SE Ocean Blvd
Stuart FL, 34996
KHA File No. 147945000

PROJECT AREA: ±0.70 AC Lease Area Proposed From ±11.29 AC Shopping Center Parcel

INTRODUCTION:

This drainage statement is intended to provide a summary of the existing and proposed conditions related to the site located at 2300 SE Ocean Blvd, Stuart FL, 34996. The site is currently a ±11.28 acre shopping center with associated parking. A ±0.70 acre existing portion of the parking lot is proposed to be removed and redeveloped with a coffee shop with a drive thru. The existing drainage patterns, land use, minimum inlet, FFE, and overall site drainage will remain consistent with existing conditions.

EXISTING CONDITIONS:

This site is located in an existing shopping center that consists of existing catch basins that collect stormwater and discharge to an existing swale along the east property line. The existing land use breakdown for the ±0.70 acre Starbucks lease area is shown below:

Existing Starbucks Drainage Area		
Parameter	Area (sf)	Area (ac)
Buildings	-	0.00
Pervious Area	6,310	0.14
Impervious Area	24,104	0.55
Total	30,414	0.70

There is no existing South Florida Water Management District (SFWMD) drainage permit for the ±11.29 acre existing shopping center.

PROPOSED DESIGN:

The proposed development consists of a proposed Starbucks with drive-thru lanes and related parking. The existing stormwater management system will be able to continue to convey the stormwater runoff from the site. The proposed area breakdowns for the ±0.70 acre Starbucks leased drainage area are as follows:

Proposed Starbucks Drainage Area		
Parameter	Area (sf)	Area (ac)
Buildings	2,767	0.06
Pervious Area	6,284	0.14
Impervious Area	21,363	0.49
Total	30,414	0.70

As apart of this development, the overall shopping centers' pervious area is increased (through proposed landscape island reconfigurations beyond the proposed Starbucks lease area) and the impervious area is decreased. Stormwater will continue to be conveyed to the interconnected catch basins within the center and discharge to the existing swale to the east. The Starbucks leased area proposes additional stormwater piping and structures as well as 79 LF of exfiltration trench to provide additional means of treatment for the proposed improvements.

Water Quality

To determine the water quality requirements that will be needed as apart of this development, water quality calculations were performed utilizing the land use area distribution generated by the proposed Starbucks ±0.70 acre lease area. Per SFWMD criteria, water quality shall be the greater of 1" over the entire drainage area or 2.5 x % impervious. 1" over the entire drainage area is as follows:

Pre-Development:

1" x Drainage Area is as follows:

$$1" \quad \times \quad 0.70 \text{ acres} \quad = \quad 0.70 \text{ ac-in} \quad = \quad \mathbf{0.058 \text{ ac-ft}}$$

2.5 x % impervious is as follows:

a)	0.70 - (roof)	=	0.70 - 0	=	0.698 ac
b)	0.70 - (green area)	=	0.70 - 0.145	=	0.553 ac
c)	% impervious	=	0.553 / 0.698 x 100	=	79.25 %
d)	2.5 x impervious	=	2.5 x 0.793	=	1.981 in
e)	1.981 in x 0.70 acres	=	1.383 ac-in	=	0.115 ac-ft

Post-Development:

1" x Drainage Area is as follows:

$$1" \quad \times \quad 0.70 \text{ acres} \quad = \quad 0.70 \text{ ac-in} \quad = \quad \mathbf{0.058 \text{ ac-ft}}$$

2.5 x % impervious is as follows:

a)	0.70 - (roof)	=	0.70 - 0.064	=	0.635 ac
b)	0.63 - (green area)	=	0.63 - 0.144	=	0.490 ac
c)	% impervious	=	0.490 / 0.635 x 100	=	77.27 %
d)	2.5 x impervious	=	2.5 x 0.773	=	1.932 in
e)	1.93 in x 0.698 acres	=	1.349 ac-in	=	0.112 ac-ft

* 2.5" x Impervious Area yields the larger quantity of water to be treated therefore, the site must provide the 0.112 ac-ft of treatment in the post-developed condition.

The post condition requires less treatment due to the increase in building area and decrease in impervious area in the post-developed condition. To provide treatment, 54 LF of exfiltration trench is proposed prior to connecting to the Starbucks stormwater infrastructure to the center's existing catch basin. Calculations for the exfiltration trench are included in Appendix C of this report.

Water Quantity

Runoff

To evaluate the water quantity impact for the ±0.70 acre Starbucks, the ±11.29 acre shopping center was evaluated for pre and post runoff impacts. Due to the post-developed condition increasing building area and pervious area for the overall shopping center, the site is anticipated to reduce runoff. Soil storage is anticipated to be improved or remain the same due to the slight increase in pervious area. Runoff calculations for the shopping center are included in the appendix and summarized in the below table.

Basin	Storm Event (YR/DAY)	NOAA Precipitation Depth (IN)	Pre Runoff Volume (AC-FT)	Post Runoff Volume (AC-FT)
Oceans East Shopping Center	25YR/3DY	11.60	10.08	10.07

In the 25-year, 3-day storm event, the runoff for the shopping center as a whole is reduced.

Finished Floor Elevation (FFE) Determination

In order to evaluate the FFE for the proposed Starbucks, the stage storage elevation for the 100-Year 3-Day zero discharge storm event was calculated. The stage storage and runoff calculations for this evaluation are available in Appendix A. Below is a summary of this analysis:

Basin	Site Design Element	Storm Event (YR/DAY)	NOAA Precipitation Depth (IN)	Pre FFE Requirement (FT NAVD88)	Post FFE Requirement (FT NAVD88)	Proposed Elevation (FT NAVD88)
Oceans East Shopping Center	Finished Floor	100YR/3DY	15.20	8.96	8.94	8.96

The proposed finished floor elevation is above the anticipated peak stage of the 100 Year – 3 Day Storm Event for both the pre and post developed shopping center stage storage calculations. There is no impact to the 100-year 3-day storm elevation for the center by this development.

Closure

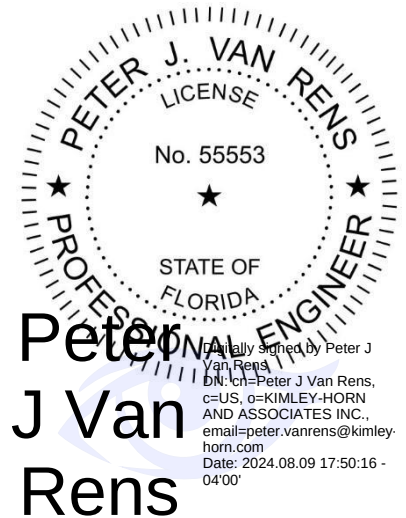
Since the proposed improvements provide exfiltration trench, increases the building area, and decrease the impervious area, the water quality and quantity will be improved in the post condition. Therefore, this improvement is consistent with SFWMD design criteria.

KIMLEY-HORN AND ASSOCIATES, INC.

Peter J. Van Rens, P.E.
Florida Registration No. 55553

This item has been digitally signed and sealed by Peter J. Van Rens, P.E. on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed, and the signature must be verified on electronic copies.



Appendix A - Stage Storage & Runoff Calculations

Pre Soil Storage

Land Use Summary:

	Acres	Percent
Dry Pond Areas (A_1)	0.000	0.00%
Roof Areas (A_R)	2.738	24.25%
Paved Areas (A_P)	7.472	66.19%
Green Areas (A_G)	1.079	9.56%
Total (A_T)	11.289	100.00%

Soil Storage per SFWMD Vol.
II

Page 30 Sec. 5.7.4.2

Depth to Water Table (feet)	Water Storage (inches)
1	0.45
2	1.875
3	4.95
4	8.175

Water Table: 1.59
Average Pervious Grade (Elev.): 7.591
Depth to Water Table: 6.00 ft
Soil Compaction at Depth (S_s): 8.18 inches

Weighted S value:

$$= S_s \times \% \text{ Pervious}$$

$$= 5.10 \times 9.56\%$$

$$= 0.78 \text{ inches}$$

Rainfalls

From NOAA Rainfall Data, 25-Year 3-day Storm = 11.60 inches (per NOAA)
From NOAA Rainfall Data, 100-Year 3-day Storm = 15.20 inches (per NOAA)

Pre Runoff Volume

25-Year 3-Day

$$\begin{aligned} \text{Runoff (Q)} &= (P-0.2S)^2 / (P+0.8S) \\ &= 10.71 \text{ inches} \quad \text{or} \quad 0.89 \text{ feet of total runoff} \\ \text{Runoff Volume} &= Q * \text{Project Area} \\ &= 120.93 \text{ ac-in} \quad \text{or} \quad 10.08 \text{ ac-ft} \end{aligned}$$

100-Year 3-Day

$$\begin{aligned} \text{Runoff (Q)} &= (P-0.2S)^2 / (P+0.8S) \\ &= 14.30 \text{ inches} \quad \text{or} \quad 1.19 \text{ feet of total runoff} \\ \text{Runoff Volume} &= Q * \text{Project Area} \\ &= 161.44 \text{ ac-in} \quad \text{or} \quad 13.45 \text{ ac-ft} \end{aligned}$$

Post Soil Storage

Land Use Summary:

	Acres	Percent
Dry Pond Areas (A_1)	0.000	0.00%
Roof Areas (A_R)	2.801	24.81%
Paved Areas (A_P)	7.394	65.50%
Green Areas (A_G)	1.093	9.69%
Total (A_T)	11.289	100.00%

Compacted Soil Storage per
SFWMD Vol. II

Page 30 Sec. 5.7.4.2

Depth to Water Table (feet)	Water Storage (inches)
1	0.45
2	1.875
3	4.95
4	8.175

Water Table 1.59
Average Pervious Grade (Elev.): 7.591
Depth to Water Table: 6.00 ft
Soil Compaction at Depth (S_s): 8.175 inches

Weighted S value:

= $S_s \times \% \text{ Pervious}$

= 0.79 inches

Rainfalls

Rainfall Data, 25-Year 3-day Storm = 11.60 inches
Rainfall Data, 100-Year 3-day Storm = 15.20 inches

Post Runoff Volume

25-Year 3-Day

Runoff (Q) = $(P-0.2S)^2 / (P+0.8S)$
= 10.70 inches or 0.89 feet of total runoff
Runoff Volume = $Q \times \text{Project Area}$
= 120.80 ac-in or 10.07 ac-ft

100-Year 3-Day

Runoff (Q) = $(P-0.2S)^2 / (P+0.8S)$
= 14.29 inches or 1.19 feet of total runoff
Runoff Volume = $Q \times \text{Project Area}$
= 161.31 ac-in or 13.44 ac-ft

Site Stage-Storage - Existing Shopping Center

Oceans East Plaza - Stuart FL
Project No: 147945000

Shelby Graziani
8/9/2024

Stage Step Interval:	0.25
Start Stage Elevation:	6.19

Storage Type Area (ac) Low Elev. High Elev.	Impervious Area					Landscaping	Total Area
	L					L	
	7.472					1.079	
	6.19					6.19	
	8.84					6.69	

							TOTAL
Stage	Impervious Area	0	0	0	0	Landscaping	CUM, AC-FT
6.19	0.000	0.000	0.000	0.000	0.000	0.000	0.000
6.44	0.088	0.000	0.000	0.000	0.000	0.067	0.156
6.69	0.352	0.000	0.000	0.000	0.000	0.270	0.622
6.94	0.793	0.000	0.000	0.000	0.000	0.540	1.333
7.19	1.410	0.000	0.000	0.000	0.000	0.809	2.219
7.44	2.203	0.000	0.000	0.000	0.000	1.079	3.282
7.69	3.172	0.000	0.000	0.000	0.000	1.349	4.521
7.94	4.318	0.000	0.000	0.000	0.000	1.619	5.936
8.19	5.639	0.000	0.000	0.000	0.000	1.888	7.527
8.44	7.137	0.000	0.000	0.000	0.000	2.158	9.295
8.69	8.811	0.000	0.000	0.000	0.000	2.428	11.239
8.94	10.648	0.000	0.000	0.000	0.000	2.698	13.345
9.19	12.516	0.000	0.000	0.000	0.000	2.967	15.483
9.44	14.384	0.000	0.000	0.000	0.000	3.237	17.621
9.69	16.252	0.000	0.000	0.000	0.000	3.507	19.758
9.94	18.120	0.000	0.000	0.000	0.000	3.777	21.896

At Stage:	8.96 ft	The Total Cumulative Storage:	13.516 ac-ft
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Site Stage-Storage - Proposed Shopping Center

Oceans East Plaza - Stuart FL
Project No: 147945000

Shelby Graziani
8/9/2024

Stage Step Interval:	0.25
Start Stage Elevation:	6.19

Storage Type	Impervious Area				Exfiltration Trench	Landscaping	Total Area
Area (ac)	L				L	L	
	7.390					1.093	8.483
Low Elev.	6.19				0.59	6.19	
High Elev.	8.84				4.36	6.69	

See Exfil Calcs

							TOTAL
Stage	Impervious Area	0	0	0	Exfiltration Trench	Landscaping	CUM, AC-FT
6.19	0.000	0.000	0.000	0.000	0.164	0.000	0.164
6.44	0.087	0.000	0.000	0.000	0.164	0.068	0.319
6.69	0.349	0.000	0.000	0.000	0.164	0.273	0.786
6.94	0.784	0.000	0.000	0.000	0.164	0.547	1.495
7.19	1.394	0.000	0.000	0.000	0.164	0.820	2.378
7.44	2.179	0.000	0.000	0.000	0.164	1.093	3.436
7.69	3.137	0.000	0.000	0.000	0.164	1.366	4.668
7.94	4.270	0.000	0.000	0.000	0.164	1.640	6.074
8.19	5.577	0.000	0.000	0.000	0.164	1.913	7.654
8.44	7.059	0.000	0.000	0.000	0.164	2.186	9.409
8.69	8.715	0.000	0.000	0.000	0.164	2.459	11.338
8.94	10.531	0.000	0.000	0.000	0.164	2.733	13.427
9.19	12.378	0.000	0.000	0.000	0.164	3.006	15.548
9.44	14.226	0.000	0.000	0.000	0.164	3.279	17.669
9.69	16.073	0.000	0.000	0.000	0.164	3.552	19.790
9.94	17.921	0.000	0.000	0.000	0.164	3.826	21.910

At Stage:	8.942 ft	The Total Cumulative Storage:	13.444 ac-ft
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Site Stage-Storage - Proposed Starbucks

Ocean's East Starbucks - Stuart, FL
Project No: 147945000

Andrew Brodsky
6/20/2024

Stage Step Interval:	0.25
Start Stage Elevation:	6.25

Storage Type	Impervious Area	Lake Surface	Lake Banks	Dry Detention Bottom	Dry Detention Banks	Landscaping	Total Area
Area (ac)	L	V	L	V	L	L	
Low Elev.	0.500	0.000	0.000	0.000	0.000	0.140	0.640
High Elev.	6.19					7.20	
	7.75					7.75	

							TOTAL
Stage	Impervious Area	Lake Surface	Lake Banks	Dry Detention Bottom	Dry Detention Banks	Landscaping	CUM, AC-FT
6.25	0.001	0.000	0.000	0.000	0.000	0.000	0.001
6.50	0.015	0.000	0.000	0.000	0.000	0.000	0.015
6.75	0.050	0.000	0.000	0.000	0.000	0.000	0.050
7.00	0.105	0.000	0.000	0.000	0.000	0.000	0.105
7.25	0.180	0.000	0.000	0.000	0.000	0.000	0.180
7.50	0.275	0.000	0.000	0.000	0.000	0.011	0.286
7.75	0.390	0.000	0.000	0.000	0.000	0.039	0.429
8.00	0.515	0.000	0.000	0.000	0.000	0.074	0.589
8.25	0.640	0.000	0.000	0.000	0.000	0.109	0.749
8.50	0.765	0.000	0.000	0.000	0.000	0.144	0.909
8.75	0.890	0.000	0.000	0.000	0.000	0.179	1.069
9.00	1.015	0.000	0.000	0.000	0.000	0.214	1.229
9.25	1.140	0.000	0.000	0.000	0.000	0.249	1.389
9.50	1.265	0.000	0.000	0.000	0.000	0.284	1.549
9.75	1.390	0.000	0.000	0.000	0.000	0.319	1.709
10.00	1.515	0.000	0.000	0.000	0.000	0.354	1.869

At Stage:	8.96 ft	The Total Cumulative Storage:	1.203 ac-ft
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RUNOFF CALCULATION (PROPOSED STARBUCKS)

100 YEAR - 3 DAY STORM EVENT

P = 15.2"

S = 1.05

V REQUIRED = 0.82 AC-FT

V PROVIDED = 1.203 AC-FT

V REQUIRED < V PROVIDED : OK

Appendix B – NOAA Rainfall Data



NOAA Atlas 14, Volume 9, Version 2
Location name: Stuart, Florida, USA*
Latitude: 27.1958°, Longitude: -80.2215°
Elevation: 8 ft**
 * source: ESRI Maps
 ** source: USGS



POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Deborah Martin, Sandra Pavlovic, Ishani Roy, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Michael Yekta, Geoffrey Bonnin

NOAA, National Weather Service, Silver Spring, Maryland

[PF_tabular](#) | [PF_graphical](#) | [Maps_&_aerials](#)

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches) ¹										
Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	0.550 (0.444-0.683)	0.626 (0.504-0.778)	0.752 (0.605-0.938)	0.860 (0.687-1.08)	1.01 (0.784-1.31)	1.13 (0.857-1.49)	1.25 (0.919-1.69)	1.38 (0.972-1.92)	1.55 (1.05-2.22)	1.68 (1.11-2.44)
10-min	0.805 (0.650-1.00)	0.916 (0.739-1.14)	1.10 (0.885-1.37)	1.26 (1.01-1.58)	1.48 (1.15-1.92)	1.66 (1.26-2.18)	1.84 (1.35-2.48)	2.02 (1.42-2.80)	2.27 (1.54-3.24)	2.47 (1.63-3.58)
15-min	0.982 (0.792-1.22)	1.12 (0.901-1.39)	1.34 (1.08-1.68)	1.54 (1.23-1.92)	1.81 (1.40-2.34)	2.02 (1.53-2.66)	2.24 (1.64-3.02)	2.46 (1.74-3.42)	2.77 (1.88-3.96)	3.01 (1.99-4.36)
30-min	1.51 (1.22-1.87)	1.72 (1.38-2.13)	2.06 (1.66-2.57)	2.36 (1.88-2.95)	2.78 (2.15-3.60)	3.10 (2.35-4.08)	3.44 (2.52-4.64)	3.79 (2.67-5.25)	4.26 (2.89-6.08)	4.62 (3.05-6.70)
60-min	2.03 (1.64-2.53)	2.30 (1.86-2.87)	2.75 (2.21-3.43)	3.13 (2.50-3.93)	3.67 (2.84-4.75)	4.09 (3.10-5.37)	4.51 (3.31-6.08)	4.95 (3.49-6.86)	5.54 (3.76-7.91)	6.00 (3.97-8.70)
2-hr	2.56 (2.08-3.16)	2.89 (2.35-3.58)	3.44 (2.79-4.27)	3.91 (3.14-4.87)	4.56 (3.55-5.86)	5.07 (3.86-6.61)	5.59 (4.12-7.48)	6.12 (4.33-8.42)	6.83 (4.66-9.68)	7.38 (4.91-10.6)
3-hr	2.85 (2.32-3.50)	3.22 (2.62-3.97)	3.85 (3.12-4.75)	4.38 (3.53-5.42)	5.12 (4.00-6.55)	5.70 (4.36-7.41)	6.29 (4.66-8.39)	6.90 (4.91-9.47)	7.73 (5.29-10.9)	8.36 (5.58-12.0)
6-hr	3.28 (2.69-4.01)	3.77 (3.09-4.61)	4.60 (3.76-5.64)	5.32 (4.32-6.55)	6.35 (5.01-8.12)	7.18 (5.53-9.30)	8.03 (5.99-10.7)	8.92 (6.40-12.2)	10.2 (7.01-14.3)	11.1 (7.47-15.9)
12-hr	3.65 (3.01-4.42)	4.31 (3.56-5.24)	5.47 (4.50-6.66)	6.50 (5.31-7.95)	8.00 (6.38-10.2)	9.24 (7.18-12.0)	10.5 (7.93-14.0)	11.9 (8.62-16.3)	13.9 (9.65-19.4)	15.4 (10.4-21.8)
24-hr	4.13 (3.43-4.98)	4.95 (4.11-5.98)	6.40 (5.29-7.74)	7.70 (6.34-9.36)	9.64 (7.75-12.3)	11.2 (8.81-14.5)	13.0 (9.82-17.1)	14.8 (10.8-20.1)	17.4 (12.2-24.3)	19.5 (13.3-27.4)
2-day	4.91 (4.10-5.88)	5.79 (4.84-6.94)	7.36 (6.13-8.85)	8.77 (7.26-10.6)	10.9 (8.81-13.8)	12.6 (9.97-16.2)	14.5 (11.1-19.0)	16.5 (12.1-22.3)	19.4 (13.7-26.9)	21.7 (14.9-30.3)
3-day	5.48 (4.60-6.54)	6.39 (5.36-7.63)	7.99 (6.68-9.57)	9.43 (7.84-11.3)	11.6 (9.38-14.5)	13.3 (10.6-17.0)	15.2 (11.6-19.9)	17.2 (12.7-23.1)	20.1 (14.2-27.7)	22.4 (15.4-31.2)
4-day	5.96 (5.02-7.09)	6.88 (5.78-8.19)	8.49 (7.12-10.1)	9.92 (8.27-11.9)	12.1 (9.80-15.1)	13.8 (11.0-17.5)	15.7 (12.0-20.4)	17.7 (13.0-23.6)	20.5 (14.5-28.1)	22.7 (15.7-31.6)

7-day	7.12 (6.03-8.43)	8.06 (6.81-9.54)	9.67 (8.15-11.5)	11.1 (9.31-13.2)	13.2 (10.8-16.4)	14.9 (11.9-18.8)	16.7 (12.9-21.6)	18.7 (13.8-24.8)	21.4 (15.2-29.2)	23.5 (16.3-32.5)
10-day	8.10 (6.88-9.56)	9.08 (7.70-10.7)	10.8 (9.11-12.7)	12.2 (10.3-14.6)	14.4 (11.8-17.8)	16.2 (12.9-20.2)	18.0 (13.9-23.1)	19.9 (14.8-26.3)	22.6 (16.2-30.8)	24.8 (17.2-34.1)
20-day	10.8 (9.25-12.7)	12.1 (10.3-14.2)	14.2 (12.1-16.7)	16.0 (13.6-18.9)	18.6 (15.3-22.8)	20.7 (16.6-25.7)	22.8 (17.7-29.0)	25.0 (18.7-32.8)	28.1 (20.2-37.8)	30.4 (21.3-41.6)
30-day	13.1 (11.3-15.3)	14.7 (12.6-17.1)	17.3 (14.7-20.2)	19.4 (16.5-22.8)	22.4 (18.5-27.2)	24.8 (20.0-30.6)	27.2 (21.2-34.4)	29.7 (22.2-38.6)	33.0 (23.8-44.1)	35.5 (25.0-48.3)
45-day	16.1 (13.9-18.7)	18.1 (15.5-21.0)	21.2 (18.2-24.8)	23.9 (20.4-27.9)	27.4 (22.6-33.0)	30.1 (24.3-36.9)	32.8 (25.6-41.2)	35.5 (26.7-45.9)	39.0 (28.2-51.9)	41.6 (29.4-56.5)
60-day	18.7 (16.1-21.6)	21.0 (18.1-24.4)	24.7 (21.3-28.7)	27.7 (23.7-32.3)	31.7 (26.2-37.9)	34.6 (28.0-42.2)	37.5 (29.4-46.8)	40.3 (30.3-51.8)	43.9 (31.8-58.1)	46.5 (32.9-62.9)

¹ Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

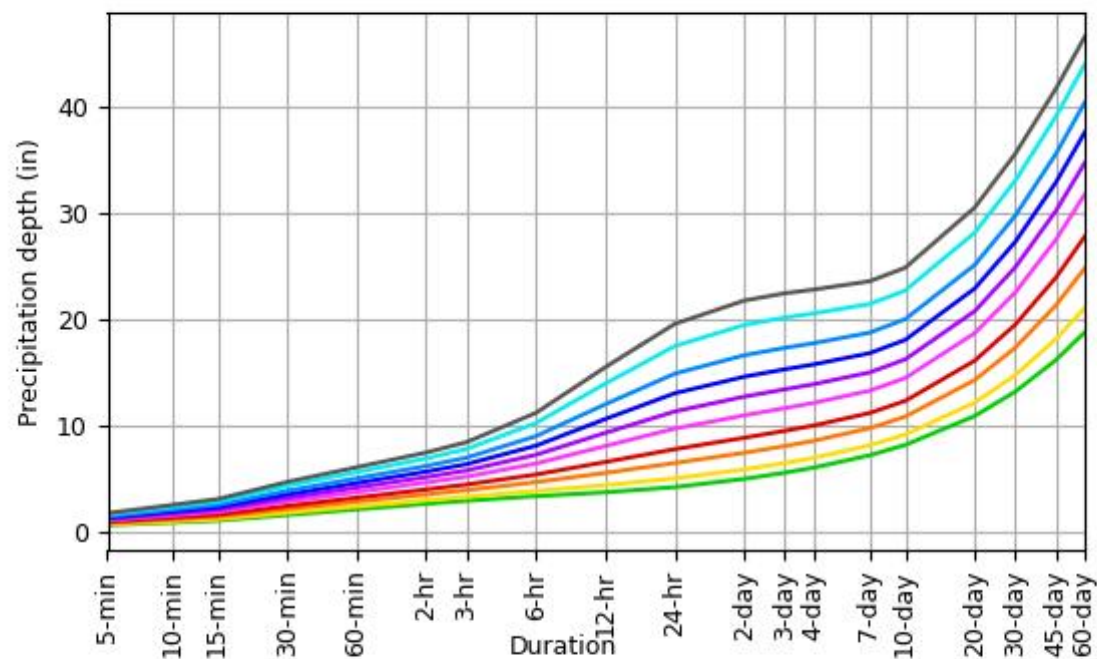
Please refer to NOAA Atlas 14 document for more information.

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PF graphical

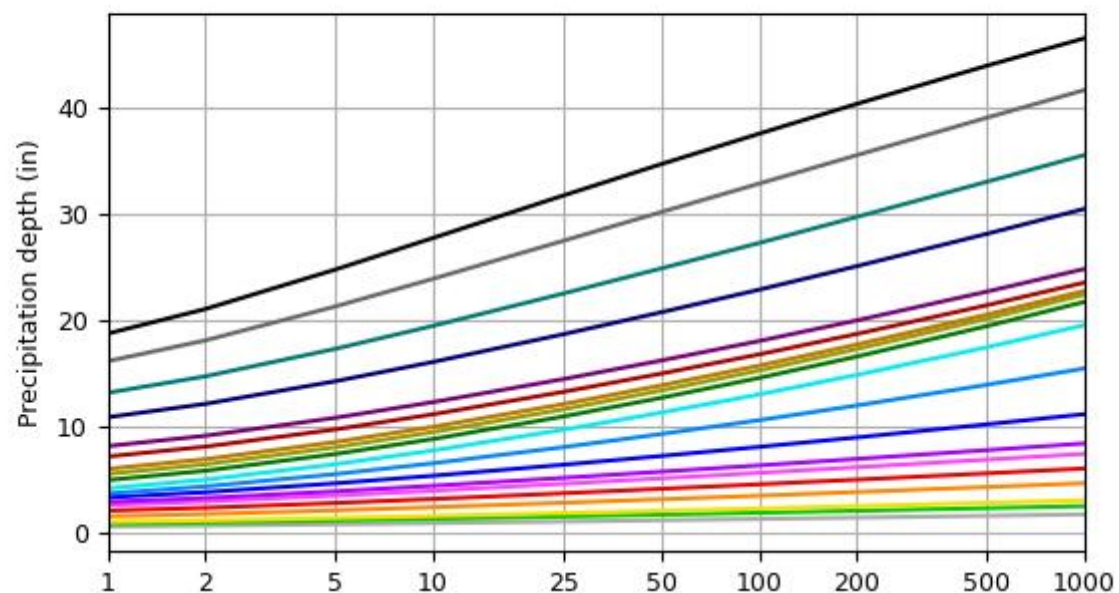
PDS-based depth-duration-frequency (DDF) curves

Latitude: 27.1958°, Longitude: -80.2215°



Average recurrence interval (years)

- 1
- 2
- 5
- 10
- 25
- 50
- 100
- 200
- 500
- 1000



Duration

- 5-min
- 10-min
- 15-min
- 30-min
- 60-min
- 2-hr
- 3-hr
- 6-hr
- 12-hr
- 24-hr
- 2-day
- 3-day
- 4-day
- 7-day
- 10-day
- 20-day
- 30-day
- 45-day
- 60-day

Average recurrence interval (years)

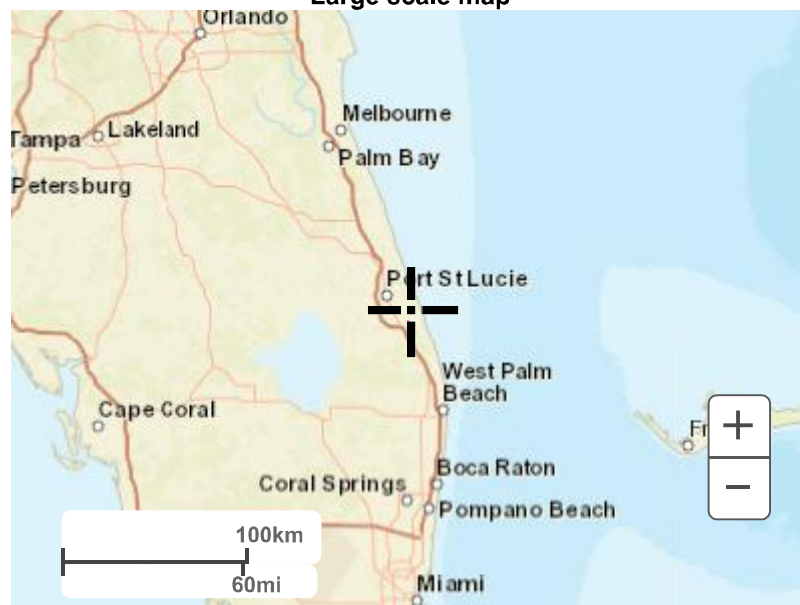
NOAA Atlas 14, Volume 9, Version 2

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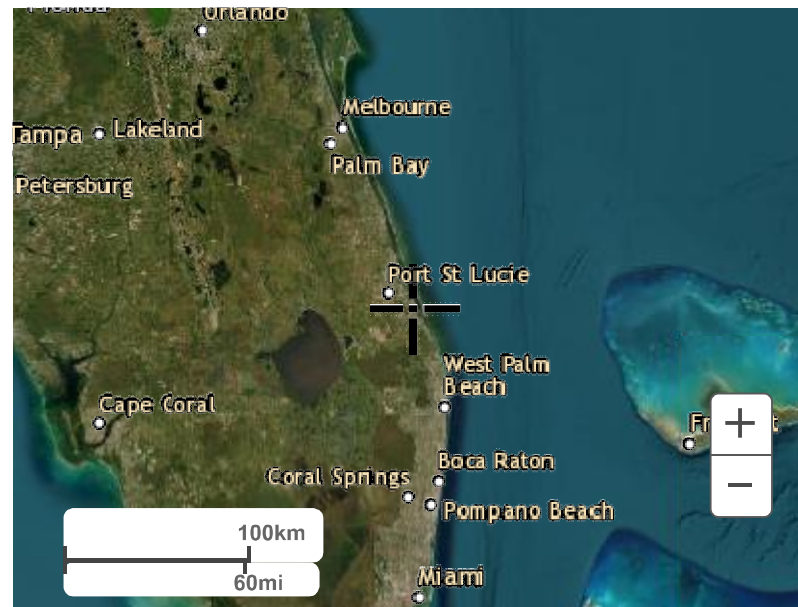
[Back to Top](#)**Maps & aerals****Small scale terrain****Large scale terrain**



Large scale map



Large scale aerial



[Back to Top](#)

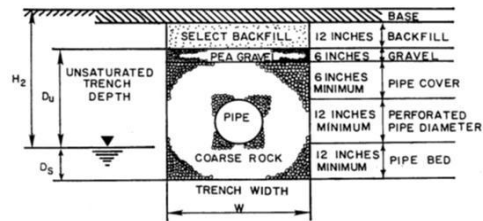
[US Department of Commerce](#)
[National Oceanic and Atmospheric Administration](#)
[National Weather Service](#)
[National Water Center](#)
1325 East West Highway
Silver Spring, MD 20910
Questions?: HDSC.Questions@noaa.gov

[Disclaimer](#)

Appendix C - Exfiltration Calculations

Post-Development

SFWMD
EXFILTRATION TRENCH CALCULATIONS for SITE



K=HYDRAULIC CONDUCTIVITY (cfs/ft² head)
H2=DEPTH TO WATER TABLE (ft)
W=WIDTH OF TRENCH (ft)
Du=NON-SATURATED TRENCH DEPTH (ft)
Ds=SATURATED TRENCH DEPTH (ft)
L=LENGTH OF TRENCH
TD=TRENCH DEPTH
V=VOLUME OF WATER STORED

Proposed Exfiltration Trench: 0 I.F.
Total: 54 I.F.

Elevation (NAVD)		
Minimum Grate:		
Asphalt/Base Thickness:	10.00 in.	5.36 ft.
Select Backfill:	12.00 in.	4.36 ft.
Pea Gravel Thickness:	6.00 in.	3.86 ft.
Weir Elevation		6.19 ft.
Pipe Cover:	6.00 in.	3.36 ft.
Pipe Wall Thickness:	2.00 in.	3.19 ft.
Pipe Diameter:	18.00 in.	1.69 ft.
Pipe Invert:		2.21 ft.
Seasonal High Water:		1.59 ft.
Pipe Bed (Ds):	1.00 ft.	0.59 ft.
Trench Bottom		0.59 ft.

K=	0.0004140	PERMISSIBLE VELOCITY
H2=	4.599	
Weir Elevation at H2	6.190	
W=	6.000	
Du=	2.766	
Ds=	1.000	
L=	54.000	
TD=	3.766	

EQUATION USED FOR THIS CALCULATION:

$$V=(L)*(K)*(H2*W+2*H2*Du-Du^2+2*H2*D_s)+1.39E10*(-4)*W*Du$$
$$V(ac-ft) = 0.112$$

The following equations are used to determine the storage of the exfiltration trench.

EQ. #1 $V=(L)*(K)*(H2*W+2*H2*Du-Du^2+2*H2*D_s)+1.39E10*(-4)*W*Du$

EQ.#2 $V=(L)*(K)*(2*H2*Du-Du^2+2*H2*D_s)+(1.39*10^{-4})*W*Du$
IF SATURATED DEPTH OF TRENCH > NON-SATURATED DEPTH OF TRENCH
or IF THE TRENCH WIDTH IS > 2*TOTAL TRENCH DEPTH

I. (Equation 1)= 1.344782823
I. (Equation 2)= 0.727891359

Appendix D - Geotechnical Engineering Report



GEOTECHNICAL EXPLORATION

OCEAN EAST STUART PROPERTY

2348 SE OCEAN BOULEVARD (PARCEL A)
STUART, FLORIDA

UES PROJECT No. 3330.2400080.0000

PREPARED FOR:

Ocean East Capital Partners, LLC
151 N Nob Hill Road
Plantation, FL 33324

Attn: Alan Esquenazi

PREPARED BY:

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May 17, 2024

May 17, 2024

Alan Esquenazi
Ocean East Capital Partners, LLC
151 N Nob Hill Road
Plantation, FL 33324

Subject: Report of Geotechnical Exploration
Ocean East Stuart Property
2348 SE Ocean Boulevard (Parcel A), Stuart, FL
UES Project No. 3330.2400080.0000

Dear Alan Esquenazi,

UES has completed the subsurface exploration and geotechnical engineering evaluation for the above referenced project in accordance with the geotechnical and engineering service agreement for this project. The scope of services was completed in general accordance with UES's Geotechnical Engineering Proposal No. 24-1638.00 REV #1 dated March 21, 2024, planned in conjunction with and authorized by you.

EXECUTIVE SUMMARY

The purpose of the subsurface exploration was to classify the nature of the subsurface soils and general geomorphic conditions at the site and evaluate their impact upon the proposed construction. This report contains the results of the subsurface exploration and UES's engineering interpretations of these with respect to the project characteristics described to UES, including providing recommendations for foundation design, pavement section and site preparation.

Per UES's prior telephone discussions and email correspondence with you, UES understands that you are planning to develop Parcel A located at 2348 SE Ocean Boulevard in Stuart, FL. UES has been provided with a site plan prepared by Kimley Horn dated August 7, 2023, showing the layout of the proposed development. The commercial building, dumpster storage, and associated pavement/drive lanes at the property are part of the development.

For the foundation recommendations presented in this report, the assumed maximum column and wall loadings are **60 kips** and **5 kips per linear foot**, respectively.

The recommendations provided herein are based upon the above considerations. If the stated conditions are incorrect or if the project description is revised, please inform UES so that recommendations with respect to any modifications may be reviewed.

Three (3) Standard Penetration Test (SPT) borings (B-1 through B-3) advanced to a depth of approximately 10 to 20 feet below ground surface (BGS) were performed within the planned dumpster storage and building, respectively. In addition, three (3) auger borings (AB-1 through AB-3) with hand cone penetrometer (HCP) values were performed within

the parking/pavement areas. Furthermore, one (1) exfiltration test (EX-1) advanced to an approximate depth of 6 feet BGS was performed within the proposed pavement areas. One (1) shelby tube sample (ST-1), advanced to a depth of 2 feet, was secured at the property. Due to the existing pavement present at the location of the proposed construction, retrieving undisturbed soil samples was unlikely. Thus, disturbed samples were collected and brought to UES's laboratory. Such samples were generally compacted in the laboratory to be tested for their horizontal and vertical permeability.

The subsurface soil conditions encountered at the boring locations generally consisted of loose to medium dense fine sand (SP), and fine sand with little silt (SP-SM), to the termination depths of the borings.

Considering the results of the field exploration program, the subsurface soil conditions revealed by the borings are generally favorable for support of the proposed development on shallow foundations. A maximum allowable soil bearing pressure of **2,500 psf** may be used for foundation design.

UES appreciates the opportunity to be of service during this phase of the project and looks forward to a continued association. Please do not hesitate to contact UES if you have any questions or comments, or if UES may further assist you as your plans proceed.

Respectfully Submitted,

UES

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Distribution: Alan Esquenazi – Ocean East Capital Partners, LLC.

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This item has been digitally signed and sealed by Carlos A. Mercado, M.S., P.E. on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.



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1.0 INTRODUCTION

1.1 Project Description

Per UES's prior telephone discussions and email correspondence with you, UES understands that you are planning to develop Parcel A located at 2348 SE Ocean Boulevard in Stuart, FL. UES has been provided with a site plan prepared by Kimley Horn dated August 7, 2023, showing the layout of the proposed development. The commercial building, dumpster storage, and associated pavement/drive lanes at the property are part of the development.

For the foundation recommendations presented in this report, the assumed maximum column and wall loadings are **60 kips** and **5 kips per linear foot**, respectively.

The recommendations provided herein are based upon the above considerations. If the stated conditions are incorrect or if the project description is revised, please inform UES so that recommendations with respect to any modifications may be reviewed.

1.2 Scope of Services

The objective of the geotechnical services was to collect subsurface data for the subject project, summarize the test results, and discuss any apparent site conditions that may have geotechnical significance for the proposed construction. The following scope of services is provided within this report:

1. Prepare boring logs depicting the subsurface soil conditions encountered during the field exploration.
2. Review the soil samples obtained during the field exploration for classification and additional testing if necessary.
3. Evaluate the existing soil conditions found during the exploration with respect to foundation support for the proposed construction.
4. Provide recommendations with respect to foundation support of the proposed buildings, including foundation type, maximum allowable soil bearing capacity, and bearing elevations.
5. Provide site preparation criteria for the proposed construction.
6. Provide roadway and pavement construction recommendations.
7. Provide hydraulic conductivity results for the proposed stormwater design.



2.0 OBSERVATIONS

2.1 Site Description and Historical Data

As illustrated on the Site Vicinity Map in **Appendix A**, the site is located at 2348 SE Ocean Boulevard (Parcel A) in Stuart, Florida. The property was bordered by Florida State Road A1A to the north, and commercial properties to the south, east, and west. At the time of the field exploration, there are existing parking/driveway areas present within the general area of the proposed construction.

UES reviewed historic aerials dated from 1958 to 2022. The historic aerial from 1958 shows that the property has been undeveloped with moderate vegetation and sporadic trees. The aerials from 1984 to 2022 indicate that the property was developed with parking/driveway lanes and the site has remained relatively the same since.

2.2 Field Exploration

Three (3) Standard Penetration Test (SPT) borings (B-1 through B-3) advanced to a depth of approximately 10 to 20 feet below ground surface (BGS) were performed within the planned dumpster storage and building, respectively. In addition, three (3) auger borings (AB-1 through AB-3) with hand cone penetrometer (HCP) values were performed within the parking/pavement areas. Furthermore, one (1) exfiltration test (EX-1) advanced to an approximate depth of 6 feet BGS was performed within the proposed pavement areas. One (1) Shelby tube sample (ST-1), advanced to a depth of 2 feet, was secured at the property. Due to the existing pavement present at the location of the proposed construction, retrieving undisturbed soil samples was unlikely. Thus, disturbed samples were collected and brought to UES's laboratory. Such samples were generally compacted in the laboratory to be tested for their horizontal and vertical permeability.

The boring depths were established based upon UES's knowledge of vicinity soils and confined to the zone of soil likely to be influenced by the planned construction. The locations of the borings are illustrated on the Test Location Plan in **Appendix B**.

The Standard Penetration Tests (SPT) were performed in general accordance with ASTM D 1586, "Standard Test Method for Standard Penetration Test (SPT) and Split-Barrel Sampling of Soils." The SPT test procedure consists of driving a 1.4-inch I.D. split-barrel sampler into the soil profile using a 140-pound hammer falling 30 inches. The number of blows per foot for the second and third 6-inch increments is referred to as the N-value. The N-value has been empirically correlated with various soil properties and provides an indication of soil strength.

The auger borings were performed in general accordance with ASTM D 1452, "Standard Practice for Soil Exploration and Sampling by Auger Borings." Hand Cone Penetrometer (HCP) tests were conducted at approximate one-foot depth intervals in the auger borings. The HCP test, in conjunction with information about the soil type, is empirically correlated to the relative density of subsurface soils. Please refer to **Appendix C - Notes Related to Borings** for further clarification of UES's field exploration.



Site specific survey staking of the borings was not provided for this field exploration. The indicated depth and location of each boring were approximated based upon existing grade and estimated distances and relationships to the existing landmark at the site.

2.3 Laboratory Testing

Soil samples recovered from the field exploration were returned to UES's laboratory where they were visually classified by a geotechnical engineer in general accordance with the Unified Soil Classification System (ASTM D 2488). Upon reviewing the soil samples, no laboratory testing was deemed necessary.

The samples will be retained in UES's laboratory for 30 days and then discarded unless UES is notified otherwise in writing. The recovered samples were not evaluated, either visually or analytically, for chemical composition or environmental hazards. UES will be pleased to perform these services for an additional fee, if required.

Laboratory falling head permeability tests were performed on the Shelby tube soil sample obtained during the field exploration. This testing was performed to obtain horizontal (k_h) and vertical (k_v) permeability values. The permeability test results are summarized in the table below.

Table 2.3.2 - Falling Head Permeability Test Results				
Test Location	Sample Depth (feet)	Sample Description	Coefficient of Permeability, k (ft/day)	
			k_h^*	k_v
ST-1	0.0 – 2.0	Gray fine sand	25	37

*Assumed K_h is equal to 2/3 of K_v

2.4 Geomorphic Conditions

The geology of the site as mapped on the USDA Soil Survey website consists of *Urban land, 0 to 2 percent slopes* (23) and *Jonathan sand, 0 to 5 percent slopes* (41). Note that the Soil Survey generally extends to a maximum depth of 80 inches below ground surface and is not indicative of deeper soil conditions.

Boring logs resulting from the field exploration are presented in **Appendix D** - Log of Boring Records. The logs contain the soil descriptions, hand cone penetrometer values and the standard penetration test (SPT) N-values logged during the drilling and sampling activities. Note that the soil boring data reflects information from the specific test locations only and the soil conditions may vary between the strata interfaces indicated on the logs. The soil classifications and descriptions shown on the logs are generally based upon visual characterizations of the recovered samples using the Unified Soil Classification System. See **Appendix F** - Discussion of Soil Groups, for a detailed description of various soil groups.



The subsurface soil conditions encountered at the boring locations generally consisted of loose to dense fine sand (SP), and fine sand with little silt (SP-SM) to the termination depths of the borings. For a more precise description of the conditions encountered within the soil test borings, refer to the “Log of Boring Records” included in Appendix D.

2.5 Hydrogeological Conditions

On the date of UES’s field exploration (April 2024), groundwater was encountered in the borings at a depth of approximately 5.80 to 6.25 feet below existing ground surface (BEGS). The groundwater table typically fluctuates seasonally depending upon local rainfall and other site specific and/or local influences. Brief ponding of stormwater may occur across the site after heavy or extended rainfall events.

No additional evaluation was included in UES’s scope of work in relation to the wet seasonal high groundwater table or any existing well fields in the vicinity. Well fields may influence water table levels and cause significant fluctuations. If a more comprehensive water table analysis is necessary, please contact UES for additional guidance.

2.6 Exfiltration Testing

The exfiltration test was performed in accordance with the South Florida Water Management District method for open-hole constant head field testing to an approximate depth of 6 feet below existing grades. The results are presented in the Exfiltration Test Report in **Appendix E** - Hydraulic Conductivity Tests. The hydraulic conductivity (K) value determined at the test site is presented in the table below.

Test Location	K (cfs/ft ² -ft)
EX-1	4.14 X 10 ⁻⁰⁴

3.0 ENGINEERING EVALUATION AND RECOMMENDATIONS

3.1 General

A foundation system for any structure must be designed to resist bearing capacity failures, have settlements within tolerable limits for the structure type, and resist environmental forces, which the foundation may be subjected to over the life of the structure. Environmental forces in Florida can include sinkholes, shrinking and swelling soils, and soil consolidation, among others. It is UES’s opinion that these specific environmental forces have a low risk (on a scale of low, moderate, high) of detrimentally affecting shallow foundation performance at this site.

The soil bearing capacity is the soil’s ability to support loads without punching into the soil profile. Bearing capacity failures are analogous to shear failures in structural design and are usually sudden and catastrophic. Based on the scope of the proposed project, it is UES’s opinion that the soils at the site are generally suitable for shallow foundations to



support the proposed structure once ground improvement techniques discussed herein have been completed.

The allowable amount of settlement that a structure may tolerate is dependent on several factors including uniformity of settlement, time rate of settlement, structural dimensions, and properties of the structural materials. Generally, total, or uniform settlement does not damage a structure but may affect drainage and utility connections. These can generally tolerate movements of several inches for building construction. In contrast, differential settlement affects a structure's frame and is limited by structural flexibility. Shallow foundations appear to be suitable for the proposed project and can be used to support the proposed structure at this site, provided that the existing soils and any fill soils are properly prepared as discussed herein. Shallow foundations can consist of conventional shallow continuous strip footings and isolated spread footings, or a monolithic turned down footing and slab type foundation.

3.2 Site Preparation

UES recommends the following compaction requirements for this project:

■ Proof Roll.....	98 percent of modified Proctor
■ Building Pad Fill.....	98 percent of modified Proctor
■ Footing.....	98 percent of modified Proctor

The above compaction percentages are based upon the maximum dry density as determined by the modified Proctor test (ASTM D 1557). All density tests should be performed to a depth of 1 foot below stripped surface and bottom of footings. Density testing should be performed using either the nuclear method (ASTM D 6938) or the sand cone method (ASTM D 1556).

UES's recommendations for the preparation of the site for the use of shallow foundation systems and on-grade slabs are contained herein. This approach to improving and maintaining the site soil has been found to be successful on projects with similar soil conditions.

1. Initial site preparation should consist of removing trees, surface vegetation, topsoil, near surface roots, and other miscellaneous debris within and 5 feet beyond the planned construction limits. The removal of any construction debris, concrete, etc., including utilities, footings, and existing pavement section, is required prior to construction.
2. Following the initial site preparation, areas of surficial sands should be compacted prior to placement of any fill. UES recommends a steel drum vibratory roller with a minimum static weight of 20,000 lbs. and minimum vibratory impact energy of 50,000 lbs. The roller should be operated at 2 mph making at least 10 perpendicular overlapping passes. Densification should continue until no further settlement can be visually discerned at the excavated surface. No section of the subgrade should receive less than 4 passes of the roller or until at least 98% maximum density



(ASTM D 1557) is achieved for a depth of at least **1 foot** below the excavated surface. Upon completion of the proof rolling, backfill shall be placed in maximum 12-inch loose lifts and compacted to a minimum density of **98 percent** of the Modified Proctor maximum dry density (ASTM D-1557). The fill to be compacted with a vibratory plate tamper or a small walk behind vibratory roller should be placed in lifts not exceeding six inches in loose thickness.

3. The bottom of footing excavations shall be compacted with a steel drum vibratory roller with a minimum static weight of 20,000 lbs. and minimum vibratory impact energy of 36,000 lbs.; (Dynapac CA-250D or equivalent) or equivalent equipment. The roller should be operated at 2 mph. Additional passes may be necessary if acceptable compaction is not achieved. Density tests shall be completed at footing subgrade to confirm that the soils have achieved a minimum degree of compaction of 98 percent of modified proctor maximum density (ASTM D-1557). The bottom of all footings shall be examined by the engineer or his representative to determine if the soil is free of all organic and/or deleterious materials, and if the required compaction and soil pressures are achieved or if additional compaction is required.
4. Fill material placement (if needed) should be inorganic (classified as SP, SW, GP, or GW) containing not more than 5 percent (by weight) organic materials. Fill should be placed in maximum 12-inch loose lifts and compacted to a minimum density of 98 percent of the Modified Proctor maximum dry density (ASTM D-1557) with a vibratory roller as mentioned above. Perform compliance tests within the fill at a frequency of not less than one test per 2,500 square feet per lift in the building areas, or at a minimum of 2 test locations per lift, whichever is greater.
5. If site preparation work is performed during the rainy season (May through October), special care should be taken to maintain positive drainage from the building pad and paved areas to drains or ditches around the site. Unexpected wet periods can also occur in Florida during the “dry” season. Such events can raise water tables to levels above seasonal highs without the associated high temperatures to evaporate ponded water. Therefore, the contractor should practice wet weather means and methods for earthwork during the “dry” season as well. Groundwater and surface water control, use of granular fill material and aeration are typical means to accomplish wet weather grading.
6. The contractor shall consider the final contours and grades as established by the plan when executing his backfilling and compaction operations.

3.3 Vibration Monitoring

Vibrations associated with the construction activities may disturb nearby structures. UES recommends that these structures be monitored by UES both before and during compaction operations. A proposal for providing vibration monitoring services during earthwork construction will be provided upon request.



3.4 Shallow Foundation Design

Based on the soil conditions encountered and with the site prepared as recommended above, foundations supported on well compacted fill may be designed for a net allowable bearing pressure of **2,500 pounds per square foot (psf)**. To assure a satisfactory factor of safety against bearing capacity failure, the foundation bottoms should be placed a minimum of 18 inches below the lowest adjacent grade and monolithic thickened edge slabs at least 8 inches. Any continuous footings should be at least 16 inches wide and isolated foundations should be at least 30 inches wide. Any footings that tie into existing footings should be doweled together.

Settlement calculations were made using the prepared site conditions and loadings presented in the foundation recommendations above. With the site prepared and the foundations designed and constructed as recommended, UES anticipates settlements of one (1) inch or less and differential settlements of one-half ($\frac{1}{2}$) inch or less between adjacent columns or a horizontal distance of 20 feet. Because of the granular nature of the subsurface soils, the majority of the settlements should occur during construction; post-construction settlement should be minimal.

Once site preparation has been performed in accordance with the recommendations described in this report, the soil should readily support the proposed structures bearing upon properly designed and constructed shallow foundation systems. Footing and columns should be structurally separated from the ground floor slabs, as they will be loaded differently and at different times unless monolithic slab foundations are designed.

3.5 Ground Floor Slabs

The ground floor slabs may be constructed upon either existing grade or granular fill following completion of the foundation site preparation and fill placement procedures outlined in this report. UES recommends that a modulus of subgrade reaction (k) of 150 pounds per cubic inch (pci) be considered during design. The floor slabs should be structurally separated from walls and columns to allow for differential vertical movement unless monolithic slab foundations are designed.

Excessive moisture vapor transmission through foundation slabs can result in damage to floor coverings as well as cause other deleterious effects. An appropriate moisture vapor barrier should be placed beneath the slabs to reduce moisture vapor from entering the structures through the slabs. The barriers should be installed in general accordance with applicable ASTM procedures including sealing around pipe penetrations and at the foundation edges.



4.0 PAVEMENT AREA DESIGN AND CONSTRUCTION CONSIDERATIONS

4.1 Pavement Site Preparation

UES's recommendations for the preparation of the site for pavement construction are noted below. This approach to improving and maintaining site soil has been found to be successful with similar soil conditions.

1. Initial site preparation should consist of performing dewatering operations (if necessary) prior to any earthwork.
2. The proposed construction limits should be cleared, stripped, and grubbed of all surface vegetation, topsoil, associated root systems and existing pavement to depths of their vertical reaches. This should be performed within and to 5 feet beyond the limits of the pavement areas.
3. Prior to initiating fill operations, the existing ground surface should be compacted (proof rolled) using a steel drum vibratory roller having sufficient static weight and vibratory impact energy to achieve the required compaction. After completing the proof rolling, density tests should be performed at a frequency of one test per 5,000 square feet, or at a minimum of two test locations, whichever is greater, to confirm a minimum compaction compliance of 98 percent of modified Proctor maximum dry density (AASHTO T-180).
4. Fill material should be inorganic (classified as SP/GW) containing not more than 5 percent (by weight) fibrous organic materials. **Fill material having silt/clay-size fines contents greater than 5 percent should not be used, including cyclone sand material.** The fill should be placed in maximum 12-inch-thick lifts. Each lift should be compacted to a minimum density of 98 percent of the modified Proctor maximum dry density (AASHTO T-180).
5. Compliance density tests should be performed within the fill at a frequency of not less than one test per 5,000 square feet per lift, or at a minimum of two test locations, whichever is greater.
6. Representative samples of both on-site and import materials proposed for use as fill should be obtained and tested to determine compliance with the project specifications. The testing should include moisture-density relations (AASHTO T-180) and particle size analysis.
7. The contractor should consider the contours contained on the final grading, paving, and drainage plans when executing backfilling and compaction operations.

4.2 Pavement Design Sections

Flexible pavement sections in the geographic area typically consist of an asphaltic wearing course, a base course, and a stabilized subgrade layer. Rigid pavements are



constructed either directly upon prepared soil subgrades or upon a base course and stabilized subgrade for heavier loads. Based on UES's prior experience and the assumed traffic loading criteria, recommended pavement section thicknesses are provided in Table 4.2 below.

Table 4.2 Design Pavement Sections					
Type of Pavement	Layer	Material Description	Layer Thickness		
			Light Duty	Heavy Duty*	FDOT ROW
Flexible	(A)	FDOT Type S (non FDOT) or SP (FDOT)	1.5	2.5	3
	(B)	Crushed Base with minimum LBR of 100, compacted to 98% of the modified Proctor maximum dry density	6	8	15
	(SG)	Stabilized sub-grade fill, compacted to 98% of the modified Proctor maximum dry density	12	12	12
	STRUCTURAL NUMBER (SN)		2.7	3.5	4.98
Rigid	(C)	Florida DOT Portland Cement Concrete	NA	8**	NA
	(B)	Crushed Limerock with minimum LBR OF 100, compacted to 98% of the modified Proctor maximum dry density	NA		NA
	(CG)	Compacted sub-grade fill, compacted to 98% of the modified Proctor maximum dry density	NA	12	NA
A = Asphaltic Concrete (Layer Coefficient = 0.44 per inch) B = Base Course (Layer Coefficient = 0.18 per inch) (note: Minimum LBR for recycled concrete is 120 for an equivalent layer coefficient of 0.18 per inch) SG = Stabilized Subgrade (Layer Coefficient = 0.08 per inch) CG = Compacted Subgrade (Layer Coefficient = 0.01 per inch) C = Concrete (based on 4,000 psi compressive strength)					

* Based on Table 3.4 from ACI 330, Category "D" – Tractor Trailer Units with one or more trailers

** Can be reduced by 1.0 inch if dowels at transverse joints are used.

It should be noted that these are the minimum requirements, and the final pavement thickness design should be provided by the project civil engineer based on anticipated traffic loadings. Asphalt pavements should be constructed in accordance with the latest edition of the Florida Department of Transportation Flexible Pavement Design Manual.

4.3 Stabilized Subgrade

The stabilized subgrade material should have a minimum Limerock Bearing Ratio (LBR) value of 40. UES recommends that subgrade material be compacted to at least 98 percent of modified Proctor maximum dry density (AASHTO T-180). Compliance tests should be performed upon the stabilized subgrade for full depth at a frequency of one test per 5,000 square feet, or at a minimum of two test locations, whichever is greater.



4.4 Base Course

The base course is the portion of the pavement section between the surface course and stabilized subgrade. In areas where separation of at least 1.5 feet between the estimated wet seasonal high groundwater table and the bottom of the base material occurs, UES recommends the base course be limerock or cemented coquina having a minimum Limerock Bearing Ratio (LBR) value of 100. The base material should be obtained from an approved source. The base material should be placed in maximum 6-inch-thick lifts and compacted to at least 98 percent of modified Proctor maximum dry density (AASHTO T-180).

If the separation between the estimated wet seasonal high groundwater table and the bottom of the base material is less than 1.5 feet, UES recommends that asphaltic concrete base (FDOT SP-12.5) be used in lieu of limerock or cemented coquina. The subgrade should be mechanically stabilized (compacted) to a minimum of 98 percent of modified Proctor maximum dry density (AASHTO T-180). Compliance tests should be performed on the base course at a frequency of one test per 5,000 square feet, or a minimum of two test locations, whichever is greater.

4.5 Flexible (Asphalt) Pavement

Asphalt pavement should consist of either FDOT SP-9.5 or SP-12.5 asphaltic concrete. The mixes should be a current FDOT approved design for the materials used for the project. Samples of the materials delivered to the project should be tested to verify that the aggregate gradation and asphalt content satisfies the mix design specifications.

The asphalt should be compacted to meet the requirements of the latest edition of the FDOT *Standard Specifications for Road and Bridge Construction*. Compliance tests should be performed by obtaining cores to evaluate material thickness and density at a frequency of one test per 10,000 square feet, or a minimum of two test locations, whichever is greater.

4.6 Rigid (Concrete) Pavement

Rigid pavements should be constructed using concrete having a minimum 28-day compressive strength of 4,000 psi. Fill required to raise grades in pavement areas should be compacted to at least 98 percent of modified Proctor maximum dry density (AASHTO T-180).

The pavement slabs should be reinforced to make them as rigid as practical. Proper joints should be provided at the junctions of slabs so that a small amount of independent movement can be done without causing structural damage. Construction and control joints should be accordance with current American Concrete Institute (ACI) and industry practices. The ACI 330R guidelines recommend *contraction joints* based on the thickness of the slab. A contraction joint predetermines the location of cracks caused by restrained shrinkage of the concrete and be the effects of loads and warping and curling.



Table 3.13—Spacing between contraction joints

Pavement thickness, in. (mm)	Maximum spacing, ft (m)
3-1/2 (90)	8-1/2 (2.5)
4, 4-1/2 (100, 110)	10 (3)
5, 5-1/2 (125, 140)	12-1/2 (4)
6 or greater (150 or greater)	15 (4.5)

The depth of the *contraction joint* should be at least $\frac{1}{4}$ of the slab thickness. The width of the cut depends on whether the joint will be sealed. A narrow joint, generally $\frac{1}{10}$ to $\frac{1}{8}$ in. wide, is common for unsealed joints. Cuts at least $\frac{1}{4}$ in. wide are required for sealed joints. Joint sealant manufacturers' recommendations should be followed for the depth and width of joints that are to be sealed. Sawing operations should be done within 4 to 12 hours after the localized finishing of an area.

Expansion (isolation) joints are recommended at pavement areas that will move independently of each other. Such areas include where aisles intersect or near fixed structures such as inlets, light poles, manholes and buildings. These full depth joints should contain a compressible filler to prevent the adjacent slabs from bonding to each other.

UES recommends distributed steel reinforcement to control the opening of intermediate cracks between the joints. The sole function of the distributed steel is to hold together the fracture faces of cracks form. The size of the steel (welded wire fabric) should be sized in accordance with section 3.8.1 of ACI 330R.

Lastly, actual pavement section thickness should be provided by the Design Civil Engineer based on traffic loads, volume, and the owner's design life requirements. The above section represents the minimum thickness representative of typical local construction procedures and, as such, periodic maintenance should be anticipated. All pavement materials and construction procedures should conform to the FDOT, American Concrete Institute (ACI), or appropriate city/county requirements.

4.7 Effects of Water

Premature pavement section deterioration can occur due to intrusion of the wet season high groundwater table and/or improper surface water runoff management. UES recommends that the pavement areas be constructed to have a minimum separation of 1.5 feet between the wet season high groundwater table and the bottom of base course, regardless of the type of base material. In addition, UES recommends that full-depth curb sections be designed and constructed. Using either extruded curb sections, which lie directly on top of the final surface course, or eliminating the curbing entirely, may allow runoff and/or irrigation water to migrate between the base and surface course. This condition can result in the separation of the surface course from the base course, causing a rippling effect, which results in premature deterioration of the pavement.

4.8 Construction Traffic

Incomplete pavement sections or pavement areas designed for light duty traffic will not perform satisfactorily under typical construction traffic loading. UES recommends that all construction traffic (i.e., construction equipment, vehicles, etc.) either be re-routed away from these areas or the pavement sections be designed to support construction phase loading conditions.

4.9 Pipe Bedding and Backfill

Pipe bedding and backfill requirements to one (1) foot above the crown of pipe should be specified by the civil engineer. UES suggests the use of a “self” compacting material such as coarse aggregate (i.e., FDOT No. 57 stone) for backfill material placed below the groundwater table. A filter fabric (geotextile) should be used to avoid migration of the existing soils into the newly placed backfill. “Self” compacting material placed below the groundwater should consist of inorganic, non-plastic material, free of any man-made debris, limerock with a three (3) inch maximum particle size with ASTM classification (USCS) of GP, GW or FDOT 57 Stone with less than 5% material finer than the No. 200 Sieve and a maximum particle size of 3 inches. The No. 57 stone should not be placed more than one foot above the groundwater.

Fill placed in one (1) foot above the crown of the pipe shall consist of select material having no more than 12 percent passing the No. 200 sieve, with a maximum particle size of 3 inches. The trench backfill shall be placed in maximum loose lifts of 12 inches and compacted to at least 95% of the Modified Proctor (ASTM D1557) maximum dry density or as specified by the civil engineer.

5.0 EXCAVATION CONDITIONS

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its “Construction Standards for Excavations, 29 CFR, part 1926, Subpart P”. This document was issued to better ensure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that all excavations, whether they be utility trenches, basement excavations or footing excavations, be constructed in accordance with the OSHA guidelines. It is UES’s understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.

The contractor is solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor’s responsible person, as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor’s safety procedures. In no case should slope height, slope inclination, or excavation depth, including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations. UES is providing this information solely as a service to UES’s client.



UES is not assuming responsibility for construction site safety or the contractor's activities; such responsibility is not being implied and should not be inferred.

6.0 REPORT LIMITATIONS

This consulting report has been prepared for the exclusive use of Ocean East Capital Partners, LLC, and other members of the design team for the proposed development located at 2348 SE Ocean Boulevard in Stuart, Florida. This report has been prepared in accordance with generally accepted local geotechnical engineering practices; no other warranty, either express or implied, is made.

The evaluation submitted in this report is based in part upon the data collected during a field exploration. However, the nature and extent of variations throughout the subsurface profile may not become evident until construction. If variations then appear evident, it may be necessary to reevaluate the information and professional opinions provided in this report. In the event changes are made in the nature, design, or location of the proposed structures, the evaluation and opinions contained in this report should not be considered valid unless the changes are reviewed, and conclusions modified or verified in writing by UES.

UES should be provided with the opportunity to review the final foundation plans and specifications to determine if UES's recommendations have been properly interpreted, communicated, and implemented. If UES is not afforded the opportunity to participate in construction related aspects of foundation installation as recommended in this report or any report addendum, UES cannot accept responsibility for the interpretation of UES's recommendations made in this report or in a report addendum for foundation performance.

7.0 BASIS FOR RECOMMENDATIONS

The recommendations presented in this report are based on the data obtained from the borings performed at the locations indicated on the Test Location Plan in Appendix B. This report does not reflect variations which may occur between borings. While the borings are representative of the subsurface conditions at their respective locations and for their vertical reaches, local variations characteristic of the subsurface soils of the region are anticipated and may be encountered. The delineation between soil types shown on the boring logs is approximate and the descriptions represent UES's interpretation of the subsurface conditions at the designated boring locations on the specific date drilled.

Any third-party reliance of UES's geotechnical report or parts thereof is strictly prohibited without the express written consent of UES. The applicable SPT and auger boring methodology (ASTM D 1586/ ASTM D 1452) used in performing the borings, and for determining penetration resistance and soil relative density, is specific to the sampling tools utilized and does not reflect the ease or difficulty to advance other tools or materials.



Appendix A - Vicinity Map

Site Vicinity Map

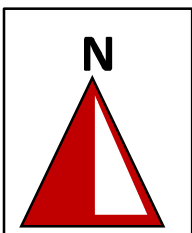
Ocean East Stuart Property
2348 SE Ocean Boulevard (Parcel A), Stuart, Florida

Project No. 3330.2400080.0000

Drafted by: JR

Reviewed By: AA

Date: 4/24/2024



Appendix B - Test Location Plan

Test Location Plan

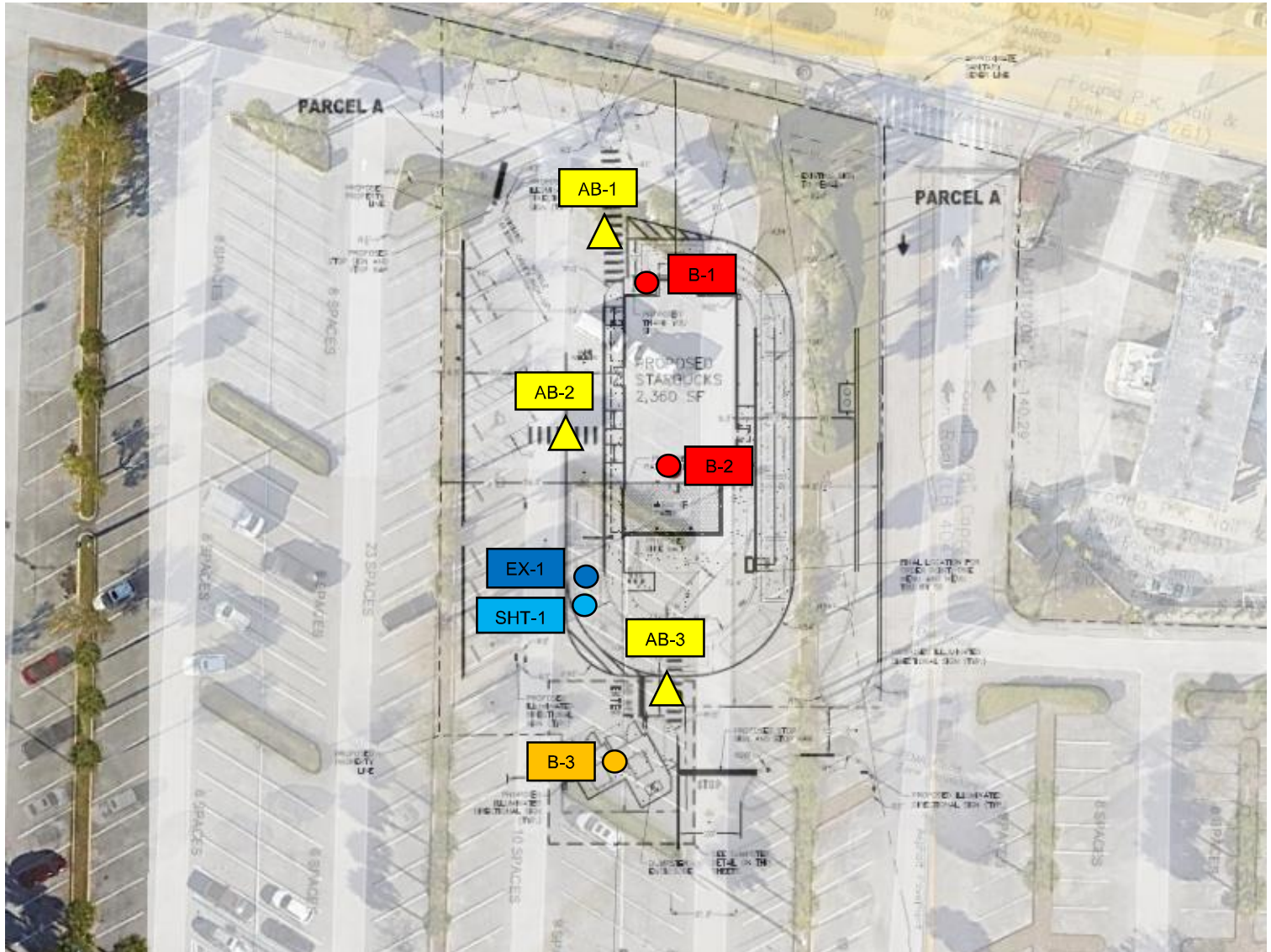
Ocean East Stuart Property
2348 SE Ocean Boulevard (Parcel A), Stuart, Florida

Project No. 3330.2400080.0000

Drafted by: JR

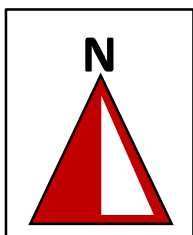
Reviewed By: AA

Date: 4/24/2024



Legend

- Approximate 20' Standard Penetration Test Boring Locations
- Approximate 10' Standard Penetration Test Boring Location
- ▲ Approximate 6' Auger Test Boring Locations
- Approximate Exfiltration Test Location
- Approximate Shelby Tube Location



BORING LOCATIONS WERE LOCATED USING A MEASURING TAPE AND EXISTING LANDMARKS AS REFERENCE POINTS. IN ADDITION, THE LATITUDE, LONGITUDE, AND ELEVATION NOTED ON THE BORING LOGS WERE TAKEN FROM GOOGLE EARTH. THEREFORE, LOCATIONS SHOWN ON THE PLAN ARE APPROXIMATE.

Appendix C - Notes Related to Borings

NOTES RELATED TO BORING RECORDS AND GENERALIZED SUBSURFACE PROFILES

1. Groundwater levels (if encountered) were recorded either during or following the boring completion on the date indicated. Fluctuations in groundwater levels are common - see the report text for a discussion.
2. The boring locations were identified in the field by estimated distances and offsets from existing reference marks and/or other site landmarks.
3. The completed boreholes were backfilled to adjacent site grade using drilling spoils and patched with asphalt cold mix in pavement areas.
4. The Log of Boring records represent our interpretation of soil conditions based on visual classification of the soil samples recovered from the borings.
5. The Log of Boring records are subject to the limitations, conclusions, and recommendations presented in the report text.
6. The Standard Penetration Test (SPT) N-values contained on the Log of Boring records refer to the total blow counts of a 140-pound drop hammer falling 30 inches required to drive a split-barrel sampler a total distance of 12 inches into soil strata at specific depth intervals.
7. The Hand Cone Penetrometer (HCP) values contained on Log of Boring records and the Cone Penetration Test (CPT) values contained on the Cone Penetration Sounding logs refer to the cone tip resistance recorded when pushing the cone tip into the soil strata at specific depth intervals.
8. The soil and/or rock strata interfaces shown on the Log of Boring records are approximate and may vary from those shown on the logs. The soil and/or rock descriptions shown on the Log of Boring records refer to conditions at the specific location tested. Soil/rock conditions may vary between test locations.
9. Relative density for coarse-grained soils (sands/gravels) and consistency for fine-grained soils (silts/clays) are described as follows:

Coarse Grained Soils (Sands and Gravels)				Fine Grained Soils (Silts and Clays)			
SPT N-Value	HCP Value (kg/cm ²)	CPT Value (tsf)	Relative Density	SPT N-Value	HCP Value (kg/cm ²)	CPT Value (tsf)	Consistency
0-4	0-16	0-20	Very Loose	0-2	0-20	0-3	Very Soft
5-10	17-36	21-40	Loose	3-4	21-35	4-6	Soft
11-30	37-116	41-120	Med. Dense	5-8	>35	7-12	Firm
31-50	117-196	121-200	Dense	9-15		13-25	Stiff
>50	> 196	>200	Very Dense	16-30		26-50	Very Stiff
				>30		>50	Hard

10. Grain size descriptions are as follows:

Description	Particle Size Limits
Boulder	Greater than 12 inches
Cobble	3 to 12 inches
Coarse Gravel	³ / ₄ to 3 inches
Fine Gravel	No. 4 sieve to ³ / ₄ inch
Coarse Sand	No. 10 to No. 4 sieve
Medium Sand	No. 40 to No. 10 sieve
Fine Sand	No. 200 to No. 40 sieve
Fines (Silt/Clay)	Smaller than No. 200 sieve

11. Definitions for modifiers used in soil/rock descriptions:

Proportion	Modifier	Approximate Root Diameter	Modifier
<5%	Trace	Less than ¹ / ₃₂ "	Fine roots
5% to 12%	Little	¹ / ₃₂ " to ¹ / ₄ "	Small roots
12% to 30%	Some	¹ / ₄ " to 1"	Medium roots
30% to 50%	And	Greater than 1"	Large roots
Organic Soils: Soils containing vegetative tissue in various stages of decomposition having a fibrous to amorphous texture. Usually having a dark brown to black color and an organic odor.			
Organic Content Modifiers: <25%: Slightly to Highly Organic; 25% to 75%: Muck; >75%: Peat			

Appendix D - Log of Boring Records

SPT LOGS - GFA DATA TEMPLATE.GDT - 4/24/24 14:31 - V:\PROJECTS\UES PROJECT SETUP\2024 UES PROJECTS\3330.2400080.0000 - OCEAN EAST STUART PROPERTY - GEO\24-1638.00 - OCEAN EAST STUART PROPERTY - GEO\GEOAPPENDICES NORMAL



Universal Engineering Sciences
607 NW Commodity Cove
Port St. Lucie, Florida 34986
(772) 924-3575

LOG OF BORING B-1

PAGE 1 OF 1

CLIENT	Ocean East Capital Partners	PROJECT NAME	Ocan East Stuart Property		
PROJECT NUMBER	3330.2400080.0000	PROJECT LOCATION	2348 SE Ocean Boulevard Parcel A, Stuart, FL		
DRILLING CONTRACTOR	Universal Engineering Sciences	HOLE DEPTH	20 ft	HOLE DIAMETER	3 in
DRILLER	JB/LB	DATE STARTED	4/22/24	COMPLETED	4/22/24
DRILL RIG	D-25	GROUND WATER LEVEL: ∇ AT TIME OF DRILLING	5.80 ft		
METHOD	SPT	LATITUDE	27.196423	LONGITUDE	-80.22102
NOTE:	HAMMER TYPE				

DEPTH (ft)	SAMPLE TYPE SAMPLE NUMBER	% RECOVERY (RQD)	BLOW COUNTS	N VALUE	GRAPHIC LOG	MATERIAL DESCRIPTION	LIQUID PLASTIC LIMITS	MOISTURE CONTENT (%)	FINES CONTENT (%)	ORGANIC CONTENT (%)
						0.3 Asphalt (3.5")				
	1		60 60			0.9 Base (8")				
						Light gray fine sand (SP)				
	2		80 80							
5	3		60 60			∇				
	4		3 3 3 3	6						
	5		2 1 4 5	5		9.0				
10						Dark brown fine sand (SP)				
	6		4 5 6	11		13.5				
15						Brown fine sand (SP)				
	7		7 7 9	16		18.5				
						Gray fine sand (SP)				
20						20.0				

Bottom of borehole at 20.0 feet.

SPT LOGS - GFA DATA TEMPLATE.GDT - 4/24/24 14:31 - V:\PROJECTS\UES PROJECT SETUP\2024 UES PROJECTS\3330.2400080.0000 - OCEAN EAST STUART PROPERTY - GEO\24-1638.00 - OCEAN EAST STUART PROPERTY - GEO\GEOAPPENDICES NORMAL



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LOG OF BORING B-2

PAGE 1 OF 1

CLIENT Ocean East Capital Partners

PROJECT NAME Ocean East Stuart Property

PROJECT NUMBER 3330.2400080.0000

PROJECT LOCATION 2348 SE Ocean Boulevard Parcel A, Stuart, FL

DRILLING CONTRACTOR Universal Engineering Sciences

HOLE DEPTH 20 ft

HOLE DIAMETER 3 in

DRILLER JB/LB

DATE STARTED 4/22/24

COMPLETED 4/22/24

DRILL RIG D-25

GROUND WATER LEVEL: ▽ AT TIME OF DRILLING 5.80 ft

METHOD SPT

LATITUDE 27.196258

LONGITUDE -80.220991

NOTE:

HAMMER TYPE

DEPTH (ft)	SAMPLE TYPE SAMPLE NUMBER	% RECOVERY (RQD)	BLOW COUNTS	N VALUE	GRAPHIC LOG	MATERIAL DESCRIPTION	LIQUID PLASTIC LIMITS	MOISTURE CONTENT (%)	FINES CONTENT (%)	ORGANIC CONTENT (%)
						0.3 Asphalt (4")				
	1		80 80			0.8 Base (5")				
						Light gray fine sand (SP)				
	2		80 80							
						4.0				
						Brown fine sand, trace rock fragments (SP)				
5	3		80 80			6.0 ▽				
						Light brown fine sand (SP)				
	4		4 4 5 5	9						
	5		3 3 3 3	6						
10										
						13.5				
	6		6 6 6	12		Gray fine sand (SP)				
15										
						18.5				
	7		6 8 7	15		Gray fine sand, little silt (SP-SM)				
20						20.0				

Bottom of borehole at 20.0 feet.

SPT LOGS - GFA DATA TEMPLATE.GDT - 4/24/24 14:31 - V:\PROJECTS\UES PROJECT SETUP\2024 UES PROJECTS\3330.2400080.0000 - OCEAN EAST STUART PROPERTY - GEO\24-1638.00 - OCEAN EAST STUART PROPERTY - GEO\GEOAPPENDICES NORMAL



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LOG OF BORING B-3

PAGE 1 OF 1

CLIENT Ocean East Capital Partners

PROJECT NUMBER 3330.2400080.0000

DRILLING CONTRACTOR Universal Engineering Sciences

DRILLER JB/LB

DRILL RIG D-25

METHOD SPT

NOTE:

PROJECT NAME Ocan East Stuart Property

PROJECT LOCATION 2348 SE Ocean Boulevard Parcel A, Stuart, FL

HOLE DEPTH 10 ft

HOLE DIAMETER 3 in

DATE STARTED 4/22/24

COMPLETED 4/22/24

GROUND WATER LEVEL: ∇ AT TIME OF DRILLING 6.25 ft

LATITUDE 27.195996

LONGITUDE -80.221047

HAMMER TYPE

DEPTH (ft)	SAMPLE TYPE SAMPLE NUMBER	% RECOVERY (RQD)	BLOW COUNTS	N VALUE	GRAPHIC LOG	MATERIAL DESCRIPTION	LIQUID PLASTIC LIMITS	MOISTURE CONTENT (%)	FINES CONTENT (%)	ORGANIC CONTENT (%)
						0.3 Asphalt (3.5")				
	1		80 80			0.8 Base (7")				
						Light gray fine sand (SP)				
	2		80 80							
						4.0				
						Dark brown fine sand (SP)				
5	3		80 80							
						6.0				
						∇ Brown fine sand (SP)				
	4		5 7 7 6	14						
	5		5 4 5 5	9						
10						10.0				

Bottom of borehole at 10.0 feet.

HAND AUGER WITH HCP - GFA DATA TEMPLATE.GDT - 4/24/24 13:56 - V:\PROJECTS\UES PROJECT SETUP\2024 UES PROJECTS\3330.2400080.0000 - OCEAN EAST STUART PROPERTY - GEO\GEOAPPENDI



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LOG OF BORING AB-1

CLIENT Ocean East Capital Partners

PROJECT NUMBER 3330.2400080.0000

DATE STARTED 4/22/24COMPLETED 4/22/24

DRILLING CONTRACTOR Universal Engineering Sciences

DRILLING METHOD Auger Boring

DRILLER JB/LB

NOTES

PROJECT NAME Ocean East Stuart Property

PROJECT LOCATION 2348 SE Ocean Boulevard Parcel A, Stuart, FL

LATITUDE 27.196463LONGITUDE -80.221054

GROUND WATER LEVELS:
▽ AT TIME OF DRILLING 5.80 ft

AT END OF ---

ESHGT

DEPTH (ft)	HAND CONE PENETROMETER (HCP) (tsf)	GRAPHIC LOG	MATERIAL DESCRIPTION	MOISTURE CONTENT (%)	FINES CONTENT (%)	ORGANIC CONTENT (%)
0						
60			0.3 Asphalt (3.25")			
			0.8 Base (6")			
60			Light gray fine sand, little roots (SP)			
80						
80						
80						
80						
5						
80						
			6.0 ▽			

Bottom of borehole at 6.0 feet.



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Port St. Lucie, Florida 34986
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LOG OF BORING AB-2

PAGE 1 OF 1

CLIENT Ocean East Capital Partners

PROJECT NAME Ocean East Stuart Property

PROJECT NUMBER 3330.2400080.0000

PROJECT LOCATION 2348 SE Ocean Boulevard Parcel A, Stuart, FL

DATE STARTED 4/22/24 **COMPLETED** 4/22/24

LATITUDE 27.196288 **LONGITUDE** -80.221099

DRILLING CONTRACTOR Universal Engineering Sciences

GROUND WATER LEVELS:

DRILLING METHOD Auger Boring

 AT TIME OF DRILLING 5.80 ft

DRILLER JB/LB

AT END OF ---

NOTES

ESHGT

DEPTH (ft)	HAND CONE PENETROMETER (HCP) (tsf)	GRAPHIC LOG	MATERIAL DESCRIPTION	MOISTURE CONTENT (%)	FINES CONTENT (%)	ORGANIC CONTENT (%)
0						
	80		0.3 Asphalt (4.5")			
			0.8 Base (6")			
	80		Light gray fine sand (SP)			
	80					
	80					
	80					
5	80					
	80		6.0			

Bottom of borehole at 6.0 feet.

HAND AUGER WITH HCP - GFA DATA TEMPLATE.GDT - 4/24/24 13:56 - V:\PROJECTS\ UES PROJECT SETUP\2024 UES PROJECTS\3330.2400080.0000 - OCEAN EAST STUART PROPERTY - GEO\GEOAPPENDI



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LOG OF BORING AB-3

CLIENT Ocean East Capital Partners

PROJECT NUMBER 3330.2400080.0000

DATE STARTED 4/22/24COMPLETED 4/22/24

DRILLING CONTRACTOR Universal Engineering Sciences

DRILLING METHOD Auger Boring

DRILLER JB/LB

NOTES

PROJECT NAME Ocean East Stuart Property

PROJECT LOCATION 2348 SE Ocean Boulevard Parcel A, Stuart, FL

LATITUDE 27.196055LONGITUDE -80.220991

GROUND WATER LEVELS:
▽ AT TIME OF DRILLING 6.00 ft

AT END OF ---

ESHGT

DEPTH (ft)	HAND CONE PENETROMETER (HCP) (tsf)	GRAPHIC LOG	MATERIAL DESCRIPTION	MOISTURE CONTENT (%)	FINES CONTENT (%)	ORGANIC CONTENT (%)
0						
80			0.3 Asphalt (3.5")			
			0.8 Base (6.5")			
80			Light gray fine sand (SP)			
80						
80						
80						
5						
80			5.0 Brown fine sand (SP)			
80						
		6.0▽				

Bottom of borehole at 6.0 feet.

Appendix E - Hydraulic Conductivity Results



UNIVERSAL ENGINEERING SCIENCES

Consultants In: Geotechnical Engineering • Environmental Sciences
Geophysical Services • Construction Materials Testing • Threshold Inspection
Building Inspection • Plan Review • Building Code Administration

EXFILTRATION TEST REPORT

South Florida Water Management District - Usual Open Hole Test

Client: Ocean East Capital Partners

Project No: 3330.2400080.0000

Project: Ocean East Stuart Property
2348 SE Ocean Boulevard Parcel A, Stuart, FL

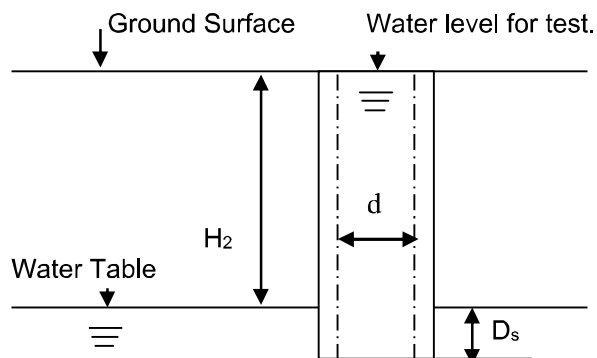
Test Date: 4/22/2024

Technician: JB/LB

SOIL PROFILE

Test Location: EX-1	Depth (feet)	Soil Description	
	0 – 5	Light gray fine sand (SP)	
	5 – 6	Brown fine sand, trace organics (SP)	
	Depth to Water Table from Ground Surface (feet)		6

CALCULATION OF HYDRAULIC CONDUCTIVITY



$$K = \frac{4Q}{\pi d(2H_2^2 + 4H_2D_s + H_2d)}$$

K	Hydraulic Conductivity (cfs/ ft ² – ft head)	4.14 x 10⁻⁰⁴
Q	Stabilized Flow Rate (cubic ft per second)	8.02 x 10⁻⁰³
d	Diameter of Test Hole (feet)	0.33
H₂	Depth to Water Table (feet)	6.0
D_s	Saturated Hole Depth (feet)	0.0
Notes:		

Appendix F - Discussion of Soil Groups

DISCUSSION OF SOIL GROUPS

COARSE GRAINED SOILS

General. A soil is classified as coarse-grained if more than 50 percent of a representative sample of the material is retained on the No. 200 sieve.

GW and SW Groups. These groups comprise well-graded gravelly and sandy soils containing little or no plastic fines (less than 5 percent passing the No. 200 sieve). The low fines content does not noticeably change the shear strength characteristics of these soils and does not interfere with their free-draining characteristics.

GP and SP Groups. Poorly graded gravels and sands containing little or no plastic fines (less than 5 percent passing the No. 200 sieve) are in the GP and SP groups. The materials can be called uniform gravels, uniform sands, or non-uniform mixtures of very coarse materials and very fine sand, with intermediate sizes lacking (sometimes called skip-graded, gap-graded, or step-graded). This last group often results from borrow pit excavation in which gravel and sand layers are mixed.

GM and SM Groups. In general, the GM and SM groups comprise gravels or sands with fines (more than 12 percent passing the No. 200 sieve) having little or no plasticity. The plasticity index and liquid limit of soils in these groups plot below the “A” line on the plasticity chart. The gradation of the material is not considered significant and both well and poorly graded materials are included.

GC and SC Groups. In general, the GC and SC groups comprise gravelly or sandy soils containing fines (more than 12 percent passing the No. 200 sieve) having plasticity characteristics. The plasticity index and liquid limit of soils in these groups plot above the “A” line on the plasticity chart.

FINE GRAINED SOILS

General. A soil is classified as fine-grained if more than 50 percent of a representative sample of the material passes the No. 200 sieve.

ML and MH Groups. These groups comprise inorganic silts (ML) and elastic silts (MH) having either low (L) or high (H) liquid limits, respectively. ML soils have a liquid limit of less than 50 while MH soils have a liquid limit of 50 and greater. Silts and elastic silts can also contain varying amounts of sand and gravel. Also included in this group are loess sediments and rock flours.

CL and CH Groups. These groups comprise low plasticity (lean) clays (CL) and medium to high plasticity (fat) clays (CH) having either low (L) or high (H) liquid limits, respectively. CL soils have a liquid limit of less than 50 while CH soils have a liquid limit of 50 and greater. The low plasticity clays can also be sandy clays or silty clays. The moderate to high plasticity clays can also be sandy clays and include some volcanic clays.

OL and OH Groups. These groups comprise organic silts and clays. The soils are characterized by the presence of organic odor and/or dark color. The OL and OH soils are differentiated by determining and comparing their liquid limit values before and after oven drying representative soil samples.

HIGHLY ORGANIC SOILS

The highly organic soils are usually very soft and compressible and have undesirable construction characteristics. Particles of leaves, grasses, branches, or other fibrous vegetative matter are common components of these soils. They are not subdivided and are classified into one group with the symbol PT. Peat humus and swamp soils with a highly organic texture are typical soils of the group.

TRAFFIC IMPACT ANALYSIS

OCEAN EAST STARBUCKS STUART, FL

PREPARED FOR:
OCEAN EAST CAPITAL
PARTNERS, LLC

Kimley»Horn

March 7, 2024
Revised August 5, 2024
Registry No. 35106
Kimley-Horn and Associates, Inc.
477 South Rosemary Avenue, Suite 215
West Palm Beach, Florida 33401
561 840-0848 TEL

TRAFFIC IMPACT ANALYSIS

OCEAN EAST STARBUCKS

STUART, FL

Prepared by:
Kimley-Horn and Associates, Inc.
West Palm Beach, Florida



March 7, 2024
Revised August 5, 2024
Registry No. 35106
Kimley-Horn and Associates, Inc.
477 South Rosemary Avenue, Suite 215
West Palm Beach, Florida 33401
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THIS IS TO CERTIFY THAT THE ENCLOSED
ENGINEERING CALCULATIONS WERE
PERFORMED BY ME OR UNDER MY
DIRECT SUPERVISION.



Stephanie A Guerra
2024.08.05
09:23:14 -04'00'

STEPHANIE GUERRA, P.E.
Florida Registration Number #84302
Registry No. 35106

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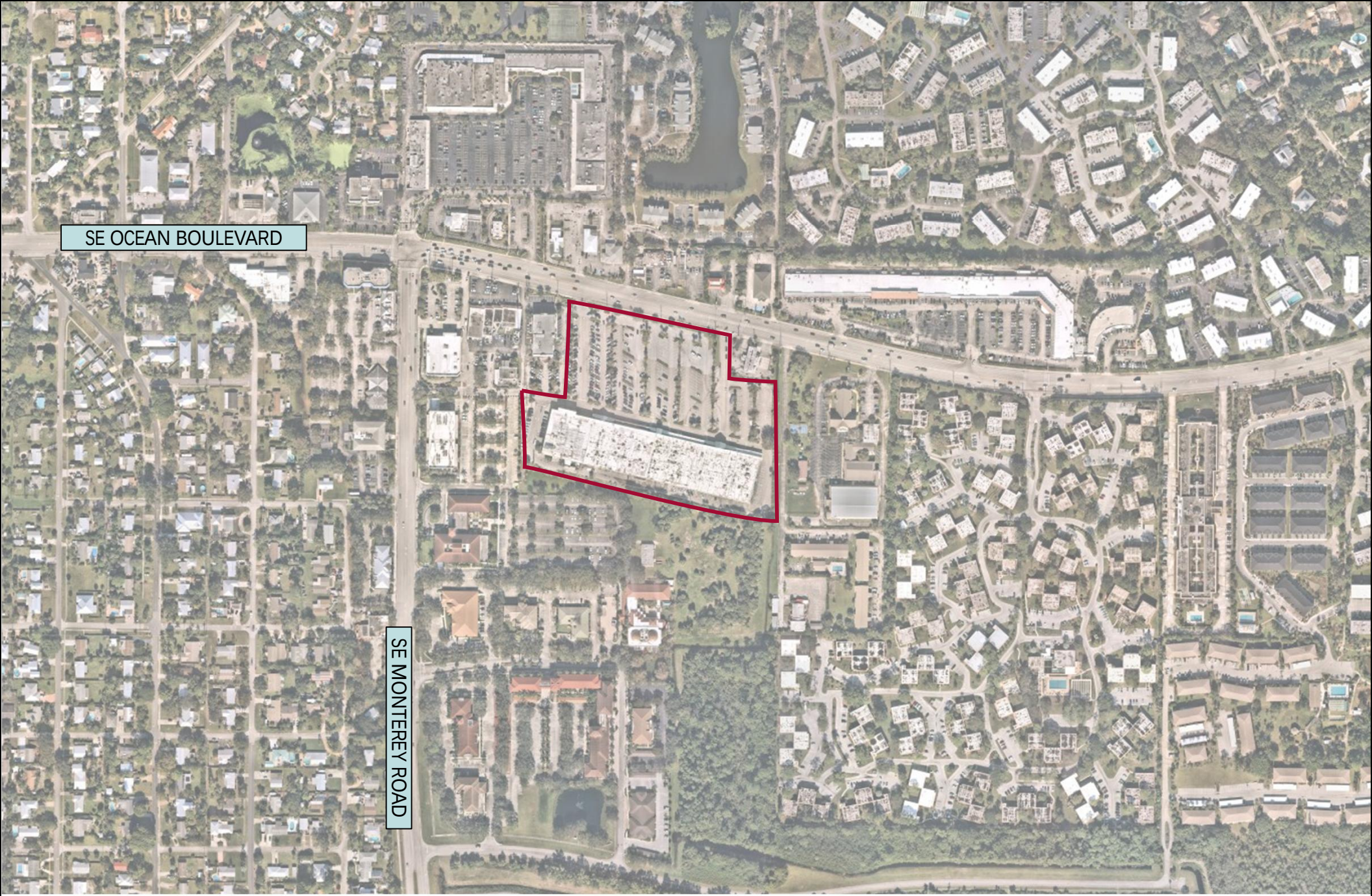
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INTRODUCTION

Ocean East Plaza is located on the south side of SE Ocean Boulevard, just east of SE Monterey Road, in the City of Stuart, Florida. The site currently contains a 118,734 SF shopping plaza. A 2,767 SF coffee shop with drive-through is proposed to be added as an outparcel to the existing plaza. *Figure 1* illustrates the site location.

The project site plan is included in *Appendix A*.

Kimley-Horn and Associates, Inc. was retained to prepare a traffic impact analysis for the proposed development. This document presents the methodology used and the findings of the traffic impact analysis. The analysis was conducted in accordance with the requirements of the Martin County Land Development Regulations. A buildout year of 2027 was analyzed for the proposed development.



SE OCEAN BOULEVARD

SE MONTEREY ROAD



LEGEND

 Project Site

FIGURE 1
SITE LOCATION
OCEAN EAST STARBUCKS

PROJECT TRAFFIC

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the project, and the distribution and assignment of that traffic over the study roadway network.

Existing and Proposed Land Uses

The site currently contains a 118,734 SF shopping plaza. A 2,767 SF coffee shop with drive-through is proposed to be added as an outparcel to the existing plaza.

Trip Generation

The trip generation potential for the proposed development program was calculated using trip generation rates and equations published by the Institute of Transportation Engineers' (ITE) Trip Generation Report, Eleventh Edition. Because pass-by rates published for a Coffee/Donut Shop with Drive-Through use were found to be between 90-98% with a small sample size, the pass-by rates published for Land Use Code 934 (Fast Food with Drive-Through) were used.

As indicated in *Table 1*, the proposed development is projected to generate an additional 193 net new external daily trips, an additional 78 net new external AM peak hour trips (+40 in, +38 out), and an additional 8 net new external PM peak hour trips (+4 in, +4 out) in comparison to the existing development on site.

Table 1: Trip Generation

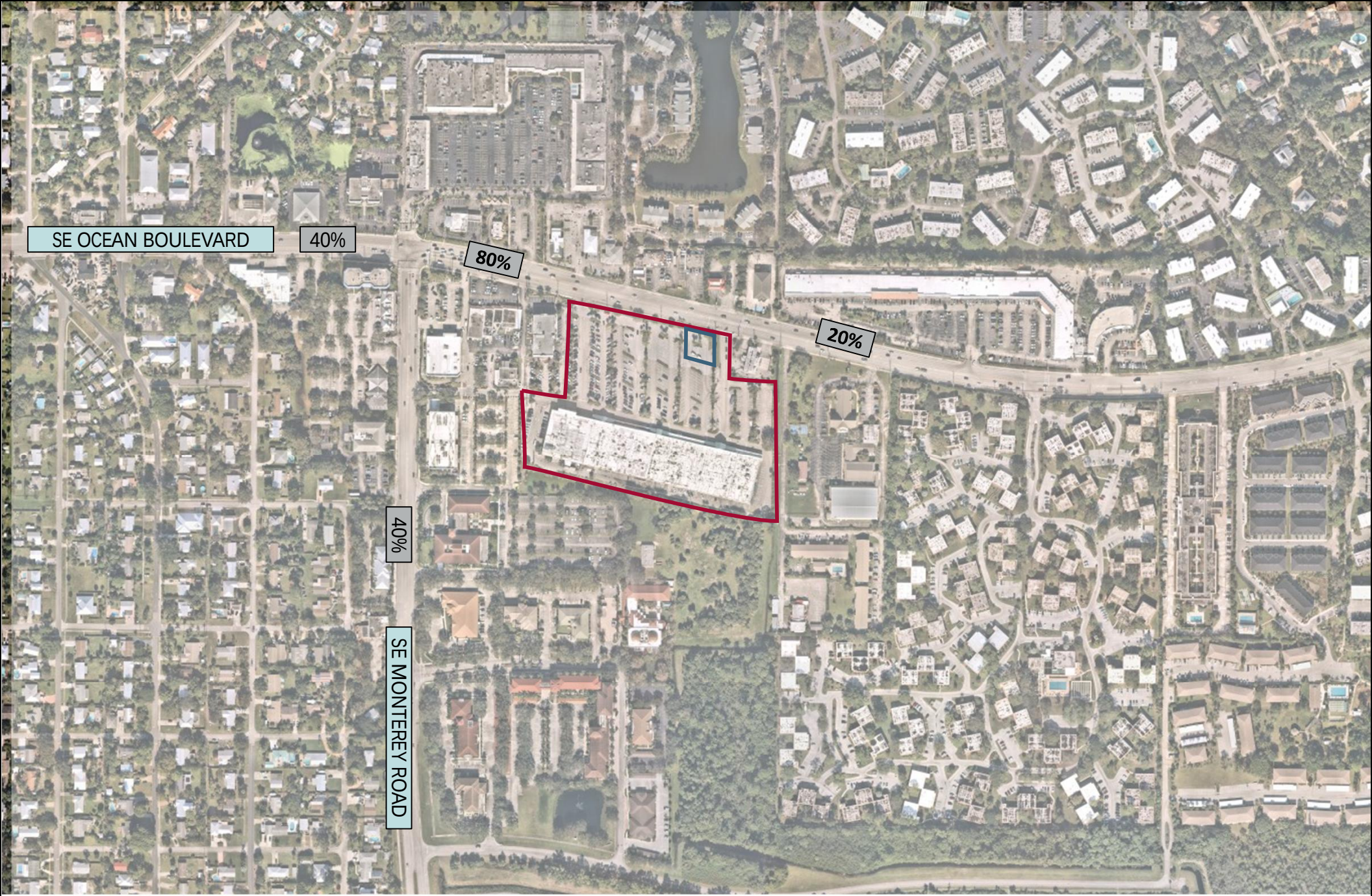
Land Use	Intensity	ITE LUC	Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing Scenario >5 Years									
Shop Plaza (40-150k) w/ Sup Market	118.73 KSF	821	11,219	419	260	159	1,072	515	557
	Subtotal		11,219	419	260	159	1,072	515	557
Pass-By Capture									
Shop Plaza (40-150k) w/ Sup Market	40.0%		4,488	168	104	64	429	206	223
	Subtotal		4,488	168	104	64	429	206	223
Driveway Volumes ⁽¹⁾			11,219	419	260	159	1,072	515	557
Existing Net External Trips ⁽²⁾			6731	251	156	95	643	309	334
Proposed Scenario									
Shop Plaza (40-150k) w/ Sup Market	118.734 KSF	821	11,219	419	260	159	1,072	515	557
Coffee/Donut Shop +DT	2.767 KSF	937	1,476	238	121	117	108	54	54
	Subtotal		12,695	657	381	276	1,180	569	611
Internal Capture									
Shop Plaza (40-150k) w/ Sup Market			495	37	16	21	38	22	16
Coffee/Donut Shop +DT			495	37	21	16	38	16	22
	Subtotal		990	74	37	37	76	38	38
Pass-By Capture									
Shop Plaza (40-150k) w/ Sup Market	40.0%		4290	153	98	55	414	197	217
Coffee/Donut Shop +DT	50.0% ^(*) 55.0% ^(*)		491	101	50	51	39	21	18
	Subtotal		4781	254	148	106	453	218	235
Driveway Volumes ⁽³⁾			11,705	583	344	239	1,104	531	573
Proposed Net External Trips ⁽⁴⁾			6,924	329	196	133	651	313	338
Trip Differential (Proposed - Existing) ⁽⁴⁻²⁾			193	78	40	38	8	4	4
Driveway Volume Differential ⁽³⁻¹⁾			486	164	84	80	32	16	16
Land Use	Daily		AM Peak Hour			PM Peak Hour			
Shop Plaza (40-150k) w/ Sup Market	94.49 trips/1000 sf		3.53 trips/1000 sf (62%in, 38%out)			9.03 trips/1000 sf (48%in, 52%out)			
Coffee/Donut Shop +DT	533.57 trips/1000 sf		85.88 trips/1000 sf (51%in, 49%out)			38.99 trips/1000 sf (50%in, 50%out)			

(*) Pass-by rates published for Coffee shop +DT uses found to be 90-98%. In order to provide a conservative analysis, the AM and PM pass-by rates for LUC 934 was used.

Traffic Distribution and Assignment

A projected traffic distribution plan was developed based on a review of the existing uses within the project area. *Figure 2* illustrates the proposed roadway link assignment. Using these percentages, project traffic was then assigned to the surrounding roadway network projected to be in place by 2027.

According to the Martin County Land Development Regulations, a roadway link is significantly impacted if the impact from the project traffic on that link is greater than two percent of the adopted service capacity threshold. Project significance calculations are included in *Table 2*. The links included in the analysis are those that are listed in the Martin County 2023 Roadway Level of Service Inventory Report, which is included in Appendix B. As shown in *Table 2*, none of the surrounding roadway links are significantly impacted by the project traffic.



LEGEND

-  Project Site
-  Proposed Area of Redevelopment

FIGURE 2
TRIP DISTRIBUTION
OCEAN EAST STARBUCKS

Table 2: Significance Calculations

ROADWAY	FROM	TO	COMMITTED NUMBER OF LANES	LOS D GEN. SVC. VOLUME	PROJECT % ASSIGNMENT	PROJECT TRIPS					
						PEAK DIRECTIONAL TRIPS		% IMPACT			
						AM	PM	AM PEAK	SIG?	PM PEAK	SIG?
SR 714	CR A1A	SR A1A	4LD	894	40%	16	2	1.79%	No	0.22%	No
SE Ocean Boulevard	Palm Beach Rd	SR-714	4LD	1,880	40%	16	2	0.85%	No	0.11%	No
SE Ocean Boulevard	SR-714	Project Driveway	4LD	1,900	80%	32	3	1.68%	No	0.16%	No
SE Ocean Boulevard	Project Driveway	St. Lucie Blvd	4LD	1,900	20%	8	1	0.42%	No	0.05%	No

Table 3: Capacity Calculations

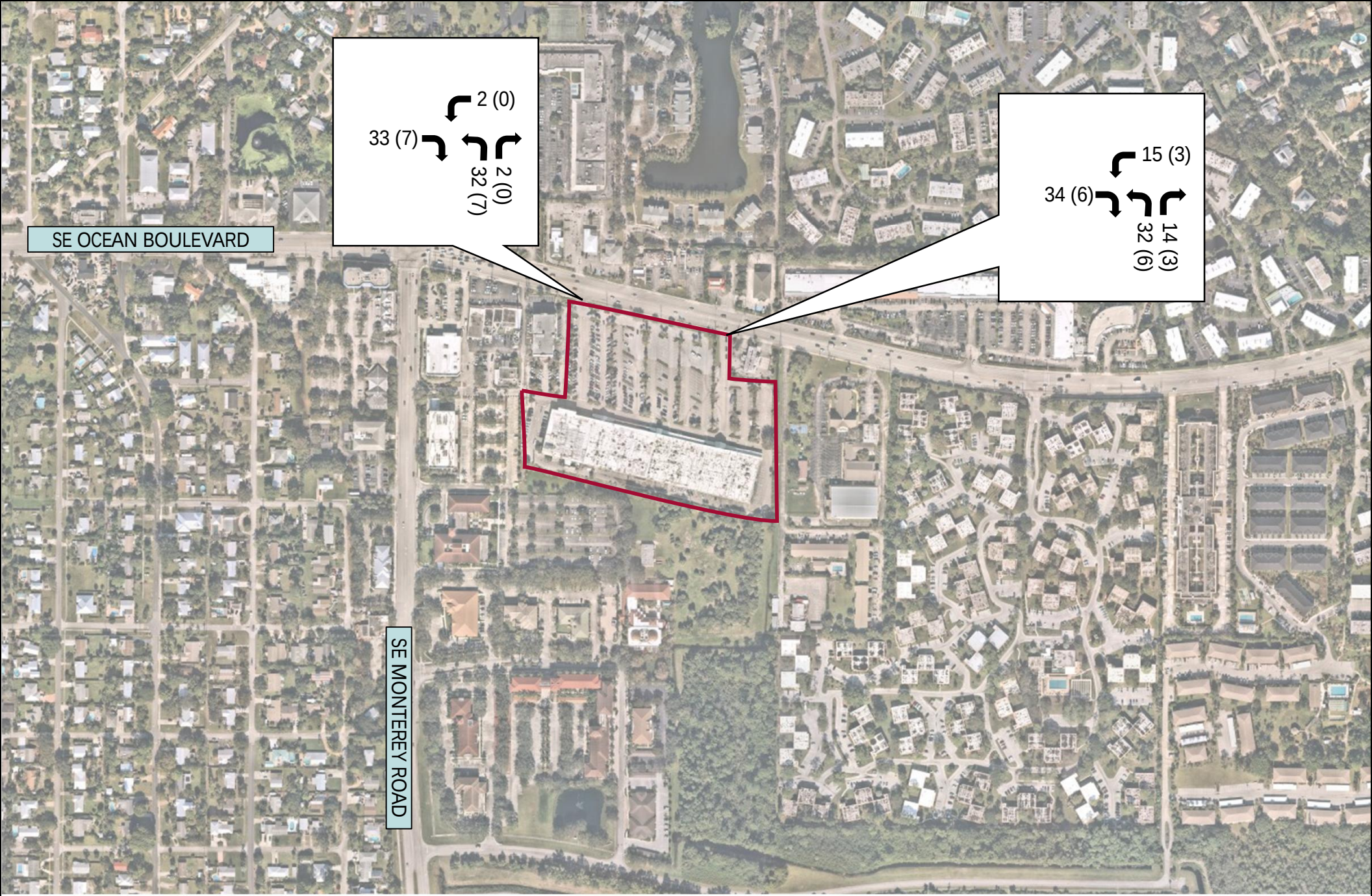
Roadway	From	To	Existing		Year 2023 Traffic Volume	1.0% Traffic Growth	Historic Growth Rate (from TPS)	Max Historic Growth or 1%	Max Historic Growth	Utilized (Maximum) Committed Traffic	Project Traffic	2027 Total Traffic	Meets Standard ??
			Lanes	Generalized Service Capacity									
SR 714	CR A1A	SR A1A	4LD	1,810	894	36	6.30%	6.30%	247	247	16	1157	Yes
SE Ocean Boulevard	Palm Beach Rd	SR-714	4LD	1,880	581	24	0.50%	1.00%	24	24	16	621	Yes
SE Ocean Boulevard	SR-714	Project Driveway	4LD	1,900	1111	45	1.70%	1.70%	77	77	32	1220	Yes
SE Ocean Boulevard	Project Driveway	St. Lucie Blvd	4LD	1,900	1111	45	1.70%	1.70%	77	77	8	1196	Yes

SITE CIRCULATION AND TURN LANE REQUIREMENTS

Access to the site is proposed to be maintained via one full-access signalized driveway and one full-access unsignalized driveway on SE Ocean Boulevard. Additionally, cross-access is provided to SE Monterey Road via the parcels to the immediate west. Based on a review of the distribution of traffic to and from the site, project traffic volumes were projected at the subject driveway connections. These volumes are shown in *Figure 3*. No modifications are proposed to the subject driveways.

FDOT Access Approval and Turn Lane Review

The Applicant attended a pre-application meeting with the Florida Department of Transportation (FDOT) on September 21, 2023. FDOT reviewed the existing access connections on SE Ocean Boulevard and the proposed new driveway volumes and issued a conceptual approval letter on June 6, 2024, for the existing signalized access driveway and right-in/right-out driveway. Because the Applicant is only in control of the proposed outparcel of the plaza and not the plaza itself, the Applicant is unable to construct any additional turn lanes at the plaza driveways. This is an existing condition which serves traffic for the overall plaza.



LEGEND

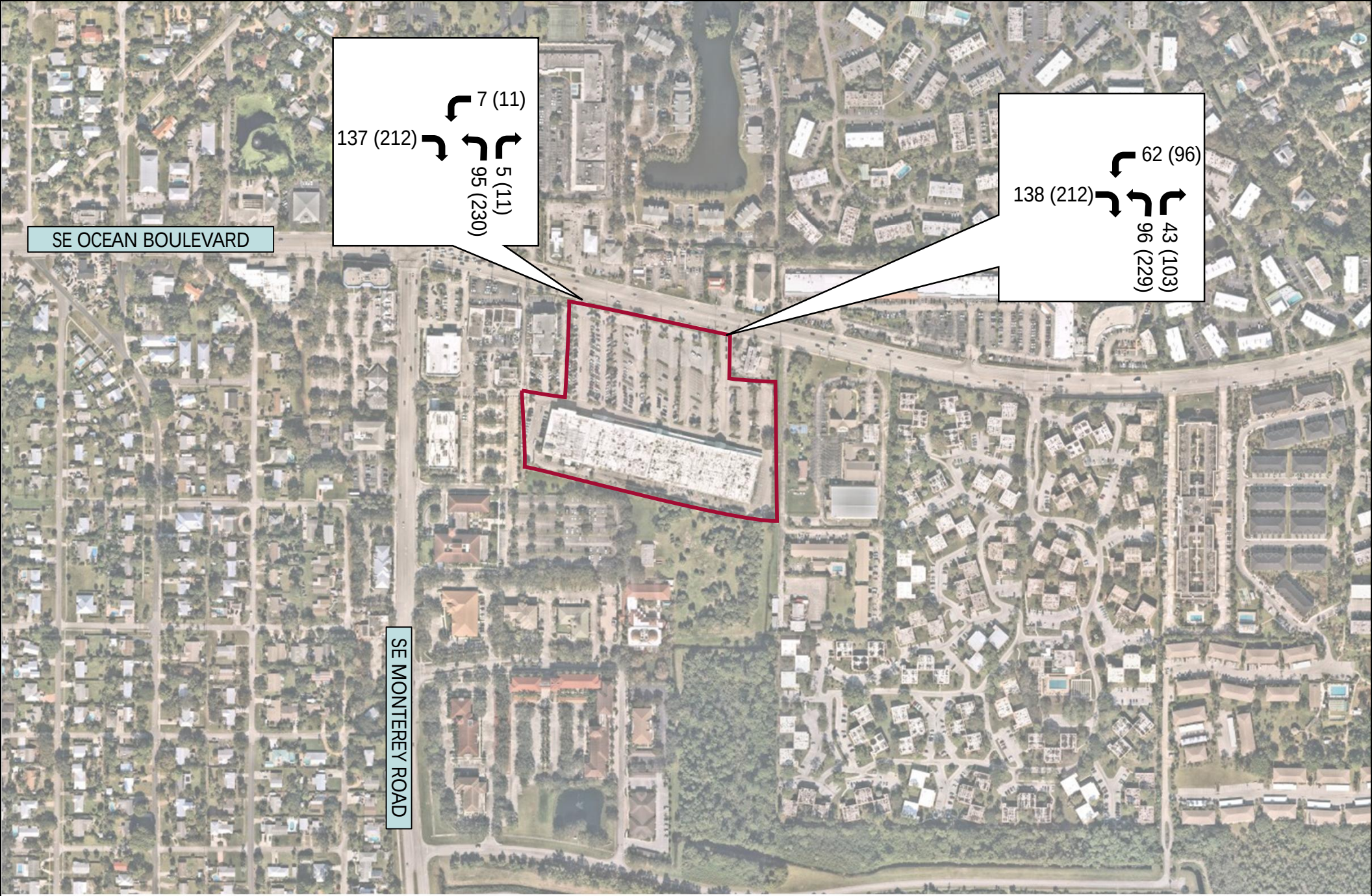
Project Site

XX Daily Driveway Volumes

XX AM Peak Hour Driveway Volumes

(XX) PM Peak Hour Driveway Volumes

FIGURE 3
STARBUCKS DRIVEWAY VOLUMES
OCEAN EAST STARBUCKS



LEGEND

Project Site

XX Daily Driveway Volumes

XX AM Peak Hour Driveway Volumes

(XX) PM Peak Hour Driveway Volumes

FIGURE 3
OVERALL SITE DRIVEWAY VOLUMES
OCEAN EAST STARBUCKS

CONCLUSION

Ocean East Plaza is located on the south side of SE Ocean Boulevard, just east of SE Monterey Road, in the City of Stuart, Florida. The site currently contains a 118,734 SF shopping plaza. A 2,767 SF coffee shop with drive-through is proposed to be added as an outparcel to the existing plaza. The proposed buildout date is the end of 2027.

Based on the results of the traffic impact analysis, all roadway segments are projected to operate acceptably upon buildout of the project. Furthermore, the proposed development is anticipated to result in a nominal increase in trips and all adjacent roadway segments are insignificantly impacted by the project according to Martin County Land Development Regulations. Therefore, the proposed development meets transportation concurrency standards within Martin County.

APPENDIX A: SITE PLAN AND FDOT ACCESS LETTER



Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

June 6, 2024

THIS PRE-APPLICATION LETTER IS VALID UNTIL – June 6, 2025
THIS LETTER IS NOT A PERMIT APPROVAL

Stephanie Guerra, P.E.
Kimley-Horn
477 Rosemary Avenue, Suite 215 West Palm Beach, FL 33401

Dear Stephanie Guerra:

RE: Pre-application Review for **Category D Driveway**, Pre-application Meeting Date: **September 21, 2023**
Martin County - Stuart; SR A1A; Sec. # 89040000; MP: 1.90; Access Class - 7;
Posted Speed - 35; SIS - No; FDOT Ref. Project: N/A

Request:

- **Driveway 1: Use existing signalized access on the south side of SR A1A, approximately 180 feet west of SE Ocean Blvd.**
- **Driveway 2: Use right-in/right-out access on the south side of SR A1A, approximately 460 feet from Driveway 1.**
- **Sidewalk connection to existing sidewalk along SR A1A.**

SITE SPECIFIC INFORMATION

Project Name & Address: **Ocean East Starbucks – 2300 SE OCEAN BLVD STUART FL**
Property Owner: **OCEAN EAST CAPITAL PARTNERS LLC**; Parcel Size: **11.2887 Acres**
Development Size: **118,734 SF of Shopping Center (Existing) and 2,360 SF of Coffee/Donut Shop (Proposed Outparcel)**

REQUEST APPROVED

This decision is based on your presentation of the facts, site plan and survey - please see the conditions and comments below. You may choose to review this concept further with the District Access Management Review Committee (AMRC).

Comments:

- *Queue Analysis is saved on Access Management file (Submitted on 05/20/2024).*
- All driveways not approved in this letter must be fully removed and the area restored.
- A Drainage Permit is required for any stormwater impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
- The applicant shall donate property to the Department if right-of-way dedication is required to implement the improvements.
- Dimensions between driveways are measured from the near edge of pavement to near edge of pavement and for median openings are measured from centerline to centerline unless otherwise indicated.

The purpose of this Pre-Application letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway System and to note required improvements, if any. This letter shall be submitted with any further reviews and for permitting. The Department's personnel shall review permit plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Note, this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department. For right-of-way dedication requirements go to: <https://osp.fdot.gov>; click on Statewide Permit News; Scroll down to District 4; Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

Please contact the Access Management Manager - Tel. # 954-777-4363 or e-mail: D4AccessManagement@dot.state.fl.us with any questions regarding the Pre-Approval Letter.

Sincerely,

Carina Harvey
District Access Management Manager

Digitally signed
by: Carina
Harvey
Date: 2024.06.06
16:37:38 -04'00'

APPENDIX B: MARTIN COUNTY 2023 ROADWAY LOS INVENTORY REPORT

Martin County 2023 Roadway Level of Service Inventory Report

Road Name	From	To	Context Classification	Generalized Service Capacity	2023 Average Annual Daily Traffic	2023 Peak Hour Directional Volume	2023 Generalized LOS	Avg. Annual Growth Rate
Matheson Ave	SR-714	Mapp Rd	C3R	1110	6,332	325	C	2.0%
Monroe St	SR-5	Commerce Ave	C3C	1070	1,620	114	C	0.5%
Murphy Rd	Mapp Rd	High Meadow Ave	C3R	1110	5,474	302	C	0.5%
Murphy Rd	High Meadow Ave	St Lucie County	C3R	1110	9,804	859	C	0.5%
Ocean Blvd	Flagler Ave	Palm Beach Rd	C4	915	9,241	498	D	0.5%
Ocean Blvd	Palm Beach Rd	SR-714	C4	1880	11,882	581	C	0.5%
Osprey St	SR-5	CR-A1A	C3R	1110	5,871	238	C	3.1%
Osprey St	CR-A1A	Gomez Ave	C3R	1110	2,270	110	C	4.2%
Palm Beach Rd	SR-714	Ocean Blvd	C4	915	8,379	509	D	0.5%
Palm City Rd	SR-714	SR-5	C3R	890	7,871	394	C	0.5%
Palmer St	CR-707	Indian River Dr	C3R	1110	3,375	212	C	2.1%
Pineapple Wy	CR-707A(Jensen Beach Blvd.)	SR-732	C4	870	11,309	608	TCEA	0.5%
Pomeroy St	SR-76	Willoughby Blvd	C3R	1110	10,189	510	C	3.8%
Pomeroy St	Willoughby Blvd	SR-5	C4	915	9,651	486	D	2.7%
Salerno Rd	SR-76	Willoughby Blvd	C3R	1110	8,049	434	C	0.7%
Salerno Rd	Willoughby Blvd	SR-5	C4	915	9,026	544	D	0.5%
Salerno Rd	SR-5	Commerce Ave	C4	870	8,798	373	TCEA	0.5%
Salerno Rd	Commerce Ave	CR-A1A	C4	870	7,166	290	TCEA	0.5%
Seabranh Blvd	Doubletree Dr	SR-5	C3R	1850	5,904	269	C	0.5%
Sewalls Pt Rd	SR-A1A	Palmer St	C3R	1110	11,397	476	C	4.7%
Skyline Dr	CR-707A	CR-707	C3R	1110	1,846	98	C	3.1%
SR-5 (US-1)	Palm Beach County	CR-A1A	C2	2910	19,846	916	A/B	0.5%

Segments with shaded LOS require additional analysis.
The peaks are: CR-713 (PM/NB), US-1 (PM/NB) and SR-714 (AM/EB)

Martin County 2023 Roadway Level of Service Inventory Report

Road Name	From	To	Context Classification	Generalized Service Capacity	2023 Average Annual Daily Traffic	2023 Peak Hour Directional Volume	2023 Generalized LOS	Avg. Annual Growth Rate
SR-710 (Warfield Blvd)	CR-726	SR-76 (Kanner)	C2	2910	12,617	545	A/B	3.5%
SR-710 (Warfield Blvd)	SR-76	Palm Beach County	C2	2910	9,176	414	A/B	7.2%
SR-714 (Martin Hwy)	I-95	CR-76A (Citrus)	C3R	1110	14,984	744	C	2.1%
SR-714 (Martin Hwy)	CR-76A (Citrus)	Florida's Turnpike	C3C	1810	22,005	1,175	C	0.8%
SR-714 (Martin Downs Blvd)	Florida's Turnpike	CR-713	C3C	1810	21,489	940	C	0.9%
SR-714 (Martin Downs Blvd)	CR-713	Matheson Ave	C3R	1850	31,000	1,256	C	3.2%
SR-714 (Martin Downs Blvd)	Matheson Ave	Mapp Rd	C3R	1850	32,528	1,724	D	0.5%
SR-714 (Palm City Bridge)	Mapp Rd	SR-76	C3C	1900	35,988	2,131	E	0.9%
SR-714 (Monterey Rd)	SR-76	Willoughby Blvd	C3C	1810	26,408	1,198	C	4.1%
SR-714 (Monterey Rd)	Willoughby Blvd	Monterey Extension	C3C	1810	25,813	1,310	C	1.1%
SR-714 (Monterey Rd)	Monterey Extension	SR-5	C3C	1900	18,812	874	C	0.9%
SR-714 (Monterey Rd)	SR-5	CR-A1A	C3C	1900	20,071	1,264	C	0.5%
SR-714 (Monterey Rd)	CR-A1A	SR-A1A	C3C	1810	19,912	894	C	0.6%
SR-732 (Causeway Blvd)	CR-707	SR-A1A	C3R	1110	13,568	762	C	1.8%
SR-732 (Jensen Beach Blvd)	SR-5	Green River Pkwy	C3R	1850	24,707	1,334	C	0.5%
SR-732 (Jensen Beach Blvd)	Green River Pkwy	CR-723	C3R	1945	24,777	1,156	C	1.0%
SR-76 (Kanner Hwy)	SR-15	SR-710	C2	730	2,170	101	A/B	0.5%
SR-76 (Kanner Hwy)	SR-710	CR-708	C2	730	3,653	183	A/B	1.7%
SR-76 (Kanner Hwy)	CR-708	Waterside	C2	730	4,251	231	A/B	8.0%
SR-76 (Kanner Hwy)	Waterside	CR-711/CR-76A	C3C	1900	4,251	231	C	8.0%
SR-76 (Kanner Hwy)	CR-711/CR76A	Locks Rd	C3R	1945	14,335	889	C	1.7%
SR-76 (Kanner Hwy)	Locks Rd	Jack James	C3C	1900	19,442	930	C	0.5%

Segments with shaded LOS require additional analysis.

The peaks are: CR-713 (PM/NB), US-1 (PM/NB) and SR-714 (AM/EB)

Martin County 2023 Roadway Level of Service Inventory Report

Road Name	From	To	Context Classification	Generalized Service Capacity	2023 Average Annual Daily Traffic	2023 Peak Hour Directional Volume	2023 Generalized LOS	Avg. Annual Growth Rate
SR-76 (Kanner Hwy)	Jack James	Cove Rd	C3C	2815	50,473	2,651	D	3.6%
SR-76 (Kanner Hwy)	Cove Rd	Salerno Rd	C3C	2815	41,471	2,117	C	4.7%
SR-76 (Kanner Hwy)	Salerno Rd	Indian St	C3R	2865	37,689	1,634	C	5.1%
SR-76 (Kanner Hwy)	Indian St	SR-714	C3C	2815	25,896	1,071	C	5.2%
SR-76 (Kanner Hwy)	SR-714	SR-5	C3C	2815	27,309	1,092	C	2.1%
SR-A1A (Ocean Blvd)	SR-714	St Lucie Blvd	C3C	1900	20,956	1,111	C	1.9%
SR-A1A (Ocean Blvd)	St Lucie Blvd	Sewalls Point Rd	C3R	1945	23,666	1,135	C	0.7%
SR-A1A (Ocean Blvd)	Sewalls Point Rd	Macarthur Blvd	C3R	1165	14,409	676	C	1.5%
SR-A1A (Ocean Blvd)	MacArthur Blvd	SR-732	C3R	1165	8,439	410	C	0.5%
SR-A1A (Ocean Blvd)	SR-732	St Lucie County	C3R	1165	14,790	880	C	0.5%
St Lucie Blvd	CR-A1A	Indian St	C3R	1110	3,899	194	C	4.2%
St Lucie Blvd	Indian St	SR-A1A	C3R	1110	7,602	379	C	0.5%
Westmoreland Blvd	St Lucie County	SR-5	C3C	1125	11,299	550	C	0.5%
Willoughby Blvd	Cove Rd	Salerno Rd	C3C	1125	3,669	305	C	0.5%
Willoughby Blvd	Salerno Rd	Pomeroy St	C3R	1165	8,977	488	C	0.5%
Willoughby Blvd	Pomeroy St	Indian St	C3R	1945	10,277	517	C	0.5%
Willoughby Blvd	Indian St	SR-714	C3C	1900	10,792	522	C	0.5%
Wright Blvd	SR-5	Dixie Highway	C4	915	10,602	525	D	0.5%

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Vehicle Pass-By Rates by Land Use									
Source: ITE <i>Trip Generation Manual</i> , 11th Edition									
Land Use Code	934								
Land Use	Fast-Food Restaurant with Drive-Through Window								
Setting	General Urban/Suburban								
Time Period	Weekday AM Peak Period								
# Data Sites	5								
Average Pass-By Rate	50%								
	Pass-By Characteristics for Individual Sites								
	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
GFA (000)					Primary (%)	Diverted (%)	Total (%)		
1.4	Kentucky	1993	—	62	22	16	38	1407	2
3	Kentucky	1993	—	43	14	43	57	2903	2
3.3	--	1996	—	68	—	—	32	—	21
3.6	Kentucky	1993	—	32	47	21	68	437	2
4.2	Indiana	1993	—	46	23	31	54	1049	2

Vehicle Pass-By Rates by Land Use									
Source: ITE <i>Trip Generation Manual</i> , 11th Edition									
Land Use Code	934								
Land Use	Fast-Food Restaurant with Drive-Through Window								
Setting	General Urban/Suburban								
Time Period	Weekday PM Peak Period								
# Data Sites	11								
Average Pass-By Rate	55%								
	Pass-By Characteristics for Individual Sites								
GFA (000)	State or Province	Survey Year	# Interviews	Pass-By Trip (%)	Non-Pass-By Trips			Adj Street Peak Hour Volume	Source
					Primary (%)	Diverted (%)	Total (%)		
1.3	Kentucky	1993	—	68	22	10	32	2055	2
1.9	Kentucky	1993	33	67	24	9	33	2447	2
2.8	Florida	1995	47	66	—	—	34	—	30
2.9	Florida	1996	271	41	41	18	59	—	30
3	Kentucky	1993	—	31	31	38	69	4250	2
3.1	Florida	1995	28	71	—	—	29	—	30
3.1	Florida	1996	29	38	—	—	62	—	30
3.2	Florida	1996	202	40	39	21	60	—	30
3.3	—	1996	—	62	—	—	38	—	21
4.2	Indiana	1993	—	56	25	19	44	1632	2
4.3	Florida	1994	304	62	—	—	38	—	30



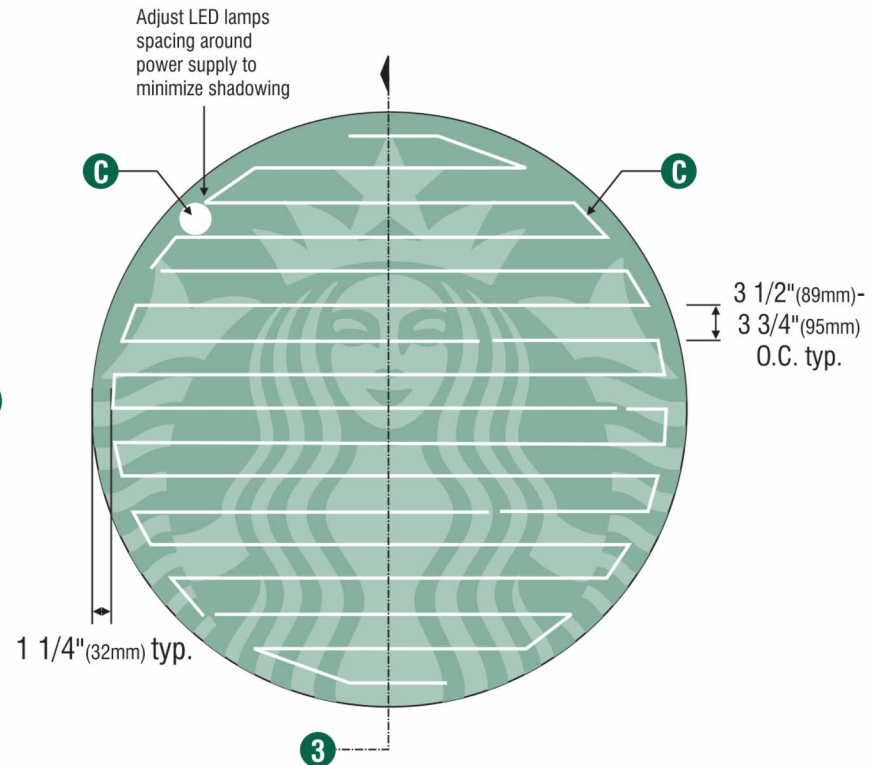




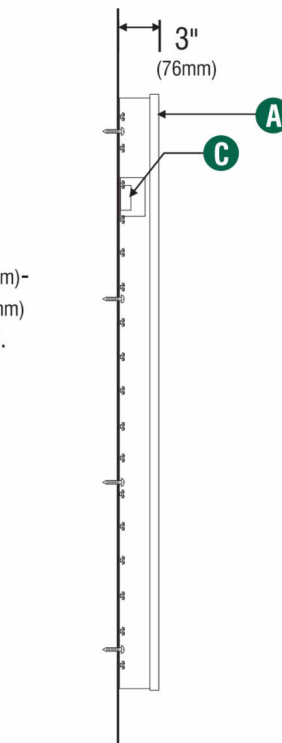




1 Front View
Scale: 1/2" = 1'-0"



2 LED Detail
Scale: 1/2" = 1'-0"



3 Section View
Scale: 1/2" = 1'-0"



4 Side View
Scale: 1/2" = 1'-0"

SPECIFICATIONS:

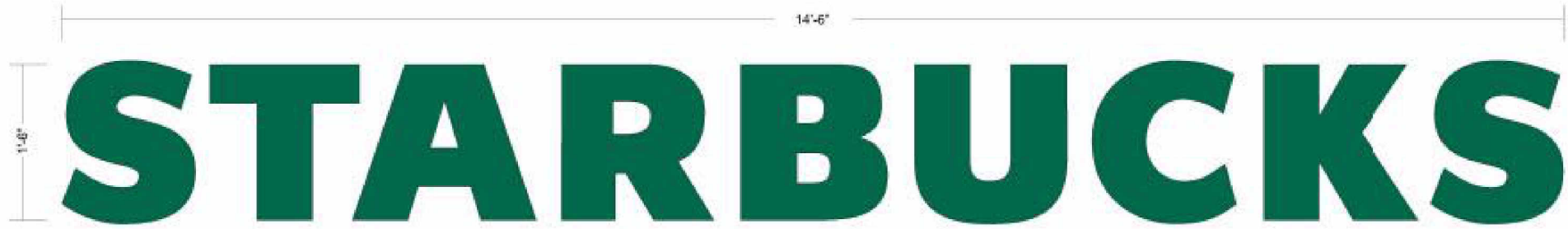
- A** 60"(1524mm) Single faced internally illuminated wall mount logo disk. Cabinet to be 3"(76mm) deep, fabricated aluminum sidewalls and back. Paint cabinet black polyurethane. Faces to be 3/16"(5mm) Acrylite 015-2GP. 1"(25mm) black trimcap with square head screws retainer edging.
- B** Graphics of logo to be 1st surface 3M Translucent Scotchcal vinyl- Holly Green #3630-76. Siren to show thru White.
- C** Internally illuminate logo disk with Lumificient™ white LED's installed to back of disk. Power with self-contained Lumificient™ power supply contained with an U.L. enclosure covered in white vinyl film. Fasten to wall with required fasteners.

Sign must be approved by the National Electrical Code, Underwriters Laboratory, CUL, and all applicable local codes. Disconnect switch in primary to be within sight of sign (sign includes power supply enclosure) REF: NEC 110-3[B] 600-2, 600-4. Primary electrical source 1/2"(13mm) conduit minimum) REF: NEC 600-6, 600-21(provided by installer).



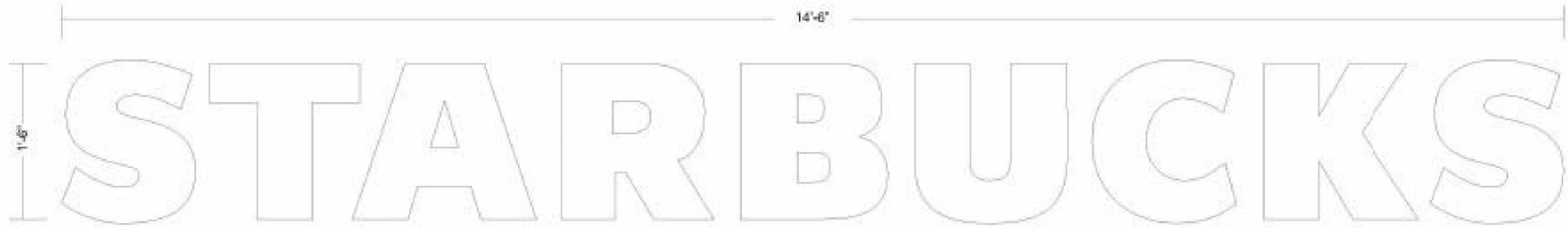
Disk 60in S/F Illuminated wall mount EVOLVED			
Size	Sq.Ft.	Sq.M.	Volts
60" (1524mm)	19.62	1.82	120

ILLUMINATED LOGO DISK, FLUSH MOUNTED



Front View

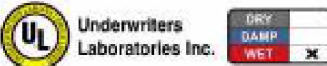
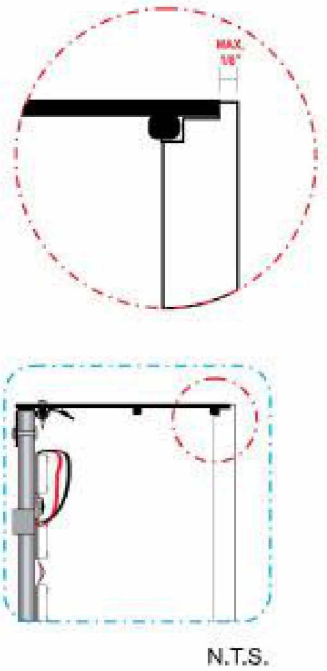
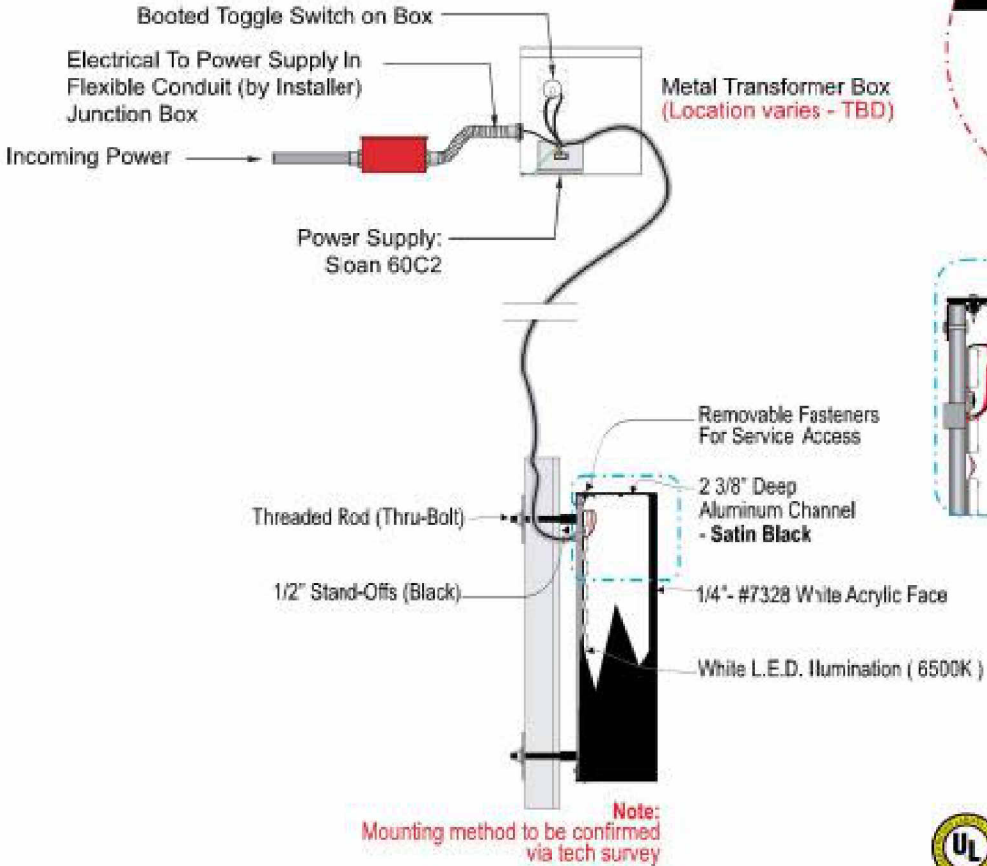
Scale: 3/4" = 1'-0" (11x17 Paper)



Specifications:

- A** Internally illuminated SDS LetterForm trimless channel letter with returns painted **satín black**.
- B** Green faces to be 1/4" 7328 gloss white acrylic with 3M 3630-126 Dark Emerald Green vinyl applied first surface. White faces to be 1/4" 7328 matte white acrylic
- C** Internally illuminated letters with 6500K Sloan white LED
- D** 1/4" drain holes located at the bottom of each letter as required by UL 48 for Electric Signs.
- E** Drain holes to be covered with drain hole covers to reduce light leaks.

COLOR LEGEND		
	PMS/PANT	VINYL
	PMS 3425 C	3M 3630-126
	SATIN BLACK	NA
	PMS WHITE	NA



CONTENT SHOWN ON THIS PAGE FOR CAFE AND DRIVE THRU STORES

SITE - BUILDING SIGNAGE - WORDMARK

LANDLORD TECHNICAL CRITERIA SITE AND BUILDING PLAN CRITERIA

NOT FOR CONSTRUCTION

VERSION:
01/24
(01-29-2024)

STARBUCKS

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

AFFIDAVIT ATTESTING TO NOTIFICATION

KRISTINA BELT, P.E., being first duly sworn, depose(s) and say(s):

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

Parcel I.D.: 03-38-41-000-000-00100-7
2300 SE Ocean Boulevard, Stuart, FL, 34994
Major Conditional Use Petition (Project # Z24080002)

A copy of the notice was sent by regular U.S. Mail on AUGUST 27, 2024, 2024 to all owners of real property located within 300 feet of the subject property; and

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

A photograph showing the placement of the notification sign be made a part of this Affidavit; and

Notice was sent and the parcel was posted 15+ days prior to the scheduled public hearing(s) for this item.

Kristina Belt
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF Indian River

Sworn and subscribed before me by means of X physical presence or online notarization, this 28th day of August, 2024 By

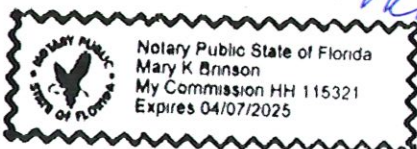
Kristina Belt, P.E.

Personally Known OR Produced Identification

Type of Identification Produced:

Notary Public, State of Florida
(Notary Seal)

My Commission expires: 04/07/2025









Sign Specifications

Pursuant to Ordinance 2266-2013

Sections 11.01.08.6.A.2, 11.01.08.9.A.3, 11.01.09.6.B, 11.01.09.9.B, and 11.02.02

The City of Stuart requires a notification by posting for the public hearing required for your application. The following is a representation of the sign that is required for proper notification.

Please have a sign created and installed to the following specifications:

- The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the Development Department in advance of installation.
- The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads.
- The sign shall have a uniform "City blue" background.
- The sign shall have white lettering and a legible font size.
- The sign shall be double-sided and waterproof.

The sign must be installed at least fifteen (15) days before the public hearing, or before **Wednesday, August 28, 2024**. After installation of the sign, please complete the included *Affidavit Attesting to Notification by Posting* form and return it to the City of Stuart Development Department. Please include a photo of the sign after it has been installed.

Failure to provide posted notice continuously from the time posted notice is to commence until the Public Hearing or the hearing which is the subject of the notice shall not be deemed as failure to give the notice required by this code and action taken by the City after such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the City. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.

Should you have any questions regarding the posted sign, please contact Kris McCrain, Principal Planner, at (772) 600-1268, or by email at kmccrain@ci.stuart.fl.us.

Sign Specifications

(48" Arterial Road)

NOTICE OF PUBLIC HEARING

Major Conditional Use for Starbucks at Ocean East Mall (Project #Z24080002)

The applicant is requesting Major Conditional Use approval to deviate from setback, lot coverage, parking, and landscape requirements from the S.E. Ocean Boulevard Overlay Zone, pursuant to Section 3.03.00 of the City of Stuart Land Development Code.

LOCAL PLANNING AGENCY

September 12, 2024 at 5:30 P.M.

CITY COMMISSION

September 23, 2024 at 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM-4:00 PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

(36" Arterial Road)

Sign Location



Notice to Surrounding Property Owners

Public Hearing(s): Local Planning Agency (LPA)
City Commission

Petitioner: East Ocean Capital Partners, LLC

Parcel I.D. No.: 03-38-41-000-000-00100-7

Property Address: 2300 SE Ocean Boulevard, Stuart, Florida 34994

Petition: Starbucks at Ocean East Mall – Major Conditional Use
(Project # Z24080002)

Proposed Request: The applicant is requesting Major Conditional Use approval to deviate from setback, lot coverage, parking, and landscape requirements from the S.E. Ocean Boulevard Overlay Zone standards outlined under Section 3.03.00 of the Land Development Code.

Dear Property Owner:

Please be advised that the City of Stuart will conduct Public Hearings before the **Local Planning Agency (LPA) on Thursday, September 12, 2024, beginning at 5:30 P.M.**, and before the **City Commission on Monday, September 23, 2024, beginning at 5:30 P.M.**, to consider the above-referenced Major Conditional Use petition.

These Public Hearings will take place in the City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart.

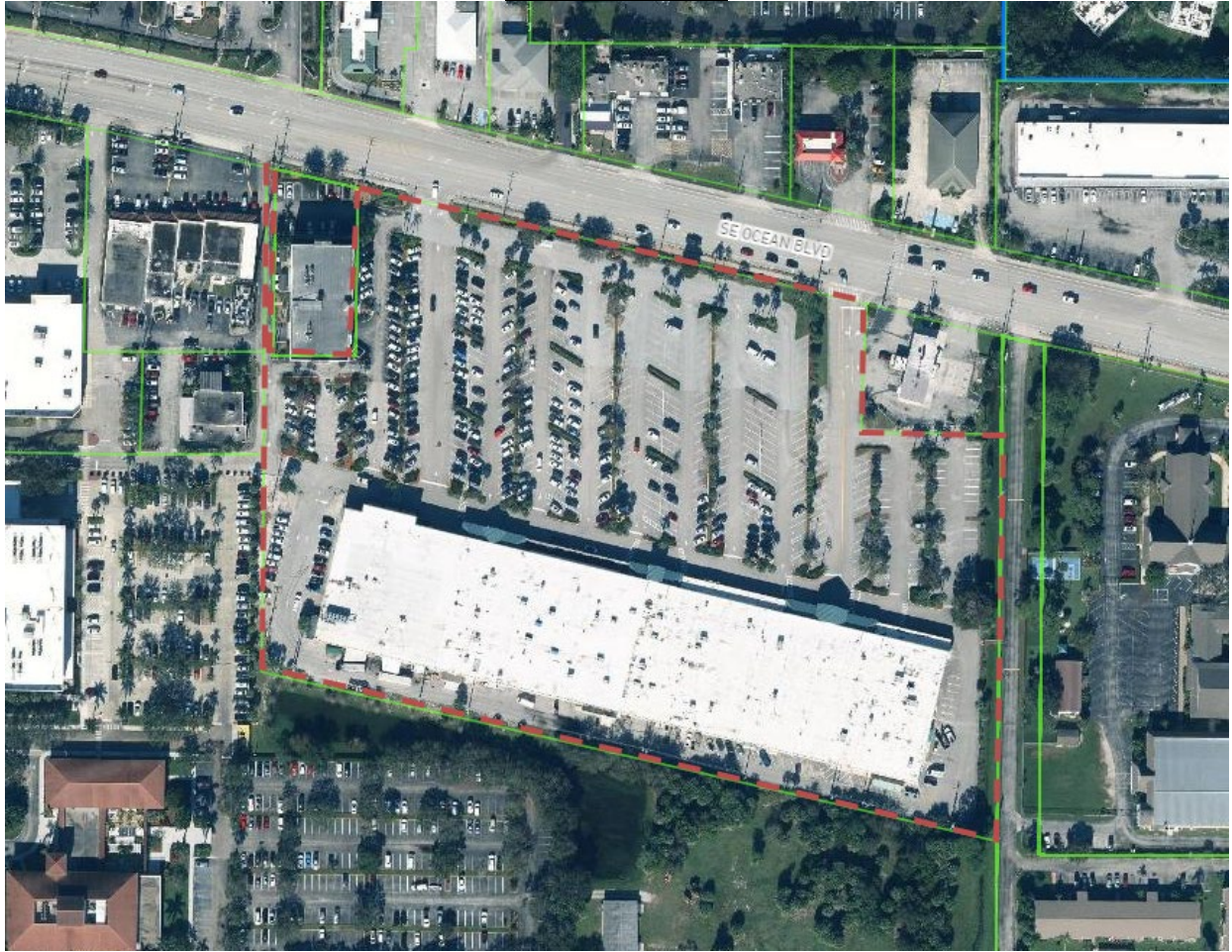
All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application submittal is available for review at the City Development Department office located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please contact Kris McCrain, Principal Planner, at (772) 600-1268 or by email at Kmcrcrain@ci.stuart.fl.us.

Sincerely,

Kris McCrain

Kris McCrain
Principal Planner

Location Map



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

Meeting Date: 9/23/2024

Prepared by: Kristopher McCrain

Title of Item:

TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 2.6.23 - NON-MEDICAL MARIJUANA DISPENSARIES (RC):

ORDINANCE No. 2531-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.06.23 ENTITLED "RESERVED" AND INSERTING SUPPLEMENTAL USE STANDARDS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING THE LAND USE TABLE IN SECTION 2.02.02 TO INCLUDE NON-MEDICAL MARIJUANA DISPENSARY AS AN ALLOWABLE USE UNDER CERTAIN CONDITIONS; AMENDING SECTION 3.01.03 TO ESTABLISH PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE URBAN CODE DISTRICTS; AMENDING SECTION 6.01.13 TO ADD OFF-STREET PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER XII DEFINITIONS FOR CONFORMING TERMS; AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN PUBLIC PARKS AND RECREATIONAL AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is a City of Stuart initiated Text Amendment to the Land Development Code Supplemental Standards for Non-Medical Marijuana Dispensaries located within the City of Stuart. The City Commission directed staff to prepare supplemental use standards for the retail sale of non-medical marijuana within city limits and to define the location and conditions best suited for facilities that are licensed to dispense recreational marijuana for personal use.

Funding Source:

N/A

Recommended Action:

Staff recommends the City Commission approve the first reading for Ordinance No.: 2531-2024.

ATTACHMENTS:

1. DRAFT Ordinance 2531-2024
2. Exhibit A - LDC Section 2.06.23 - Supplemental Use Standards for Non-medical Marijuana Dispensaries
3. Exhibit B - LDC Section 2.02.00 - Uses Allowed in Zoning Districts
4. Exhibit C - LDC Section 3.01.03 - Urban Standards and Regulations for Designated Urban Subdistricts
5. Exhibit D - LDC Section 6.01.13 - Off-Street Parking Schedule
6. Exhibit E - LDC Chapter 12 - Definitions
7. Exhibit F - LDC Chapter 30 Parks and Recreational Areas
8. Permitted Zoning Designation Map



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

ORDINANCE NUMBER 2531-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.06.23 ENTITLED "RESERVED" AND INSERTING SUPPLEMENTAL USE STANDARDS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING THE LAND USE TABLE IN SECTION 2.02.02 TO INCLUDE NON-MEDICAL MARIJUANA DISPENSARY AS AN ALLOWABLE USE UNDER CERTAIN CONDITIONS; AMENDING SECTION 3.01.03 TO ESTABLISH PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE URBAN CODE DISTRICTS; AMENDING SECTION 6.01.13 TO ADD OFF-STREET PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER XII DEFINITIONS FOR CONFORMING TERMS; AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN PUBLIC PARKS AND RECREATIONAL AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Florida Constitution recognizes that cities have the corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services including enacting their own ordinances in self-governance; and

WHEREAS, the City of Stuart has adopted a Land Development Code encompassing its development regulations; and

WHEREAS, during the 2016 General Election, more than seventy-one percent (71%) of registered Florida voters, and more than sixty-nine (69%) of Martin County voters approved Amendment 2 authorizing medical marijuana in the State of Florida; and

WHEREAS, Amendment (3) seeking the authorization of “Adult Personal Use of Marijuana,” more commonly referred to as “recreational marijuana,” has been approved for the 2024 General Election ballot by the Florida Supreme Court; and

WHEREAS, Florida Statute 381.986 preempts the regulation of Medical Marijuana Treatment Centers (MMTC) to the state including the zoning and licensure thereof; and

WHEREAS, the Land Development Code provides for supplemental use standards in addition to those minimum standards that pertain to a general group of uses encompassing the primary use of a prospective development; and

WHEREAS, the City Commission of the City of Stuart finds that the cultivation, possession, sale, and use of recreational marijuana may be harmful to the public health, safety, and welfare if not carefully regulated.

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

SECTION 1: Chapter 2 of the Land Development Code is hereby amended as follows:

Sec. 2.06.23. – Non-medical Marijuana Dispensaries and Retail Sales.

- A. *Purpose.* The City of Stuart finds that the cultivation, possession, sale, and use of marijuana may be harmful to the public health, safety, and welfare if not carefully regulated. The purpose of establishing supplemental use standards for the retail sale of non-medical marijuana within city limits is to define the location and conditions best suited for the unique characteristics of facilities that are licensed to dispense recreational marijuana for personal use. It is not the intent of the city to apply these supplemental use standards to medical marijuana dispensaries subject to the requirements of Florida Statute 381.986, and any entity and facility authorized under

state law to cultivate marijuana exclusively for medicinal purposes and uses. Any licensed marijuana dispensary exclusively selling and distributing medicinal marijuana substances shall be held to the same municipal zoning and permitting standards as any entity defined as “pharmacy,” in accordance with the preemption provisions of F.S. 381.986(11).

B. *Definitions.* For the purposes of this section, the following words and terms shall have the following meanings:

Caregiver means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient’s medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

Debilitating Medical Condition means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

Department means the Florida Department of Health or its successor agency.

Identification card means a document issued by the Department that identifies a qualifying patient or a caregiver.

Marijuana means all parts of any plant of the genus *Cannabis* and shall have the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, “Low-THC cannabis” as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term “marijuana.”

Marijuana accessories means any equipment, product, or material of any kind that are used for inhaling, ingesting, topically applying, or otherwise introducing marijuana products into the human body for personal use.

Marijuana products means marijuana or goods containing marijuana.

Medical Marijuana Treatment Center (MMTC) means an entity that is authorized to acquire, cultivate, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered pursuant to F.S. 381.986 and the provisions set forth by the Department.

Medical use means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver’s designated qualifying patient for the

treatment of a debilitating medical condition.

Non-medical marijuana dispensary shall mean any entity or facility licensed under state law to dispense non-medical marijuana for recreational and personal use.

Open and public means a place open to the general public, which includes a place to which the public or a substantial number of the public has access without restriction, including but not limited to highways, streets and sidewalks, transportation facilities, places of amusement, parks, playgrounds, waterways, and the common areas of public buildings and facilities that are generally open or accessible to members of the public without restriction.

Personal use means the possession, purchase, or use of marijuana products or marijuana accessories by an adult 21 years of age or older for non-medical personal consumption by smoking, ingestion, or otherwise.

Physician means a person who is licensed to practice medicine in Florida.

Physician certification means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

Qualifying patient means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

Recreational marijuana means any and all non-medical marijuana products manufactured, distributed, possessed, and sold at retail for personal use.

C. General requirements; conditional use.

1. Each non-medical marijuana dispensary shall at all times, be in compliance with each and every provision of this section, as well as all applicable state laws, administrative rules, and city codes.
2. A non-medical marijuana dispensary, as defined herein, shall be permitted only as a conditional use, as provided in section 11.01.10 of the Land Development Code, and operate in accordance with the provisions of state law as they are amended from time to time.
3. Any non-medical marijuana dispensary to be located in the city shall not have a retail sales area dedicated to recreational marijuana products in excess of

2,000 square feet without a conditional use approval by the city commission.

4. In addition to municipal zoning requirements governing a non-medical marijuana dispensary conditional use, no dispensary shall be permitted to exceed 6,000 square feet in area including all principal uses contained within the property.
5. Any non-medical marijuana dispensary licensed and operating in the city shall be in compliance with local business tax regulations provided in Chapter 36, Article III of the City of Stuart Code of Ordinances.
6. In the event the owner or operator of a marijuana dispensary has its state license revoked by the state authority responsible with such licensure, any conditional use approval granted hereunder shall be revoked, and shall thereafter be null and void.

D. *Location.* No marijuana dispensary licensed under state law to dispense recreational marijuana for retail sale is permitted to operate within the Historic Downtown District as identified in **FIGURE ##** or within the Urban Code district as delineated in 3.01.00 of the Land Development Code, except areas zoned “UH” urban highway. Any new non-medical marijuana dispensing facility shall be located in the following zoning districts, subject to the other requirements of this section:

1. In the “B-1,” “B-2,” “B-3,” and “B-4” business zoning districts subject to the general provision land use requirements in Chapter 2 of the LDC.
2. In the “CPUD” commercial planned unit development zone districts. Non-medical marijuana dispensaries shall only be permitted in a CPUD by obtaining a major PUD amendment and demonstrating strict compliance with all criteria contained in this section.
3. In the “I” industrial zoning district subject to the general provision land use requirements in Chapter 2 of the LDC.
4. In the “IPUD” industrial planned unit development zone district. Non-medical marijuana dispensaries shall only be permitted in a IPUD by obtaining a major PUD amendment and demonstrating strict compliance with all criteria contained in this section.
5. In the “UH” urban highway zoning overlay district. Non-medical marijuana dispensaries to be located in the urban highway overlay district shall, in addition to the supplemental use standards of this section, comply with all applicable concurrences and special code requirements of Section 3.01.00 “Urban Code” of the Land Development Code.
6. All licensed marijuana dispensaries including MMTCs, regardless of location, which exist on December 31, 2024, shall be deemed a lawful use, and not subject to the provisions of section 8.03.00 of the Land Development Code, regarding non-conforming uses.

E. *Distance requirements.* The following distance requirements shall apply to non-medical marijuana dispensaries irrespective of their zoning and land use designation:

1. No licensed establishment where non-medical marijuana and recreational marijuana products are sold shall be established within 500 feet of any other such establishment, except as elsewhere provided in this chapter. The interval distance requirement specified herein shall be measured in a straight line on the official city map between the main entrances of the establishments.
2. No non-medical marijuana dispensary shall be located within 500 feet of the real property that comprises a public or private elementary, middle, or secondary school unless the city commission approves the location via waiver through a formal public hearing of the city commission with such determination that the location promotes the public health, safety, and general welfare of the community.

F. *Noise, lighting, and odor.* Pursuant to objective 1.A6 within the Comprehensive Plan of the City of Stuart, and to ensure neighborhood stability, the following additional noise, lighting and odor conditions shall apply to all marijuana dispensaries located in the city:

1. A non-medical marijuana dispensary located within 500 feet of a residential dwelling, including dwellings of a mixed-use zoning, must provide reasonable buffering from noise and light pollution.
2. Any non-medical marijuana dispensary operating within the city must control any odor emanating from its place of business so as to be undetectable at any nearby properties, businesses, and residences.
3. Any non-medical marijuana dispensary operating within the city must be in compliance at all times with 20.151 Code of Ordinances regulating sound.

G. *Parking.* All non-medical marijuana dispensaries, depending on zoning designation, shall conform to one of the following off-street parking schedule requirements:

1. As amended in Chapter 3, Section 3.01.03 of the LDC relating to urban standards and regulations for designated urban subdistricts.
2. As amended in Chapter 6, Section 6.01.13 of the LDC unless otherwise stipulated in a PUD amendment or conditional use requirement approved by the city commission at a public hearing.

H. *Non-conforming use.* Notwithstanding state statutes governing possession and use of marijuana products and substances, there shall be no live entertainment and recreational areas for personal use of marijuana permitted as an allowable use for a marijuana dispensary in the City of Stuart.

I. *Other regulations.*

1. It shall be unlawful for any marijuana dispensary to be open for operation between the hours of 8:30 p.m. and 7:00 a.m.
2. It shall be unlawful for the owner or operator of any marijuana dispensary to encourage any guest or customer to loiter outside of the building, around adjacent properties or in designated parking areas including the use of any substance or product procured from the dispensary.

SECTION 2: Table 2 in Sec. 2.02.01 of the LDC is hereby amended to add as follows:

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	CPU D	MXPU D	PSPU D

Marijuana
Dispensary, non-
medical (if 2,000
square feet or less

- - - - P P P P - P - - A - - A

Marijuana
Dispensary, non-
medical (if 2,001
square feet or
more)

- - - - C C C CU - C U - - A - - A

SECTION 3: Table in Sec. 3.01.03 of the LDC is hereby amended to add as follows:

Land Use Type	Number of Parking Spaces Required
<i>Residential Land Uses</i>	
Marijuana Dispensary, non-medical (if 2,000 square feet or less)	1 per 200 square feet
Marijuana Dispensary, non-medical (2,001 square feet or more)	1 per 200 square feet

SECTION 4: Table in Sec. 6.01.13 of the LDC is hereby amended to add as follows:

Land Use Type	Number of Spaces Required for Commercial Uses:
Marijuana Dispensary, non-medical	1 per 200 square feet

SECTION 5: Chapter 12 of the LDC is amended to add conforming definitions from Sec. 2.06.23 of this ordinance.

SECTION 6: Chapter 30 relating to parks and recreational areas of the Code of Ordinances of the City of Stuart is hereby amended to add as follows:

Sec. 30-1. – Definitions.

Smoking means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product or inhaling, heating or igniting a vapor-generating electronic device which creates a vapor of liquid nicotine or other substances mixed with propylene glycol which can be inhaled in simulation of smoking.

Vapor-generating electronic device means any product that employs an electronic, chemical, or mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vapor product, e-hookahs or other similar device or product, any replacement cartridge for such device; and any other container of nicotine in a solution or other substance form intended to be used with or within an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, a vape pen, an electronic hookah, or other similar device or product. The term includes any component, part or accessory of the device and also includes substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine.

Sec. 30-3. – Restrictions and regulations of parks and recreational areas.

(a) *Prohibited conduct; unlawful acts.* No person shall:

(2) Smoke any substance, including the use of vapor-generating electronic device, as defined in F.S. § 386.203(15), at any location within the incorporated area of the city at which smoking and vaping are prohibited under F.S. ch. 386, or in city buildings or within any city parks and recreational areas, or within 50 feet thereof.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: 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 9: The provision of Sections 1 of this ordinance shall be codified.

SECTION 10: This resolution shall take effect upon adoption.

ADOPTED on first reading this ____ day of _____, 2024.

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:

CAMPBELL RICH, MAYOR
EULA R. CLARKE, VICE MAYOR
CHRISTOPHER COLLINS, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

Exhibit A

Sec. 2.06.23. ~~Reserved.~~Non-medical Marijuana Dispensaries and Retail Sales.

Editor's note(s)—Ord. No. 2448-2020, § 1, adopted Aug. 24, 2020, repealed § 2.06.23, which pertained to twelve-month moratorium on uses allowed in each zoning district specifically regarding medical marijuana treatment centers, their consideration of use, desirable locations, and other development regulations and derived from Ord. No. 2338-2016, § 1, adopted Feb. 27, 2017.

A. Purpose. The City of Stuart finds that the cultivation, possession, sale, and use of marijuana may be harmful to the public health, safety, and welfare if not carefully regulated. The purpose of establishing supplemental use standards for the retail sale of non-medical marijuana within city limits is to define the location and conditions best suited for the unique characteristics of facilities that are licensed to dispense recreational marijuana for personal use. It is not the intent of the city to apply these supplemental use standards to medical marijuana dispensaries subject to the requirements of Florida Statute 381.986, and any entity and facility authorized under state law to cultivate marijuana exclusively for medicinal purposes and uses. Any licensed marijuana dispensary exclusively selling and distributing medicinal marijuana substances shall be held to the same municipal zoning and permitting standards as any entity defined as “pharmacy,” in accordance with the preemption provisions of F.S. 381.986(11).

B. Definitions. For the purposes of this section, the following words and terms shall have the following meanings:

Caregiver means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient’s medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

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Medical use means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

Non-medical marijuana dispensary shall mean any entity or facility licensed under state law to dispense non-medical marijuana for recreational and personal use.

Open and public means a place open to the general public, which includes a place to which the public or a substantial number of the public has access without restriction, including but not limited to highways, streets and sidewalks, transportation facilities, places of amusement, parks, playgrounds, waterways, and the common areas of public buildings and facilities that are generally open or accessible to members of the public without restriction.

Personal use means the possession, purchase, or use of marijuana products or marijuana accessories by an adult 21 years of age or older for non-medical personal consumption by smoking, ingestion, or otherwise.

Physician means a person who is licensed to practice medicine in Florida.

Physician certification means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

Qualifying patient means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a "qualifying patient" until the Department begins issuing identification cards.

Recreational marijuana means any and all non-medical marijuana products manufactured, distributed, possessed, and sold at retail for personal use.

C. General requirements; conditional use.

1. Each non-medical marijuana dispensary shall at all times, be in compliance with each and every provision of this section, as well as all applicable state laws, administrative rules, and city codes.
2. A non-medical marijuana dispensary, as defined herein, shall be permitted only as a conditional use, as provided in section 11.01.10 of the Land Development Code, and operate in accordance with the provisions of state law as they are amended from time to time.
3. Any non-medical marijuana dispensary to be located in the city shall not have a retail sales area dedicated to recreational marijuana products in excess of 2,000 square feet without a conditional use approval by the city commission.

-
4. In addition to municipal zoning requirements governing a non-medical marijuana dispensary conditional use, no dispensary shall be permitted to exceed 6,000 square feet in area including all principal uses contained within the property.
 5. Any non-medical marijuana dispensary licensed and operating in the city shall be in compliance with local business tax regulations provided in Chapter 36, Article III of the City of Stuart Code of Ordinances.
 6. In the event the owner or operator of a marijuana dispensary has its state license revoked by the state authority responsible with such licensure, any conditional use approval granted hereunder shall be revoked, and shall thereafter be null and void.
- D. Location. No marijuana dispensary licensed under state law to dispense recreational marijuana for retail sale is permitted to operate within the Historic Downtown District as identified in **FIGURE ##** or within the Urban Code district as delineated in 3.01.00 of the Land Development Code, except areas zoned "UH" urban highway. Any new non-medical marijuana dispensing facility shall be located in the following zoning districts, subject to the other requirements of this section:
1. In the "B-1," "B-2," "B-3," and "B-4" business zoning districts subject to the general provision land use requirements in Chapter 2 of the LDC.
 2. In the "CPUD" commercial planned unit development zone districts. Non-medical marijuana dispensaries shall only be permitted in a CPUD by obtaining a major PUD amendment and demonstrating strict compliance with all criteria contained in this section.
 3. In the "I" industrial zoning district subject to the general provision land use requirements in Chapter 2 of the LDC.
 4. In the "IPUD" industrial planned unit development zone district. Non-medical marijuana dispensaries shall only be permitted in a IPUD by obtaining a major PUD amendment and demonstrating strict compliance with all criteria contained in this section.
 5. In the "UH" urban highway zoning overlay district. Non-medical marijuana dispensaries to be located in the urban highway overlay district shall, in addition to the supplemental use standards of this section, comply with all applicable concurrencies and special code requirements of Section 3.01.00 "Urban Code" of the Land Development Code.
 6. All state licensed marijuana dispensaries including MMTCs, regardless of location, which exist on December 31, 2024, shall be deemed a lawful use, and not subject to the provisions of section 8.03.00 of the Land Development Code, regarding non-conforming uses.
- E. Distance requirements. The following distance requirements shall apply to non-medical marijuana dispensaries irrespective of their zoning and land use designation:
1. No licensed establishment where non-medical marijuana and recreational marijuana products are sold shall be established within 500 feet of any other such establishment, except as elsewhere provided in this chapter. The interval distance requirement specified herein shall be measured in a straight line on the official city map between the main entrances of the establishments.
 2. No non-medical marijuana dispensary shall be located within 500 feet of the real property that comprises a public or private elementary, middle, or secondary school unless the city commission

approves the location via waiver through a formal public hearing of the city commission with such determination that the location promotes the public health, safety, and general welfare of the community.

F. *Noise, lighting, and odor.* Pursuant to objective 1.A6 within the Comprehensive Plan of the City of Stuart, and to ensure neighborhood stability, the following additional noise, lighting and odor conditions shall apply to all marijuana dispensaries located in the city:

1. A non-medical marijuana dispensary located within 500 feet of a residential dwelling, including dwellings of a mixed-use zoning, must provide reasonable buffering from noise and light pollution.
2. Any non-medical marijuana dispensary operating within the city must control any odor emanating from its place of business so as to be undetectable at any nearby properties, businesses, and residences.
3. Any non-medical marijuana dispensary operating within the city must be in compliance at all times with 20.151 Code of Ordinances regulating sound.

G. *Parking.* All non-medical marijuana dispensaries, depending on zoning designation, shall conform to one of the following off-street parking schedule requirements:

1. As amended in Chapter 3, Section 3.01.03 of the LDC relating to urban standards and regulations for designated urban subdistricts.
2. As amended in Chapter 6, Section 6.01.13 of the LDC unless otherwise stipulated in a PUD amendment or conditional use requirement approved by the city commission at a public hearing.

H. *Non-conforming use.* Notwithstanding state statutes governing possession and use of marijuana products and substances, there shall be no live entertainment and recreational areas for personal use of marijuana permitted as an allowable use for a marijuana dispensary in the City of Stuart.

I. *Other regulations.*

1. It shall be unlawful for any marijuana dispensary to be open for operation between the hours of 8:30 p.m. and 7:00 a.m.
2. It shall be unlawful for the owner or operator of any marijuana dispensary to encourage any guest or customer to loiter outside of the building, around adjacent properties or in designated parking areas including the use of any substance or product procured from the dispensary.

Exhibit B

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 (Table 2 - residential uses, business uses and public service, industrial, agriculture, hospital and PUD districts uses).

- 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.

(Ord. No. 2401-2019, § 1, 4-8-19)

Sec. 2.02.02. Table 2: Land uses

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
Residential Land Uses																
Accessory dwelling units, detached (refer to section 6.09.02)	P	P	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Assisted living facilities of four or fewer persons (refer to supplemental standards in section 2.06.03)	P	P	P	P	-	-	-	-	-	-	-	A	-	-	-	-
Assisted living facilities of five or more persons (refer to supplemental standards in section 2.06.03)	-	-	-	CU	-	-	-	-	-	-	-	A	-	-	-	-
Community residential home of seven—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 six 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 (< five acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
Adult day care centers (> five acres)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-
Cemeteries	-	-	-	-	-	P	-	-	-	-	-	-	A	-	-	-
Child care center (< five acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
Child care center (> five acres) (refer to supplemental standards in section 2.06.04)	-	-	-	-	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 (< five acres)	-	-	CU	P	-	P	-	-	P	-	-	A	A	A	A	-
Religious institutions (> five acres)	-	-	-	CU	-	P	-	-	-	-	-	-	A	A	A	-
Schools—Private, parochial, or technical (< five acres)	CU	CU	CU	CU	P	P	-	-	P	-	-	A	A	A	A	-
Schools—Private, parochial, or technical (> five acres)	-	-	-	-	P	P	-	-	-	-	-	A	A	A	A	-
Health Care Uses																
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					
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		
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	-	-

Dry cleaning establishment	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Dry cleaning 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 sections 2.06.05 and 2.06.20)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Gasoline or other motor fuel stations, including tank farms (refer to supplemental standards in sections 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	-	-
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	-	-
Marijuana Dispensary, non-medical (if 2,000 square feet or less)					P	P	P	P		P			A			A
Marijuana Dispensary, non-medical (if 2,001 square feet or more)					CU	CU	CU	CU		CU			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 standards in section 2.06.16)	-	-	-	-	-	P	-	P	-	P	-	-	A	-	-	A
Skating rink, rolling or ice	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Studio (art, dance, music, exercise)	-	-	-	P	-	P	-	-	-	-	-	A	A	A	-	-
Theaters	-	-	-	-	P	P	-	-	-	-	-	-	A	A		
Recreational Uses																
Golf course	-	-	-	-	-	-	-	-	P	-	-	A	A	A	A	-
Golf driving range (not accessory to golf course)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Golf course, miniature	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Public parks	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Swimming pools	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Utility and Service Uses																
Public facilities and services	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Public utilities (refer to section 6.02.00)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Industrial Uses																
Cold storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Fuel production facilities	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	CU
Industrial, high-impact	-	-	-	-	-	-	-	-	-	P	-	-	-	CU	A	A
Industrial, low-impact *within enclosed facility	-	-	-	-	-	-	-	P*	-	P	-	-	-	A	-	A
Industrial parks, planned (refer to supplemental standards in section 2.06.07)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in enclosed facility	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Telecommunications Uses																
Radio and/or television broadcast stations	-	-	-	-	-	P	-	P	P	-	-	-	A	A	A	-
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	-	-	-	CU	CU	CU	-	CU	CU	CU	-	A	A	A	A	A

feet in height (refer to supplemental standards in section 2.06.11).																
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 section 2.06.11)	-	-	-	-	-	-	-	-	-	CU	-	-	-	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)	-	-	-	-	-	-	-	-	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 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.

Note: Uses permitted in an urban planned unit development will be restricted to those listed as being permitted in section 3.01.00 urban code.

Key:

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.

DRAFT

Exhibit C

Sec. 3.01.03. Urban standards and regulations for designated urban subdistricts.

The geographic locations and current characteristics of the five urban subdistricts are broadly described below:

Urban center ("UC"), inclusive of the "historic downtown," characterized by relatively dense, walkable, mixed-use, development pattern generally located at or near the established downtown area. The UC is the most urban in terms of density, mix of uses, pedestrian activity, historic restoration, shared parking and civic/cultural venues. In the South Point, UC is generally located in portions of the Potsdam subdivision (that triangular portion bound by Albany Avenue, West Ocean Boulevard, and SR 707/Dixie Highway), along both sides of the historic downtown core block (Osceola Street and Flagler Avenue), along portions of SE Ocean Boulevard.

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

Urban general ("UG"), characterized by less intensive mixed-use development, with substantial residential uses, generally located adjacent to the urban center. In the North Point, UG is generally located along the triangular area bound by Wright Boulevard, SE Federal Highway and SR 707/Dixie Highway. In the South Point, UG is generally located along portions of SE Ocean Boulevard (both north and south).

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

Urban neighborhood ("UN"), characterized by a predominantly residential nature located along low-volume, pedestrian-friendly streets. In the North Point, UN is generally located in the non-waterfront portions of the Riverside Park subdivision (that portion generally bound by North River Drive, Palm Street, SR 707/Dixie Highway, and Fern Street). In the south point, UN is generally located in the Frazier Addition (the triangular area generally bound by Frazier Creek, West Ocean Boulevard, and the properties fronting Colorado Avenue) and the non-waterfront portions of the Frazier Crescent subdivision (along Channel Avenue and 6th and 7th Streets).

Urban highway ("UH"), occurs along both sides of SE Federal Highway as it traverses the Urban Code District. This area allows large front setbacks and highway-oriented commercial or high density residential uses with generous parking lots. In the North Point, UH is generally located along the western side of SE Federal Highway and along the western side of the proposed Green River Parkway. In the South Point, UH is generally located along both sides of SE Federal Highway.

Urban waterfront ("UW"), refers to special waterfront-oriented uses, including marinas, restaurants, entertainment, hotels, and higher-density residential. Existing "marine industrial" uses are conditionally permitted. In both the North and South Points, UW is generally located along all waterfront properties throughout the CRA with the exception of those waterfront properties on the north side of Frazier Creek and on the east side of the "North Point" peninsula south of Fern Street.

(Ord. No. 1978-04, § 1, 6-28-04)

The following urban standards and regulations of "building placement," "building height," "parking," "architectural requirements," "outbuildings," "signage," and "curb cuts" apply to each respective urban subdistrict.

A. *Urban center (UC).*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a required build-to line of zero feet.

-
- b. The side setbacks may be zero feet.
 - c. The rear setback may be zero feet.
 - d. The front street facade width of the principal building shall not be less than 80 percent of the lot width. A ten-foot driveway may be allowed if no alley access is available in the rear or side of the lot.
 - e. If a property abuts public rights-of-way at its front and rear property lines, any building facade which is 100 feet or more in facade width measured parallel to the public right-of-way shall include a via to allow for pedestrian access to the public rights-of-way. A via shall be not less than six feet in width and not less than ten feet in height. A via may be enclosed; however, a via shall be open to the public during the business hours of operation of the building(s) in which it is located.
 - f. The front street facade of the building may be set back to form a public courtyard for a maximum of 33 percent of the facade width.
2. *Principal building height.*
- a. The maximum building height is three stories and 35 feet. The minimum building height shall be two stories or 26 feet. If 25 percent or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four story building is 45 feet.
 - b. Four story buildings in the Old Downtown District are prohibited. There is no major Urban Code conditional use available for an additional story or building height in the Old Downtown District.
3. *Parking.*
- a. All parking areas shall be located behind the rear facade of the principal building or screened from public rights-of-way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.
4. *Architectural requirements.*
- a. Balconies are required along all street facades for all buildings. The aggregate length of balconies shall not be less than 50 percent of building facade from which it projects on each floor level.
 - b. Arcades are required on the west side of Colorado Street between Confusion Corner and Frazier Creek and on the north side of 2nd Street between U.S. 1 and Dixie Highway. Arcades shall conform to the standards in section 3.01.04 C.
 - c. The ground floor along the front facade of the building shall have doorways, arcades, or glazed openings with aggregate width equal to at least 50 percent of the total facade width.
5. *Outbuildings.*
- a. Outbuildings shall be located behind the rear facade of the principal building or in the rear one half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and a principal building.
6. *Curb cuts.*

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- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 75 feet of frontage.
 - b. For properties with access from a rear alley, no curb cuts shall be permitted.

(Ord. No. 1978-04, § 1, 6-28-04)

B. *Urban general (UG).*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel along the front property line with a required setback of not less than ten feet.
- b. The minimum side setbacks are not less than five feet on each side.
- c. The rear setback shall be not less than 15 feet.
- d. The front street façade width of the principal building shall not be less than 60 percent of the lot width.

2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet. If 50 percent or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four story building is 45 feet.

3. *Parking.*

- a. Parking areas shall be located as follows:
 - i. For new development, all parking areas shall be located behind the rear facade of a principal building or screened from public rights-of-way by a wall, trellis, other screening approved by the city development director or landscape buffer as described in section 6.04.00, Landscaping, of this Code.
 - ii. For substantial renovation, where possible, parking areas shall be located behind the rear building facade or at the side property line and screened from the public view and from public rights-of way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.

4. *Architectural requirements.*

- a. Porches are required on the front building facade. Porches shall have a minimum depth of six feet and a minimum length of 50 percent of the building facade width. Porches may project four feet into the front setback.

5. *Outbuildings.*

- a. Outbuildings shall be located behind the rear facade of the principal building or in rear one-half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and a principal building.

6. *Curb cuts.*

- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 75 feet of frontage.
- b. For properties with access from a rear alley, no curb cuts shall be permitted.

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(Ord. No. 1978-04, § 1, 6-28-04)

C. *Urban neighborhood (UN).*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a required setback of not less than ten feet.
- b. The side setbacks are not less than five feet on each side.
- c. The rear setback shall be not less than 15 feet.
- d. The front street facade width of the principal building shall not be less than 60 percent of the lot width.

2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet.
- b. There is no major Urban Code conditional use available for an additional story or building height in this subdistrict.

3. *Parking.*

- a. Parking areas shall be located as follows:
 - i. For new development, all parking areas shall be located behind the rear facade of a principal building or screened from public rights-of-way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.
 - ii. For substantial renovation, parking areas shall be located, where possible, behind the rear building facade or at the side property line and screened from public rights-of-way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.

4. *Architectural requirements.*

- a. Porches are required on the front building facade. Porches shall have a minimum depth of six feet and a minimum length of 70 percent of the building width. On corner properties, porches must be constructed along both street facades. Porches may project two feet into the front setback.
- b. Walls, wood picket fences, wrought iron fences, or hedges are required along the front property line and on corner lots, along the side property lines and shall have a minimum height of three feet and a maximum height of four feet along the front and side property lines to the front facade of the principal building. Along the side property lines behind the front facade and along the rear property line a wall or fence may be six feet in height. Arbors and trellises are permitted in the front yard and may be located along property lines. The maximum height for arbors and trellises shall be ten feet. Above walls and fences, architectural features of up to 12 inches in height shall be allowed, spaced a minimum of four feet apart.
- c. Chain link fences shall not be visible from public rights-of-way. Chain link fences shall be vinyl coated using only black or dark green colors.

5. *Outbuildings.*

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- a. Outbuildings shall be located behind the rear facade of the principal building or in rear one half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and the principal building.
 - 6. *Curb cuts.*
 - a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 50 feet of frontage. However one curb cut shall be permitted for a single family residence utilized as a residence regardless of the existence of a rear alley.
 - b. For properties with access from a rear alley, no curb cuts shall be permitted.
 - 7. *Trees.*
 - a. When a permit for new construction or renovation is issued, the owner shall be responsible for planting two shade trees no closer than three feet and no further than five feet from the right-of-way that abuts the front property line. All required shade trees, as defined by chapter XII of this Code, shall be 14 feet in height at installation, and have a DBH of not less than two and one-half inches, and be selected from the CRA landscape palette, if adopted by the city. The development director may grant a reduction for existing trees that meet these requirements.
 - 8. *Buffer for single family residential.*
 - a. A buffer for the single family neighborhood on the west side of NW North River Drive shall be provided. The buffer shall conform to section 6.04.00, Landscaping, of this Code.

(Ord. No. 1978-04, § 1, 6-28-04)

D. *Urban highway ("UH").*

- 1. *Principal building placement.*
 - a. The front building facade shall be constructed parallel to the street along the front property line with a minimum setback of 15 feet and a maximum setback of 40 feet for properties fronting on US-1/SW Federal Hwy. If a property does not front on US-1/SW Federal Hwy, then the minimum setback shall be zero feet and the maximum setback shall be not more than 10 feet.
 - b. The side setbacks may be zero feet on each side.
 - c. The rear setback is not less than 15 feet.
 - d. For lots fronting US-1/SW Federal Hwy, the front street facade width of the principal building shall not be less than 40 percent of the lot width. For other lots, the width of the principal building shall be not less than 70 percent of the lot width.

(Ord. No. 2520-2023, § 1(Exh. A), 10-23-23)

- 2. *Principal building height.*
 - a. The maximum building height is three stories and 35 feet. For lots fronting on SE Federal Highway a fourth story is permitted if all off-street parking is located at the rear of building. The maximum building height for a four story building is 45 feet. The minimum building height is two stories or 26 feet.
- 3. *Parking.*

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- a. All parking areas shall be located behind the rear facade of a principal building or screened from public rights-of-way by a streetwall, trellis, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code. The parking shall be setback from the front public right-of-way a minimum distance equal to 40 percent of the lot depth.
 - 4. *Outbuildings.*
 - a. Outbuildings shall be located behind the rear facade of the principal building or in the rear one half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and the principal building.
 - 5. *Curb cuts.*
 - a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 100 feet of frontage.

(Ord. No. 1978-04, § 1, 6-28-04)

E. *Urban waterfront ("UW").*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a minimum setback of not less than ten feet except for waterfront properties on SW Channel Avenue, Seminole Street, and SW Atlanta Avenue which shall be not less than five feet.
- b. The side setbacks shall not be less than ten feet on each side except for waterfront properties on SW Channel Avenue, Seminole Street, and SW Atlanta Avenue which shall not be less than five feet.
- c. The rear setback for all structures shall not be less than ten feet from the mean high water line or the water-side of a seawall or bulkhead.
- d. A vista shall be a designated area along the side of a property that provides an unobstructed view from any public right-of-way to the St. Lucie River or its tributaries, and shall be the same width as the required side setback. Only ten-foot clear trunk plant material and decorative fencing shall be located within the vista. Any equipment such as air conditioning units within a vista shall be not more than three feet in height, unless required by any applicable flood zone regulations.
- e. The maximum cumulative front building facade width is 160 feet measured parallel to the nearest body of water.
- f. If a building facade is 100 feet or more in width, measured parallel to the nearest body of water, an additional vista shall be provided within the building's facade which is not less than 12 feet in width, not less than 12 feet in height, and which allows a visual corridor from the public right-of-way to the St. Lucie River or its tributaries.
- g. Any fencing included within a vista shall have a minimum width of three inches and a maximum width of five inches for all vertical members and shall have a minimum spacing of three inches between the vertical members. Said fences shall be a minimum height of three feet and a maximum height of four feet.
- h. In order to create additional vistas, a minimum separation of 15 feet shall be provided between multiple buildings on the same lot.

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2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet. If 50 percent or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four story building is 45 feet.
- b. Four story buildings in the Old Downtown District (as described in Section 3.01.03 F.1.a.i.a.) are prohibited. There is no major Urban Code conditional use available for an additional story or building height in the Old Downtown District.

3. *Parking.*

- a. Parking shall not be located within ten feet of the front and side property lines and shall not be located between the rear building facade and the water.
- b. Parking shall be screened in the front and the sides from public rights-of-way by a wall, trellis, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.

4. *Architectural requirements.*

- a. Reserved.
- b. Balconies and balcony rails are required on the waterfront side of a building for a minimum of 50 percent of the fenestration.
- c. Reserved.
- d. Porches may project five feet into the front setback.

5. *Outbuildings.*

- a. One outbuilding is permitted behind the rear facade of a principal building or in the rear one-half of the lot and one outbuilding is permitted in the front of the lot. Outbuildings shall be set back not less than five feet from the side and front property lines, not less than ten feet from the rear property lines, not be less than five feet separation between an outbuilding and the principal building and shall not be located within a vista.
- b. Outbuildings may have marina or waterfront accessory uses.

6. *Curb cuts.*

- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 65 feet of frontage.

(Ord. No. 1978-04, § 1, 6-28-04)

F. *Additional regulations and requirements.*

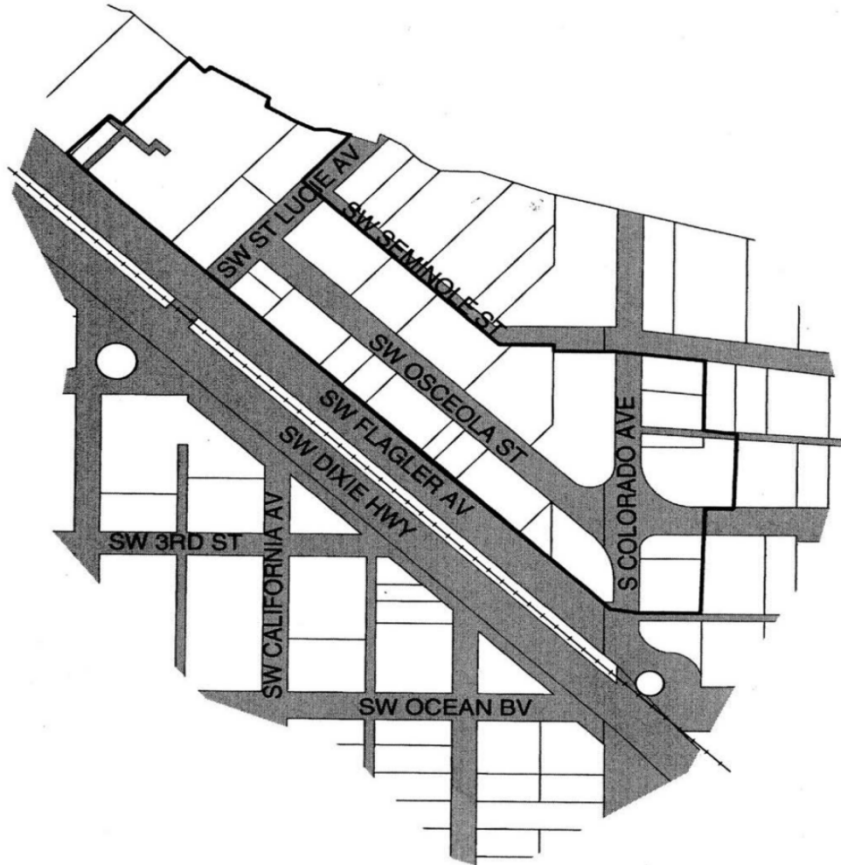
1. *Parking.*

- a. *The Old Downtown District.*
 - i. *Old Downtown District identified.*
 - a) Those properties within the boundary of the centerlines of SW Seminole Street on the north, SW Flagler Avenue on the south, S Colorado Avenue on the east, and SW Saint Lucie Avenue on the west; the city hall property west of and contiguous to SW Saint Lucie Avenue, being Lot 36 according to the plat of The Feroe Subdivision recorded in the public records of Martin County, Florida, at Plat Book 2, page 25 and Lots 3, 4, 5,

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6, 7, 7A, 8, 9, and 9A according to the plat of Revised Danforth's Addition recorded in the public records of Martin County, Florida, at Plat Book 5, page 69; and those properties located east of and contiguous to S Colorado Avenue, being Lots 8, 9, 12, and 24-28, Block 3, and Lots 19-23, Block 4, amended plat of Porter's Addition recorded in the public records of Martin County, Florida at Plat Book 2, page 75.



ii. *Parking requirements.*

- a) Properties located in the "Old Downtown District" shall be exempt from the parking requirements of this Code.
- b) The four properties located east of and contiguous to Colorado Avenue, being Lots 8, 9, 12, and 24-28, Block 3, and Lots 19-23, Block 4, amended plat of Porter's Addition (Plat Book 2, page 75), shall be exempt from the parking requirements of this Code provided each such property shall

hereafter maintain not less than the number of on-site parking spaces existing as of November 13, 1995, as follows:

1/2 of lots 8 & 9:	0 spaces
1/2 of lots 8 & 9:	10 spaces
Lots 12, 24-28, Blk. 3:	17 spaces
Lots 19—23, Blk. 4:	7 spaces.

- c) In the Old Downtown District required parking for any use permitted may be accommodated via payments to the payment in lieu of parking program as described in chapter VI of this Code.
- d) The six properties located on the north side of S.W. Seminole Street, between S.W. Saint Lucie Avenue and S. Colorado Avenue, being Lots 2 thru 8, Feroe Subdivision, Plat Book 2, Page 25, Palm Beach County (now Martin) and Porter's Addition, Lots 1, 2 & 3 Blk 2 and Lot 9, Feroe Subdivision (a replat of Lots 9 & 10) shall be exempt from the parking requirements of this Code, provided that each property shall maintain not less than the number of on-site parking spaces existing as of April 1, 2013. as follows:

Feroe Subdivision	
Lot 2:	0 spaces
Lot 3:	0 spaces
Lots 4 & 5:	4 spaces
Lots 6 & 7:	3 spaces
Lot 8:	2 spaces
Porter's Addition, Lots 1, 2 & 3 and Lot 9, Feroe S/D (replat of Lots 9 & 10)	7 spaces

iii. *Parking exemption not applicable.*

- a) For properties identified by paragraphs F.1.a.i.a) and F.1.a.ii.b) above, if a building is demolished by an owner, parking for all uses within the newly constructed building shall be provided. Buildings which are destroyed by accident or an act of God and are replicated, shall remain exempt from parking requirements.
- b) For properties identified by paragraphs F.1.a.i.a) and F.1.a.ii.b) above, this exemption from the parking requirements of this Code applies to the building floor space existing as of January 1, 2004. This exemption does not apply to additional building floor space and to the uses thereof that is constructed on and after January 1, 2004 or to any expanded use of the exterior premises which creates additional parking demand. The uses of additional building floor space shall meet the parking requirements of this Code.
- c) Reserved.

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

- d) For the six properties located on the north side of S.W. Seminole Street, between S.W. Saint Lucie Avenue and S. Colorado Avenue, identified by paragraph F.1.a.ii.d) above, if a building is demolished, whether by the owner or by accident or act of God, any newly constructed building shall remain exempt from parking requirements only to the extent that the gross square footage of the newly constructed building does not exceed the gross square footage of the previously existing building. The use of additional building square footage shall meet the parking requirements of this Code. In the event a permit for demolition of a building is sought, the city shall have up to 120 days from the date of application to take possession of the building at no cost to the city and to move the building off site at no cost to the property owner.
- e) For the six properties located on the north side of S.W. Seminole Street between S.W. Saint Lucie Avenue and S. Colorado Avenue, identified by paragraph F.1.a.ii.d) above, this exemption from the parking requirements of this Code applies to the building floor space existence as of May 1, 2013. This exemption does not apply to additional building floor space and to the uses thereof that is constructed on and after May 1, 2013 or to any expanded use of the exterior premises which creates additional parking demand, provided that an outside seating area, covered or uncovered, of up to 500 square feet is permitted without regard to parking requirements. Said seats shall not be creditable toward the acquisition of a state SRX liquor license. The uses of additional building floor space shall meet the parking requirements of this Code.
- b. Where it does not currently exist, on-street parking, constructed to City Code, may be used to offset the required number of parking spaces. Such parking shall abut the proposed development. The cost of the pavement modifications shall be borne by the private development. An approved revocable permit from the city commission is required for on-street parking.
- c. Historic buildings shall receive a parking credit for the existing use and shall provide at least 50 percent of the required parking for a more intense use on the site. Up to 50 percent of the required parking for any new use permitted may be accommodated via payments to the payment in lieu of parking program as described in section 6.01.19 of this Code.
- d. Payment in-lieu-of parking ("PILOP"): In lieu of providing up to three parking spaces required for any use located in Stuart Community Redevelopment Area, a developer may pay into the "Stuart Payment in Lieu of Parking Trust Fund" as described in section 6.01.19 of this Code.
- e. Modifications: Within the Urban Code District, the parking design standards set forth in section 6.01.14 may be modified as follows:
 - i. For all but 90 degree parking spaces, the one-way traffic aisle width may be reduced to ten feet. For 90 degree parking spaces, the one-way traffic aisle width may be reduced to 20 feet.
 - ii. The width of a two-way traffic drive aisle may be reduced to 20 feet. The two-way drive aisle width may be reduced from 20 feet to a minimum of 12 feet for parking areas of eight spaces or less. Within a reduced drive aisle area, parking spaces are prohibited, with the exception of parallel parking spaces.

- iii. Where alleyways are located along the side or rear property lines, said alleyways may be used as the required back-up dimension for parking spaces.
 - iv. For developments requiring ten or fewer parking spaces, parking areas may be constructed with mulch, gravel, turf blocks, paver blocks, or other alternative materials approved by the city development director. Additional maintenance requirements may be required of a property owner utilizing alternative materials such as daily sweeping of gravel, mulched areas maintained at a certain depth.
 - v. The width of parking spaces may be reduced to eight and one-half feet for up to ten percent of the required parking.
 - vi. Up to two required parking spaces may be provided as "stacked" spaces, where one parking space is located behind the other.
- f. Boats, campers, and recreational trailers shall be parked in rear yard setbacks only where possible and shall not be parked in vistas.
2. *Urban Code District uses.*
- a. The following uses are permitted and are all-inclusive individually or in combination in the Urban Code District subject to the regulations pertaining to formula businesses in section 2.06.12.

Land Use Type	Number of Parking Spaces Required
<i>Residential Land Uses</i>	
Duplex residences	1.5 per unit; garages count towards required off-street parking
Family day care home in a residence	2 per dwelling unit plus adequate space for pick-up and drop-off
Home occupations as regulated in Section 2.06.09 of this Code	N/A
Multi-family dwelling units	1.5 per unit; garages count towards required off-street parking
Single-family residences	1.5 per unit; garages count towards required off-street parking
<i>Transient Residential Land Uses and Overnight Accommodations</i>	
Bed and breakfast inn	1 per guest room
Hotels/motels	1 per rental room, plus 2 spaces per 3 employees
Rooming and boarding houses	1 per unit
<i>Institutional Uses</i>	
Adult day care centers	1 per 200 square feet. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation

Child care centers	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building
Community centers	1 per 300 square feet
Funeral homes without crematoriums	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Governmental buildings	1 per 300 square feet
Libraries	1 per 300 square feet
Museums	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Religious institutions	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
<i>Commercial Uses</i>	
Automobile repair service—Within an enclosed building in along U.S. 1 (Federal Hwy. and Savannah Road) only	1 per 200 square feet of sales area, plus 2 spaces per service bay, plus 1 space per employee
Art galleries	1 per 200 square feet
Bakery, retail	One (1) space for each employee on the largest working shift plus one (1) space per three hundred (300) square feet of gross floor area
Banks/financial institutions	1 per 300 square feet, plus queuing spaces per section 6.01.07
Barbershop, Beauty Salons, Specialty Salons	2 per station
Bars	1 per 4 seats
Catering shop	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Clubs, lodges and fraternal organizations	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater). One-half (½) of total parking area must be paved; the other half may be an approved stabilized surface
Dry cleaning, provided that all cleaning is conducted off-premises	1 per employee, plus 0.5 spaces per delivery truck, plus 1 space per 300 square feet
Health spas	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Marinas, Commercial	1 per 4 slips for operations that do not require a utilities agreement, and 1 per each

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	slip that requires a utility agreement, plus 1 per each employee
<u>Marijuana Dispensary, non-medical (if 2,000 square feet or less)</u>	<u>1 per 200 square feet</u>
Massage therapy establishments	1 per 300 square feet
Microbreweries and craft distilleries	1 per employee plus 1 per 300 square feet for tasting, tap room, and gift shops
Office, business or professional, medical, low intensity medical, and veterinary	1 per 350 square feet (professional)1 per 300 square feet (low intensity medical)1 per 200 square feet (medical and veterinary)
Pharmacies (if 2,000 square feet or less)	1 per 200 square feet
Restaurants, convenience and general	1 per 4 seats
Retail sales and service (intensive and non-intensive)—Within an enclosed building only	1 per 300 square feet of floor space
Retail manufacturing—Providing such manufacturing is incidental to sales and occupies less than 75 percent of the total gross floor area	1 per 300 square feet
Studios (art, dance, music, exercise)	1 per 300 square feet
Theaters	1 per 4 seats
<i>Recreational Uses</i>	
Public parks	Dependent upon type of recreational activities provided
<i>Utility and Service Uses</i>	
Public facilities and services	Dependent upon type of facility and service
Public utility stations	Dependent upon type of utility and any required buildings and employees
<i>Industrial Uses</i>	
Existing marine industrial uses (may be reconstructed within their existing building footprints and the current uses therein continued. Revision or expansion of building footprints and/or uses permitted as a conditional use by Major Urban Code Conditional Use. Nothing in this provision shall counteract existing building and life safety code requirements)	Dependent on specific use
<i>Telecommunication Uses</i>	
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing	1 space per tower

Commented [KM1]: I included the parking requirements for pharmacy since it requires more parking spaces per square footage. 1 per 200 SF vs. 1 per 300 SF.

I only included this parking ratio as a placeholder.

architectural feature or tower structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure	
<i>Storage, Transportation and Logistics Uses</i>	
Government provided public parking lots or garages	N/A
<i>Agricultural Uses</i>	
Community garden pursuant to section 2.06.08 of this Code	0
Urban farm pursuant to section 2.06.08 of this Code	1 per 4 employee
<i>Miscellaneous</i>	
Outbuildings	Determined by use type

- b. The following uses are permitted as conditional uses by major conditional use approval and are all-inclusive individually or in combination in the Urban Code District subject to the regulations pertaining to formula businesses in section 2.06.12.

Land Use Type	Number of Parking Spaces Required
<i>Commercial Uses</i>	
Boat storage, dry	1 per 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers
Formula businesses in the area as regulated in section 2.06.12 of this Code	Required spaces dependent on proposed use
Gasoline sales shall be limited to properties on SE Federal Hwy., Green River Parkway, and Savannah Road	1 per 250 square feet, plus 2 spaces per service bay, plus 1 space per vacuum. Pump locations are not to be included as a parking space. Gas stations with car washes shall also provide 1 parking space per wash unit or bayMarinas, as defined herein.
All marinas shall at all times be in compliance with the City of Stuart Public Works Department Standards and Specifications in relation to water supply, sewage disposal and solid waste. Compliance with these standards shall include a written utility service agreement with the City of Stuart expressly authorizing overnight as defined herein	1 per 4 slips for operations that do not require a utilities agreement, and 1 per each slip that requires a utility agreement, plus 1 per each employee
<u>Marijuana Dispensary, non-medical (2,001 square feet or more)</u>	<u>1 per 200 square feet</u>

Pharmacies over 2,000 square feet	1 per 200 square feet
Rooftop dining areas (refer to supplemental standards in section 2.06.19)	1 space for four seats
Street vendors	N/A
<i>Industrial Uses</i>	
Boat building, indoors	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building
<i>Telecommunication Uses</i>	
Stealth telecommunications facilities in excess of 45 feet in height. Refer to chapter II Zoning Districts Uses Allowed, Density and Intensity, section 2.06.12 Telecommunication Facilities Supplemental Use Standards	1 space per tower
<i>Storage, Transportation and Logistics Uses</i>	
Private parking lots	N/A
Private parking garages	N/A

3. *Density.* A density of 15 dwelling units per acre is permitted in all Urban Code subdistricts. The number of dwelling units may be increased to a maximum of 30 dwelling units per acre with a major Urban Code conditional use.
4. *Storage sheds.* One storage shed may be located on any lot within the Urban Code District, provided that it is not visible from the principal public right-of-way.
5. *Multiple frontages.* In the event a single lot abuts more than two streets, the setback and architectural requirements for the corresponding Urban Code District shall only apply to two street facades.
6. *Conflicts with utilities.* In instances where the required location of a building, including architectural requirements, conflicts with existing utilities or other public infrastructure, the developer shall be required to relocate such utilities if the cost of relocation is less than five percent of the cost of the proposed building or improvements (excluding land value) and the utilities can be relocated within 150 feet of the subject property. Otherwise, the city development director may adjust the requirements of this Urban Code to rectify any conflicts with utilities or other public infrastructure. No utilities shall be located beneath a principal building.
7. *Historic buildings.* The requirements of this Urban Code may be adjusted by a major Urban Code conditional use for the purposes of preserving a historic building.

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8. *Finished floor elevations.* The requirements of section 6.03.02 B.4. relating to finished floor elevations may be modified if the engineer for a proposed development can demonstrate a lower elevation is appropriate and will not be detrimental regarding flooding to adjacent properties.
 9. *Lot coverage.* For the purposes of this Urban Code, there shall be no impervious lot coverage requirement; however, all development must meet the requirements of section 6.03.00 entitled "Stormwater Management" of this Code, as amended from time to time.
 10. *Lot area requirements.* For purposes of this Urban Code there shall be no minimum lot area or lot width requirement as defined in section 2.04.00.
 11. *Stormwater management.* With the proper legal documentation and consent of the property owner, stormwater runoff from properties within the Urban Code District may be conveyed onto adjacent private properties. Otherwise, stormwater runoff must be conveyed to the public right-of-way, and the quality of the runoff must be considered. Proposed development may not obstruct existing drainage patterns. If a site is designed such that stormwater is captured by an internal stormwater management system, the applicant must illustrate how the stormwater reaches the public stormwater management system. If a site is designed such that there is no internal stormwater management system, the applicant must illustrate how the stormwater runoff will be conveyed to the public stormwater management system and demonstrate that said system could accommodate the additional runoff. Pervious surfaces such as perforated pavers, mulched areas, and other similar examples may be considered in the calculation for stormwater detention. For all development, stormwater quality treatment prior to discharge shall be provided in compliance with section 6.03.00 of this Code.
 12. *Public art.* Public art shall be required of all development and redevelopment and shall equal not less than one percent of the total costs of vertical construction. Public art may include fountains, murals, sculptures, paintings, or other generally acceptable art form as directed by the community redevelopment board which is displayed in a public venue. All public art required under this section shall be readily visible to the public. All public art intended to meet the requirements of this section that is visible from a public right-of-way or is exterior to a building must be approved by the community redevelopment board as a minor Urban Code conditional use. A single family home on a single platted lot of record is exempt from this requirement.
 13. *Curb cuts.* Distance regulations between curb cuts shall be measured from the centerlines of each curb cut.
 14. *Shoreline protection zone.* In accordance with section 5.06.00, the shoreline protection zone for any water body shall be ten feet measured from the waterside lot line or perpendicular to the mean high waterline as established by a licensed surveyor, whichever is nearer to the principal structure on the same lot; or perpendicular to the centerline of a seawall.

(Ord. No. 1978-04, § 1, 6-28-04); Ord. No. 2010-05, § 3, 2-14-05)

G. *Landscaping.*

1. All development in the Urban Code District shall comply with the landscaping requirements as described in section 6.04.00, the landscape code, with the following exceptions:
 - a. The width of landscape buffers shall be determined by the required side and rear setbacks as described in this Urban Code, and buffer screens shall be 25 percent of those setbacks.
 - b. The width of the landscaped strip of land located between parking areas and an abutting public right-of-way shall be the required setback for parking areas for the respective urban subdistrict.

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- c. The width of the landscaped strip of land located between parking areas and abutting private property shall be the required setback for parking areas for the respective urban subdistrict.
 - d. The width of the landscaped area located along the sides of a building, which abuts any parking area, shall be 2½ feet.
 - e. The width of the landscaped strip of land located between the building walls of a multi-family development and parking areas shall be five feet.
 - f. The width of the landscaped strip of land located between a parking area of a multi-family development and an abutting right-of-way shall be the required setback for parking areas for the respective urban subdistrict.
 - g. The street facade of a building shall contain a hedge, potted plants, or trees planted in public right-of-way. The dimensions for such landscape materials shall comply with section 6.04.05 A. of this Code. In the urban center and urban general subdistricts, no hedge shall be planted between the principal building front and the curb of the street, and trees shall be placed in a continuous sidewalk. If necessary, due to right of way conditions, the requirement for trees may be mitigated subject to the approval of the city development director.
 - h. Terminal and interior islands within parking areas may be used for stormwater retention.
 - i. A maximum of 20 percent of the pedestrian arcade walkway may be planted. No plantings are required within the arcade.
2. In the case of renovation development and vacant development as described in the landscape code where the location of required landscaping is precluded by existing buildings or permanent site improvements, the placement of landscaping may occur off-site, in planters, in openings within paved areas, or in other locations as determined by the city development director.

(Ord. No. 1872-02, § 1, 10-10-02; Ord. No. 1922-03, § 1, 3-10-03)

Exhibit D

Sec. 6.01.13. Off-street parking schedule.

Off-street parking spaces shall be provided in accordance with the minimum standards contained in the following schedule.

Land Use Type	Number of Spaces Required <u>for Residential Uses:</u>
Single-family dwelling unit	2 per unit; garages count towards required off-street parking
Duplex dwelling unit	2 per unit; garages count towards required off-street parking
Multi-family dwelling units (studios or 1 bedroom)	1.5 per unit; garages count towards required off-street parking
Multi-family dwelling units (2 or more bedrooms)	2 per unit; garages count towards required off-street parking
Residential units combined with non-residential uses	2 per unit plus the applicable parking requirements for the non-residential use; garages count towards required off-street parking
Assisted living facility (ACLF)	1 per 4 living units, plus 1 space per employee during maximum shift
Adult day care center	1 space for each 200 square feet of floor area. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation
Bed and breakfast inn	1 per room or unit, plus 2 spaces for owner/manager
Community residential home or group home	1 per 4 beds, plus 1 space per employee
Family day care home	2 per dwelling unit
Hotel and motel	1 per rental room, plus 2 spaces per 3 employees
Manufactured home park/RV park	2 spaces per unit
Nursing home	1 per 4 beds, plus 1 space per 2 employees
Roominghouse and boardinghouse	1 per bedroom or unit.
Bus and train (passenger) station/terminal	4 per loading bay
Cemeteries	1 space per full time employee
Child care center	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building
Religious institution	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
Clubs, lodges, and fraternal organizations	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater). One-half (½) of total parking area must be paved; the other half may be an approved stabilized surface.
Community gardens	0

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Crematorium	1 per 4 seats in place of assembly, plus 1 space per 3 employees
Fire station	1 per shift member, plus 2 spaces
Golf course	4 spaces/hole and one space/100 sq. ft. of floor area for club and pro shop, plus other parking requirements for any other accessory uses, if applicable
Golf driving range	1 per tee, plus other parking requirements for any other accessory uses, if applicable
Golf course, miniature	1 per golf hole, plus other parking requirements for any other accessory uses, if applicable
Governmental buildings	1 per 300 square feet
Hospital	1 per 4 beds, plus 1 space per 2 employees (including attending physicians)
Hospital auxiliary uses	Off-street parking requirements for hospital auxiliary uses shall be those specified in this table for the nature of the use (such as pharmacy, medical office, etc.)
Library, community center	1 per 300 square feet
	1 per 200 square feet
Museum	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Place of public assembly	1 per 4 seats
Public facilities and services	Dependent upon type of facility and service
Public parks	Dependent upon type of recreational activities provided
Public utilities	Dependent upon type of utility and any required buildings and employees
School - private/parochial elementary or junior high school	1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population
School - private/parochial senior high school	1 space per 3 students, plus 1 space per employee, plus adequate space for ancillary uses as described in other sections of this code
School - private/parochial technical school	1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spaces
Swimming pool (public and private)	1 per 50 square feet of pool area
Urban farm	1 per 4 employees
Land Use Type	Number of Spaces Required for Commercial Uses:
Adult businesses	Off-street parking requirements for adult businesses shall be those specified in this table for the nature of the use apart from its adult business characteristics (such as retail sales and service, bars, theaters, etc.)
Automatic amusement center and game room	1 per 400 square feet
Automobile - rental/leasing	1 per 500 square feet of roofed building area plus 1 per 2,000 square feet of paved outdoor vehicle

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	storage area. These spaces shall not be used for the parking of rental vehicles.
Automobile repair services, major or minor	2 spaces per service bay, plus 1 space per employee, plus 1 per 200 square feet of sales area
Automobile - sales (with or without rental, and repair/service	2 for every 1,000 square feet of gross floor area of sales/leasing, plus 1 space for every 4,500 square feet of outdoor display area, plus 1 space for each vehicle displayed outdoors, and 2 spaces per repair bay. The general area for customer parking should be delineated on a site plan.
Bakery, retail	One (1) space for each employee on the largest working shift plus one (1) space per three hundred (300) square feet of gross floor area
Bakery, wholesale	See "Warehouse—Wholesale and Distribution" below
Banks/financial institutions	1 per 300 square feet, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Barbershop, beauty salons, specialty salons	2 per station
Bar	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater)
Boat sales and service	1 space per 1,000 square feet of gross floor area, plus 1 space for each 7,000 square feet of outdoor display area.
Bowling alley	4 per alley, plus 2 spaces per 3 employees, plus 60% of spaces required for ancillary/accessory uses that are contained in the same building
Car wash	Minimum vehicle queuing area: Automatic - 3 spaces on approach to wash line; Self-Service - 1 space on approach to wash line; plus 1 space per 250 square feet of office/retail area.
Catering shop	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Cold storage	1 per employee on largest shift
Commercial nursery or tree farm	1 per 250 square feet for enclosed retail floor area and outdoor display area open to the public.
Boat storage, dry	1 per 10 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers
Dry cleaning establishment	1 per employee, plus 0.5 spaces per delivery truck, plus 1 space per 300 square feet
Dry cleaning plant	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Flea market	1 per 200 square feet of sales area or outdoor display area
Health club or health spa	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Funeral home	1 per 4 seats of chapel capacity, plus 1 per 3 employees

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Gasoline or other motor fuel service station, with or without bulk storage	1 per 250 square feet, plus 2 spaces per service bay, plus 1 space per vacuum. Pump locations are not to be included as a parking space. Gas stations with car washes shall also provide 1 parking space per wash unit or bay
Kennel	1 per 1,000 square feet, plus 1 per employee
Laundry establishment (self service)	1 per 250 square feet
Marina	1 per 5 boat slips, plus 1 space per employee
<u>Marijuana Dispensary, non-medical</u>	<u>1 per 200 square feet</u>
Massage therapy establishment:	1 per 300 square feet
Microbreweries and craft distilleries	1 per employee plus 1 per 250 square feet for tasting, tap room, and gift shops
Newspaper or publishing plant	3.5 per 1,000 square feet
Office - business or professional	1 per 300 square feet
Office - medical, dental, eye, veterinary and other health- related uses	1 per 200 square feet
Office - low intensity medical	1 per 300 square feet
Pain management clinic	1 per 200 square feet (also refer to section 2.06.14.E.3)
Pool hall and billiard parlor	1 per 200 square feet, plus restaurant/bar seating requirements if applicable
Radio and/or television broadcast stations	1 per employee on largest shift
Railroad freight stations/terminals	1 per two employees
Repair services	1 per 300 square feet
Restaurant - general	1 per 3 seats based on the maximum seating capacity of the building, plus 1 space per employee
Restaurant - convenience (fast food, drive-through, or drive-in)	1 per employee on largest shift, plus 1 space per 100 square feet of service area, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Restaurant - limited	1 per 4 seats based on the maximum seating capacity of the building, plus 1 space per employee
Retail - bulk merchandise	1 per 250 square feet
Retail - department store (freestanding)	1 per 250 square feet
Retail - furniture	1 per 500 square feet
Retail - intensive sales and service (including neighborhood retail establishment, pharmacies, gift shops, hardware stores, newsstands and similar uses)	1 per 200 square feet
Retail - non-intensive sales and service (including appliance stores, large-scale home improvement centers, lawn and garden supply centers, office equipment and supplies, super markets, farm and heavy equipment, and similar uses)	1 per 250 square feet
Retail - regional mall (greater than 50,000 square feet)	1 per 250 square feet
Retail - strip shopping center	1 per 250 square feet
Skating rink, roller or ice	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Shooting range, indoor	1 space per firing point
Sign manufacturing/painting shops	1 per employee on largest shift

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Studio (art, dance, music, exercise)	1 per 300 square feet
Telecommunications tower	1 space per tower
Theater	1 per 4 seats
Warehouse - mini-storage	1 per employee, plus 1 space per 50 storage units
Warehouse - general storage	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. Plus 1 per 250 square feet of building used for commercial/retail use if applicable.
Warehouse - wholesale and distribution	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building. Industrial and Manufacturing Uses:
Storage yards	1 for each 10,000 square feet of lot area; or 1 for each anticipated employee, whichever is greater. In no event shall there be fewer than 5 parking spaces provided.
Boat building, indoors/outdoors	See Industrial—High-impact
Industrial - low-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Industrial - high-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Industrial park, planned	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Railroad freight terminal	1 per two employees
Truck terminal	1 per 275 square feet of office space

;hn0; (Ord. No. 1365-94, § 6.03.02(B)(21), 9-26-94; Ord. No. 1422-95, §§ 6.03.00-6.03.09, 7-1-95; Ord. No. 1453-96, 6-1-96)

Land use type	Number of spaces required <u>for</u> Residential Land Uses:
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Assisted living facilities	1 per 4 living units, plus 1 space per employee during maximum shift
Community residential homes or group homes	1 per 4 beds, plus 1 space per employee
Duplex dwelling unit	2 per unit; garages count towards required off-street parking
Family day care home	2 per dwelling unit
Multi-family dwelling units (studios or 1 bedroom)	1.5 per unit; garages count towards required off-street parking
Multi-family dwelling units (2 or more bedrooms)	2 per unit; garages count towards required off-street parking
Residential units combined with non-residential uses	2 per unit, plus the applicable parking requirements for the non-residential use; garages count towards required off-street parking
Single-family dwelling units	2 per unit; garages count towards required off-street parking Transient Residential Land Uses and Overnight Accommodations
Bed and breakfast inns	1 per room or unit, plus 2 spaces for owner/manager
Hotels/motels	1 per rental room, plus 2 spaces per 3 employees
Rooming and boarding houses	1 per bedroom or unit Institutional Uses
Adult day care centers	1 space for each 200 square feet of floor area. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation
Cemeteries	1 space per full time employee
Child care center	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building
Community centers	1 per 300 square feet
Crematoriums	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Funeral homes	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Fire stations	1 per shift member, plus 2 spaces
Governmental buildings	1 per 300 square feet
Libraries	1 per 300 square feet
Museum	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Religious institutions	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
School - private/parochial elementary or junior high school	1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population
School - private/parochial senior high school	1 space per 3 students, plus 1 space per employee, plus adequate space for ancillary uses as described in other sections of this code

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School - private/parochial technical school	1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spacesHealth Care Uses
Hospital	1 per 4 beds, plus 1 space per 2 employees (including attending physicians)
Hospital auxiliary uses	Off-street parking requirements for hospital auxiliary uses shall be those specified in this table for the nature of such use (such as pharmacy, medical office, etc.)
Massage therapy establishments	1 per 300 square feet
Nursing homes	1 per 4 beds, plus 1 space per 2 employees
Office - medical, dental, eye, and other health-related uses	1 per 200 square feet
Office - low intensity medical	1 per 300 square feet
Pain management clinics	1 per 200 square feet (also refer to section 2.06.14.E.3)Commercial Uses
Adult business	Off-street parking requirements for adult businesses shall be those specified in this table for the nature of the use apart from its adult business characteristics (such as retail sales and service, bars, theaters, etc.).
Automatic amusement center and game room	1 per 400 square feet
Automobile rental/leasing	1 per 500 square feet of roofed building area plus 1 per 2,000 square feet of paved outdoor vehicle storage area. These spaces shall not be used for the parking of rental vehicles.
Automobile repair services, major and minor	2 spaces per service bay, plus 1 space per employee, plus 1 per 200 square feet of sales area.
Automobile sales provided all repair and service shall be done within an enclosed building	2 for every 1,000 square feet of gross floor area of sales/leasing, plus 1 space for every 4,500 square feet of outdoor display area, plus 1 space for each vehicle displayed outdoors, and 2 spaces per repair bay. The general area for customer parking should be delineated on a site plan.
Bakeries, retail	One (1) space for each employee on the largest working shift plus one (1) space per three hundred (300) square feet of gross floor area.
Bakeries, wholesale	See Warehouse - Wholesale and Distribution
Banks/financial institutions	1 per 300 square feet, plus queuing spaces (refer to section 6.01.07 for queuing requirement).
Barbershop, beauty salons, specialty salons	2 per station
Bars	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater).
Boat building, indoors	See Industrial - High-impact
Boat building, outdoors	See Industrial - High-impact
Boat sales and service	1 space per 1,000 square feet of gross floor area, plus 1 space for each 7,000 square feet of outdoor display area.

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Boat storage, dry	1 per 10 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.
Bowling alleys	4 per alley, plus 2 spaces per 3 employees, plus 60% of spaces required for ancillary/accessory uses that are contained in the same building.
Car washes	Minimum vehicle queuing area: Automatic - 3 spaces on approach to wash line; Self-Service - 1 space on approach to wash line; plus 1 space per 250 square feet of office/retail area.
Catering shops	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet.
Clubs, lodges, fraternal organizations	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater). One-half (½) of total parking area must be paved; the other half may be an approved stabilized surface.
Craft distillery	1 per employee plus 1 per 250 square feet for tasting, tap room, and gift shops.
Drycleaning establishment	1 per employee, plus 0.5 spaces per delivery truck, plus 1 space per 300 square feet.
Drycleaning plant	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet.
Farm equipment and supply sales establishments, including open storage	See Retail - non-intensive
Flea markets	1 per 200 square feet of sales area or outdoor display area
Gasoline or other motor fuel stations, with or without bulk storage	1 per 250 square feet, plus 2 spaces per service bay, plus 1 space per vacuum. Pump locations are not to be included as a parking space. Gas stations with car washes shall also provide 1 parking space per wash unit or bay.
Health clubs or health spas	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently.
Kennels	1 per 1,000 square feet, plus 1 per employee
Laundry establishments (self-service)	1 per 250 square feet
Manufactured home, mobile home or RV parks	2 spaces per unit
Marinas including the sale, display, and storage of new and used boats for sale, and the repair and maintenance of boats.	1 per 5 boat slips, plus 1 space per employee
Microbrewery	1 per employee plus 1 per 250 square feet for tasting, tap room, and gift shops.
Newspaper or publishing plant	3.5 per 1,000 square feet
Office, business or professional	1 per 300 square feet
Office, low intensity medical	1 per 300 square feet
Office, veterinary	1 per 200 square feet
Place of public assembly	1 per 4 seats
Pool hall/billiard parlor	1 per 200 square feet, plus restaurant/bar seating requirements if applicable

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Repair services	1 per 300 square feet
Restaurants, convenience	1 per employee on largest shift, plus 1 space per 100 square feet of service area, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Restaurants, general	1 per 3 seats based on the maximum seating capacity of the building, plus 1 space per employee
Restaurants, limited	1 per 4 seats based on the maximum seating capacity of the building, plus 1 space per employee
Retail, bulk merchandise	1 per 250 square feet
Retail, department store (free-standing)	1 per 250 square feet
Retail, furniture store	1 per 500 square feet
Retail, intensive sales	1 per 200 square feet
Retail, non-intensive sales and service	1 per 250 square feet
Retail, regional mall	1 per 250 square feet
Retail, strip shopping center	1 per 250 square feet
Shooting range, indoor	1 space per firing point
Skating rink, rolling or ice	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Studio (art, dance, music, exercise)	1 per 300 square feet
Theaters	1 per 4 seatsRecreational Uses
Golf course	4 spaces/hole and one space/100 sq. ft. of floor area for club and pro shop, plus other parking requirements for any other accessory uses, if applicable
Golf driving range (not accessory to golf course)	1 per tee, plus other parking requirements for any other accessory uses, if applicable
Golf course, miniature	1 per golf hole, plus other parking requirements for any other accessory uses, if applicable
Public parks	Dependent upon type of recreational activities provided
Swimming pools	1 per 50 square feet of pool areaUtility and Services Uses
Public facilities and services	Dependent upon type of facility and service
Public utilities	Dependent upon type of utility and any required buildings and employeesIndustrial Uses
Cold storage	1 per employee on largest shift
Industrial, high-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Industrial, low-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.

Industrial parks, planned	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in enclosed facility	1 per employee on largest shiftTelecommunication Uses
Radio and/or television broadcast stations	1 per employee on largest shift
Telecommunications towers	1 space per towerStorage, Transportation and Logistics Uses
Bus and train (passenger) station/terminals	4 per loading bay
Railroad freight stations and terminals	1 per 2 employees
Truck terminals	1 per 275 square feet of office space
Storage yards	1 for each 10,000 square feet of lot area; or 1 for each anticipated employee, whichever is greater. In no event shall there be fewer than 5 parking spaces provided.
Warehouse, general storage	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. Plus 1 per 250 square feet of building used for commercial/retail use if applicable.
Warehouse, mini-storage	1 per employee, plus 1 space per 50 storage units
Warehouse, wholesale and distribution	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.Agricultural Uses
Commercial nursery/tree farm	1 per 250 square feet for enclosed retail floor area and outdoor display area open to the public.
Community gardens	0
Urban farms	1 per 4 employees

Exhibit E

Chapter XII DEFINITIONS

The following words, terms and phrases, when used in this Land Development Code, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

Abandoned signs means a sign located on a property where the use advertised on the sign is unlicensed; has failed to pay its local business taxes or which use is no longer located on the premises.

(Ord. No. 2145-07, § 4, 11-26-07)

Accessory dwelling unit, detached means a second dwelling unit located on the same property as the primary dwelling unit but in a separate structure. Outside the Creek District and the East Stuart Neighborhood, an accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as "family" is defined herein. An accessory dwelling unit shall use the same street address as the primary dwelling unit. May include a garage apartment as defined below.

(Ord. No. 1827-02, § 3, 1-28-02; Ord. No. 2498-2023, § 1(Exh. A), 2-13-23)

Accessory structure (or building) means a subordinate building or structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal building or structure. Examples of accessory buildings and structures include detached garages, cabanas, and gazebos (screened or open walled). Accessory structures shall not include pool screen enclosures, a porch, or a screened porch.

(Ord. No. 1720-00, 3-27-00)

Accessory uses means a subordinate use which is not an integral part of the principle structure; a use that is commonly or customarily incidental to the principal use; a secondary use that is located on the same premises as the principal use, such as garages, parking lots, or maintenance structures.

Addition to an existing building means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent means the condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered as adjoining one another.

Adult business means individually or in combination an adult arcade, adult bookstore, adult dancing establishment, adult motel, adult motion picture theater or massage establishment as the terms are defined herein and any other establishment whose employees display or expose specified anatomical areas as defined herein.

Adult arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore means an establishment including a video store which sells or rents adult materials in any form to the public, the revenues of which represent more than ten percent of the gross revenues of the establishment over the same period, or that comprise more than 25 percent of the individual materials displayed within the establishment as its stock-in-trade.

Adult dancing establishment means an establishment whose employees display or expose specified anatomical areas while dancing.

Adult materials means books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations or recordings which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel means any hotel or motel, boardinghouse, roominghouse, or other lodging used predominantly for transient customers which provides motion pictures and other film material which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities for observation by the occupants thereof.

Adult motion picture theater means an establishment designed to permit the viewing of motion pictures and other film material which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities for observation by the patrons thereof.

Adult massage establishment means an establishment in which an employee thereof manipulates the skin and muscle tissues of the body of another person with any part of the hand, but not including an establishment licensed under F.S. ch. 480, whose employees practicing massage are licensed under ch. 480, or an establishment exempted under F.S. § 480.034, or a physician or nurse engaged in the practice of their professions, or a licensed health care facility.

Adult business premises means an enclosed building or a portion of an enclosed building which is physically occupied by an adult business.

Adult day care center means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services, as defined in F.S. § 429.901(1), amended time to time, as defined in F.S. § 429.65(2), amended time to time.

Assisted living facility or facility means, for purposes of this Code, any building or buildings, section of a building or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership and staff, to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services, for adults who are not related to the owner or administrator by blood or marriage and who require such services, as defined in F.S. § 429.02(5), amended time to time. The term, as defined herein, shall specifically exclude centers or facilities which are primarily intended as treatment centers for individuals suffering from chemical dependency (alcohol or drugs) or mental illness.

(Ord. No. 1879-02, § 1, 7-22-02)

Adverse effects means any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Advertising structure means any structure erected for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property, upon which any poster, bill printing painting, device, or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed or otherwise fastened, affixed or displayed; provided that the term shall not include buildings.

Affected person means the owner, resident or other occupant of the real property which is the subject of a quasi-judicial proceeding, or an "aggrieved or adversely affected party" as the term is defined at F.S. § 163.3215(2).
(Ord. No. 1941-03, § 1, 6-9-03)

Aggregate sign area means total area of all permanent signs on the premises.
(Ord. No. 2145-07, § 4, 11-26-07)

Allowable discharge means the peak runoff rate which may be approved from a site or parcel such that no adverse impacts to existing off-site properties will result. Allowable discharge is limited to the predevelopment rates and patterns or rates or patterns determined in a previous approved surface water management permit or plan.

Alter or alteration means to cut, remove, defoliate or destroy by any means.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Amenity space means and includes open space and public plaza areas which may be open or covered and permanently available for use as public gathering areas, fountains and water features, streetscaped areas with benches and landscape, and areas with required landscaping that are at minimum, 150 percent above the Code specifications at section 6.04.06 of the Land Development Code.

(Ord. No. 2077-06, § 3, 7-10-06)

Animated sign means a sign which uses movement or change of lighting to depict action or to create a special effect or scene.

(Ord. No. 2145-07, § 4, 11-26-07)

Antenna means a transmitting or receiving device used for personal wireless or other communications services that radiates or captures electromagnetic waves, including directional antennas, panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations.

Antenna support structure means any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Appliance stores means establishments primarily engaged in retailing an array of new household appliances, such as refrigerators, dishwashers, ovens, irons, coffeemakers, hair dryers, electric razors, room air-conditioners, microwave ovens, sewing machines, and vacuum cleaners, or retailing new appliances in combination with appliance repair services.

Approved pain specialist means a physician, or group of physicians licensed under either F.S. ch. 458 or 459 and who comply with F.A.C. 64B8-9.0131 (medical doctors) or F.A.C. 64B15-14.005 and F.A.C. 64B15-14.009 (osteopathic physicians), as each is amended from time to time.

(Ord. No. 2212-10, 9-13-10)

Appurtenances means that which is an accessory to another structure, including, but not limited to, stonewalls, fences, light fixtures, steps, paving, sidewalks, shutters, and signs.

(Ord. No. 2145-07, § 4, 11-26-07)

Arbor means an open, lightweight structure that may have a horizontal element spanning over a walkway, deck, or garden area, intended primarily to provide shade and support the growth of vegetation such as vines and climbing plants.

Arcade means a covered walkway located on private property along the street facade of a building, except where specifically designated to occur on public property. Arcades are open to the adjacent street between columns, which may be either load-bearing or cosmetic. "Arcade" as used herein is not meant to imply that the columns must carry arches; horizontal lintels may be used to span between columns. Interior building space may be constructed above an arcade.

Architectural character means the basic detailing, architectural rhythm, architectural style, appearance and historic period of a building or group of buildings or structures, including site and landscape development.

Architectural feature means a structural or ornamental feature of a building or structure, including, but not limited to, balconies, chimneys, bay windows, cornices, coping, parapets, steps, staircases, screened utilities, and tower structures, other than telecommunications towers.

Area of copy (to be used when copy is on facia or wall sign only) means the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a facia or wall sign.

Area of sign (to be used only when area of copy is not applicable) means the area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, and which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed, if the sign consists of more than one section or module, all areas will be totalled.

Art shop/galleries means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Artisanal use means premises for the manufacture and sale of artifacts employing only handwork and/or table mounted electrical machinery emitting no odors or noise beyond the immediate premises.

Artist means an individual or group of individuals whose vocation or avocation is the creation of visual art; or who possesses a university degree in visual art; or who has exhibited visual art publicly in galleries or museums; or who has published critical reviews of visual art; or who has been commissioned for works of art for public places.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Automatic amusement center and game room means a place of business having at least 50 coin-operated amusement games or machines on premises, which are operated for the entertainment of the general public and tourists as a bona fide amusement facility, as defined in F.S. § 849.161, amended from time to time.

Automobile rental/leasing establishment means leasing or renting of automobiles, motorcycles, and light load vehicles.

Automobile repair services, major, means the replacement of engine parts, body work, tire or exhaust system repair or replacement, or the installation of any electrical device within an enclosed facility. If located within Industrial zoned district, repairs are not limited to within an enclosed facility.

Automobile repair services, minor, means an enclosed facility where motor vehicles are serviced and where minor repairs to vehicles are made but not including major auto repair. If located within Industrial zoned district, repairs are not limited to within an enclosed facility.

(Ord. No. 1685-99, 7-26-99)

Automobile sales means a retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Availability/available, with regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in F.S. § 163.3180.

Avoidance means taking action so there is no adverse impact to environmentally sensitive resources.

Awning sign means letters or characters placed upon an awning or awning valance.

(Ord. No. 2145-07, § 4, 11-26-07)

Bakery, retail, means a place for preparing, cooking, baking, and selling of products on the premises.

Bakery, warehouse, means a place for preparing, cooking, baking, and selling of products intended for off-premises distribution.

Balcony means a structural platform, surrounded by a railing or other retaining device that projects from the street facade of a building at an elevated floor without direct support from the ground.

Balloon means a lighter than air sign or display tethered to the ground or a structure.

Banks/financial institutions means provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs).

Banner means a temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a backing. "Banner" shall include any animated or fluttering devices designed to attract attention.

(Ord. No. 2145-07, § 4, 11-26-07)

Bars means a commercial establishment whose principal business is the sale of drinks, especially alcoholic drinks, and sometimes food which is served to the customer in a ready to consume state on premises. Bars may include beer gardens, pubs, taverns, night clubs, private clubs, and similar facilities serving alcohol.

Barbershop means any place of business wherein the practice of barbering is carried on, as defined in F.S. § 473.034, amended from time to time.

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood." (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Basement means that portion of a building having its floor sub grade (below ground level) on all sides. A basement shall not be considered a story.

(Ord. No. 1979-04, § 1, 6-28-04)

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Beauty salon means any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

Bed and breakfast inn means a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry, as defined in F.S. 509.242(1)(f), amended time to time.

Beer garden means a permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food are served.

Below grade means occurring or situated below the surface of the ground.

Beneficial functions of a protected environmentally sensitive area means those functions, described in the conservation element of the Stuart Comprehensive Plan, that justify designating an area as environmentally sensitive.

Berm means mounding of soil which is planted with living plant material designed as a natural landscape feature or buffer to screen incompatible land uses or to absorb or otherwise reduce undesirable impacts, such as noise, smoke, glare, or similar nuisances.

Bicycle parking means an area intended for secure bicycle parking, with appropriate racks and storage areas, located within required parking areas.

Billboard means a flat surface (such as a panel, wall or fence) on which bills are placed; specifically, a large panel designed to carry outdoor advertising, particularly for an off-premises sale.

(Ord. No. 2145-07, § 4, 11-26-07)

Board means the city commission, the board of adjustment and the planning advisory board, all of the City of Stuart.

Boat sales and service means a retail business where the principal use of the site shall be the marketing of new or used boats, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Boat storage, dry, means any building, structure or area in which boats are stored, out of water, by placing them in racks, trailers or other devices.

Book and stationary store means a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any "adult bookstore," "adult theater," "theater," or "studio theater."

Bower means a leafy shelter or recess; arbor.

Bowling alley means a place of business having at least 12 bowling lanes on the premises which are operated for the entertainment of the general public for the purpose of engaging in the sport of bowling, as defined in F.S. § 849.141(2)(b), amended time to time.

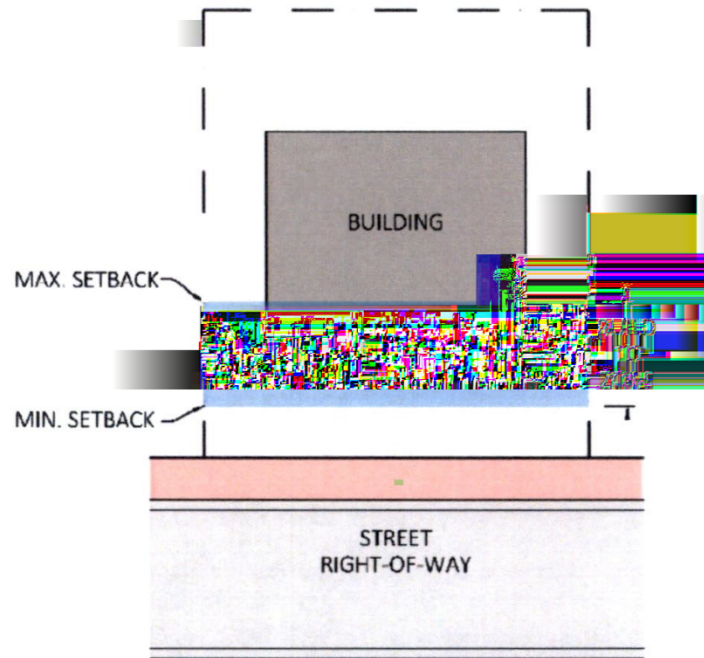
Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer means a landscape area which may include walls, fences, berms, trees, shrubs, hedges, ground cover and other plant materials.

Buffer screen means that portion of a buffer which includes a six-foot high, opaque vegetative landscape screen designed and maintained to visually screen a development or portion thereof from adjacent property within one year of construction and planting.

Build-to line means that a building must be built to the specified line set forth in the Urban Code.

Build-to zone means that a building's facade must be built to the specified zone or the area between the minimum and maximum setbacks within which the building's facade is to be located.



(Ord. No. 2498-2023, § 1(Exh. A), 2-13-23; Ord. No. 2520-2023, § 1(Exh. A), 10-23-23)

Building face means the total area of the exterior walls of a building that generally faces one direction. For example, a rectangular building has four building faces.

(Ord. No. 2206-10, 7-12-10)

Building footprint means the area of land covered by the building foundation, including the area contained within a line three feet from the foundation around the entire perimeter of the building (as referenced in chapter 6).

Building footprint means the area of land covered by the building foundation to the outside of the exterior walls (as referenced in chapter 3).

Building frontage means:

- (a) The building frontage for an interior lot is the portion of the lot abutting the primary street minus the required side setbacks.
- (b) The building frontage for the primary street side of a corner lot is the portion of the lot abutting the primary street minus the required side setbacks.
- (c) The building frontage for the secondary street side of a corner lot is the portion of the lot abutting the secondary street minus the required front and rear setbacks.
- (d) Building frontage is expressed in percentages and may vary from floor to floor.

(Ord. No. 2145-07, § 4, 11-26-07)

Building height means the vertical distance from grade to the highest finished roof surface of a flat roof or to the mean level between eaves and ridge for gable, hip, or gambrel roofs.

(Ord. No. 1841-02, § 2, 6-10-02; Ord. No. 1979-04, § 1, 6-28-04; Ord. No. 2145-07, § 4, 11-26-07)

Building height means the vertical distance measured from the lowest permissible finished first-floor elevation to the surface of a flat roof and to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height. A parapet wall shall not be counted in the calculation of building height (as referenced in chapter 3).

Bulletin board means a board for posting notices.

Bus and train (passenger) station means a facility for the transfer, pickup, or discharge of people or goods without the long-term storage of such items.

Bus and train (passenger) terminal means any premises for the transient housing or parking of motor-driven buses or trains, and may or may not include the loading and unloading of passengers.

Buttocks means the area of the rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing, the top such line drawn at the top of the cleavage of the nates and the bottom line drawn at the lowest visible point of the cleavage, and between two imaginary lines perpendicular to the ground drawn at the point at which each nate meets the outer side of each leg.

Cabana room means a rigid porch, metal Florida room and other similar permanent unit installed or constructed as home adjuncts, totally or partially enclosed with sidewalls made of metal or other approved rigid material.

Cabinet sign means a sign incorporating a rigid frame which supports and retains the sign face panel(s) and/or background constructed of plastic or similar material, and which has an internal light source. Cabinet signs do not include signs composed of individually-mounted and individually-illuminated letters, or logos no larger than the lettering to which they relate.

(Ord. No. 2145-07, § 4, 11-26-07)

Canopy means a covered structure projecting from the face of the principal building. Canopies may be cantilevered or self-supporting and include awnings.

Car wash means the primary use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Caregiver means a person who is at least twenty-one (21) years old who has agreed to assist with a qualifying patient's medical use of marijuana and has qualified for and obtained a caregiver identification card issued by the Department. The Department may limit the number of qualifying patients a caregiver may assist at one time and the number of caregivers that a qualifying patient may have at one time. Caregivers are prohibited from consuming marijuana obtained for medical use by the qualifying patient.

Carport means an open structure that shelters a parking area. Carports may be detached from the principal building; when attached, they are typically of a contrasting architectural character from the principal building (as opposed to a porte cochere, which is considered part of the building.)

Catering shop means an establishment whose principal use is the preparation and provision of food served to the customer at a location off the premises. A catering shop may be accessory to a restaurant.

Cells-on-wheels means a temporary, transportable wireless telecommunications facility (WTCF) used to provide emergency or temporary transmission capacity.

Cemetery means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including, mausoleums and funeral homes, if operated in connection with and within the boundaries of such cemetery.

Changeable copy sign means a sign with informational content that can be changed or altered by manual or electronic means to display a message.

(Ord. No. 2145-07, § 4, 11-26-07)

Child care center means a child care facility or arrangement which provides child care for more than five children not related to the operator excepting schools, summer day camps, bible schools normally conducted during vacation periods and transient establishments, as defined in F.S. § 402.302(2), amended time to time. All facilities of this size must be licensed with the Florida Department of Children and Family Services unless determined to be exempt.

(Ord. No. 1935-03, § 2, 4-28-03)

City development director means the administrative head of the city development department of the City of Stuart or his/her designee.

Civil plan means a document providing detailed engineering and construction features including all underground construction, storm water management structures, utilities, curb cuts, driveway cuts, work within a public right-of-way, and site lighting and complying with the reasonable design criteria contained in Appendix A.

Clinic. See *Pain management clinic*.

Clothiers means stores selling or accepting for sale clothing at retail.

Clubs, lodges, and fraternal organizations means an establishment providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

Coastal construction control line means the line established by the State of Florida pursuant to F.S. § 161.053 and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions. (As referenced in chapter 5 - Floodplain Management)

(Ord. No. 2303-2015, 2-9-15)

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC,B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."] (As referenced in chapter 5 - Floodplain Management)

(Ord. No. 2303-2015, 2-9-15)

Coastal wetlands and shorelines consist of the following: water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to oceanic waters or estuaries; coastal barriers; living marine resources; marine wetlands; water-dependent facilities or water-related facilities on oceanic or estuarine waters; or public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development activities would impact the integrity or quality of the above.

Coldframes means a frame with a glass or plastic top in which small plants are grown and protected without artificial heat.

Cold storage means the storage of things in an artificially cooled place for preservation.

Combustible sign means any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. Prime examples of combustible signs would be wood, cloth, and the like.

(Ord. No. 2145-07, § 4, 11-26-07)

Commercial nursery or tree farm means a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

Commercial planned unit development (CPUD) means an alternative means of development and an alternative zoning procedure for predominately commercial purposes, in accordance with section 2.07.00.E and with the planning and development objectives of the City.

Commercial cruise boats means any boat used for sightseeing or excursion purposes. "Commercial" shall mean that a charge is made on a per-passenger or per-trip basis.

Common area, with respect to an ACLF, means that interior, under roof area of the facility open to all residents for common usage (not including hallways), which shall include, but not be limited to, such uses as dining and recreation.

Common elements means lands, structures and facilities whose ownership or use is shared by all owners or occupants within the PUD. Common elements may include, but are not limited to, open space, recreation facilities, water bodies, private streets and roads, utility systems, and joint parking or loading provisions.

Community center means a building used for recreational, social, educational and cultural activities, owned and operated by a public or nonprofit group or agency.

Community redevelopment agency (CRA) means a public agency that was created by the city commission on May 12, 1986 in accordance with the provisions of Florida statutes and encompasses approximately 700 acres of land, including those areas with an Urban Code, The Creek District, and East Stuart Neighborhood zoning designations.

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

Community residential home means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents, as defined in F.S. § 419.001(1)(a), amended time to time.

Community garden means an area of land managed and maintained for the use of one or more individuals to grow and harvest food crops, non-food ornamental crops, such as flowers, or both solely for the use, consumption or donation by two or more persons maintaining the community garden.

Comparable zoning district means to the most closely similar zoning district based upon the land use designation, the Comprehensive Plan, proposed uses, densities and lot sizes.

Comprehensive Plan text amendment means any amendment to the text of the comprehensive plan that does not include an amendment to the future land use map and that does not include amendments that change the actual list of permitted, conditional or prohibited uses in a land use category.

Concept plan means a document containing a verbal or graphic depiction, or both verbal and graphic depictions (specifications and/or drawings) providing the generalized arrangement of land and structures including buildings, tenancies or premises, landscape, storm water management, utilities, paved surfaces, sidewalks, parking areas, and open space, and complying with the reasonable design criteria contained in appendix B.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency management system (CMS) means the procedures and/or process that the City of Stuart uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Concurrency service area (CSA) means the geographic subsection of the school district within which school concurrency is measured.

Conditional use means a use or occupancy of a structure which because of the unique nature of the use, size, location, or various characteristics particular to the zoning district, is permitted only upon issuance of a major conditional use approval and subject to the limitations and conditions specified therein.

Construction permit means a permit as that term is used in the Florida Building Code.

Construction plan means one or more detailed and specific written, graphic and pictorial documents depicting a proposed or completed construction, and the term is synonymous with construction documents, as that term is used in the Florida Building Code to describe the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit.

Contiguous lots means lots which are included in a unified development plan that are either abutting or separated by a public right-of-way.

Copy services and duplicating services means a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

Corps means the United States Army Corps of Engineers.

Cottage lot means an individual parcel of real property, individually platted or otherwise "of record" on December 10, 2007, which does not meet the minimum lot requirements within its land use (zoning) district.
(Ord. No. 2146-07, § 2, 12-10-07)

Cottage lot application form means the form submitted to the development department containing details of the development requesting consideration under section 2.05.00, pertaining to cottage lots.
(Ord. No. 2146-07, § 2, 12-10-07)

Craft distillery means a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the Florida Division of Alcoholic Beverages and Tobacco in writing of its decision to qualify as a craft distillery, as defined in F.S. § 565.03, amended time to time.

Crematorium means a location containing properly installed, certified apparatus intended for use in the act of cremation.

Curb cut means an area designated on a property for ingress and egress.

Day means a calendar day unless a working day is indicated.

(Ord. No. 1899-02, 11-18-02)

Debilitating Medical Condition means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those enumerated, and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks for a patient.

Decorative paving materials means materials used in/for sidewalks and other forms of pedestrian accessways and shall include paver blocks, bricks and stamped concrete. Decorative paving materials shall not include asphalt or smooth or broom-finished concrete.

(Ord. No. 1719-00, 4-10-00)

Demolition means the intended destructive removal of a building, in whole or in part, from its site.

(Ord. No. 2091-06, § 1, 12-11-06)

Demolition by neglect means neglect in the maintenance of any building or structure resulting in one or more of the following:

- A. The deterioration of a building(s) or structure, to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official; and
- B. The deterioration of a building or structure, as determined by the building official, characterized by one or more of the following:
 - 1. Parts that may fall and injure persons or property;
 - 2. Deteriorated or inadequate foundation;
 - 3. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads safely;
 - 4. Walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - 5. Walls or other vertical supports that are insufficient to carry imposed loads safely;
 - 6. Ceilings, roofs, ceiling and roof supports, or other horizontal parts of a structure which sag, split, or buckle due to defective material or deterioration or are insufficient to carry imposed loads safely;
 - 7. Any fault, defect or condition in the building which renders the building or structure structurally unsafe or not properly water-tight;
 - 8. Unsafe electrical, plumbing or mechanical (HVAC) systems;
 - 9. Water intrusion causing water damage to the interior of the building or structure caused by broken or missing windows, broken or missing doors and/or deterioration of roofing material; or
 - 10. Excessive damage to exterior and interior wood framing, flooring systems, and finishes caused by termites, to the extent that the building or structure may be unsafe.

(Ord. No. 2091-06, § 1, 12-11-06)

Density bonus means additional residential density may be approved for a RPUD in accordance with the City of Stuart's comprehensive plan and land development regulations provided the total density does not exceed 30 dwelling units per acre. A density bonus may only be granted at the discretion of the city commission as an incentive for developments to provide greater public amenities or housing opportunities which enhance the city, such as affordable housing, new housing stock, or housing types that are in demand.

(Ord. No. 2332-2017, § 1, 8-28-17)

Department means the Florida Department of Environmental Protection.

Depth means a lineal dimension of a site or building measured on a line perpendicular to the line of the street frontage.

Depth means a lineal dimension of a site or building measured on a line perpendicular to the line of the lot frontage (as referenced in chapter 3).

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

(As referenced in chapter 5 - Floodplains Management.)

(Ord. No. 2303-2015, 2-9-15)

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Developer means any person or entity, including a governmental agency, undertaking any development as defined in this Code.

Development means any activity that:

- (a) Produces a material change in the function, use or appearance of a parcel of land or of any structure, including, but not limited to, tree removal, landscaping, environmental maintenance or remediation, demolition, excavation, earth moving, land grading, construction, underground construction, renovation, or structural alterations;
- (b) Any activity that results in or is intended to result in a change in the intensity or use of land; or
- (c) The subdivision of land.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or

materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Development order means any order granting, denying, or granting with conditions an application for a development permit as defined in this Code.

Development permit means a document issued by the city authorizing the physical development, redevelopment or alteration of real property, including any one or more of the following permits: construction (including underground construction), demolition, environmental remediation, excavation, filling land or submerged land, grading, land clearing, landscaping, paving, or tree removal. A development permit does not include a site plan, concept plan, sketch plan, civil plan, or plat.

Diameter at breast height or DBH means the trunk diameter of a tree measured at 4½ feet above ground level at the base of the Tree, provided however, if the tree trunk forks below 4½ feet above ground level, each trunk shall be considered a tree.

Directional sign means an on-premises, incidental sign designed to guide or direct pedestrians or vehicular traffic. No commercial message shall be placed on directional signs.

(Ord. No. 2145-07, § 4, 11-26-07)

Directory sign means a sign listing the tenant's names, locations, buildings or group of buildings.

(Ord. No. 2145-07, § 4, 11-26-07)

District means the South Florida Water Management District.

Division means the division of hotels and restaurants of the State of Florida Department of Business and Professional Regulation. (As referenced in chapter 2 - Dog-friendly restaurants.)

(Ord. No. 2216-10, 10-18-10)

Dog means an animal of the subspecies *Canis lupus familiaris*. (As referenced in chapter 2 - Dog-friendly restaurants.)

(Ord. No. 2216-10, 10-18-10)

Dog day care means a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Dog-friendly restaurant means a public food service establishment, which allows patrons' dogs within certain designated outdoor areas, as permitted by this Code and F.S. § 509.233, as amended from time to time.

Drip line means an imaginary, perpendicular line that extends downward from the outermost tips of the tree branches (i.e., crown) to the ground.

Drive-through facility means an establishment which provides parking facilities and service to those facilities in order that patrons may utilize on-site goods or services without leaving their vehicles. Said drive-in service may be in conjunction with, or exclusive of, any other form of service, including drive-through or conventional seating.

Drycleaning establishment means an establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry with or without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Drycleaning plant means a building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Duplex dwelling units means a structure containing two dwelling units, each of which has direct access to the outside.

Dwelling unit means a room or group of rooms connected together that forms a single independent habitable unit used or intended to be used for living for one housekeeping unit, and containing independent sleeping, sanitation, and cooking facilities. A dwelling unit may be used for owner occupancy, rental, lease, or other occupancy on a weekly or longer basis.

East Stuart Neighborhood conditional use means the granting of relief from the provisions of this Code relating to permitted uses, density, structures, conflicts with utilities, historic buildings, and architectural requirements within the East Stuart Neighborhood Code.

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

Elevated building means a building which is partially or wholly supported more than four feet above the ground by pilings, columns, posts or piers.

(Ord. No. 1979-04, § 1, 6-28-04)

Elevated building means a building which is partially or wholly supported more than four feet above the ground by pilings, columns, posts or piers, which does not have parking beneath (as referenced in chapter 3).

Emitters means the devices used to control the applications of irrigation water. This term is used to refer to the low flow rate devices used in micro-irrigation systems.

Employee means a person who works or performs in an adult business regardless of compensation or the manner of compensation, specifically including an independent contractor.

Enclosed building means a building with a roof, and four sides, two of which shall be fixed walls.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Engineer means a person registered as a professional engineer in the State of Florida.

Environmentally sensitive area means an area encompassing any one or more of the following resources as identified in the conservation element map series; coastal wetlands and shorelines, estuaries (including the St. Lucie estuary), living marine resources, native upland vegetative communities, wildlife habitats, (including threatened and endangered species) surface waters, wellfields and cones of influence, historical and archaeological resources, natural recharge areas, and 100-year floodplains.

Environmentally sensitive lands means those lands designated to be viable and functioning wetlands as determined by the South Florida Water Management District and native upland vegetative communities that provide wildlife habitat necessary for the survival of listed species as determined by the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service.

Environmentally sensitive resources or resource areas means wetlands, native vegetation, protected and endangered species, mangroves, shorelines, trees, floodplains, well fields, and historic resources.

Estuary means a semi-enclosed, naturally existing coastal body of water in which saltwater is naturally diluted by freshwater and which has an open connection with oceanic waters. Estuaries include bays, embayments, lagoons, sounds and tidal streams. Principal among these is the St. Lucie Estuary.

Exfiltration means an underground system designed for retention of limited volumes by promoting runoff to exfiltrate into the ground via a porous media. Design of underground exfiltration systems shall be in accordance with South Florida Water Management District Permit Information Manual, Volume IV or most recent volume.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before August 15, 1978. [Also defined in FBC, B, Section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 15, 1978. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Ex-parte communication means a private communication made to a member of a board which pertains to a quasi-judicial matter then pending before that board.

Fabric, hobby and handicraft shop means a retail establishment specializing in fabrics, sewing and quilting tools and accessories, and related craft items.

Facade means an exterior wall of a building.

Family means one or more persons who occupy a single dwelling unit, all of whom are related by blood, marriage, or adoption, or a group of persons all of whom are not somehow related which does not exceed two persons in number. This term shall not include the occupants of a roominghouse, a group home/congregate living facility, a fraternity or sorority house or other similar use with shared cooking or sanitary facilities. This definition shall be construed to include those individuals protected as a family unit by the Fair Housing Act or other applicable laws that do not result in a fundamental alteration of the City's local land use regulations

Family day care home (F.S. § 402.302(8)) means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of four children from birth to 12 months of age.

- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of ten children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

Farm equipment and supplies sales establishment means establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Final development order means a development permit.

Finished grade means the final elevation of the ground surface after completion of all site preparation and development, and conforming to the approved plans, but not including berms or artificial fills to elevate signs above the surrounding finished grade.

(Ord. No. 2145-07, § 4, 11-26-07)

Fire station means a building used for fire equipment and firefighters.

Fixed projection sign means any sign projecting at an angle from the outside wall of any building and rigidly affixed thereto.

Flag means a piece of cloth usually attached at one edge to a staff/pole or cord.

(Ord. No. 2145-07, § 4, 11-26-07)

Flat wall sign means a sign erected parallel to the building to which it is attached, and supported entirely by the facade.

(Ord. No. 2145-07, § 4, 11-26-07)

Flea market means a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for use by individuals to sell articles that are either homemade, home grown, hand crafted, used, obsolete, or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

[Also defined FBC, B, Section 1612.2.]

(As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

(As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Flood insurance study (FIS) means the official report provided by Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2]. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Floodplain administrator means the office or position designated and charged with the administration and enforcement of the floodplain management ordinance (may be referred to as the floodplain manager). (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area means, for purposes of this Code, the floor area is the sum of the enclosed areas on all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below grade floor areas used for access and storage. Not countable as floor area are open terraces, patios, balconies, atriums, breezeways and parking.

(Ord. No. 1879-02, § 1, 7-22-02)

Floor area, maximum permitted, means the maximum floor area permitted for any specific development or use in certain zoning districts. It is calculated by multiplying the gross lot square footage by the floor area ratio contained in section 2.03.00 of this Code, then dividing by ten.

(Ord. No. 1879-02, § 1, 7-22-02)

Floor area ratio, basic, means the relationship of floor area to the area of the lot.

(Ord. No. 1879-02, § 1, 7-22-02)

Floor area ratio, maximum permitted, means the floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.

(Ord. No. 1879-02, § 1, 7-22-02)

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Florist means retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Formula business means a retail business establishment, including a restaurant, which is one of not less than six or more similar establishments located elsewhere which as a group satisfy two or more of the following criteria:

1. They have the same or a similar name, trade name, trademark or logo;
2. They maintain a standardized menu, food ingredients or food preparation;
3. They maintain a standardized array of merchandise;
4. They have the same or similar building appearance;
5. They benefit from common advertising of the group of businesses as opposed to a single business;
6. They utilize common or similar signage; and
7. If the group is comprised of restaurants:
 - a. They provide for the sale of food or beverages to the customer in a ready-to-consume state, or

- b. The design of the building or the principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, or
- c. Food where orders are generally not taken at the customer's table, or
- d. Food is generally served in disposable wrapping or containers, or
- e. Where food and beverages may be served directly to the customer in a motor vehicle.

(Ord. No. 2010-05, § 5, 2-14-05)

Freestanding sign means a freestanding sign is not affixed to any other structure and is limited to no more than two faces. All signs supported by one or two posts, with the top edge of the sign no more than six feet above the finished grade, shall have a pole cover. All free-standing signs shall contain the street number.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Frontage means a lot boundary adjoining a street.

(Ord. No. 2145-07, § 4, 11-26-07)

Frontage wall face means the building facade, including parapet and fascia, excluding soffit, mansard, and roof, which faces the frontage of the premises.

(Ord. No. 2145-07, § 4, 11-26-07)

Fuel production facility means any establishment engaged in the manufacturing, processing, distilling, refining, transporting, or distributing of petrochemicals, ethanol or biodiesel fuels, or any liquid or gaseous hydrocarbon products, including the conversion of products to fuel, and including the storage of any materials associated therewith. This definition shall not include gasoline or other motor fuel stations, nor shall it apply to

research and development activities involving incidental volumes of materials, as determined by the City Development Director, which are stored in accordance with all applicable laws and regulations.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building or ship repair facilities; the term does not include long-term storage or related manufacturing facilities. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Funeral home means a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

Future land use amendment (FLUA) means a change in the land use designation of a parcel or parcels of land indicated on the city future land use map on "small scale."

(Ord. No. 1929-03, § 1, 3-24-03)

Garage apartment means an accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one family only and the enclosed space for at least one automobile is attached to such dwelling unit.

Garage, residential, means an accessory building or a portion of a main building (including a carport) designed and used for the parking or storage of vehicles owned or used by the occupants of the building to which it is an accessory use.

Garish means too bright or gaudy; showy, glaring; also cheaply brilliant or involving excessive ornamentation.

(Ord. No. 2145-07, § 4, 11-26-07)

Gasoline or other motor fuel service station means property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

Gasoline or other motor fuel service station, including bulk storage, means the same definition as above, plus bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

Gender. Words importing the masculine gender shall be construed to include the feminine and neuter.

Gift shop means a retail store that sells a wide variety of relatively small and inexpensive items.

Golf course means a use providing private or public golf recreation services and support facilities, excluding miniature golf facilities. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory use.

Golf course, miniature means a novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Golf driving range means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governmental buildings means a building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

Green development means the use of sustainable building and development planning methods utilized in a way that results in minimum impact on natural resources, energy consumption, use of water, use of raw materials, and waste generation, thereby affording inhabitants a potentially higher quality of life.

(Ord. No. 2113-07, § 1, 7-23-07)

Greenhouse means a building with transparent walls and roof, usually of glass, for the cultivation and exhibition of plants under controlled conditions.

Greenway means a corridor of native vegetation managed for conservation purposes with a minimum average width of at least 100 feet, and no width less than 50 feet.

Grocery stores/supermarkets means stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Gross area means all that area of land included in a development application as defined by a certified legal survey.

Gross density means the gross density of any development application shall be calculated by dividing the total number of units to be constructed in the project by the gross area of the project.

Gross floor area means the area within the inside perimeter of the exterior walls of a building with no deduction for corridors, stairs, closets, thickness of walls, elevator shafts, columns, or other features. Areas open and unobstructed to the sky, including terraces, patios, atriums, arcades, open balconies and porches, breezeways, and parking areas are not included. As an incentive to encourage more generous public areas within a building and to encourage a higher architectural quality, arcades, porches and balconies, common public bathrooms, public lobbies, common mail rooms, common janitorial storage rooms, and open stairs contiguous to ground floor lobbies, which function as publicly accessible common space, are not included in the gross floor area for purposes of calculating parking requirements.

Ground cover means plants of species which normally reach an average height of 24 inches upon maturity, installed in such a manner as to form a continuous cover over the ground. Sod shall not be considered ground cover.

Ground level means the lowest elevation of ground abutting each building.

Ground sign means a sign affixed to the ground and supported by a masonry foundation with posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building.

(Ord. No. 2145-07, § 4, 11-26-07)

Group home or housing means facilities which provide short-term or long-term lodging, meals, and resident support services, such as counseling, guidance, and varying levels of medical care.

Guyed tower means a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Hardware store means a facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint

and glass, housewares and household appliances, garden supplies, and cutlery; if greater than 30,000 square feet, such a facility is a home improvement center.

Hatracked means otherwise known as topping or heading, refers to the removal of major portions of a tree crown by cutting (pruning) branches back to stubs and/or to the trunk (section 6.04.04.A.4).

Health club means an establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Health spa means a nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, non-surgical face lifts, electrical toning, and electrolysis. Hydro-therapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services.

Hedge means a row of closely planted shrubs or other vegetative screening forming a boundary or restrictive barrier which shall be 80 percent opaque within one year thereafter. At planting, hedge shrubs shall be not less than 24 inches in height with an 18-inch spread and shall be "full" specimens which are fully rooted in three-gallon containers. Hedge shrubs shall be planted 24 inches on center. Hedges shall be maintained at a minimum height of 30 inches.

Height (of a sign) means the vertical distance measured from the highest point of the sign, to the finished grade at the base of the sign.

(Ord. No. 2145-07, § 4, 11-26-07)

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls or foundation of a structure. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Historic structure means any building identified in the City of Stuart's update to the 1991 historic property survey dated April 2003 and any subsequent amendments thereof; or any other structure which has local architectural, historical, or cultural significance that is later identified and placed within such survey, using recognized criteria for designation as "historic," including, but not limited to, structure age of 50 years or more, cultural significance, notoriety of former occupants, and architecture.

(Ord. No. 2091-06, § 1, 12-11-06)

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, chapter 11 Historic Buildings. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Historic tree means a tree which has been identified by the city commission to have special historic significance or that has achieved at least 50 percent of the DBH of the species as identified in the Florida Champion Trees of Florida database, maintained by the Forest Service, as amended, excluding invasive plant species as defined in this Code.

Home improvement center (without major storage areas and manufacturing) means a facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery. This use is considered a retail, non-intensive sales and services as defined below.

Home occupation means an occupation conducted as an accessory use in a dwelling unit in a manner clearly incidental and accessory to the residential use.

Hoophouse means a structure used as a greenhouse or a season extender and is characterized by a half-round "hoop" shape. Hoop houses are typically constructed of lengths of PVC pipe, which is both flexible and sturdy.

Hospital means an institution requiring a certificate of need that:

- (1) Offers services more intensive than those required for room, board, personal services and general nursing care;
- (2) Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and
- (3) Regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent.

A hospital may include auxiliary uses such as offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories, child care centers for employees, and other related uses.

Hospital auxiliary uses means health care services provided exclusive of room and board that can be classified into three categories such as diagnostic (e.g., laboratory tests), therapeutic (e.g., physical therapy), and custodial (e.g., nursing home). These uses can be located in hospitals, medical offices and free-standing sites.

Hotel or motel means a public lodging establishment licensed by the State of Florida which offers transient or permanent lodging accommodations to the general public, and may provide additional services, such as restaurants, meeting rooms, and recreation facilities.

Identification card means a document issued by the Department that identifies a qualifying patient or a caregiver.

Identification sign means a sign, indicating the name of the primary use.

(Ord. No. 2145-07, § 4, 11-26-07)

Illegal sign means a sign which does not meet the requirements of this Code and which has not received legal nonconforming status.

(Ord. No. 2145-07, § 4, 11-26-07)

Illuminated sign means a sign with an internal or external artificial light source.

(Ord. No. 2145-07, § 4, 11-26-07)

Impact means damage to an upland or wetland caused by any means.

Impervious surface coverage means any surface which has been altered, covered or controlled resulting in the virtual elimination of the infiltration and percolation of water to the underlying soils. The term includes most conventionally surfaced streets, roofs, buildings and structures, sidewalks, parking lots and similar facilities.

Industrial, high-impact, means characterized by intense industrial activities that may have impacts on surrounding areas, including, but not limited to, noise, odor or aesthetic impacts. Commercial, residential and recreational uses are discouraged, except for small-scale secondary uses serving the industrial area. Activities could include the manufacturing, producing, processing, repairing, altering recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- Potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odor and noise;
- Potential for significant offsite impacts in the event of fire, explosion or toxic release;
- Generates high heavy vehicle usage in the context of the locality or the road network;
- Generates a significant demand on the local infrastructure network;
- The use may involve night time and outdoor activities;
- Onsite controls are required for emissions and dangerous goods risks.

Industrial, low-impact, means intended for industrial businesses that need industrial resources, but that do not have the potential impacts on surrounding areas that high-impact industrial users do. Low-impact industrial sites may have a special emphasis and attention given to aesthetics, landscaping and community compatibility. Low-impact industrial sites are comprised of predominantly industrial uses but may incorporate office and neighborhood-sized commercial uses that support and compliment the industrial site. Residential use is generally discouraged except for master planned industrial developments that provide residences intended to house employees of the planned industrial use. Activities could include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- Negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odor and noise;
- Minimal heavy-vehicle usage;
- Demands imposed upon the local infrastructure network consistent with surrounding uses;
- The use generally operates during the day (e.g., 7:00 a.m. to 6:00 p.m.);
- Offsite impacts from storage of dangerous goods are negligible;
- The use is primarily undertaken indoors.

Industrial planned unit development (IPUD) means an alternative means of development and an alternative zoning procedure for predominately industrial purposes, in accordance with section 2.07.00.G and with the planning and development objectives of the city.

Infill development means development on a site of prior development or a site which is located between two developed parcels.

Installation and maintenance guarantee means a document which binds the developer or property owner of a major development or a minor development to guarantee the amount, installation, and maintenance of required landscape and irrigation materials. The guarantee document shall include a listing of the required landscape and irrigation materials and shall guarantee the installation of irrigation devices and the survival of 100 percent of the living materials in perpetuity. The guarantee shall specifically provide that if all required landscaping does not remain in a healthy, growing condition after one year after planting, such landscaping shall be replaced and thereafter maintained in a healthy, growing condition.

Interior decorating establishment means a commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered; however, cloth, wallpaper, and paint samples may be provided.

Interlocal agreement for school facilities planning and siting means the interlocal agreement between Martin County, the City of Stuart, and the School Board of Martin County, signed by the School Board on February 19, 2008, by Martin County on March 11, 2008, and by the City of Stuart on February 25, 2008, which details the responsibilities and coordination processes necessary to implement joint planning, school siting procedures, and school concurrency.

Invasive plant species means a native or non-native plant species that is able to spread on its own, causing environmental or economic harm.

Irrigation system means a permanent, supplemental watering system designed to transport and distribute water to plants.

Jewelry store means shops that sell new merchandise primarily and some used merchandise from estate sales or reconstitute precious metals they purchase into jewelry forms that are sold at retail on the premises.

Junked or inoperative motor vehicle means a vehicle or conveyance propelled by or intended to be propelled by internal or external combustion, electricity or similar means, intended or designed to be operated on the public streets, roadways, waterways, or highways which does not display current license tags, inspection decal (if required), or which is not legally equipped or which is in such a state of disrepair whereby it cannot be driven or propelled under its own power.

kennel means an indoor facility used for the temporary boarding of domestic animals, such as dogs and cats, not owned by the occupants of the premises.

Land clearing means any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.

Landmark or historic sign means a sign designated as a landmark or having historic value as determined by the city. A sign may be designated as a landmark sign when it is associated with one or more historic figures, events, or places, or is considered significant as evidence of the history of the product, business, or service advertised.

(Ord. No. 2145-07, § 4, 11-26-07)

Landscape plan means a plan prepared in accordance with professional standards that meets the requirements set forth in this landscape code.

Landscaping means any combination of living plants such as grass, ground cover, shrubs, vines, hedges, or trees and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

Large scale commercial development means any commercial or other non-residential development of greater than 20,000 square feet in gross building area. In the case of multiple buildings within the same commercial or other non-residential development, including planned unit developments, phased developments and outparcels in different ownership than the primary parcel, the total square footage of all buildings shall comprise the gross building area. When making a determination as to whether or not a particular development constitutes a LCD, the city development director shall consider the inclusion of facilities and site components which are likely to be shared with other developments, including, but not limited to, parking areas, drainage and stormwater management, vehicular access, native preservation and common areas.

(Ord. No. 1678-99, 6-28-99)

Large scale comprehensive plan amendment means a proposed amendment to the city comprehensive plan that either changes the land use designation of certain property on the future land use map on a large scale or that changes the actual list of permitted, conditional or prohibited uses within a land use category.

Laundry establishment (self-service) means a business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEED® means the Leadership in Energy and Environmental Design (LEED) Green Building Rating System TM latest edition, as promulgated by the U.S. Green Building Council.

(Ord. No. 2113-07, § 1, 7-23-07)

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.?

Letter of map revision based on fill (LOMR-F) means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.?

Conditional letter of map revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Library means a facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Licensed sign electrician means a person who possesses the necessary qualifications, training, and technical knowledge to plan, build lay out, and supervise the installation of all types of electrical signs.

(Ord. No. 2145-07, § 4, 11-26-07)

Light-duty truck means as defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

(As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Lighted sign means any sign which is illuminated by any type of light from an artificial or man-made source, whether separate and apart from or contained within or on the sign, which is intended and used to make the sign visible or readable.

Listed species means those plants or animals listed as threatened species, endangered species, or species of special concern by the F.A.C. chs. 62 and 68 or F.S. ch. 379 or listed as endangered or threatened by the U.S. Fish and Wildlife Service in accordance with the federal Endangered Species Act, as either may be amended from time to time.

Littoral zones means areas located waterward of the mean high water line (natural systems) or control elevation (man-made systems) in natural and manmade bodies of water including retention areas.

Living marine habitat means an area where living marine resources naturally occur, such as mangroves, seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

Living marine resources means oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

Lot means a parcel or tract of land, distinguished from surrounding parcels by ownership boundaries and excluding public rights-of-way.

Lot, corner means a lot located at the intersection of two or more streets.

Lot frontage means the smallest (narrowest) portion of the lot abutting a public right-of-way.

Lot, through means a lot (with the exception of a corner lot) that has frontage on two public streets.

Lot width means the diameter of the largest circle that can be inscribed within the side lot lines at any point on a continuous line from the frontage of the lot to the front line of the principal structure of the lot.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage, provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Maintenance agreement means a legal constituted maintenance agreement for improving, perpetually operating, and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities that are to remain private or such documents as are necessary to show how the said common areas are to be improved, operated and maintained. Such documents shall be subject to the approval of the city attorney.

Major conditional use approval means an authorization granted by the city commission to use property or structures located in a particular zoning district that would otherwise be prohibited in that district by this Code but, because of the precise location of the subject property or the configuration of the planned use on the subject property, may with certain conditions be appropriate on the subject property. No use or structure shall be

approved for a major conditional use approval unless the use or structure is specifically authorized as a conditional use in the district by this Code. Major conditional use approvals are issued for uses of land and may be transferable from one owner of the land to another given the conditions of the approval have not changed. Major conditional use approvals also include the granting of relief from certain provisions of the Urban Code not related to uses.

Major development means a single-family, multi-family or duplex residential project of greater than 35 units, a non-residential development over 50,000 square feet of floor area; a mixed use development over 50,000 square feet of floor area; and a public or private institutional development more than one acre in size.

(Ord. No. 1346-94, 3-28-94)

Major planned unit development (PUD) amendment means any major changes in or amendments to a PUD master development plan, a PUD final development plan or PUD agreement approved as part of a rezoning to a PUD district shall be processed as a new application for a PUD district zoning. Major changes or amendments shall include:

- a. A change of two percent or more in the area of any land use designations shown on the final development plan;
- b. Any change in the list of proposed uses;
- c. An increase in residential density of five percent or more;
- d. An increase in nonresidential building square footage of ten percent or more;
- e. A change in the boundary of the PUD district;
- f. A change in the final development plan or approval regarding any area(s) set aside and designated for future development;
- g. Any other change determined by the city development director to have a potentially significant impact on city services or the surrounding neighborhood.

Major Urban Code District conditional use means the granting of relief from the provisions of the Urban Code relating to density, permitted uses, setbacks, location of parking, location of buildings and structures, conflicts with utilities, curb cuts, historic buildings, pitched roofs in the Old Downtown District, parking located within a building envelope, number of stories, building height but not to exceed 45 feet, and architectural requirements.

Mangrove stand means an assemblage of mangrove trees.

Mangroves means any specimen of the species *Avicennia germinans* (black mangrove), *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove) and *Conocarpus erectus* (buttonwood mangrove).

Manual changeable copy sign. See *Changeable copy sign*.

(Ord. No. 2145-07, § 4, 11-26-07)

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Marijuana means all parts of any plant of the genus *Cannabis* and shall have the meaning given cannabis in Section 893.02(3), Florida Statutes (2014), and, in addition, "Low-THC cannabis" as defined in Section 381.986(1)(b), Florida Statutes (2014), shall also be included in the meaning of the term "marijuana."

Marijuana accessories means any equipment, product, or material of any kind that are used for inhaling, ingesting, topically applying, or otherwise introducing marijuana products into the human body for personal use.

Marijuana products means marijuana or goods containing marijuana.

Marina, commercial, means a facility with three or more wet and/or dry slips for the commercial docking, launching, mooring or storage of vessels and which may include accessory retail and service uses, such as, but not limited to, the sale, lease or rental of boats, bait and tackle shops, off-loading and processing of commercial seafood products and marine equipment sales.

Marina slip which requires a utilities agreement means a marina as defined above which meets one or more of the following definitions:

- a) "Live-aboard" means any vessel used solely as a residence and not for navigation.
- b) Any vessel represented as a place of business or a professional or other commercial enterprise; any vessel for which a declaration of domicile has been filed pursuant to section 222.17.
- c) "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term "floating structure" includes, but is not limited to, each entity used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term vessel provided in this section. Incidental movement upon water or resting partially or entirely on the bottom shall not in and of itself, preclude an entity from classification as a floating structure.
- d) "Homemade vessel" means any vessel built after October 31, 1972, for which a federal hull identification number is not required to be assigned by the manufacturer pursuant to federal law, or any vessel constructed or assembled prior to November 1, 1972, by other than a licensed manufacturer for his or her own use or the use of a specific person. A vessel assembled from a manufacturer's kit or constructed from an unfinished manufactured hull shall be considered to be a homemade vessel if such a vessel is not required to have a hull identification number assigned by the United States Coast Guard. A rebuilt or reconstructed vessel shall in no event be construed to be a homemade vessel.
- e) "Houseboat" means any vessel which is used primarily as a residence for a minimum of 21 days during any 30 day period, in a county of this state, and this residential use of the vessel is to be the preclusion.
- f) A continuing use of a boat as a residence for living purposes, including sleeping, eating, bathing and other indication of habitation, badness or professional association; or the occupancy of the vessel to sleep or maintain residency for three or more days 72 hours) in a one-week period, with a maximum of nine days in a 30-day period, and does not apply to casual overnight or weekend occupancy, provided the vessel has adequate sanitation facilities.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Marquee means a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

Marquee sign means a sign attached to or supported by a marquee structure, which is a permanent roof-like structure or canopy extending from the facade of the building.

(Ord. No. 2145-07, § 4, 11-26-07)

Massage therapy establishment means an establishment licensed under F.S. ch. 480, whose employees practicing massage are licensed under F.S. ch. 480, unless exempt under F.S. § 480.034. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Medical Marijuana Treatment Center (MMTC) means an entity that is authorized to acquire, cultivate, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered pursuant to F.S. 381.986 and the provisions set forth by the Department.

Medical use means the acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

Memorial signs or tablets means a marker set at the head of a grave or crypt.

Menu board sign means a changeable copy sign for displaying a menu selection and pricing of the items for sale.

(Ord. No. 2145-07, § 4, 11-26-07)

Microbrewery means a brewery that produces no more than 15,000 barrels of beer in a year. Microbreweries may or may not include an on-site tasting room and retail space, and may or may not operate in conjunction with a bar or restaurant.

Micro-irrigation means the frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along water delivery pipes.

Minimization means lessening impacts by reducing the degree or magnitude of the proposed action prior to and during site alteration and construction.

Minor conditional use approval means an authorization issued by the city community redevelopment board granting relief from the provisions of the Urban Code relating to paint colors, fence requirements, public art, and architecture materials.

Minor development means a single-family, multi-family or duplex residential project of between three and 35 units, inclusive; a non-residential development under 50,000 square feet of floor area; a mixed use development under 50,000 square feet of floor area; a public or private institutional development less than one acre in size; and commercial tenant finishes.

(Ord. No. 1665-99, 4-26-99; Ord. No. 1357-94, 8-8-94)

Minor planned unit development (PUD) amendment means any minor changes in or amendments to a PUD master development plan, a PUD final development plan or PUD agreement approved as part of a rezoning to a PUD district shall be processed as a new application for a PUD district zoning. Minor changes or amendments shall include:

- a. A change of two percent or less in the area of any land use designations shown on the final development plan;
- b. An increase in residential density of less than five percent;
- c. An increase in nonresidential building square footage of less than ten percent;
- d. An amendment to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the city commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A timetable extension of 180 days or less may be granted by administrative variance in accordance with section 8.05.08 and does not require a new traffic concurrency review in accordance with section 4.04.03 of this Code.

Minor Urban Code District conditional use means the granting of relief from the provisions of the Urban Code relating to paint colors, fence requirements, public art, and architectural materials.

Mixed use planned unit development (MXPUD) means an alternative means of development and an alternative zoning procedure for combinations of two or more integrated residential, commercial, hospital, governmental and light industrial uses, in accordance with section 2.07.00.H and with the planning and development objectives of the City.

Mobile home means a structure as defined in F.S. § 320.01.

Monopole tower means a telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation and constructed without guy wires or ground anchors.

Monument sign means a freestanding low-profile sign with the sign area at the top of a solid base.

(Ord. No. 2206-10, 7-12-10).

Example:



Mulch means non-living, organic or synthetic materials used in landscape design to retard erosion and retain moisture.

Multi-family dwelling unit means a building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

Multi-story building means a building that has one or more floors above ground.
(Ord. No. 2206-10, 7-12-10).

Mural means a painting, drawing, or mural painted or drawn on an external wall which is considered generic art, and which does not graphically contain a message or logo, or depict a product or service of a particular business being offered to the public.

(Ord. No. 2206-10, 7-12-10).

Mural sign means a painting or drawing on an external wall which contains a message, or logo, or depiction of a product or service of a particular business being offered to the public.

(Ord. No. 2206-10, 7-12-10).

Museum means an establishment either publicly or privately owned where objects of art or objects of historical, educational, or cultural value are displayed.

(Ord. No. 1686-99, 7-26-99)

Nameplate sign means a non-electric, on-premises identification sign giving only the name, address and/or occupation of the occupants.

(Ord. No. 2145-07, § 4, 11-26-07)

Native uplands means those land areas that consist of vegetation in which 50 percent or more of the vegetative cover is native vegetation.

Native upland vegetative community means a concentration of plant species indigenous to the region. These communities such as coastal hammocks, sandhills, and scrub are classified based on the presence of certain soils, vegetation and animals.

Native vegetation means vegetation comprised of those vegetative species that were present in Florida at the time of European contact including threshold wetlands. Any species introduced to Florida thereafter is non-native vegetation. Descriptions of species considered non-native vegetation are contained in the latest version of the Florida Exotic Pest Plant Council list of exotic and invasive plants.

Native vegetation preserve area means that portion of a property in which no development activity is permitted including threshold wetlands, upland buffers, greenways, and habitat of listed species or areas of native vegetation.

Neighborhood retail establishments means establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Net density means the net density of a project shall be computed by dividing the total number of units to be constructed by the net residential acreage of the parcel. The net residential acreage of a parcel shall be the acreage devoted to residential lots, rights-of-way, common areas, landscape buffers and retention areas less all bodies of water and required protected environmentally sensitive areas.

(Ord. No. 2332-2017, § 1, 8-28-17)

New construction means construction of a new building or structure. (As referenced in chapter 3.)

New construction means, for the purposes of administration of this ordinance and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 15, 1978, and includes any subsequent improvements to such structures. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

New development means the construction of a building or structure on unimproved real property.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 15, 1978. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Newspaper or publishing plant means a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods, including, but not limited to, offset printing, lithography, web offset, flexographic, and screen process printing.

Newsrack means any type of unmanned device, whether a self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, sale, vending, or free distribution of, newspapers, news periodicals, or commercial handbills.

Night club means an establishment that is a stand-alone bar, bottle club, or restaurant that:

- (1) Serves or allows the consumption of alcoholic beverages on the premises; and

- (2) Provides or permits entertainment; and
- (3) Which is open for business later than 12:00 a.m. at least one evening per week.

Nonconforming development means development that does not conform to the use regulations in chapter II and/or the development standards in chapter VI.

Non-commercial sign means a temporary sign erected for purposes other than advertising a commercial business.

Non-conforming sign means a sign which was erected legally but no longer complies with the current sign code regulations.

(Ord. No. 2145-07, § 4, 11-26-07)

Non-medical marijuana dispensary shall mean any entity or facility licensed under state law to dispense non-medical marijuana for recreational and personal use.

Non-native uplands means those land areas that are either devoid of vegetation or consist of vegetation of which less than 50 percent is native vegetation.

Non-native vegetation means any vegetation that is not native vegetation.

Non-roadway banner sign. See *Special event banner sign*.

(Ord. No. 2145-07, § 4, 11-26-07)

Novelty and curio shop means a retail establishment specializing in items valued for its oddness or rareness and sometimes valued as a collector's item.

Nuisance species means plant species which have the potential to dominate disturbed or created mitigation areas and form large vegetative colonies (e.g., cattail, spatterdock, Carolina willow). These species can be native to the geographical area.

Number. Words in the singular shall include the plural and words in the plural shall include the singular.

Nursing home means an extended or intermediate care state licensed facility approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Occupiable space means the gross area of a building excluding parking areas and vehicle access thereto and storage space.

Office, business or professional, means an establishment used for the provision of advice, information, or consultation of a professional nature, including, but not limited to, medical, veterinary, insurance, real estate, banking, and financial services, executive management and administrative services, but excluding as a principal use commercial storage of goods for the purpose of sale.

(Ord. No. 1904-02, 12-9-02)

Office equipment and supplies store means an establishment primarily engaged in one or more of the following:

- (1) Retailing new stationery, school supplies, and office supplies;
- (2) Retailing a combination of new office equipment, furniture, and supplies; and
- (3) Retailing new office equipment, furniture, and supplies in combination with selling new computers.

Office, low-intensity medical, means an establishment used by licensed acupuncturists, chiropractors, clinical social workers, marriage and family therapists, occupational therapists, optometrists, physical therapists, psychologists, and psychiatrists or similar medical professionals. These medical professionals serve a narrower client base, tend to require appointments, offer one-on-one consultations with clients and tend to have minimal support staff. Because such low-intensity medical services do not demand high parking requirements, generate fewer trips and disperse these trips more evenly throughout the day, fewer parking spaces are required than more intensive medical uses such as clinics and dentists' offices.

Office, medical, means an establishment used for the provision of therapeutic, preventive, or other corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services on an outpatient basis.

(Ord. No. 1904-02, 12-9-02)

Office, veterinary, means an establishment used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those animals in need of medical or surgical attention but not including an outdoor kennel.

(Ord. No. 1904-02, 12-9-02)

Off-premises sign means a sign advertising a business which is not located on the property where the sign is located.

(Ord. No. 2145-07, § 4, 11-26-07)

Open space means an area not occupied by any structures or impervious surfaces. A body of water is considered impervious.

Open and public means a place open to the general public, which includes a place to which the public or a substantial number of the public has access without restriction, including but not limited to highways, streets and sidewalks, transportation facilities, places of amusement, parks, playgrounds, waterways, and the common areas of public buildings and facilities that are generally open or accessible to members of the public without restriction.

Optical store means an establishment primarily engaged in one or more of the following:

- (1) Retailing and fitting prescription eyeglasses and contact lenses;
- (2) Retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; and
- (3) Selling nonprescription eyeglasses.

Outbuilding means a secondary building, other than a storage shed, located in the rear yard of the principal building.

Outdoor area means an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above. (As referenced in chapter 2 - Dog-friendly restaurants.)

(Ord. No. 2216-10, 10-18-10)

Outdoor storage area means an area not within an enclosed building which is used for the outdoor storage of any materials, goods, merchandise or equipment used in conjunction with and ancillary to the primary use on the property.

(Ord. No. 1683-99, 7-26-99)

Outstanding resource wetland means a wetland that is naturally connected to the St. Lucie River, to Poppleton Creek, to Frazier Creek, to Haney Creek, to Krueger Creek, to Willoughby Creek, or to the tributaries thereto. To constitute an outstanding resource wetland, the connection must be natural and not manmade.

Overflow parking means off-street parking which is provided in addition to the number of off-street parking spaces required for specific uses which occur on a development site as required by section 6.03.00, Parking, of this Code.

(Ord. No. 1678-99, 6-28-99)

Pain management clinic or clinic means the same as the definition found in F.S. § 458.3265(1)(a) (2012), as may be amended from time to time. Such definition shall not include any of the following:

1. A clinic that is licensed as a facility pursuant to chapter 395; or
2. A majority of the physicians who provide services in the clinic primarily provide surgical services; or
3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50,000,000.00; or
4. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows; or
5. The clinic does not prescribe controlled substances for the treatment of pain; or
6. The clinic is owned by a corporate entity exempt from federal taxation under 26 USC 501(c)(3); or
7. The clinic is wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or
8. The clinic is wholly owned and operated by a physician multispecialty practice where one or more board-eligible or board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes.

(Ord. No. 2212-10, 9-13-10)

Painted wall sign means a sign applied with paint or similar substance on the face of a wall.

(Ord. No. 2145-07, § 4, 11-26-07)

Parapet wall means a wall which serves as a guard at the edge of a balcony or roof. A parapet shall not exceed 24 inches in height, provided, however, a greater height of up to ten feet may be permitted by the city development director if necessary to conceal rooftop utilities such as stairway and elevator bulkheads and other roof equipment. No height of greater than 24 inches shall be permitted for more than 40 percent of any facade of a building. A parapet wall shall be designed to be consistent and compatible with the design and treatment of the facade of the structure.

(Ord. No. 1841-02, § 2, 6-10-02; Ord. No. 1979, § 1, 6-28-04)

Parcel. See "Lot."

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Parking intensive vessel slip means a location where a vessel is docked at a facility and inhabited by a person or persons for five consecutive days or a total of ten days within a 30-day period.

Parking lot means all private or government provided public property used for off-street parking, vehicular aisles and accessways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.

Parking garage means a private or government provided public structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. Notwithstanding the four story limit provided for in section 1.04.02, a parking garage, as defined herein, may be built without regard to the number of stories provided all Florida Building Code and Life Safety Code requirements are met and the structure does not exceed 45 feet in height to the top surface of the uppermost roof deck, which may be used for parking.

Party means the petitioner, the city and any affected person who files a notice of intent to be a party as provided in this article.

Patron means the same as guest as provided in F.S. § 509.013. (As referenced in chapter 2 - Dog-friendly restaurants.)

(Ord. No. 2216-10, 10-18-10)

Personal use means the possession, purchase, or use of marijuana products or marijuana accessories by an adult 21 years of age or older for non-medical personal consumption by smoking, ingestion, or otherwise.

Pervious concrete means a concrete paving surface designed to permit the percolation of a percentage of stormwater through its surface. Pervious concrete may receive a credit towards impervious surface coverage if it is installed and maintained according to manufacturer's specifications and this Code.

Petition means an application made by a petitioner to initiate a quasi-judicial proceeding.

Petitioner means the individual, corporation or other entity which files a petition.

Pharmacy means the same as the definition in F.S. § 465.003 (2012), as may be amended from time to time, and includes community pharmacy, internet pharmacy, and special pharmacy, but does not include institutional pharmacy or nuclear pharmacy, as each of those terms are used in that section.

(Ord. No. 2212-10, 9-13-10)

Photo supplies and studios means a facility primarily engaged in the retail sale, lease, and service of photography equipment and supplies, including limited on-site processing or development. This also includes establishments known as portrait studios primarily engaged in providing still, video, or digital portrait photography services.

Physician means a person who is licensed to practice medicine in Florida.

Physician certification means a written document signed by a physician, stating that in the physician's professional opinion, the patient suffers from a debilitating medical condition, that the medical use of marijuana

would likely outweigh the potential health risks for the patient, and for how long the physician recommends the medical use of marijuana for the patient. A physician certification may only be provided after the physician has conducted a physical examination and a full assessment of the medical history of the patient. In order for a physician certification to be issued to a minor, a parent or legal guardian of the minor must consent in writing.

Place of public assembly means a place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other entertainment events, including stadiums, convention centers, coliseums, athletic centers, concert halls, amphitheaters, and arenas.

Plan document means a verbal or graphic depiction or both verbal and graphic depictions (specifications and/or drawings) of a proposed or completed development, and includes concept plans, site plans, sketch plans and plats as may be appropriate for the proposal.

Planned unit development (PUD) means

- (a) Is land under unified control, planned and developed as a whole, a single development operation or an approved programmed series of development operations by multiple developers.
- (b) Includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.
- (c) Is ultimately developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, an elevation for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings.
- (d) Is ultimately developed according to an officially approved final development plan which does not necessarily correspond to property zoning district in which the property was previously or would otherwise be placed.

Point of purchase sign means any structure, device, display board, screen, surface or wall with characters, letters or illustrations placed thereto, thereon or thereunder by any method or means whatsoever, where the matter displayed is used for advertising on the premises a product actually or actively offered for sale or rent or services rendered thereon.

Pole sign means any sign erected upon a pole or poles with the exception of freestanding signs or billboards and which is wholly or partially independent of any building for support.

(Ord. No. 2145-07, § 4, 11-26-07)

Political sign means any advertising structure or banner used in connection with a local, state or national election campaign, or other political activities.

Pool hall and billiard parlor means a primary commercial entertainment land use containing one or more pool or billiard tables.

Porch means an open, roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building which exists without window sash or any other form of permanent enclosure other than the exterior wall of the attached building. Open mesh screening with a roof impervious to weather shall not be considered an enclosure. See *Screened porch*.

(Ord. No. 1720-00, 3-27-00)

Porch means an open-air roofed structure attached to the exterior wall of a building, supported by columns or piers, located along the facade of a building at any level, and enclosed by a low railing or other retaining device, when necessary for safety purposes (as referenced in chapter 3.)

Portable sign means any sign designed to be easily moved, such as a sidewalk or sandwich boards sign, and is not permanently affixed to the ground or to a building.

(Ord. No. 2145-07, § 4, 11-26-07)

Porte-cochere means a covered structure attached to and part of the principal building used to provide a sheltered loading area for the automobile and its occupants. Porte-cocheres may carry a second story of habitable space. A porte-cochere is considered a part of the building and may count as parking.

Practicable means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. In order to be practicable, an alternative must be both available to the permit applicant and capable of fulfilling the overall project purpose.

Preliminary development order means one of the following: rezoning; conditional use approvals; and preliminary plat approval.

Preserve area means that portion of a property in which no development activity is permitted and has been set aside to satisfy the native habitat and wetland protection requirements.

Preserve area maintenance plan (PAMP) means a document required of all applicants for site plan approval on sites which contain native habitat preserve areas (upland and wetland). The preserve area maintenance plan shall include provisions for the protection, maintenance, and monitoring requirements of preserve areas prior to, during and subsequent to, completion of the approved development, pursuant to section 5.04.03.

Primary facade means any facade which is visible from public right-of-way.

(Ord. No. 1678-99, 6-28-99)

Principal building (or structure) means a building in which is conducted the principal use of the property on which such building is located.

Principal use means the main use of a lot or structure, as distinguished from an accessory use.

Principally above ground means that at least 51 percent of the actual cash value of the structure is above ground. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Program deficiency means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Projecting sign means a sign which is attached at a right angle to the outside wall of the building.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Prop roots means the structures originating below the lowest limbs of red mangroves, which are also known as stilt roots.

Protected environmentally sensitive area means an environmentally sensitive area designated for protection in the conservation element of the Stuart Comprehensive Plan and in accordance with chapter V, Resource Protection, of this Code.

Protective barrier means a physical structure limiting access to a protected area, composed of wooden or other suitable materials which assures compliance with the intent of this chapter.

Public approved means Indicates acceptance by a majority vote of the city commission.

Public art means an artistic work that is an expression of a historic person, place or event or an expression of an important local theme that is represented in good taste and craftsmanship. The work may be a fountain, mural, sculpture, painting or other generally acceptable art form as directed by the community redevelopment board. The work must be original, not reproducible, and must be created individually by an artist or team of artists. Public art may be displayed in a public venue including public lobbies as approved by the community redevelopment board.

Public art location means a location accessible to the general public or is clearly visible to the general public from another public space such as city park or public right-of-way.

Public courtyard means a landscaped space or plaza on private property that has at least one side open to a public street, and is intended for public use. Building facades that face onto a public courtyard are subject to the same requirements as if facing a street.

Public facilities and services means those covered by the City of Stuart Comprehensive Plan required by F.S. § 163.3177, and for which levels of service standards must be adopted pursuant to F.S. § 163.3180. These are: roads, sanitary sewer, schools, solid waste, drainage, potable water, and parks and recreation.

Public food service establishment means the same as the meaning given it by F.S. § 509.013. (As referenced in chapter 2 - Dog-friendly restaurants.)

(Ord. No. 2216-10, 10-18-10)

Public parks means any and all outdoor and covered grounds and facilities owned, operated or designed by the city for the purpose of recreational, sports or leisure activities.

Public safety and nuisance means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Public service planned unit development (PSPUD) means an alternative means of development and an alternative zoning procedure for predominately public service purposes, in accordance with section 2.07.00.F and with the planning and development objectives of the city.

Public utility means and includes, but is not limited to, telephone, electric, and cable television lines, poles, equipment, and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations, stormwater systems, telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

Publicly dedicated means meeting the following criteria:

1. Be in compliance with standards for the facility/service in question as adopted by the city; and
2. Having ownership of the facility/service transferred to the city through a legal instrument approved by the city attorney.

Publicly maintained means this term means that the city shall responsible the facility/service for a period of time as stipulated by the city commission or by any applicable service agreement.

Pylon sign means an advertising structure projecting from the wall or extending over the roof of any building comprising a framework and display surface, the structural members of which are an integral part of the building upon which such sign is erected.

Qualifying patient means a person who has been diagnosed to have a debilitating medical condition, who has a physician certification and a valid qualifying patient identification card. If the Department does not begin issuing identification cards within nine (9) months after the effective date of this section, then a valid physician certification will serve as a patient identification card in order to allow a person to become a “qualifying patient” until the Department begins issuing identification cards.

Quasi-judicial matter means a matter which involves the application of a land use standard established by local law to specific real property and its impact upon the owners, residents and other occupants thereof and upon

other affected persons, and includes, but is not limited to, a site specific land use amendment or rezoning, a major development site plan review, a variance, a conditional use approval and a plat review.

Quasi-judicial proceeding means the process which comports with constitutional due process requirements whereby a board adjudicates the private rights of the parties thereto in a quasi-judicial matter.

Radio and/or television broadcast stations means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

Railroad freight station/terminal means a heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

Rain sensor device means a low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Real estate sign means any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease.

(Ord. No. 2145-07, § 4, 11-26-07)

Recreational marijuana means any and all non-medical marijuana products manufactured, distributed, possessed, and sold at retail for personal use.

Recreational vehicle means a vehicle, including a park trailer, which is [see F.S. § 320.01]:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Registered landscape architect means a person who holds a license to practice landscape architecture as defined in and in accordance with F.S. ch. 481.

Religious institution means a building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Remove or removal means the actual removal by digging up or cutting down, or the effective removal through damage or other means.

Remove or removal means actual or effective removal through killing, damaging or destroying of any trees which are not exempt trees (as referenced in chapter 6).

Renovation means work which changes or modifies the original size, location, materials or exterior finish of the components of a building. The change may include expansion or upgrading of a building.

Renovation development means a development which includes:

1. Additions to existing buildings or structures totaling 30 percent or more of the total gross floor area of all existing buildings or structures on the site inclusive of any additions made during the previous three years; or
2. Improvements to existing buildings and site improvements consisting of any combination of repairs, reconstruction and alteration to a building or site the cumulative costs of which, according to most current edition of the Marshall and Swift Cost Estimator, equal or exceed 25 percent of the market value of the buildings on the site and site improvements, not including the market value of the land, prior to improvement.

Repair services means establishments within enclosed buildings with no outdoor storage, primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, furniture repair, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Replication means the replacement of a historical building in the original footprint and building envelope using the original facade, materials, and architectural design.

Research facility and scientific laboratories means an establishment which is designed for research, development and testing related to such fields as biological, chemical, pharmaceutical, medical, electrical, transportation, and engineering, providing such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings. Considered an "industrial, low-impact" use.

Residential floor area means the floor space of a building which is used primarily as a dwelling unit for human habitation. A dwelling unit shall contain not less than 450 square feet of gross floor area.

Residential PUD means an alternative means of development and an alternative zoning procedure for predominately residential purposes, in accordance with section 2.07.00.D and with the planning and development objectives of the city.

Residential units combined with non-residential uses means a building containing residential in addition to non-residential uses permitted in the zone.

Restaurant, convenience means an establishment where the principal business is the sale of food and beverages to the customer in a ready-to-consume state where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

Restaurant, general means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation includes one or more of the following:

- As sit-down restaurant where customers, normally provided with an individual menu, are generally served in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
- A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant building.

Restaurants, limited means an establishment intended to serve businesses in the local vicinity with a maximum seating capacity of not more than 30 patrons.

Retail, bulk merchandise means a retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e., "big box" retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry-out goods (e.g., groceries, household, and personal care products).

Retail, department store means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Retail, furniture store means a commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.

Retail, intensive sales and service means shops and stores limited to retail sales of frequently needed convenience items or services typically needed on a recurring basis. This definition includes shops with:

- (1) Limited inventory;
- (2) A household market area in the immediate vicinity;
- (3) A specialized market with customized service demand; or
- (4) A tourist oriented market area in the immediate vicinity.

This definition includes, but is not limited to, the following:

- Art shops/galleries.
- Book and stationary stores.
- Building trade shops with no outside storage.
- Candy and ice cream stores.
- Clothiers.
- Copy services and duplicating services.
- Dog day care.
- Pharmacies.
- Fabric, hobby and handicraft shops.
- Florists.
- Gift shops.
- Hardware stores.
- Interior decorating establishment.
- Jewelry stores.
- Neighborhood retail establishment.

- Newsracks.
- Novelty and curio shops.
- Optical stores.
- Photo supplies and studios.
- Tailors or seamstresses.
- Tobacco shops.
- Shops for making articles of an artisanal use to be sold on the premises, provided such manufacturing is incidental to the retail business or service.

Retail, non-intensive sales and service means a location or building which provides retail sale or rental from the premises of goods and/or services and highway oriented sales and services that generally cater to a market area in excess of three miles, excluding establishments with significant wholesaling, warehousing, outside storage, and distribution functions. Uses include, but are not limited, to the following:

- Appliance stores without major warehousing.
- Farm equipment and supplies sales, without outdoor storage.
- Grocery stores/supermarkets.
- Home improvement centers without major storage areas and manufacturing.
- Office equipment and supplies.

Retail, regional mall means a large commercial development with retail, entertainment, and service uses of a scale and function to serve a regional market, that:

- (i) Has primary and ancillary structures in an integrated development with an overall site plan;
- (ii) Contains at least 50,000 square feet of floor area within the primary structure;
- (iii) Provides vehicular and pedestrian access from ancillary structures within the complex to the primary structure; and
- (iv) Is adjacent and accessible to a major or minor arterial roadway.

Retail, strip shopping center means two or more adjoining business establishments in sequence, the underlying ownership of land and building(s) being in a single entity.

Rezoning means the initial zoning of a parcel or parcels of land within the city as well as a change in the zoning classification of a parcel or parcels of land indicated on the city zoning map.

(Ord. No. 1927-03, § 1, 3-24-03)

Right-of-way means land dedicated, deeded, used, or for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

(Ord. No. 2520-2023, § 1(Exh. A), 10-23-23)

Rigid awning means a unit designed to protect a window or door against sun or weather supported entirely from the walls to which it is attached, constructed of metal, wood, or other approved rigid material and capable of

being securely anchored in that position and being lowered readily and easily within a few minutes time to function as a shutter or to close the protected opening.

Rigid canopy and canopy-shutter means a unit designed to protect a window or door, or a group of windows or doors, against sun or weather supported by the mobile home or building to which it is attached or by separate metal or other rigid columns supported by the ground.

Roadway banner sign means a temporary sign that is constructed with a standard vinyl awning material that drapes above the roadway, attached to city installed poles on both sides of the road.

(Ord. No. 2145-07, § 4, 11-26-07)

Roof peak means the highest point of a pitched roof.

(Ord. No. 1841-02, § 2, 6-10-02)

Roof sign means a sign which projects above the roof line or is located on the roof of the building structure.

(Ord. No. 2145-07, § 4, 11-26-07)

Rooftop dining means the use of a rooftop area by a restaurant for assembly or the consumption of food or beverages. The term "restaurant" shall have the same meaning as set forth in this chapter.

Roominghouse and boardinghouse means any public lodging establishment that may not be classified as a hotel, motel, nontransient apartment, bed and breakfast inn, vacation rental, or transient apartment under this section. A roominghouse includes, but is not limited to, a boardinghouse [F.S. § 509.242(1)(f), as amended from time to time].

Sand dune means naturally occurring accumulations of sand in ridges or mounds landward of the beach. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Sandwich sign. See *Sidewalk sign.*

(Ord. No. 2145-07, § 4, 11-26-07)

Satellite television antenna system means any system of equipment, usually including a dish antenna, designed to receive television, radio and other communication signals, primarily from orbiting satellites. The term does not apply to any community antenna or cable television system that is governed by a separate city franchise.

School means a public, parochial, or private institution of learning for children which offers instruction in those courses of study required by F.S. chs. 1000—1013, or which is maintained pursuant to standards set by the state board of education including a day care facility, nursery school, pre-school, kindergarten, elementary school, middle school, junior high school, senior high school, junior college, college and any special institution of learning under the jurisdiction of the state department of education.

Screened porch means a roofed-over porch, portico, piazza, veranda, or structure attached to a building, at least two exterior walls or facades of which porch is constructed principally of screen or mesh material pervious to air. A screened porch is characterized by the fact that at least two of its sides consist primarily of broad expanses of uncovered screen material through which air circulates freely, and visibility is not significantly impeded.

(Ord. No. 1720-00, 3-27-00)

Search light means any intensified light used for identification, advertising or promotional purposes.

Secretary of the board means the city clerk for the city commission, for the planning advisory board and for the board of adjustment, is the employee appointed by the city manager to act in such capacity.

Self-supported or lattice tower means a telecommunications tower that is constructed without guy wires and ground anchors.

S.E. Ocean Boulevard Overlay Zone major conditional use means the granting of relief from the provisions of this Code relating to permitted uses, setbacks, building height, location of parking, location of buildings and structures, conflicts with utilities, historic buildings, and architectural requirements within the S.E. Ocean Boulevard Overlay Zone.

Setback means the minimum required front yard, side yard, and rear yard distances between a building or structure and the property line. Excluding streetwalls and fences, a setback must be free of structures that are higher than four feet. Any recorded easements that increase the required minimum setback take precedence over the dimensions established in this Code.

Shade tree means a hardwood tree that locally reaches a minimum height of 25 feet at maturity, provides relief from direct sunlight for at least six months of the year and is included in the recommended tree list in the landscape code.

Shall, may. The word "shall" is mandatory; "may" is permissive.

Shooting range, indoor, means a facility, entirely enclosed in a building, designed for the safe discharge of firearms at targets.

Shoreline protection zone means the land adjacent to the shoreline, including the shoreline of, the St. Lucie River and Poppleton Creek, Frazier Creek, Haney Creek, Krueger Creek and Willoughby Creek. Except as otherwise provided in section 5.06.02.B.4, no development shall be permitted within the shoreline protection zone.

Shrub means any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base. Shrubs shall be a minimum of 24 inches in height and have a minimum 12-inch spread or be a three-gallon container size at planting.

Sidewalk sign means a temporary, movable sign, made of metal and/or wood, having not more than two faces, and not permanently attached to the public sidewalk, but stable enough to support its own weight.

(Ord. No. 2145-07, § 4, 11-26-07)

Sign means any device, structure or fixture using graphics, symbols or written copy designed to advertise, or identify an establishment, product, goods or services.

(Ord. No. 2145-07, § 4, 11-26-07)

Sign area means the sign area shall be the area of a rectangle enclosing all lettering, illustrations, ornamentation and logos which form an integral part of the display, or differentiates the display area from the background on which it is placed.

(Ord. No. 2145-07, § 4, 11-26-07)

Signs confusing to vehicular drivers means a sign erected at the intersection of any streets or in any street right-of-way in a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop," "look," "danger," or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular drivers.

(Ord. No. 2206-10, 7-12-10).

Sign manufacturing/painting shops means establishments primarily engaged in manufacturing signs and related displays of all materials.

Significant adverse effect means any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces the zone's beneficial functions as delineated in the conservation element of the Stuart Comprehensive Plan.

Single-family dwelling unit means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Single-family estate means detached housing designed to house one family and to maximize usable open space through the use of adequate building separation, the variance of building setbacks and landscape designed feature, such as courtyards and patios.

Site plan means a plan document providing the detailed and specific arrangement of land and structures including buildings, tenancies or premises, landscape, storm water management, utilities location, paved surfaces, including sidewalks and parking areas, and open space, prepared by a design professional, and complying with the reasonable design criteria contained in appendix C.

Skating rink, roller or ice, means an establishment that provides facilities for participant skating.

Sketch plan means a plan document providing the generalized arrangement of land and structures including buildings, landscape, utilities location, paved surfaces, including sidewalks and parking areas, and complying with the reasonable design criteria contained in appendix D.

Small-scale future land use amendment (FLUA) is defined at F.S. § 163.3187 as the same may be hereafter from time to time. A "small scale" FLUA may be considered at any time by the city without any limit on frequency.
(Ord. No. 1929-03, §1, 3-24-03)

Snipe sign means any sign located in the public right-of-way or placed in the ground for commercial purposes, excluding garage sales, yard sales, homeowners and civic meeting signs.

(Ord. No. 2145-07, § 4, 11-26-07)

Special event banner sign means a sign which announces a special event or function which is of general benefit to the community at large.

(Ord. No. 2145-07, § 4, 11-26-07)

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Special landscape treatment means Landscaping that creates a park-like setting or plaza, opposed to the landscaping requirements normally associated with siting of a development project and has at least one side open to a public street which is intended for public use.

Specialty salon means any place of business wherein the practice of one or all of the following specialties are engaged in or carried on:

- (a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- (b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- (c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.

Species of special status means a species that can be either endangered or threatened as listed by the City of Stuart in the conservation element of the Comprehensive Plan. An endangered species is any species of fish, wildlife or plants which have been designated as such by the Secretary of the U.S. Department of the Interior, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection, or successor agencies. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. A threatened species is one which is likely, within the foreseeable future, to become endangered. A species of special concern is a species which does not clearly fit into the endangered, threatened, or rare categories yet which, for certain reasons, warrants special attention.

Specified anatomical areas means the human genitals, pubic region, anus, anal cleft, buttocks, and that portion of the female breast below the top of the areola.

Specified sexual activities means any sexual act which is prohibited by state statute law as a criminal act, and acts of sexual intercourse, oral and anal copulation, masturbation, flagellation, and the touching, caressing or fondling of breasts, buttocks, anus or genitals, or the simulation of any of the foregoing.

Specimen tree means a Slash Pine which has achieved a DBH of ten inches; or any other tree as referenced in chapter V of this Code which has achieved a DBH of 4.5 inches which is listed on the City of Stuart tree list in this Code; or any other tree which has achieved a DBH of 6 inches which is listed on the City of Stuart flowering tree list; or any other tree which has achieved the lesser of a DBH of ten inches or at least 25 percent of the DBH of a species identified in the Florida Champion Trees of Florida database, maintained by the Forest Service, as amended, excluding all invasive plant species as defined in this chapter.

(Ord. No. 1788-01, § 1, 6-25-01)

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B section 1612.2.] (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

State of Florida means the Department of Environmental Protection and the South Florida Water Management District, as well as any other state agencies, but not including counties.

Stealth telecommunications facility (STF) means any telecommunications facility which is not readily identifiable as a tower and is harmonious, complementary and blends into the proposed site location and surrounding environment as determined by the city development director. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look like light poles, power poles, ball-field lights or trees.

Storage shed means a structure which has a maximum size of 200 square feet of gross floor area and a maximum height of ten feet.

Storage yard means those areas intended for the regular, consistent, or long-term placement, keeping, storage, or location, of any type of industrial, construction, or agricultural machinery, supplies, equipment or vehicles which are not on the premises in connection with a properly allowed project. Such items shall include, but not be limited to, concrete mixers, asphalt and tar heaters, trucks, cranes, tractors, bulldozers, backhoes, scaffolding materials, welding machines, concrete blocks or bricks, cement, lumber, angle iron, and other related items.

Story means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

(Ord. No. 1979-04, § 1, 6-28-04)

Street facade means that facade of a building which is nearest an adjacent street.

(Ord. No. 1678-99, 6-28-99)

Streetwall means an opaque freestanding wall built on the front property line, or on the line of a facade, with the purpose of screening parking from the street. Streetwalls shall be between three and four feet in height without fenestration or architectural opening and four to eight feet in height if grilled windows provide the fenestration. Streetwalls may either be constructed of a material matching the adjacent building or be a continuous, maintained hedge. Streetwalls may have openings to allow automobile and pedestrian access. Landscaping which is irrigated and maintained by the private property owner is required on the public side of the streetwall.

Structure, principal, means a structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which the structure is located.

(Ord. No. 1827-02, § 3, 1-28-02)

Studio (art, dance, music, exercise) means an establishment where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught to four or more persons at a time. Exercise studios shall be limited to those activities such as martial arts, yoga, Pilates, etc., which do not require equipment typical of a health club.

Subdivision means the platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Subdivision entrance sign means an entrance sign identifying the name of the subdivision or residential development.

(Ord. No. 2145-07, § 4, 11-26-07)

Subject property means the real property which is the subject matter of a quasi-judicial proceeding.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(Ord. No. 2303-2015, 2-9-15; Ord. No. 2498-2023, § 1(Exh. A), 2-13-23)

Substantial improvement means any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(Ord. No. 2303-2015, 2-9-15; Ord. No. 2498-2023, § 1(Exh. A), 2-13-23)

Substantial renovation means a development that includes one of the following:

1. Improvements to existing buildings, and site improvements consisting of any combination of repairs, reconstruction and alteration to a building or site the cumulative costs of which, according to the latest edition of the Marshall and Swift Cost Estimator, equal or exceed 50 percent of the assessed value from the Martin County property appraiser. Cumulative cost includes improvement during the previous three years.
2. Additions to existing buildings or structures totaling 50 percent or more of the gross floor area of all existing buildings or structures on the site inclusive of any additions made during the previous three years.

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

Swimming pool (public) means a swimming pool to which the general public has access through the payment of a fee or admission charge.

Swinging projection sign means any sign projecting at an angle from the outside wall of any building, which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.

Swinging sign means a flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.

(Ord. No. 2145-07, § 4, 11-26-07)

Tailor or seamstress means one that makes, repairs, and alters garments such as suits, coats, and dresses.

Tank farm means an open-air facility containing a number of aboveground, large containers for the bulk storage in liquid form of petroleum products.

Telecommunications tower means a guyed tower, monopole tower, or self-supported or lattice tower constructed as a free-standing structure containing one or more antennas used in the provision of personal wireless or other communications services.

Temporary construction storage container means a container or trailer typically carried by a semi-tractor truck, usually constructed of steel, utilizing one door at one end and having no windows, used for the temporary storage of tools, equipment and building materials during construction of a permanent building or structure.

(Ord. No. 1684-99, 7-26-99)

Temporary sign means any sign erected for a limited time period not to exceed six months per year.

(Ord. No. 2206-10, 7-12-10)

Tenant means a person who pays rent to occupy or use, but who acquires no interest in, land, a building, dwelling, or dwelling unit.

(Ord. No. 2145-07, § 4, 11-26-07)

Theater means any structure used for showing motion pictures or live performances, including video and film presentations in conjunction with live performances with a minimum seating capacity of 25.

Threshold wetland means a wetland that is less than one-half acre or is not otherwise regulated by the State of Florida. A threshold wetland is considered to be native vegetation.

Tobacco shop means a tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

Townhouse means an attached dwelling unit not exceeding three stories in height constructed in a group of three or more attached units with property lines separating such units in which each unit extends from the foundation to roof and with a yard or public way on not less than two sides.

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

Trailer sign means an advertising structure mounted on wheels or skids; the entire structure being designated primarily for portable use and constructed for the purpose of advertising, whether licensed or unlicensed as a trailer.

Transplant means the digging up by a property owner or professional contractor of a tree from one place on a property, and the planting of the same tree in another place on the same property.

Tree means any self-supporting, woody plant which normally grows to a minimum height of 15 feet or greater with a mature crown spread of 15 feet or greater and having trunks which can be maintained with over five feet of clear wood. No provision relating to trees in this landscape code shall include invasive plant species.

Tree location map means a current aerial photograph not more than three years old with a minimum scale of one inch = 200 feet that indicates the trunk location of all specimen and historic trees plotted with the common or scientific name and DBH of all such trees.

Tree survey means a survey consisting of field flagging and identification of all historic and specimen trees within the proposed development area of a project. The tree locations shall be tied into a boundary survey of the site. Tree locations in a preserve area and wetland, and any other area that will not be filled or affected by the proposed construction, are not required to be surveyed.

Trellis means an open, lightweight, decorative structure, suitable as a landscaping and architectural element, which can be utilized as a support for vines or other vegetation, intended primarily as a semi-transparent screen or shading device, not as a cover or shelter.

Truck terminal means a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities.

Ultimate right-of-way means the area claimed by the city, county or state as required for a planned road right-of-way within the ensuing five-year period, as reflected in the city's capital improvement program, or the county's or state's five-year roadway plan.

(Ord. No. 2145-07, § 4, 11-26-07)

Under-canopy sign means a sign attached or suspended under the canopy or roof of a walkway.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Unified control means all land included for purposes of development within a planned unit development district owned or under control of the applicant for such designation with a commitment made under present ownership binding future owners to comply with all planned unit development standards and provisions. The applicant may proceed with development only after recording of the subdivision plat, in the case of a parcel of land five or more lots, sites or parcels, or two acres or more in area, and after certification by the city development director that the submitted items above required are in substantial conformance with all documents submitted and approved at the time of zoning to PUD. The applicant must produce evidence that would bind his successors in title to any commitments made upon approval of PUD.

Unified signage plan means a graphic and narrative representation of the signage to be utilized on the site. The unified signage plan shall include colors, construction materials and method, illumination method, copy style, and sign type(s) and location(s). The unified signage plan may be amended and resubmitted for approval to reflect style change or changing tenant needs.

(Ord. No. 2206-10, 7-12-10)

Unit, with respect to mobile homes, means any section or plot of ground for the accommodation of a single mobile home.

Unit, with respect to assisted living facility (ALF), means the area or room within the facility which is designated for the private, personal use and occupancy of specific resident(s), which use shall include, but not be limited to, such functions as sleeping, dressing, or any other functions normally performed in the privacy of a private residence. No more than two persons may occupy a unit at the same time.

Unlawful sign means a sign which does not meet the requirements of this Code and which has not received legal nonconforming status.

(Ord. No. 2145-07, § 4, 11-26-07)

Untrimmed mangrove means a mangrove that has not been trimmed over two successive growing seasons (years).

Urban agriculture means the use of land for the production, distribution and marketing of food. Urban agriculture comprises of community and school gardens; backyard and rooftop horticulture; and other innovative food production methods that maximize production in a small area that may have the ability to supply urban farmers markets and community supported agriculture.

Upland buffer means an area of undisturbed or appropriately managed vegetation surrounding a wetland that will minimize disturbances to the wetland during and after development.

Urban Code District Overlay Zone or urban district means that area of the city which is coterminous with the boundary of the community redevelopment area as established in Ordinance No. 1059 adopted to take effect on May 12, 1986, by the city commission of the City of Stuart, Florida.

Urban Code Subdistrict means that particular subdistrict of the Urban Code District for which a specific set of regulations apply, as described in this Code such as urban center and urban general.

Urban farm means an area of land managed and maintained by an individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale, frequently sold directly to consumers and restaurants. Urban farms may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. It is distinguishable from other types of farming by the diversity of crops grown on a small area of land, typically from under one acre to a few acres, or sometimes in greenhouses grown on site, including, but not limited to, using growing methods such as hydroponics.

Vacant development means a building or buildings which comprise a single development and have remained unoccupied for not less than 365 days, or for which there has been no active occupational license issued for more than 365 days, or for which there has been no active electric, water, or sanitation utility service for more than 365 days.

(Ord. No. 1678-99, 6-28-99)

Value of work of art means the total actual cost to create and install a work of art on a project site as determined by the city development director. The value of the work of art may only include a maximum of 15 percent to artist representatives, gallery dealers or art consultants to assist in the selection and procurement of required art work. Artists representatives, gallery dealers, and art consultants shall have no financial relationship with the artists or any ownership interest in art work purchased by the developer.

Variance means a grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Vehicular sign means a sign placed on vehicles or trailers that are parked in the public right-of-way or on private property for the primary purpose of displaying the sign.

(Ord. No. 2206-10, 7-12-10)

Verified wetland delineation means a determination of the extent of wetlands within a site that has been verified in writing by the State of Florida.

Vertical construction cost means the total actual construction costs, not including planning, surveying, appraisal, legal, architecture, permitting, site preparation or other so-called "soft" development costs, incurred in the construction of a building or buildings on a project site as determined by the city development director.

Via means a pedestrian walkway or passageway, which is located either between two buildings or within an individual building.

Vine means any ornamental plant requiring physical support to grow upwards.

Violation means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Visibility triangle means the area of land described as either of the following:

1. The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; or
2. The triangular area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being 30 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the two other sides.

Vista means a visual corridor at ground level with an unobstructed view from any public right-of-way to the St. Lucie River or its tributaries such as Haney Creek and Frazier Creek.

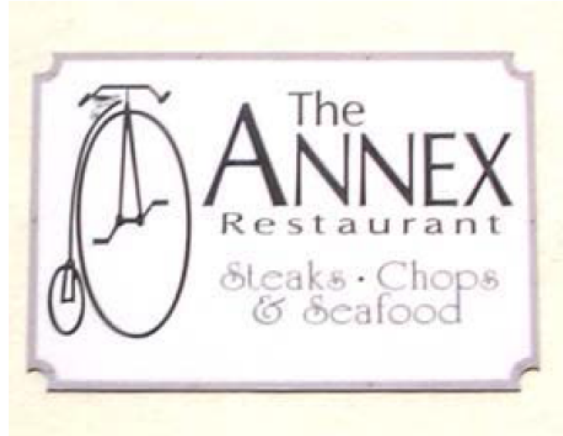
V-shape sign means a sign containing two faces of approximately equal size erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees.

(Ord. No. 2206-10, 7-12-10)

Walk-through facilities means an establishment which sells at retail certain food readily prepared for immediate consumption without facilities and services customarily incidental to a restaurant operation, including, but not limited to, waiter service. "Walk-up business" also means and includes other forms of retail business which are conducted with the customers being situated outside the structure in which the business is located, such as, but not limited to, exterior automatic tellers or exterior walk-up teller (banking) windows and the like; and ice cream or frozen dessert facilities.

Wall sign means a sign painted or attached parallel to the outside of a building.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Warehouse, general storage, means an establishment whose principal use is the bulk storage of merchandise, products, or materials for distribution to other locations operated by the same business or establishment and may have an area within warehouse facility or in adjacent building for commercial and/or retail use, with minor traffic impacts. This type of warehouse shall not include mini-storage. A residence may be located on the premise and occupied only by a caretaker or guard employed on the premises, and his or her family.

Warehouse, mini-storage, means a building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of consumer goods or wares. For purposes of this category, "Dead storage" shall mean the storage of items not used on a day-to-day basis. A residence may be located on the premise and occupied only by a caretaker or guard employed on the premises, and his or her family.

Warehouse, wholesale and distribution, means any building designed, arranged, or used exclusively for the sale or distribution of goods, merchandise and commodities in gross, primarily for purposes of resale of these items. Wholesale sales are generally sold to retailers rather than directly to the consumer, or the products may be sold to industrial or institutional customers.

Waterborne sign means a sign displayed on a vessel plying the waterways, excluding those required by law for the identification of the vessel.

(Ord. No. 2206-10, 7-12-10)

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which waters flow at least periodically. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Watershed means that area that has been identified in studies or adopted plans to drain into the St. Lucie River basin and includes those tributaries of the St. Lucie River being Poppleton Creek, Frazier Creek, Haney Creek, Willoughby Creek and Krueger Creek.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (As referenced in chapter 5 - Floodplain Management.)

(Ord. No. 2303-2015, 2-9-15)

Wayfinder sign means an off-premises sign designed to guide or direct pedestrians or vehicular traffic.

(Ord. No. 2145-07, § 4, 11-26-07)

Wetland means an area that is inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is verified to be a "wetland" by the State of Florida, as defined in F.A.C. ch. 62-340.200(19), as amended from time to time.

Wetland delineation means the process by which wetlands are mapped and located within a project site.

Wetland mitigation means the creation of wetland values and functions to offset direct and indirect development impacts to existing wetlands resulting from a proposed project.

Whip antenna means a cylindrical antenna that transmits in all directions.

Width means a lineal dimension of a site or building measured on a line parallel to the line of the street frontage.

Wind sign means a sign consisting of banners, pennants, ribbons, spinners, streamers, balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by natural or artificial wind.

(Ord. No. 2145-07, § 4, 11-26-07)

Window sign means any sign placed on the inside or outside of any window of any building or door and which is visible from any public right-of-way. This does not include merchandise on display.

Works of art or urban public art or public art or art work or art (as variously used within this Code) means an object or objects created or produced according to aesthetic principles by a professional artist, including, but not limited to, sculptures, fountains, engravings, carvings, murals, collages, mosaics, statues, special landscape treatments and collaborative design projects between architects or landscape architects and artists that may include a public courtyard and/or a special landscape treatment. To constitute a public work of art, the object must be readily visible to the public. Not more than 50 percent of the total art displayed on private property may be interior to a building. Art within a building must be displayed in an unrestricted public venue such as a public lobby and must be accessible to the general public during normal business hours, at least eight hours per day, five days per week.

Written or in writing means and includes any representation of words, letters or figures, whether by printing or otherwise.

Xeriscape landscaping means a set of design and maintenance principles which promote good horticultural practice and the economic and efficient use of water.

Yard means that area which lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Code.

Yard means a building setback area of open space in which no structure of a height greater than four feet may be located except as provided herein. (As referenced in chapter 3.)

Yard, front, means a yard extending between the side lot lines across the portion of a lot adjacent to a street. On corner lots, the front yard shall be provided facing the street on which each lot of record or lots of record involved have their lesser dimension.

Yard, rear, means a yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots.

Yard, side, means a yard extending along the side of a lot between the rear line of the front yard and the rear lot line.

(Ord. No. 1841-02, § 1, 6-10-02; Ord. No. 1872-02, § 1, 10-10-02; Ord. No. 1978-04, § 1, 6-28-04); Ord. No. 2010-05, § 2, 2-14-05; Ord. No. 2014-05, § 1, 2-14-05)

Year means a calendar year, unless otherwise indicated.

Zoning in progress means the city intends to make a text amendment or district map change to the Land Development Code, and apply that change to development applications submitted following the declaration of zoning in progress. Additionally, zoning in progress allows a temporary hold on development orders, permits and licenses already in progress, if there is a pending change in the Land Development Code that would affect the development order, permit or license.

(Ord. No. 2056-05, § 2, 11-28-05)

Zoning in progress period or freeze period means the period of time allowed in the Land Development Code, beginning with public notice of a proposed zoning measure, and continuing through final consideration of such zoning measure by the city commission, plus any applicable appeal periods, or periods tolled by developer postponements, but not longer than permitted in the Land Development Code.

(Ord. No. 2056-05, § 2, 11-28-05)

Exhibit F

Chapter 30 PARKS AND RECREATIONAL AREAS¹

Sec. 30-1. Definitions.

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

Parks and recreational areas means any and all outdoor and covered grounds and facilities owned, operated or designed by the city for the purpose of recreational, sports or leisure activities.

Pier means any public dock or walkway constructed on or over the waterways of the city extending from a riverwalk generally toward the center or thread of the waterway.

Public grounds means any and all real property owned or maintained by the city except riverwalks, piers, and parks and recreational areas.

Riverwalks means any pedestrian walkway constructed or maintained by the city running over or along its waterways.

Smoking means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted tobacco product or inhaling, heating or igniting a vapor-generating electronic device which creates a vapor of liquid nicotine or other substances mixed with propylene glycol which can be inhaled in simulation of smoking.

Vapor-generating electronic device means any product that employs an electronic, chemical, or mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vapor product, e-hookahs or other similar device or product, any replacement cartridge for such device; and any other container of nicotine in a solution or other substance form intended to be used with or within an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, a vape pen, an electronic hookah, or other similar device or product. The term includes any component, part or accessory of the device and also includes substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine.

(Code 1981, § 11.5-2; Code 1995, § 58-2)

Sec. 30-2. Promulgation and enforcement of rules; approval by resolution.

- (a) Upon approval by resolution of the city commission, the city manager is hereby empowered and authorized to adopt, promulgate and enforce reasonable rules and regulations which shall apply to city parks and recreational facilities regarding the following matters:

¹State law reference(s)—Recreation, F.S. ch. 418.

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- (1) The designation of parking spots for city parks and recreational facilities;
 - (2) Restrictions on parking at city parks and recreational facilities;
 - (3) The designation of reasonable areas and hours for the temporary use of city parks and recreational facilities by specific, identifiable age groups;
 - (4) The hours of operation of city parks and recreational facilities;
 - (5) The granting of exceptions from such rules under appropriate circumstances.
- (b) All rules and regulations promulgated and adopted pursuant to this article shall, in order to be effective, be posted in a conspicuous place in the area where they are intended to be effective.
- (Code 1981, § 2-110; Code 1995, § 58-26)

Sec. 30-3. Restrictions and regulations of parks and recreational areas.

- (a) *Prohibited conduct; unlawful acts.* No person shall:
- (1) Use profane, obscene or threatening language or conduct within the park or recreational area which unreasonably interferes with the use of the park or recreational area by others.
 - (2) Smoke any substance, including the use of vapor-generating electronic device, as defined in F.S. § 386.203(15), at any location within the incorporated area of the city at which smoking and vaping are prohibited under F.S. ch. 386, or in city buildings where prohibited by designated signs posted by the city manager or his designee or within any city parks and recreational areas, or within 50 feet thereof.
 - (3) Knowingly interfere with, encumber, obstruct or render dangerous any part of a park.
 - (4) Enter or leave any park facility by motor vehicle except at established entranceways or exits, or at established times except as provided in subsection (a)(18) of this section.
 - (5) Use an electronic public address system or other mechanical sound amplification devices, including radios and electronic sound reproduction equipment of any kind, at such a high volume level as to unreasonably interfere with the use and enjoyment by others of the park or recreational area.
 - (6) Set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or suffer any fire upon land to extend into park lands; or go upon any prohibited lawn, grass plot or planted area.
 - (7) Possess, consume or serve any alcoholic or intoxicating beverages in any park and recreational areas therein except for special events for which a city permit has been obtained pursuant to the application procedures set forth in section 30-6.
 - (8) Be permitted in park administrative offices unless authorized by the city employee in charge.
 - (9) Build fires except on cooking grills or self-contained cooking units in specified areas in any park.
 - (10) Fish from any shore area or riverbank within any park or recreational area wherein such fishing is prohibited by designated signs.
 - (11) Cause or permit a dog or other domestic animal to enter park areas unless such pet is maintained on a leash not to exceed six feet.
 - (12) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash anywhere on park grounds other than in proper receptacles provided therefor, and no such refuse or trash shall be placed in any waters in, or contiguous to, any park or beach area. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

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- (13) Picnic in any area of any park or recreational area wherein such picnicking is prohibited by designated signs.
- (14) Drive any unauthorized motor vehicle on any area within any park or recreational area except designated park roads or parking areas; park any motor vehicle that is not authorized by the city manager in any area other than an established or designated parking area; park any motor vehicle that is not authorized by the city manager in any park or park area from 12:00 midnight to 6:00 a.m., except as provided in subsection (a)(18) of this section.
- (15) Ride a bicycle on other than a designated vehicular road or path designated for that purpose; leave a bicycle in any place other than a bicycle rack when such is provided, or leave a bicycle lying on the ground or paving or any place or position so as to present any obstruction to pedestrian or vehicular traffic.
- (16) Operate a concession; sell, peddle, solicit, sell in any park without written prior approval of the city manager or his designee.
- (17) Bed down or sleep in any park or recreational area including any parking area; nor shall camper trucks, buses or trailers be permitted to remain in such parking area between the hours of 12:00 midnight and 6:00 a.m. except as provided in subsection (a)(18) of this section.
- (18) Post notices except in designated areas.
- (b) *Exceptions to subsection (a)(4) and (a)(14) of this section.* Prohibitions and regulations as to parking and driving vehicles within any park or recreational area as set forth in subsections (a)(4) and (a)(14) of this section shall not apply to the easternmost parking lot at Shepard Park adjacent to the city boat ramp except motor vehicles, trailers or both parked in the easternmost lot shall not be continuously so parked for more than 48 hours for each succeeding five-day period.
- (c) *Signage.* The city manager is hereby empowered and authorized to regulate the use of parks and recreational areas within the context of this article by erecting or placing signs regulating such use and hours of use. The existence of such signs at any place within the city shall be prima facie evidence that such signs were erected or placed with the authority of the city manager.
- (d) *Violations.*
- (1) Violations of subsections (a)(1), (a)(6), (a)(7) and (a)(17) of this section are punishable as provided in subsection (e)(1) of this section.
- (2) Violations of subsections (a)(2) through (a)(5), (a)(8) through (a)(16), (a)(18) and (a)(19) of this section are punishable as provided in subsection (e)(2) of this section.
- (e) *Penalties.*
- (1) Unless otherwise specifically stated in this section, violation of any of the regulations enumerated in subsection (d)(1) of this section shall be punishable by a fine not exceeding \$500.00 or imprisonment not exceeding 60 days, or both.
- (2) Unless otherwise specifically stated in this section, violation of any of the regulations enumerated in subsection (d)(2) of this section shall be punishable by a fine in the amount of \$25.00 if the same is paid to the city clerk within 15 calendar days of the issuance of a notice of violation, provided however that the violation causes no physical damage in excess of \$10.00 to city property, then it shall be prosecuted in the same manner with the same penalties as one who ignores a notice and fails to pay as next set forth. Any person who ignores a notice of violation served hereunder, and fails to pay within the 15 calendar days, shall be subject to a fine of not less than \$50.00 and not to exceed \$300.00 including court costs as may be awarded, or imprisonment not to exceed five days or the accumulation of fine, costs and imprisonment.

(f) *Parental liability.* Parents shall be held liable for the conduct of their minor children.

(Code 1981, § 11.5-3; Code 1995, § 58-27)

Sec. 30-4. City piers and riverwalks.

(a) *Prohibited conduct; unlawful acts.* No person shall:

- (1) Dive or jump from piers or riverwalks.
- (2) Bring or allow pets of any kind on piers unless the pets are maintained on leashes not to exceed six feet.
- (3) Possess, consume or serve any alcoholic or intoxicating beverage on or under piers or riverwalks except for special events for which a city permit has been obtained pursuant to the application procedures set forth in section 30-6.
- (4) Use railings or benches on piers or riverwalks for cleaning or cutting bait or fish.
- (5) Fish with more than two lines or poles at one time on piers or riverwalks.
- (6) Bed down or sleep on or under the piers or riverwalks.
- (7) Use profane, obscene or threatening language or conduct on or beneath any pier or riverwalk area which unreasonably interferes with the use of the piers or riverwalks by others.
- (8) Litter the piers, riverwalks or surrounding areas.
- (9) Post notices except in designated areas.
- (10) Push, propel or ride bicycles, scooters, skates or skateboards on piers or riverwalks.
- (11) Use traps, nets, seines or other trapping or netting devices on the piers except where specifically designated by the city manager as allowable.
- (12) Operate a concession; peddle, solicit, sell any articles or merchandise in any park without the prior, written approval of the city manager or his designee.

(b) *Signage.* The city manager is empowered and authorized to regulate the safe use of piers and riverwalks within the context of this article by erecting or placing signs regulating such use and the hours of use. The existence of such signs at any place within the city shall be prima facie evidence that such signs were erected or placed with the authority of the city manager.

(c) *Violations and penalties.*

- (1) Violations of subsections (a)(3), (a)(6) and (a)(7) of this section are punishable as provided in section 30-3(e)(1).
- (2) Violations of subsections (a)(1), (a)(2), (a)(4), (a)(5) and (a)(8) through (a)(12) of this section are punishable as provided in section 30-3(e)(2).

(d) *Parental liability.* Parents shall be held liable for the conduct of their minor children.

(Code 1981, § 11.5-4; Code 1995, § 58-28)

Sec. 30-5. Certain conduct on public grounds.

(a) *Prohibited conduct; unlawful acts.* No person shall:

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- (1) Use profane, obscene or threatening language or conduct on public grounds, which unreasonably interferes with the use of the public grounds by others.
 - (2) Use an electronic public address system or other mechanical sound amplification devices, including radios and electronic sound reproduction equipment of any kind, at such a high volume level as to unreasonably interfere with the use and enjoyment by others of the park or recreational area.
 - (3) Bed down or sleep on public grounds.
 - (4) Possess, consume or serve any alcoholic or intoxicating beverage on public grounds except for special events for which a city permit has been obtained pursuant to the application procedures set forth in section 30-6.
 - (5) Post notices except in designated areas.
- (b) *Signage.* The city manager is empowered and authorized to regulate the safe use of public grounds within the context of this article by erecting or placing signs regulating such use and the hours of use. The existence of such signs at any place within the city shall be prima facie evidence such signs were erected or placed with the authority of the city manager.
- (c) *Violations and penalties.*
- (1) Violations of subsections (a)(1), (a)(3) and (a)(4) of this section are punishable as provided in section 30-3(e)(1).
 - (2) Violations of subsections (a)(2) and (a)(5) of this section are punishable as provided in section 30-3(e)(2).
- (d) *Parental liability.* Parents shall be held liable for the conduct of their minor children.
- (Code 1981, § 11.5-5; Code 1995, § 58-29)

Sec. 30-6. Park events; permit required.

- (a) No person shall sponsor or conduct a special event, as that term is used in section 36-61, in any public park or recreation facility, for any purpose whatsoever, without first applying for and receiving a written permit from the city manager, as provided in sections 36-62 and 36-63, code, except as provided in subsections (b) and (c) of this section.
- (b) The provisions of subsection (a) of this section shall not apply to the rental or use of park or recreation facilities for a special event that:
 - (1) Is wholly within a park or recreation facility;
 - (2) Will not occupy more than 50 percent of the area of the park or facility;
 - (3) Is scheduled for no more than six hours; and
 - (4) Is not repetitive or conducted as a series of events.
- (c) The provisions of subsection (a) of this section shall not apply to organized sporting leagues, classes of instruction, or city events that are conducted wholly within a city park or recreation facility, and approved by the city parks and recreation director.
- (d) Special events as described in subsection (b) of this section shall be subject to the reasonable rules, regulations, permits and fees established by the city manager for the rental and use of city parks and recreation facilities; and no person shall use a city park or recreation facility for such an event without obtaining a permit therefor from the city parks and recreation director.

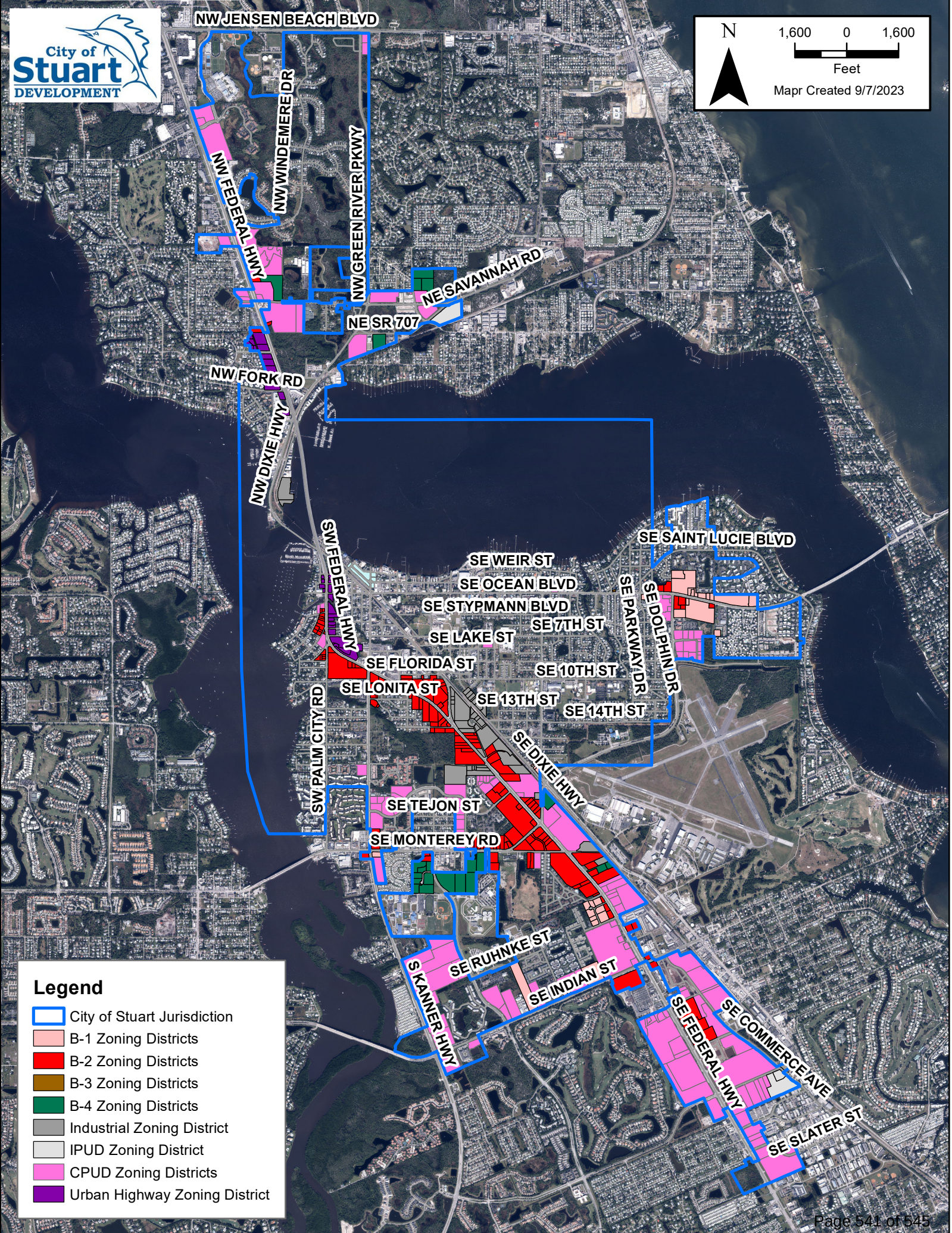
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- (e) All applicants for special events occurring in the city's parks and recreation, including those in subsections (c) and (d) of this section, shall comply with the regulatory provisions of chapter 36, article II, pertaining to special events.

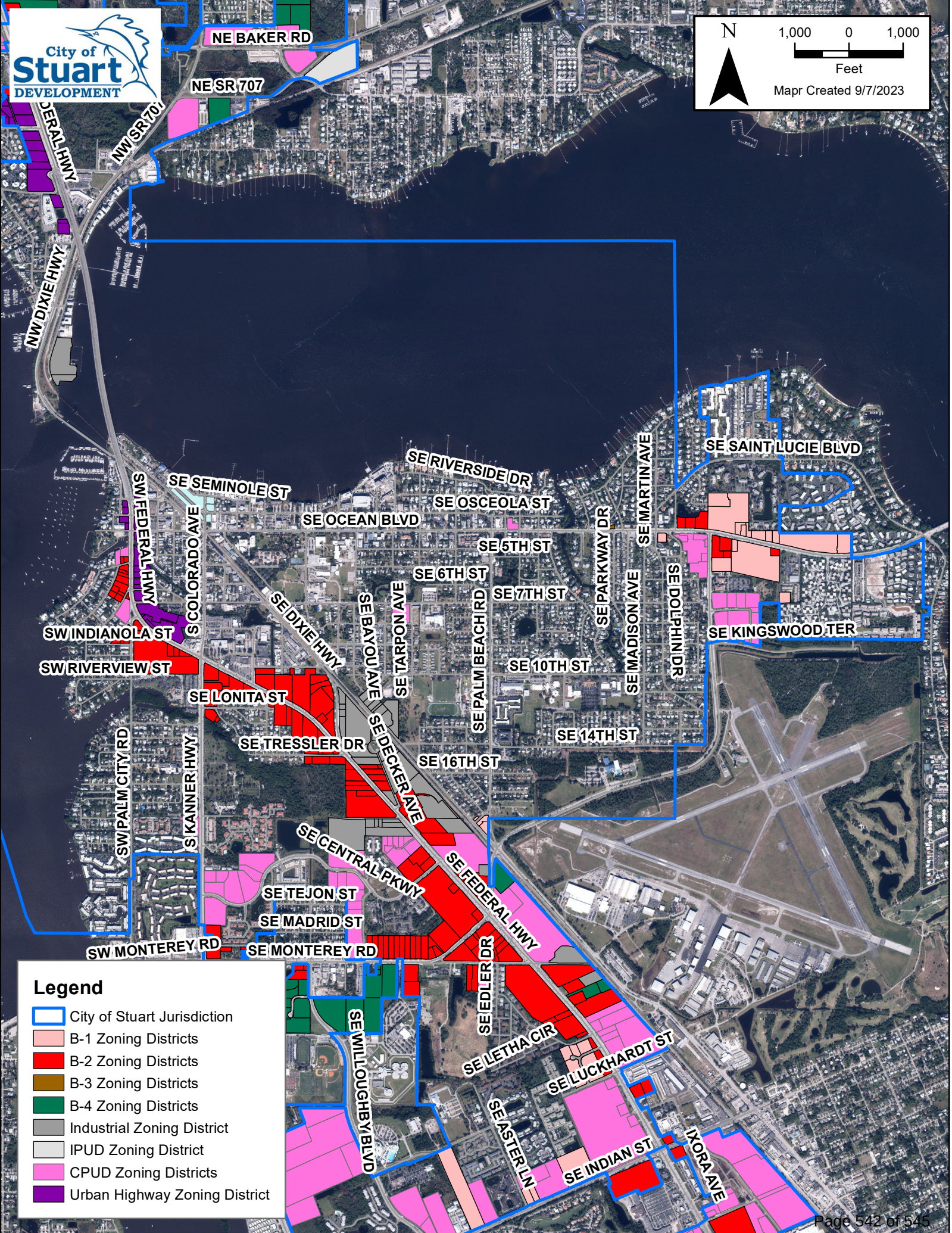
(Code 1981, § 11.5-6; Code 1995, § 58-30; Ord. No. 2180-09, § 1(58-30), 5-11-2009)

DRAFT

Legend

-  City of Stuart Jurisdiction
-  B-1 Zoning Districts
-  B-2 Zoning Districts
-  B-3 Zoning Districts
-  B-4 Zoning Districts
-  Industrial Zoning District
-  IPUD Zoning District
-  CPUD Zoning Districts
-  Urban Highway Zoning District





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Legend

City of Stuart Jurisdiction

B-1 Zoning Districts

B-2 Zoning Districts

B-3 Zoning Districts

B-4 Zoning Districts

Industrial Zoning District

IPUD Zoning District

CPUD Zoning Districts

Urban Highway Zoning District

NW JENSEN BEACH BLVD

NW BRITT RD

NW FRESCOWAY

NW WINDEMERE DR

NW FEDERAL HWY

NW GREEN RIVER PKWY

NW BAKER RD

NE BAKER RD

NE SAVANNAH RD

NE SR 707

NW SR 707

NW FORK RD

NW DIXIE HWY

SW FEDERAL HWY

SE SEMINOLE ST

SE OCEAN BLVD

SE RIVERSIDE DR

SE OSCEOLA ST

SE 5TH ST

SE 6TH ST

SE 7TH ST

SE 9TH ST

SE 10TH ST

SE 13TH ST

SE 14TH ST

SE 16TH ST

SE FEDERAL HWY

SE VILLAS ST

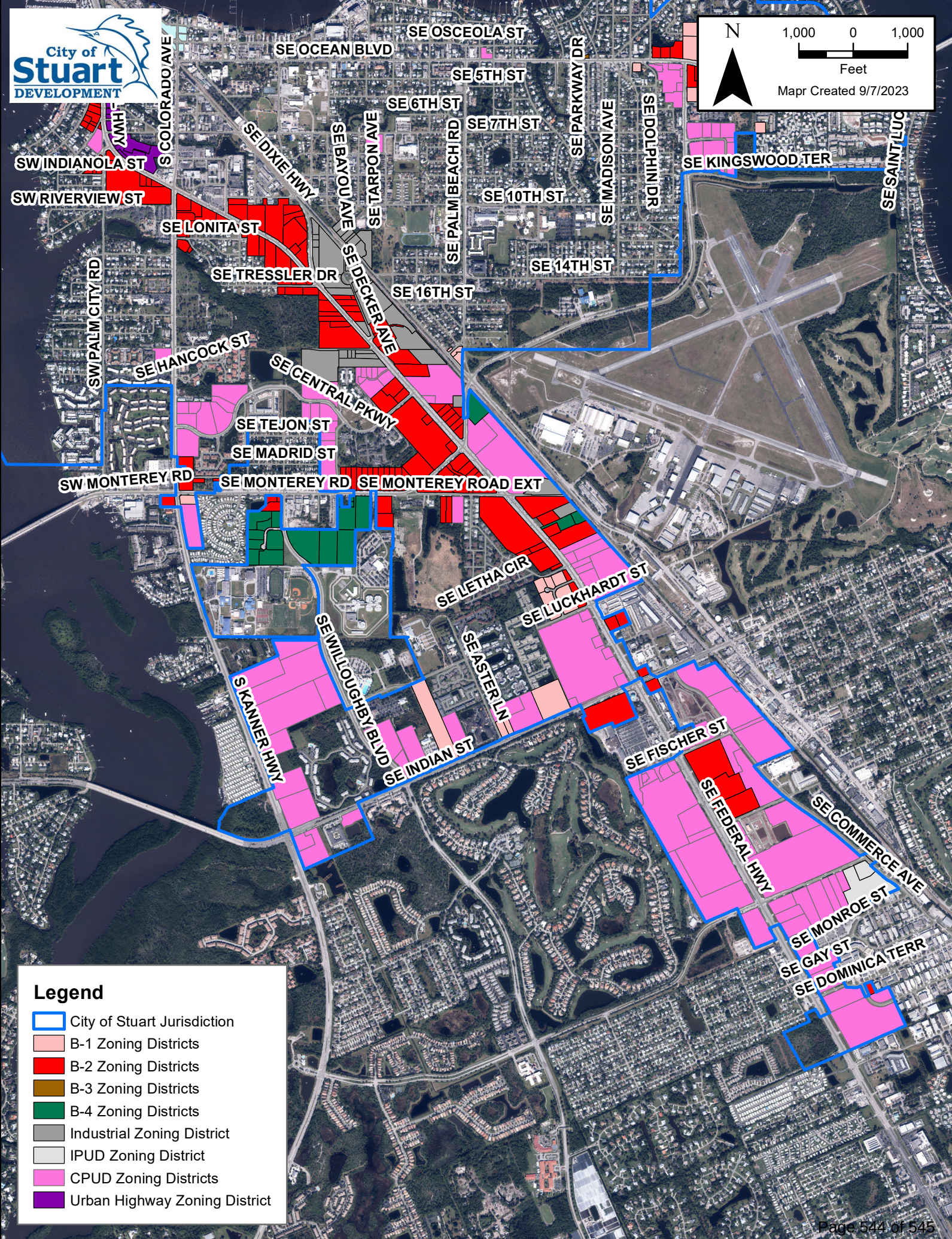
SE BAYOU AVE

SE TARPON AVE

SE PARKWAY DR

Legend

- City of Stuart Jurisdiction
- B-2 Zoning Districts
- B-3 Zoning Districts
- B-4 Zoning Districts
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Legend

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- B-4 Zoning Districts
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- IPUD Zoning District
- CPUD Zoning Districts
- Urban Highway Zoning District

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

Meeting Date: 9/23/2024

Prepared by: Michael Mortell

Title of Item:

BRIGHTLINE RESPONSE TO RFP DISCUSSION

Summary Explanation/Background Information on Agenda Request:

During City Manager comments at the City Commission meeting on September 16, 2024, the City Commission authorized an agenda item to further discuss the City of Stuart's participation in the response to the RFP published by Brightline Trains. The City Manager will provide a short presentation regarding the background related to the 2018 agreement between Martin County and Brightline; the Request for Proposals published by Brightline; the joint response submitted by the City and Martin County and the December Interlocal Agreement between the City and the County.

Funding Source:

Not applicable

Recommended Action:

Discuss and deliberate.

ATTACHMENTS: