



AGENDA

COMMUNITY REDEVELOPMENT BOARD

OCTOBER 1, 2024

AT 4:00 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT BOARD

Chair - Tom Campenni

Vice Chair - Mark Brechbill

Board Member - Aaron Hawkins

Board Member - Frank McChrystal

Board Member - Bonnie Moser

Board Member - Andy Noble

Board Member - VACANT

ADMINISTRATIVE

CRA Executive Director - Pinal Gandhi-Savdas

Board Secretary - Susej T. Meleqi

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

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

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

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

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 09/03/2024 CRB MINUTES

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

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. 710 MARTIN LUTHER KING BOULEVARD - MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT (RC):

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 MARTIN LUTHER KING BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FOR MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY ONLY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. 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.

4. DISCUSSION & DELIBERATION ON BUSINESS IMPROVEMENT REIMBURSEMENT GRANT PROGRAM GUIDELINES

5. DISCUSSION & DELIBERATION ON COMMERCIAL LANDSCAPE IMPROVEMENT REIMBURSEMENT GRANT PROGRAM GUIDELINES

STAFF UPDATE

ADJOURNMENT

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

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

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

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

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

Meeting Date: 10/1/2024

Prepared by:

Title of Item:

APPROVAL OF 09/03/2024 CRB MINUTES

Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

ATTACHMENTS:

1. 09/03/2024 CRB Minutes

**MINUTES
COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART
SEPTEMBER 3, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

COMMUNITY REDEVELOPMENT BOARD

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

ADMINISTRATIVE

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

CALL TO ORDER

4:00 PM

ROLL CALL

PRESENT: Vice Chair Brechbill, Board Member Hawkins, Board Member McChrystal, and Board Member Moser
ABSENT: Chair Campenni and Board Member Noble

PLEDGE OF ALLEGIANCE

***** RECESS 4:05 PM *****

(Recess called to wait for additional board members to meet meeting quorum.)

*****RECONVENED 4:07 PM *****

APPROVAL OF AGENDA

**4:08 PM MOTION: Approve.
MOVED BY: Bonnie Moser
SECONDED BY: Frank McChrystal
Motion approved unanimously.**

APPROVAL OF MINUTES

1. APPROVAL OF 08/06/2024 CRB MINUTES

4:08 PM MOTION: Approve.

MOVED BY: Board Member Moser

SECONDED BY: Board Member McChrystal

Motion approved unanimously.

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

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

2. SW DIXIE HIGHWAY STREETScape IMPROVEMENTS CONCEPTUAL PLAN (RC):

RESOLUTION No. 74-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING CONCEPTUAL DESIGN FOR SW DIXIE HIGHWAY STREETScape IMPROVEMENTS FROM SW JOAN JEFFERSON WAY TO S COLORADO AVENUE/SE OCEAN BOULEVARD AND SAFETY IMPROVEMENTS WITHIN THE TRIANGLE DISTRICT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Pinal Gandhi-Savdas, CRA Director, opened the presentation and introduced Mr. Joe Capra, Captec Engineering, who presented the plan to the board.

Board Member Moser commented in favor of the plan and asked why there are not more bump-outs; a brief discussion about lessening the size of driveways and shade trees ensued.

Board Member Hawkins requested clarification of the parking situation.

Vice Chair Brechbill commented on traffic issues and right-of-way in the railroad track crossing area. Mr. Capra agreed to review some options.

Board Member McChrystal commented on north and south roadways and noted A1A as the corridor not being a typical pedestrian area and referenced an article on pavers; felt it's not safe to walk and bike in that area.

Mr. Capra commented on the pavers being the best look over time, as long as they are installed properly; he noted that Department Of Transportation would prefer stamped concrete.

4:44 PM MOTION: Approve.
MOVED BY: Aaron Hawkins
SECONDED BY: Bonnie Moser
VOTE: MOTION PASSED 3/1.
YES: Mark Brechbill, Bonnie Moser, Aaron Hawkins
NO: Frank McChrystal

3. 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.

Kris McCrain, Principal Planner, presented the Flaminia, LLC project.

Mr. Morris Crady, Lucido and Associates Land Planning, presented the plan for a single-family home referred to as Flaminia.

John Miucci, Owner, commented on the design of the home. Explained his objection to the parking fee. The Forum Building has helped the City with parking and feels it will continue to help with parking. Explained his request for the sidewalk.

Vice Chair Brechbill, in full disclosure, commented that he knows Mr. Miucci personally. Commented that this type of project is one the City would want. However, the code makes it difficult.

Board Member McChrystal commented on it being a commercial building downtown and stated there are several items being requested that are against code.

PUBLIC COMMENT:

- 1) Joseph Tal - Stuart; Commented he is concerned about where people will be parking.

Board Member discussion included parking spaces and the parking fee.

Vice Chair Brechbill passed the gavel to Board Member Bonnie Moser.

5:45 PM MOTION: Approval of project with condition to allow a setback on the sidewalk with the pileup fee.

MOVED BY: Aaron Hawkins

SECONDED BY: Mark Brechbill

VOTE: Motion passed 3/1

YES: Mark Brechbill, Bonnie Moser, Aaron Hawkins

NO: Frank McChrystal

4. CRA BUDGET AND CIP FOR FY 2025 (RC):

RESOLUTION No. 11-2024 CRA; A RESOLUTION OF THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF STUART, FLORIDA ADOPTING THE CRA BUDGET OF THE CITY OF STUART, FLORIDA, FOR FISCAL YEAR (FY) BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, AND APPROPRIATING CAPITAL BUDGET FOR FY 2025 AND PROVIDING FOR A FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR PROJECTS WITHIN THE COMMUNITY REDEVELOPMENT AREA BOUNDARIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ms. Gandhi-Savdas, CRA Director, presented the 2025 CRA Budget and various projects to the Board.

6:06 PM MOTION: Approve.

MOVED BY: Bonnie Moser

SECONDED BY: Aaron Hawkins

VOTE: Motion passed 3/1

YES: Mark Brechbill, Bonnie Moser, Aaron Hawkins

NO: Frank McChrystal

5. PRESENTATION OF ART/VINYL WRAPPING ON TRAFFIC CONTROL BOXES WITHIN THE CRA

Jordan Pinkston, CRA Project Manager, presented the project.

A discussion continued with the City Attorney, Ms. Pinkston, and Board Members.

STAFF UPDATE

ADJOURNMENT

6:22 PM

Susej T. Meleqi, Board Secretary

Tom Campenni, Chair

**Minutes to be approved at the CRB
Meeting this 1st day of October, 2024.**

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

Meeting Date: 10/1/2024

Prepared by: Jodi Nentwick

Title of Item:

710 MARTIN LUTHER KING BOULEVARD - MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT (RC):

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 MARTIN LUTHER KING BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FOR MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY ONLY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Request Summary:

The City of Stuart is seeking approval of a Major Amendment to the existing Commercial Planned Unit Development (CPUD) Zoning Designation. A commercial site will be used to facilitate the construction of the proposed Project Lift vocational training facility. The remaining ±0.23 acres is a proposed future ROW dedication.

The address is 710 SE MLK Boulevard, Stuart, FL 34994. The property is located at the southwest corner of Martin Luther King Boulevard and Tarpon Avenue intersection and is within the municipal boundaries of the City of Stuart. The proposed building will house Project Lift, which is a vocational training center.

The project is being pursued under the terms and conditions of a Community Development Block Grant which has provided the funding for acquiring the land and constructing a vocational training facility. The City has entered into a memorandum of understanding with Project Lift to operate the training facility according to a long-term land lease.

The subject property is currently within the following Zoning District and Land Use:

Zoning Districts: Commercial Planned Unit Development (CPUD)

Land Use: East Stuart

On August 26, 2024, the City of Stuart City Commission requested staff to maintain and amend the existing CPUD to allow the use of a vocational training facility only. The agenda item has been updated with the revised request from the Applicant.

Funding Source:

N/A

Recommended Action:

RECOMMEND TO CITY OF STUART CITY COMMISSION

ATTACHMENTS:

1. Project Lift CRB Staff Report (rezone to cpud) (1)
2. Rezoning Application - Signed
3. DRAFT - CRB Rezone Ordinance 2532-2024-REVISED CPUD
4. Revised Justification Letter
5. Project Lift Public Notice Affidavit Package-CRB
6. LDC Code Section 11.01.09



To: Community Redevelopment Board (*CRB*)
From: Jodi Kugler, Development Director
Meeting Date: October 1, 2024
Subject: 710 Martin Luther King Boulevard
Rezone to Commercial Planned Unit Development (CPUD)

GENERAL INFORMATION:

Applicant & Owners: City of Stuart
Community Redevelopment Agency (CRA)
121 SW Flagler Avenue
Stuart, FL 34994

Agent of Record: Kimley-Horn & Associates
Peter Van Rens, P.E.
445 24th Street, Suite 200
Vero Beach, FL 32960

Location: 710 SE Martin Luther King Boulevard, Stuart FL 34994

Parcel I.D.: 04-38-41-000-000-00250-3

Parcel Size: +/-2.4-acres

Existing Land Use: East Stuart Neighborhood Code (ESN)

Existing Zoning: Commercial Planned Unit Development (CPUD)

Proposed Zoning: *Commercial Planned Unit Development (CPUD)*

Existing Use: Abandoned gas station & car wash

Proposed Use: *Vocational Training Facility*

Overlay District: Community Redevelopment Area (CRA)
East Stuart Neighborhood Overlay District

A. Project Description

The applicant is seeking approval for a rezone petition to reestablish the existing Commercial Planned Unit (CPUD) zoning within the East Stuart Neighborhood Code Overlay District to redevelop the 2.4-acre commercial site to accommodate a proposed vocational training facility called “Project Lift”. The property is located at the intersection of Martin Luther King Boulevard and Tarpon Avenue and is within the municipal boundaries of the City of Stuart.



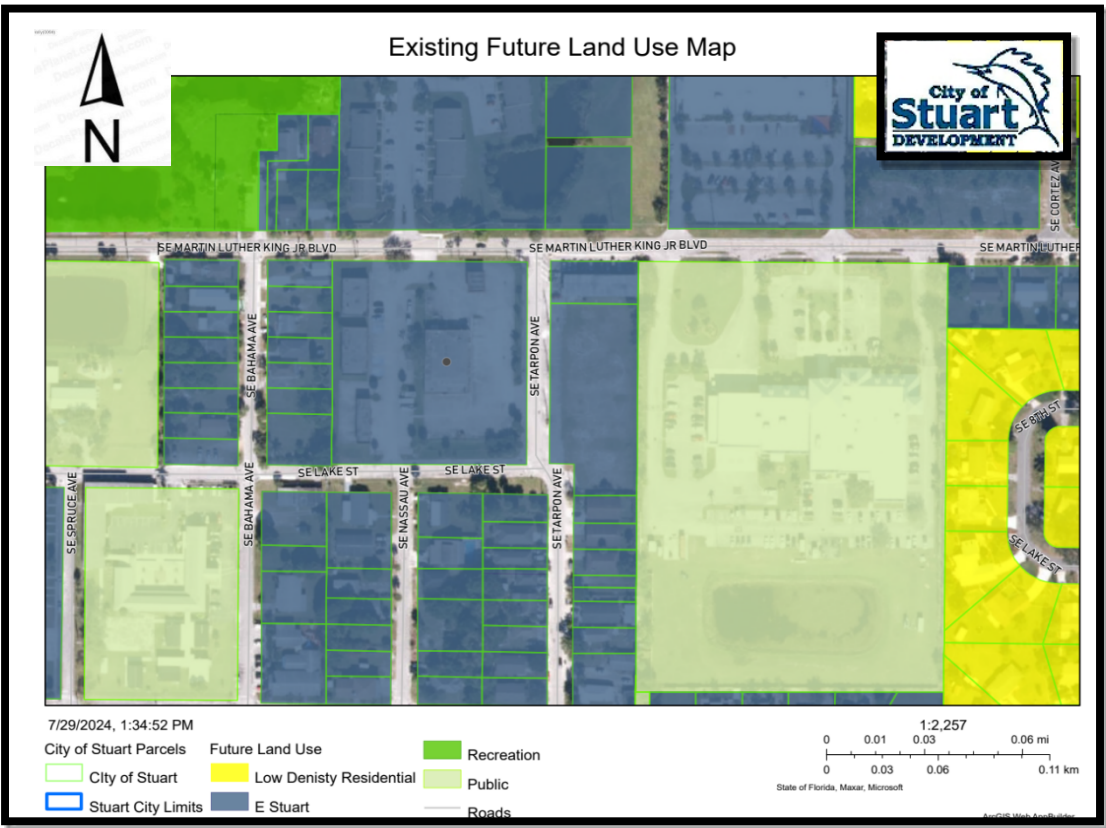
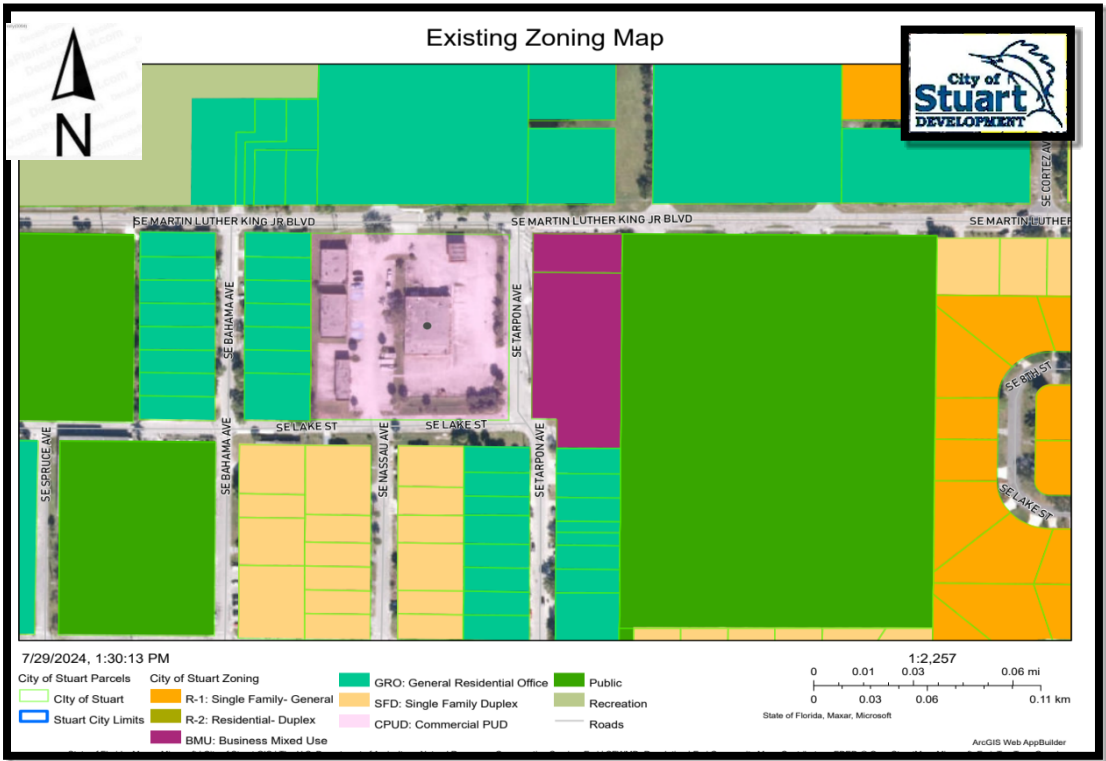
Adjacent Land Use & Zoning:

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		CPUD: Commercial Planned Unit Development	East Stuart	Gas & Car Wash Facilities
Adjacent Parcels	North	GRO: General Residential Office	East Stuart	Multi-Family
	South	SFD: Single-Family Duplex & GRO: General Residential Office	East Stuart	Single-Family
	East	BMU: Business Mixed Use	East Stuart	Convalescent Home
	West	GRO: General Residential Office	East Stuart	Single-Family

LDC Section 2.07.00. (E) Commercial planned unit development (CPUD) districts.

1. *Location.* A CPUD may be located anywhere in the city in any area defined and described as “multi-family residential,” “commercial,” “industrial,” “public,” “downtown redevelopment,” “neighborhood/special district,” “East Stuart,” or “marine/industrial” by the Future Land Use Element of the City of Stuart’s Comprehensive Plan, and which is suitable and compatible with surrounding areas as determined by the city commission.
2. *Uses Permitted* in a CPUD district. The buildings, structures, land, or water within a CPUD district may be used only for the following purposes:
 - a. Any and all uses set forth in the present zoning classifications of R-1A, R-1, R-3, B-1, B-2, B-3, and B-4 inclusive, providing such uses are compatible with uses on the adjacent property as determined by the city commission.
 - b. Residential uses which are designated to be compatible with the adjacent commercial uses. The residential uses shall not comprise more than 30 percent of the development site excluding the open space, natural vegetation area, and wetlands.
 - c. Commercial residential uses such as apartments, hotels, and resorts provided said uses do not comprise more than 30 percent of the development site excluding the open space, natural vegetation area, and wetlands.
 - d. Commercial uses not specifically set forth in any of the standard zoning categories, but are compatible and of like nature and quality to those commercial uses allowed on B-1, B-2, B-3, or R-3 zoning classifications as determined by the city commission.
3. *Commercial PUD standards.* The following standards shall apply to a CPUD district:
 - a. CPUD standards regarding circulation, parking, utilities, drainage, open space, and other standards shall apply as described in this Code except as modified by the city commission as part of the CPUD ordinance.
 - b. Open space. Not less than 25 percent of the CPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the the CPUD is comprised of native vegetation area, then all existing native vegetation areas shall be maintained as part of the required open space.
 - c. Native vegetation. Excluding wetlands defined by the South Florida Water Management District, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

B. Existing Zoning & Future Land Use Maps



C. Land Development Code Review (LDC)

Land Development Code Section 11.01.09.12. (f) identifies specific policy provisions required to be considered when assessing a request for an Urban Planning Unit Development petition. Staff prepared a review of the petition based on the criteria and provided a detailed analysis based on the specific and applicable criteria as follows.

Pursuant to the Land Development Code Section 11.01.09(G)(2) subsection **a through l**, the factors that the Community Redevelopment Board (*CRB*), Local Planning Agency (*LPA*), and the City Commission shall consider when making its determination are as follows:

Advisory board public hearing.

1. At the public hearing, the advisory board shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the comprehensive plan. The advisory board shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
2. In formulating its recommendation to the city commission, the advisory board shall consider the following criteria:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;
 - h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
 - i. The impact of the rezoning upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed rezoning upon property values in the adjacent area;
 - k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

D. Public Notification – CRB

On July 19, 2024, the applicant provided notification letters to property owners located within 300 feet of the proposed petition. One (3) public notification sign detailing the Community Redevelopment Board (*CRB*) and City Commission Public Hearing was posted on the premises.

Revised Public Notices were mailed out within 300 feet of the subject site with the updated Applicant's request and meeting dates.

On September 9, 2024, the City of Stuart City Commission directed staff to reconsider the rezone from the proposed Business Mixed Use (BMU) to amend the existing Commercial Planned Unit Development (CP UD) to allow for a vocational training facility use only.



CITY OF STUART
DEVELOPMENT DEPARTMENT
REZONE REAL PROPERTY APPLICATION
(including Planned Unit Developments)

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID# _____
(Staff Entry)

Pre-App Conference Date:	Application Date: 2024-04-15
Project Name: Project Lift	
Parcel ID# 04-38-41-000-000-00250-3	Project Address: 710 M.L.K Jr Blvd, Stuart, FL 34994
Current Zoning: CPUD	Current Land Use: East Stuart
Proposed Zoning: BMU	Proposed Land Use: East Stuart
Present Use:	Site Area/Acreage: +/- 2.43 Acres
Fees (check box): This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees.	
Rezoning to CPUD \$3,584.00 ☐	Rezoning to UPUD \$3,584.00 ☐
Rezoning to RPUD \$3,584.00 ☐	Rezoning to UPUD > 5 Bungalow Units \$1,500.00 ☐
Rezoning to MXPUD \$3,584.00 ☐	Rezoning to Public Service PSPUD \$3,584.00 ☐
Rezoning to Industrial IPUD \$3,584.00 ☐	Non-PUD District Rezoning \$1,049.00 ☒
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.	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.	
Written justification supporting the application and demonstrating how the application: ➤ Is consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses and ➤ Complies with the relevant development standards of the City of Stuart Land Development Code (include additional pages if needed).	
(over)	

General Information
(Please Print or Type)

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

Name:	City of Stuart
Title:	
Company:	City of Stuart
Company Address:	121 SW Flagler Ave, Stuart, FL 34994

City/State/Zip Code:	Stuart/ FL/ 34994
Telephone Number:	772-283-2532
Facsimile Number:	
Email Address (optional):	pgandhi@ci.stuart.fl.us

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

Name:	Peter J. Van Rens
Title:	P.E.
Company:	Kimley-Horn & Associates
Company Address:	445 24th St. Suite 200

City/State/Zip Code:	Vero Beach/ FL/ 32960
Telephone Number:	772-559-4035
Facsimile Number:	
Email Address (optional):	Peter.VanRens@kimley-horn.com

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

Name:	City of Stuart
Title:	
Company:	City of Stuart
Company Address:	121 SW Flagler Ave, Stuart, FL 34994

City/State/Zip Code:	Stuart/ FL/ 34994
Telephone Number:	772-283-2532
Facsimile Number:	
Email Address (optional):	pgandhi@ci.stuart.fl.us

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

4. Signed this 9th day of July, 2024.



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

As of January 01, 2020, Any and all notarial certificates prepared under Florida law must indicate whether the principal appeared by means of physical presence or by online notarization. Florida Statue 117.05

(a) For an oath or affirmation:

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of _____ physical presence or _____ online notarization, this _____ day of _____ () By _____ (name of person making statement).

Personally Known OR Produced
Identification Type of Identification Produced

(Signature of Notary Public - State of Florida) (Print, Type, or Stamp of Notary Public)

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization,
This _____ day of _____ () By _____ (name of person acknowledging).

Personally Known OR Produced
Identification Type of Identification Produced

(Signature of Notary Public - State of Florida) (Print, Type, or Stamp of Notary Public)

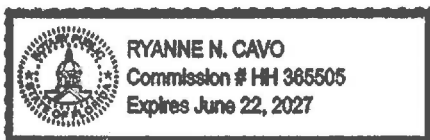
(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA
COUNTY OF Florida

The foregoing instrument was acknowledged before me by means of ☒ physical presence or _____ online notarization,
This 9th day of July (2024) by Michael J. Mortell, City Manager of the City of Stuart, FL. (name of person) as (type of authority, e.g. officer, trustee, attorney in fact) for (name of party on behalf of whom instrument was executed).

Personally Known OR Produced
Identification Type of Identification Produced

Ryanne N. Cavo
(Signature of Notary Public - State of Florida) (Print, Type, or Stamp of Notary Public)





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

ORDINANCE NUMBER 2532-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING, TO REZONE A 2.4-ACRE PARCEL, LOCATED AT 710 SE MARTIN LUTHER KING JR. BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FOR A MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

* * * * *

WHEREAS, on December 11, 1989, the City of Stuart City Commission adopted Ordinance Number 1174-89, adopting a Comprehensive Growth Management Plan as mandated by the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida State Statutes, also known as the City of Stuart Comprehensive Plan, that designated the Future Land Use of this property as East Stuart (ES); and

WHEREAS, the City of Stuart applied to the Florida Department of Economic Opportunity (FDEO) for the Community Redevelopment Block Grant (CDBG) COVID Program for the Federal Fiscal Year 2021; and

WHEREAS, the City of Stuart was notified that \$4,7941,000 was approved by FDEO for the acquisition and rehabilitation of property known as the "Willie Gary Property" located at 710 SE Martin Luther King Jr. Boulevard, Stuart; and

WHEREAS, on January 8, 2018, the City of Stuart City Commission adopted Resolution Number 27-2023, approving the authorization of the execution of a real estate contract between the City of Stuart and Out of Control in Stuart, LLC for property known as the “Willie Gary Property, located at 710 SE Martin Luther King Jr. Boulevard in the East Stuart Neighborhood Code Overlay District; and

WHEREAS, on July 9, 2024, an application was submitted to the City of Stuart by the City of Stuart (Applicant) for a Petition requesting approval of a rezoning from the existing Commercial Planned Unit Development (CPUD) to a Business and Mixed-Use (BMU) Zoning District within the East Stuart Neighborhood Code Overlay District to redevelop the 2.4-acre commercial site to accommodate a proposed vocational training facility known as “Project Lift”; and

WHEREAS, the City of Stuart Community Redevelopment Board (CRB) held a properly noticed hearing at a regularly scheduled meeting on August 6, 2024, to consider the Applicant’s request and voted 4/1 to recommend approval of the subject Petition to the City Commission; and

WHEREAS, the City of Stuart Local Planning Agency (LPA) Board held a properly noticed hearing at a regularly scheduled meeting on August 8, 2024, to consider the Applicant’s request and voted 5/0 to recommend approval of the subject Petition to the City Commission; and

WHEREAS, the City Commission held two properly noticed public hearings with the First Reading of the Ordinance at a regularly scheduled City Commission Meeting on August 26, 2024, and requested staff to amend the existing Commercial Planned Unit Development (CPUD) zoning designation to allow for a vocational school use only in place of rezoning to the Business Mixed Use (BMU) zoning designation; and

WHEREAS, the City of Stuart Community Redevelopment Board (CRB) held a properly noticed hearing at a regularly scheduled meeting on October 1, 2024, to reconsider the Applicant’s

request and amend the existing Commercial Planned Unit Development (CPUD) zoning designation to allow for a vocational training facility. The Board recommended the request and voted **approval/denial** of the subject Petition to the City Commission; and

WHEREAS, the City of Stuart Local Planning Agency (LPA) Board held a properly noticed hearing at a regularly scheduled meeting on _____, to reconsider the Applicant's request and amend the existing Commercial Planned Unit Development (CPUD) zoning designation to allow for a vocational training facility. The Board voted to recommend **approval/denial** of the subject Petition to the City Commission; and

WHEREAS, City Commission and the Second Reading of the Ordinance at a regularly scheduled City Commission Meeting on _____, and taking into consideration the CRB and LPA's recommendations, all written and oral comments at the public hearing, the analysis by the City's Development Department and the evidence and testimony presented by the parties at the public hearings, granted _____ of the Rezone Petition submitted by the Applicant representing a 2.4-acre parcel of land; and

WHEREAS, at the hearing, the Applicant showed by substantial competent evidence that the Application is consistent with the City of Stuart Comprehensive Plan and Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the City of Stuart City Commission has determined the Application is consistent with the overall planning and development goals and objectives of the City of Stuart; and

WHEREAS, the Applicant has committed 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 BMU Zoning Designation.

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

SECTION 1: The foregoing recitals are true and adopted as findings of fact and conclusive of laws.

SECTION 2: A legal description of the “Willie Gary Property” located at 710 SE Martin Luther King Jr. Boulevard, Stuart, is set forth 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.

SECTION 3: If any ordinance, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the City of Stuart, Florida, are in conflict herewith, this Ordinance shall control to the extent of conflicting provisions.

SECTION 4: If any provision of this Ordinance 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 Ordinance are declared severable.

SECTION 5: This Ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Applicant.

SECTION 6: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than forty-five (45) days from the date of this approval, failing to do which this Ordinance shall be void.

SECTION 7: Upon complete execution of this Ordinance, the City Clerk is directed to record this Ordinance in the Public Records of Martin County, Florida.

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:

CAMBELL 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, MMC
 CITY CLERK

 CAMPBELL RICH
 MAYOR

APPROVED AS TO FORM
 AND CORRECTNESS:

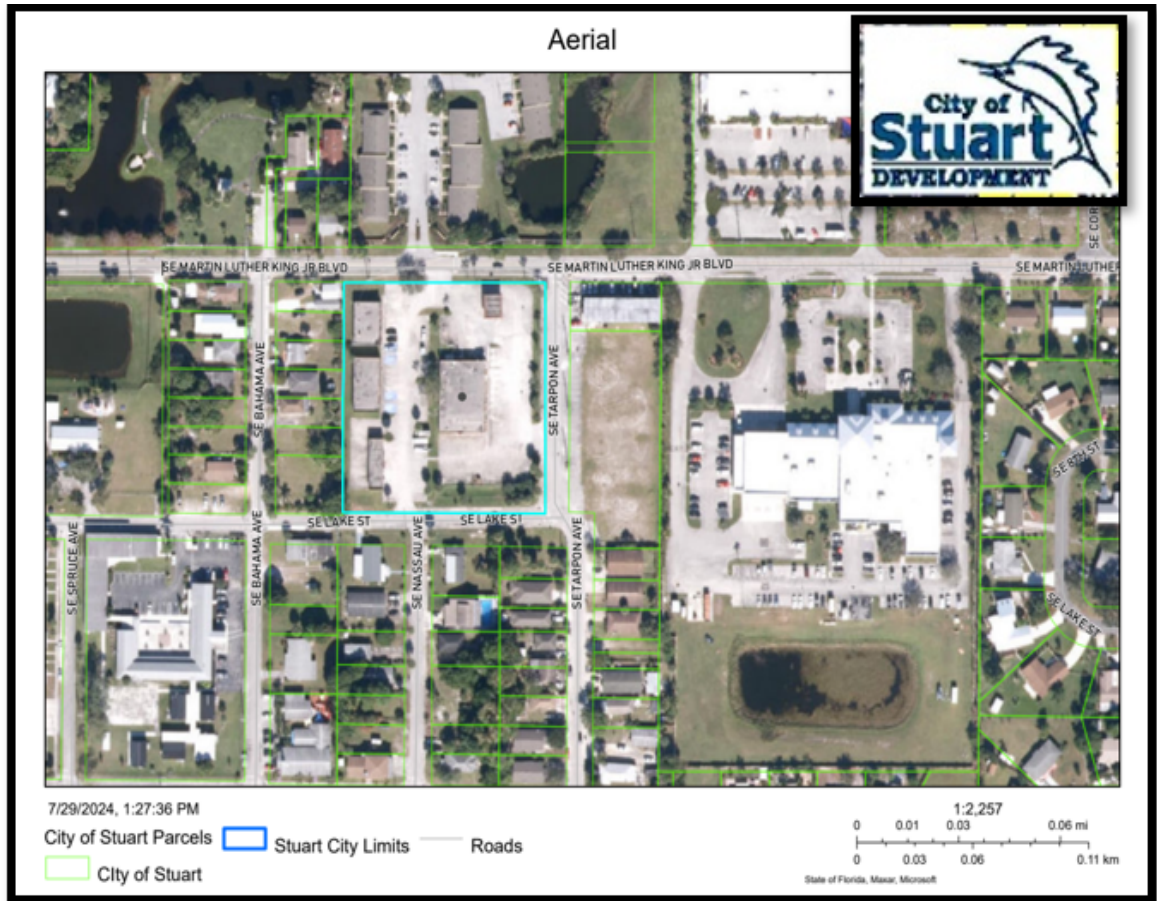
 LEE J. BAGGETT, ESQ
 CITY ATTORNEY

EXHIBIT A – LEGAL DESCRIPTION

THE EAST 497 FEET OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LESS THE EAST 142 FEET AND RIGHT OF WAY 40 FEET BY 394.5 FEET TO THE CITY, ACCORDING TO THE PLAT OF D.W.C. RUFFS LITTLE DIXIE ADDITION, PLAT BOOK 9, PAGE 85, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, PUBLIC RECORDS.

ADDRESS: 710 SE MARTIN LUTHER KING JR. BOULEVARD
PARCEL I.D. No.: 04-38-41-000-000-00250-3

EXHIBIT “B” – MAP





September 17, 2024

Planning and Zoning Department
City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994

RE: *Project Lift - Stuart*
 Justification Statement
 Minor Development Plan / Rezoning

Request Summary

On behalf of the applicant, the City of Stuart, Kimley-Horn and Associates, Inc. (hereinafter referred to as the agent) has prepared and hereby respectfully submits applications for the approval of a Minor Development Plan and Rezoning to redevelop ± 2.23 acres of an existing ± 2.46 -acre commercial site to accommodate a proposed project lift vocational training facility. The remaining ± 0.23 acres is proposed future ROW dedication and is being designed by others. The property address is 710 SE MLK Boulevard, Stuart, FL 34994. The property is located at the southwest corner of the intersection of Martin Luther King Boulevard and Tarpon Avenue and is within the municipal boundaries of the City of Stuart. The subject property's Parcel ID is 04-38-41-000-000-00250-3. The proposed building will house Project Lift which is a vocational training center. The proposed facility is intended to provide work and behavior training for newcomers to the work force. More than half of the building space is allocated to trade learning. The remaining sections of the building provide space for the counseling and administrative support staff.

The subject property is currently within the following Zoning District and Land Use:

Zoning Districts: Commercial Planned Unit Development (CPUD)

Land Use: East Stuart

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
04-38-41-000-000-00190-6	3.64	R-3	Multifamily

EAST:

PCN	Acreage per PA	Zoning	Use
4-38-41-017-008-00220-4	0.1956	BMU	Convalescent Home

WEST:

PCN	Acreage per PA	Zoning	Use
04-38-41-016-006-00010-3	0.105	GRO	Single Family

SOUTH:

PCN	Acreage per PA	Zoning	Use
04-38-41-016-005-00140-8	0.13	SFD	Single Family
04-38-41-016-004-00160-6	0.111	GRO	Single Family

Site Design

The proposed development for the subject site will include a ±12,574 SF vocational training facility with related parking and drainage improvements. The existing site contains a gas station and car wash facilities. The design promotes urban infill by repurposing an existing site into a facility the public can utilize and receive services from. The proposed site consists of a proposed building fronting MLK Boulevard, ADA and standard parking spaces, a proposed shared use path, a proposed dumpster enclosure, and stormwater management ponds. Proposed bike rack facilities and bench seating are incorporated in the northeast corner of the proposed site to accommodate community members. The proposed shared use path runs North to South through the West side of the site per East Stuart standards incorporating a proposed 11' walkway, pedestrian lighting, and tree plantings. The required 25' two-way driveway lengths are provided throughout the site as well. Access to the proposed facility is to be provided via an ingress/egress on Tarpon Avenue as well as SE Lake Street. Pedestrian access off MLK Boulevard is proposed. Landscape and site lighting are included for evaluation in this submittal package as well for proposed foliage throughout the site.

The facility will consist of the training areas, counselling areas, and a break room. The occupancy for the building is anticipated to be roughly 14 staff members and 16 students during the day. Project Lift has two main programs for participants; the first is for students who are no longer enrolled in the school system and the second is for after-school training and counselling. Due to this, the proposed Project Lift building will be actively serving the East Stuart community for many hours throughout the day. The anticipated hours of operation are Monday through Friday 8 AM – 6:30 PM (subject to change). In terms of the proposed façade to replicate the manufacturing environment that the students will occupy after employment, the architecture utilizes garage style glazing providing natural light into the workspaces. The proposed windows also respond to the CRA's expectations to create a dynamic street frontage. There is a dedicated space for the use of the students and staff that serves as a "break room" which will not require a grease trap. The break room is an internal meeting space where the primary purpose is for staff training. The maximum occupancy for the break room is 20

people. The proposed Project Lift site falls within the “East Stuart Code Overlay” which has its own requirements for the site. Below is a waiver request table for the proposed project lift development.

WAIVER REQUEST TABLE			
	CODE SECTION	REQUIRED	PROVIDED
ON-STREET LANDSCAPING	LDC 3.02.09 ESN-50	10 TREES BEYOND PROPOSED PROPERTY LINE	APPLICANT PROVIDING 31 TREES IN FUTURE ROW AND 24 TREES ONSITE (SEE LANDSCAPE PLANS PROVIDED HEREIN)

The applicant is seeking relief from on-street landscaping due to the ROW dedication and future streetscape project being designed and processed by others in the future. The applicant is pursuing a rezoning request to have the site’s zoning remain CPUD.

Low Impact Design

The proposed project lift incorporates low impact design in through several proposed onsite elements. This design proposes a neighborhood open space in the category of “green space” which encompasses 1,825 square feet of landscaped area at the northeast corner of the site near the intersection of M.L.K. Jr Blvd and SE Tarpon Ave. The green space is next to a proposed bike rack and bench amenity. The project’s landscaping design also encompasses street trees. Street trees will be provided on Tarpon St where public sidewalks will be added in the ROW as well as street trees along Lake St prioritizing maintenance of the existing shade trees for the proposed 8’ sidewalk there too. Shade is provided along the walkway over the sidewalk via these street trees. A shared use path lined with pedestrian lighting and shade trees is proposed on the west side of the site for community use following East Stuart Neighborhood Code standard ESN-40. Bioretention is proposed as apart of the proposed stormwater management system for the site. Both bioretention ponds located on site provide quality and quantity components to meet criteria, thus providing a decentralized stormwater management strategy. These techniques are encouraged to slow and treat stormwater runoff while providing additional community benefits.

Future ROW

The Project Lift development is proposing a Right-of-Way dedication along 3 property lines for the purposes of future streetscape improvements along the roadways the site abuts which are MLK Blvd, Tarpon Ave, and Lake St. MLK Blvd. There will be proposed on-street parking along M.L.K Blvd with an 8ft side walk wrapping along Tarpon Ave and Lake St. of Project Lift. It will most closely follow East Stuart Neighborhood Code’s ESN-39 thoroughfare plan standard with the necessary deviations because of continued design efforts and public involvement. The timeline for the streetscape improvements for MLK Blvd is currently a complete design by 2026/2027 and construction complete by 2028/2029. The MLK Blvd streetscape improvement project with the City of Stuart CRA department is currently in the design phase.

Preliminary opinion of probable costs is available for the above mentioned streetscape improvements.

City of Stuart Comprehensive Plan

The proposed vocational training facility creates a space previously unused for the public to further education and develop themselves. It is intended to contribute positively to the community and offer a service from the city to its constituents. Below are the various City of Stuart Comprehensive Plan elements and how the Project Lift site intends to uphold them.

A. Future Land Use Element

The future land use for this site is designated East Stuart. The proposed development is consistent with the East Stuart future land use as it is a training facility for the community. The site was previously an abandoned gas station and carwash and is proposed to be redeveloped for vocational training. It is intended to provide public access along MLK Boulevard and promote interconnectivity with the neighborhood via a proposed shared use path.

B. Transportation Element

The proposed redevelopment of this site is providing additional ADA accessible pedestrian paths, a fire lane, and parking spaces for the proposed facility. The site promotes compact development by repurposing a historically commercial 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 of the comprehensive plan.

D. Infrastructure Element

The proposed development aligns with the infrastructure element by proposing necessary infrastructure to serve the site including sanitary sewer gravity lines and potable water. Additionally, proposed drainage elements improve the site from the existing condition by reducing runoff by means of increased pervious area and a stormwater management pond system.

E. Conservation Element

The proposed redevelopment does not apply to the conservation element of the comprehensive plan.

F. Recreation And Open Space Element

The proposed redevelopment provides green space throughout our project to satisfy the neighborhood open space requirements set forth in the East Stuart code standards. There is a total of 37,867 SF (39%) of open space being provided for the project. The open space is provided for constituent enjoyment. The shared use path is what allows pedestrians within the neighborhood to also use the open space as a connection between Lake Street and MLK Blvd.

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 this element of the comprehensive plan.

K. Economic Development Element

The proposed redevelopment brings business to an existing vacant commercial lot 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.

Rezoning Justification

The applicant would like to proceed with a rezoning application for this development. The site is currently zoned CPUD which is expires. The applicant would like the zoning of this property to remain CPUD thus a rezoning process is being pursued. The nature of this site is intended to serve the public, and it is believed if the property were to be rezoned to CPUD at the time of this development, it would best fit the vocational training center for the site.

Conclusion

On behalf of the property owner, Kimley-Horn respectfully requests favorable review and consideration of these applications for Minor Development Plan, conditional use, and rezoning. The project manager at Kimley-Horn is Kristina Belt who can be reached at (772)-794-4073 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

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

AFFIDAVIT ATTESTING TO NOTIFICATION

Pinal Gandhi-Savdas, City of Stuart, CRA Executive Director, 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:

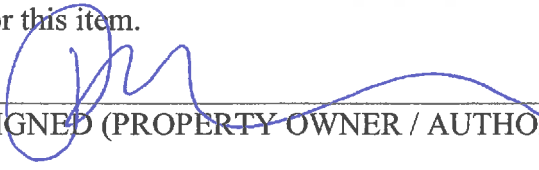
Parcel I.D.: 04-38-41-000-000-00250-3
710 Martin Luther King Jr. Boulevard, Stuart, FL, 34994
Major Amendment to the CPUD (Project# Z24040005)

That a copy of the notice was sent by regular U.S. Mail on (09/12/2024) to the property owners 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

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

That notice was sent, and the property was posted 15+ days before the scheduled public hearing(s) for this item.



SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF Martin County

Sworn and subscribed before me by means of ✓ physical presence or online notarization, this 13th day of September, 2024 By

Pinal Gandhi-Savdas
Personally Known OR Produced Identification

Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)

My Commission expires:



ALICIA KING
Commission # HH 415665
Expires June 28, 2027



PUBLIC HEARING *Notice*

NOTICE FROM THE CITY OF STUART:

Please be advised that the City of Stuart will conduct the following public hearings for a Major Amendment to the Commercial Planned Unit Development (CPUD) for a Vocational Training facility located at 710 SE Martin Luther King Jr. Blvd. in the East Stuart Neighborhood.

- TUESDAY, OCTOBER 1, 2024, STUART COMMUNITY REDEVELOPMENT BOARD (CRB) AT 4:00 PM
- THURSDAY, OCTOBER 10, 2024, STUART LOCAL PLANNING AGENCY (LPA) AT 5:30 PM
- MONDAY, OCTOBER 14, 2024, STUART CITY COMMISSION AT 5:30 PM
- MONDAY, OCTOBER 28, 2024, STUART CITY COMMISSION AT 5:30 PM

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

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for review at the City Development Department office located at 121 S.W. Flagler Avenue in Stuart.



PUBLIC HEARING: Community Redevelopment Board, Local Planning Agency, and City of Stuart City Commission

PETITIONER: City of Stuart

PARCEL ID NO. 04-38-41-000-000-00250-3

PROPERTY ADDRESS: 710 SE Martin Luther King Jr. Blvd.
Stuart, Florida 34994

PETITION(S): Major Amendment to the CPUD
(Project # Z24040005)

PROPOSED REQUEST: The applicant submitted a petition requesting a Major Amendment to the Commercial Planned Unit Development (CPUD) to construct a 12,574-square foot vocational training facility with related parking and drainage improvements.



Jodi Kugler, Development Director
jnentwick@ci.stuart.fl.us
(772) 288-5328

CityofStuart.fl.us/CRA



FOR MORE DETAILS ABOUT
THE PLANS, PLEASE VISIT
THE CITY'S WEBSITE BY
SCANNING THE QR CODE.



NOTICE OF PUBLIC HEARING
MAJOR AMENDMENT TO CPUD (Z24040005)
Property Address: 710 SE Martin Luther King Blvd
Parcel ID: 04-38-41-000-000-00250-3

The applicant submitted a petition requesting a major amendment to the Commercial Planned Unit Development (CPUD) for redevelopment to construct a 12,574-square-foot vocational training facility with related parking and drainage improvements.

STUART COMMUNITY REDEVELOPMENT BOARD (CRB)
Tuesday, October 1, 2024 at 4:00 PM

STUART LOCAL PLANNING AGENCY (LPA)
Thursday, October 10, 2024 at 5:30 PM

STUART CITY COMMISSION
Monday, October 14, 2024 at 5:30 PM
Monday, October 28, 2024 at 5:30 PM

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM-4:00 PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

NOTICE OF PUBLIC HEARING
MAJOR AMENDMENT TO CPUD (Z24040005)
Property Address: 710 SE Martin Luther King Blvd
Parcel ID: 04-38-41-000-000-00250-3

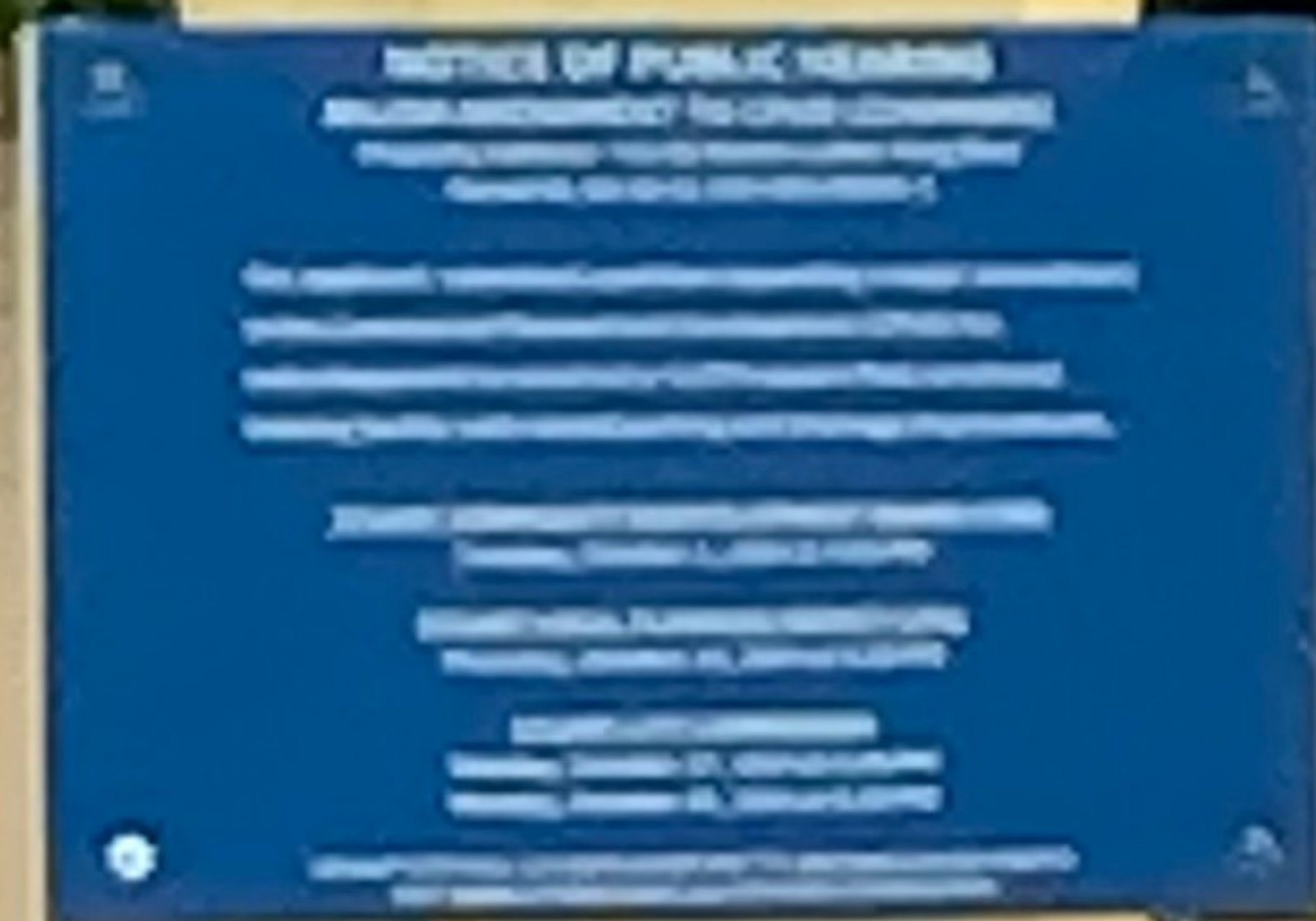
The applicant submitted a petition requesting a major amendment to the Commercial Planned Unit Development (CPUD) for redevelopment to construct a 12,574-square-foot vocational training facility with related parking and drainage improvements.

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VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION



Sec. 11.01.09. Zoning map change application including planned unit development (PUD).

- A. *General.* The term "rezoning" refers to a change in the zoning district designation for a parcel or parcels as reflected by the city zoning map. Designated zoning districts within the city are:
1. R-1A residential.
 2. R-1 residential.
 3. R-2 residential.
 4. R-3 residential.
 5. B-1 business.
 6. B-2 business.
 7. B-3 business.
 8. B-4 limited business/manufacturing.
 9. P public service.
 10. I industrial.
 11. H hospital.
 12. PUD planned unit development:
 - a. Residential (RPUD);
 - b. Commercial (CPUD);
 - c. Public service (PSPUD);
 - d. Industrial (IPUD);
 - e. Mixed use (MXPUD);
 - f. Urban (UPUD).
 13. Urban code district:
 - a. Urban general (UG);
 - b. Urban center (UC);
 - c. Urban neighborhood (UN);
 - d. Urban highway (UH);
 - e. Urban waterfront (UW).
 14. East Stuart district:
 - a. Business and mixed use (BMU);
 - b. General residential and office (GRO);
 - c. Single-family and duplex (SFD).
 15. S.E. Ocean Boulevard overlay.

Note: Pursuant to subsection 5.03.02.B., an impact to a wetland is prohibited unless the mitigation requirements of that chapter and each of the criteria are satisfied. Further, the proposed impact must be made in the context of a planned unit development (PUD) agreement.

Note: Pursuant to subsection 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a PUD may be applied for to consider the removal and replacement of a historic tree.

- B. *Pre-application conference required.* Prior to filing for a rezoning, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed rezoning, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a rezoning shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation and embossed with the corporate seal. Only for a rezoning to a planned unit development (PUD), a concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.
- D. *Compliance review procedures.* After receipt of the application, the development department shall follow the review and compliance procedures as set out in section 11.01.01 of this Code. The development director will prepare a staff report and recommendation for consideration by the designated advisory board concerning whether the rezoning application complies with the requirements of the Code. The designated advisory board will be:
 - a. The local planning agency (LPA) if the application is located outside of the defined community redevelopment area (CRA), or
 - b. The community redevelopment board (CRB) if the application is located within the defined community redevelopment area (CRA).
- E. The development director will prepare a staff report and recommendation for consideration by the designated advisory board concerning whether the application complies with the requirements of the Code.
- F. *Public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *Advisory board public hearing.*
 - 1. At the public hearing, the advisory board shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the comprehensive plan. The advisory board shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
 - 2. In formulating its recommendation to the city commission, the advisory board shall consider the following criteria:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaking of the load on public facilities such as schools, utilities and streets;

-
- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;
 - h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
 - i. The impact of the rezoning upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed rezoning upon property values in the adjacent area;
 - k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.
3. In recommending approval of a rezone application to a PUD zone district, the advisory board may recommend, and the city commission may approve a variation of the strict application of the land development requirements of this Code and may in lieu thereof impose suitable conditions to otherwise attain the objectives of those requirements.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the advisory board and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- J. *City commission public hearing.*
1. Two hearings shall be conducted by the city commission to consider a proposed rezoning. Such hearings may be scheduled on the agenda of a regular city commission meeting but shall be held after 5:00 p.m. and shall be not less than ten calendar days apart.
 2. The rezoning ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The rezoning ordinance may be adopted at the conclusion of the quasi-judicial hearing.
 3. At the public hearing, the city commission shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the comprehensive plan. The city commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the development department, the recommendation of the advisory board.
 4. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
 5. At the conclusion of the public hearing, or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code and the comprehensive plan. The city commission shall adopt an ordinance setting forth its determination.
 6. The determination of the city commission shall be to either find the application:

-
- a. "In compliance"—In the event of a determination of in compliance, the rezoning shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications"—In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised rezoning application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance"—In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
- K. *Recordation.* Upon approval of an ordinance rezoning property, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

(Ord. No. 2409-2019, § 1(App. A), 9-9-19; Ord. No. 2424-2020, § 1, 1-27-20)

Editor's note(s)—See the note to § 11.01.01.

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

Meeting Date: 10/1/2024

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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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.

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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.

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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.*

-
- 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.*

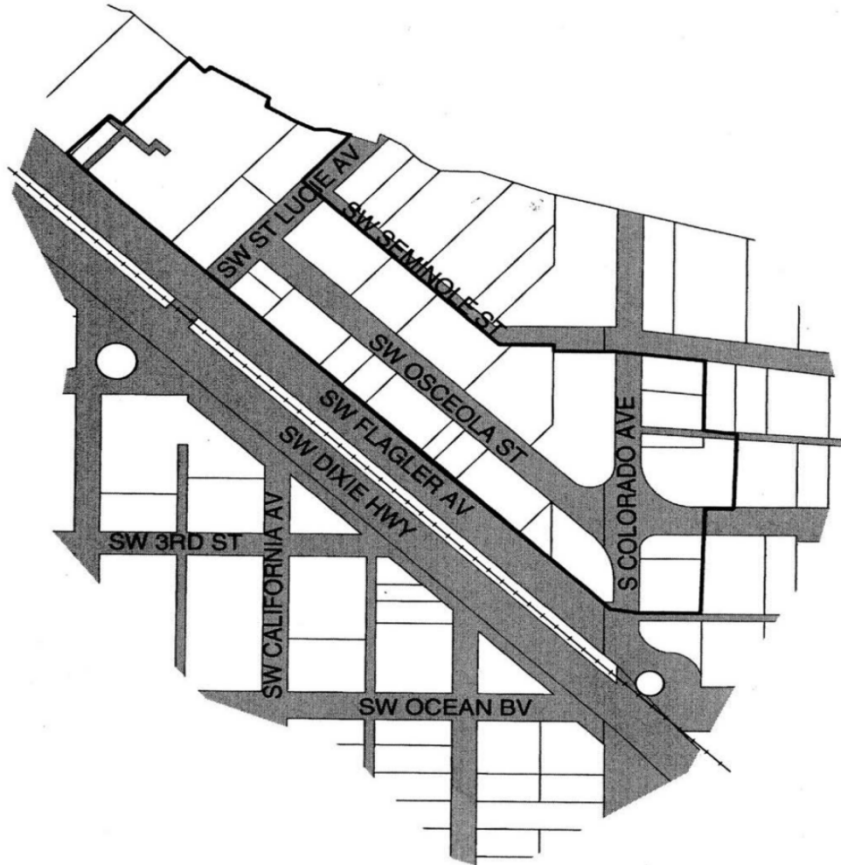
1. *Parking.*

- 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.

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.

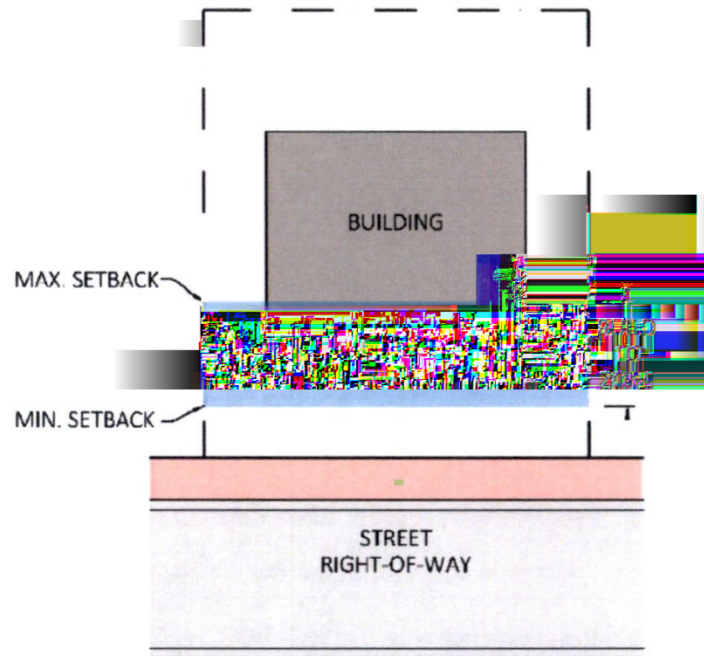
Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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.

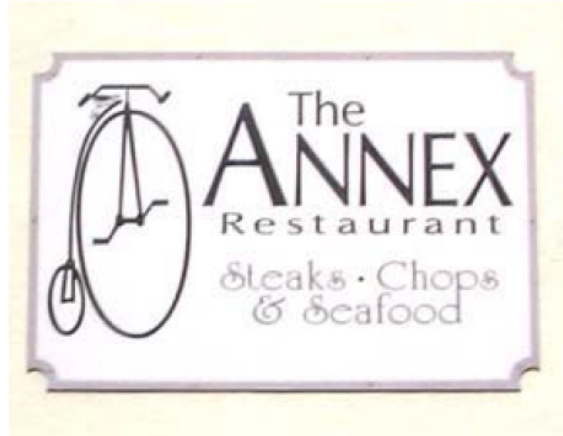
V-shape sign means a sign containing two faces of approximately equal size erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 degrees.

(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:

-
- (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

NW WINDERMERE DR

NW GREEN RIVER PKWY

NE SAVANNAH RD

NE SR 707

NW FORK RD

NW DIXIE HWY

SW FEDERAL HWY

SE WEIR ST

SE OCEAN BLVD

SE STYPMANN BLVD

SE LAKE ST

SE FLORIDA ST

SE 10TH ST

SE LONITA ST

SE 13TH ST

SE 14TH ST

SW PALM CITY RD

SE TEJON ST

SE MONTEREY RD

SE DIXIE HWY

SE SAINT LUCIE BLVD

SE PARKWAY DR

SE DOLPHIN DR

S KANNER HWY

SE RUHNKE ST

SE INDIAN ST

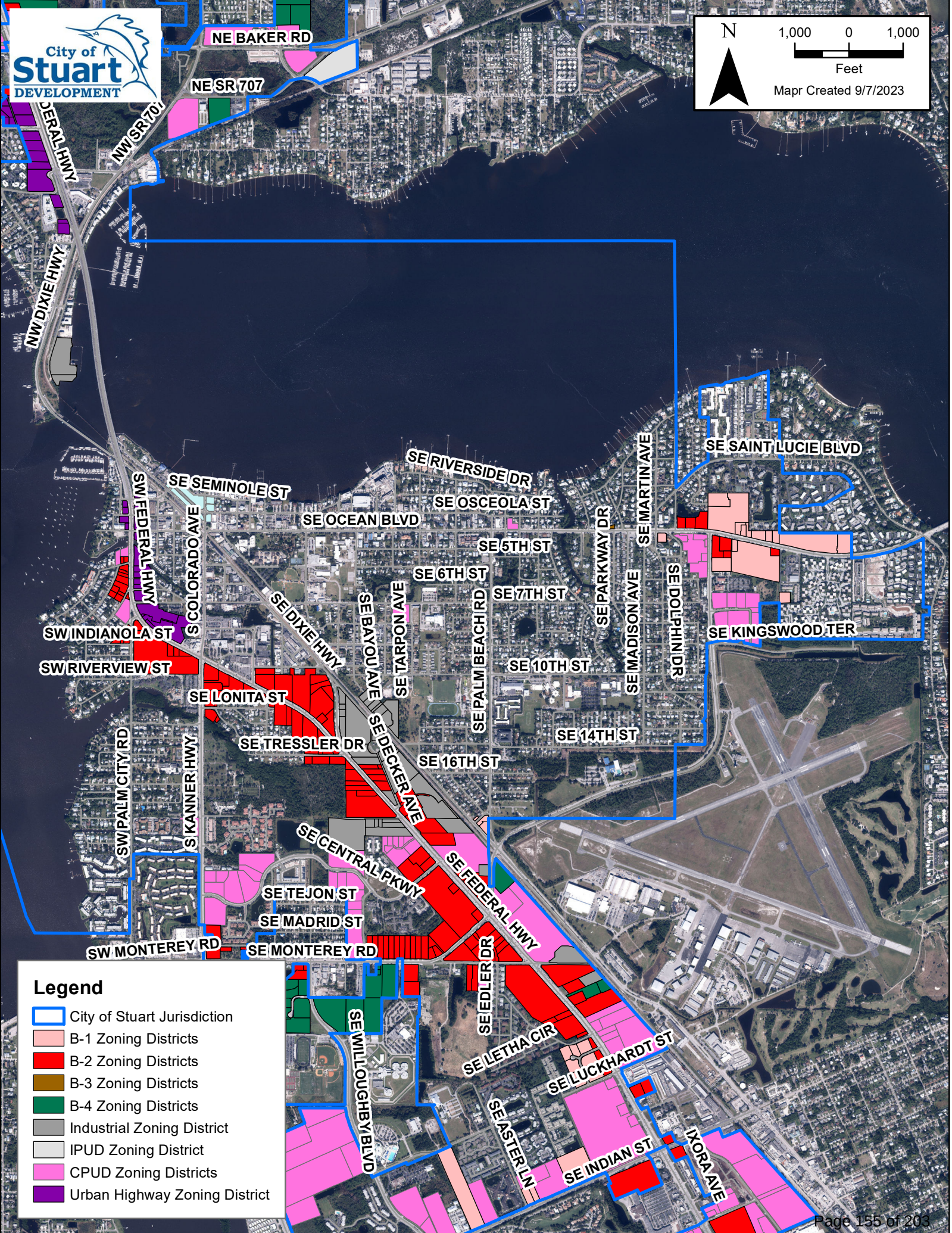
SE FEDERAL HWY

SE COMMERCE AVE

SE SLATER ST

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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Mapr Created 9/7/2023

Legend

- City of Stuart Jurisdiction
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- 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

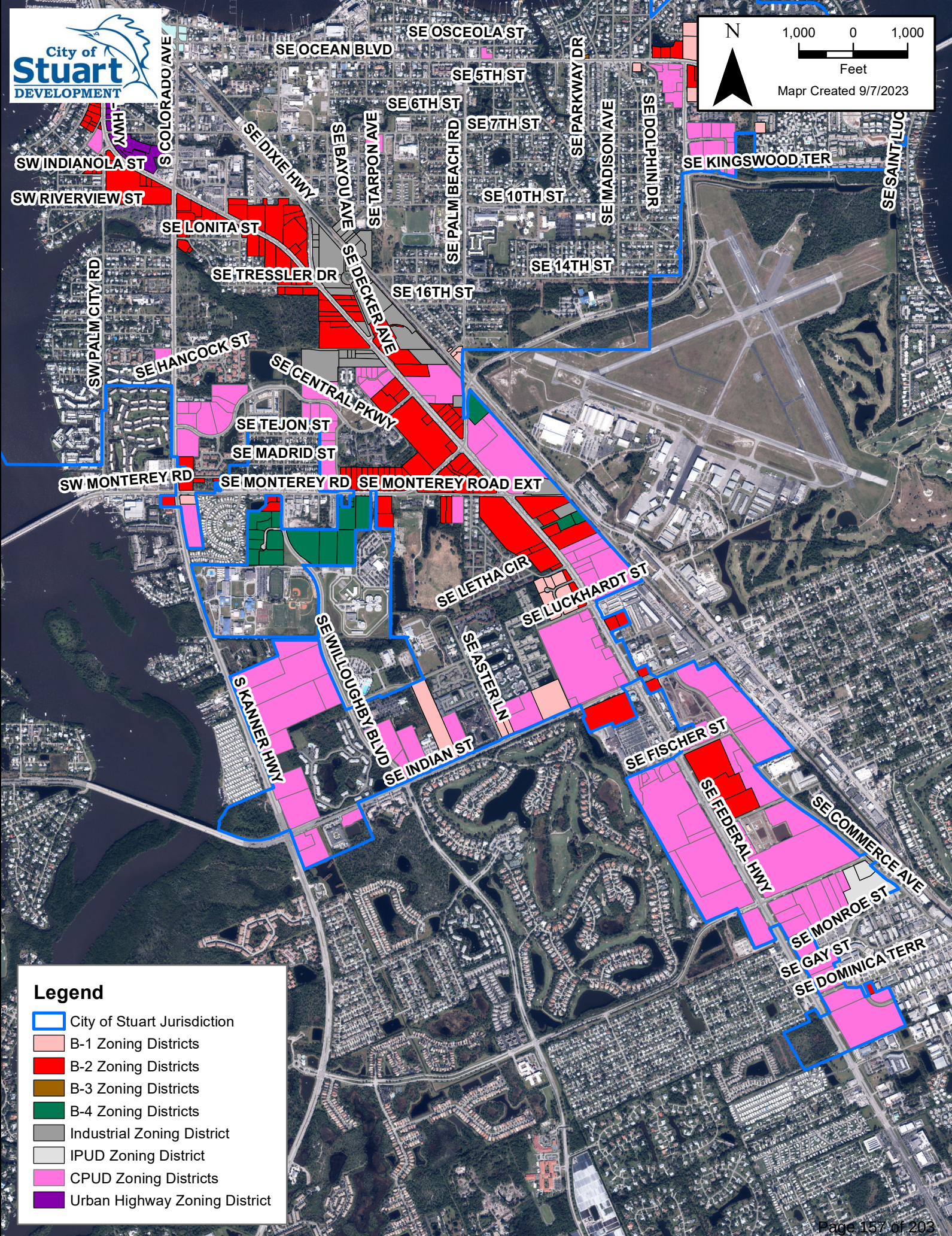
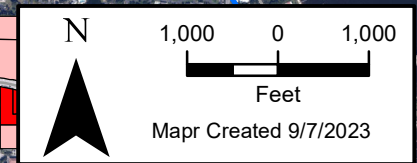
SE BAYOU AVE

SE TARPON AVE

SE PARKWAY DR

Legend

- City of Stuart Jurisdiction
- B-2 Zoning Districts
- B-3 Zoning Districts
- B-4 Zoning Districts
- Industrial Zoning District
- IPUD Zoning District
- CPUD Zoning Districts
- Urban Highway Zoning District



Legend

-  City of Stuart Jurisdiction
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 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

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Community Redevelopment Board

Meeting Date: 10/1/2024

Prepared by: Jordan Pinkston

Title of Item:

DISCUSSION & DELIBERATION ON BUSINESS IMPROVEMENT REIMBURSEMENT GRANT PROGRAM GUIDELINES

Summary Explanation/Background Information on Agenda Request:

Summary

The intent of the Business Improvement Grant Program is to further the CRA Plan objectives to eliminate blight by assisting property and business owners in the redevelopment of existing buildings and site improvements within the CRA, improve property values by creating an aesthetically attractive frontage that is inviting and improves visitors' experiences, and stimulates private investment.

This item was presented to the Community Redevelopment Board on June 4, 2024, and the Community Redevelopment Agency on June 24, 2024. The Board discussed and deliberated regarding the BIRP Guidelines and suggested removing the landscape requirements, restrictions for awning replacement, and broadening the overall scope of eligible improvements. The Board also recommended creating a separate landscaping program that would focus on bringing commercial properties into compliance with the City's Landscape Code, where feasible, and would be offered year-round. The staff has developed a separate Commercial Property Landscape Improvement Program that will address landscaping and irrigation, which will be discussed as a separate agenda item.

The Community Redevelopment Board and Community Redevelopment Agency advised staff to further amend the current Business Improvement Grant Program guidelines. The program should be designed to support revitalization efforts to reduce blight and improve the appearance of building facades that will have an impact on the value of the property and marketability of the surrounding area. Staff has made amendments to the agreement that reflect the intent of the program's mission and has been successful in past years for the City's businesses.

There are other cities and counties in Florida that offer a similar program to support facade improvements as part of their economic development initiatives to revitalize commercial properties, attract businesses and enhance the aesthetic appeal of the downtown area, special districts, and commercial areas. Staff is hopeful that the proposed guidelines will ensure the success of the Business Improvement Reimbursement Program (BIRP) program and encourage applicants to apply. Staff is looking for feedback on program guidelines, eligible improvements, and amendments to the program to meet the CRA Plan objectives.

Background

The Property Improvement Program Grant was launched in 2009 to encourage visible, exterior improvements to commercial and residential properties in the CRA. The grant program provided a matching grant of up to \$4,000 per property. The grant was eligible for improvements such as windows, doors, signage, landscaping, roofing, architecture, streetscaping, parking lots, decorative shutters, and other improvements. The program had successful applications for projects including signs, awnings, new windows, landscaping, architectural design, roof repairs, porch enclosures, and driveways.

The program was amended in 2016/2017 and renamed to Business Improvement Reimbursement Program (BIRP). The program provided a reimbursement grant of up to \$10,000 per property to match private funds. The grant was available to commercial businesses for exterior improvements that enhanced the property with improvements including window and door replacements, decorative shutters, signage, landscaping, parking lots/driveways, streetscape (benches, shade trees, bike racks), architecture (addition of balconies, porches, or arcades), and other exterior facade improvements were considered on a case-by-case basis.

The Program was amended in 2018 to replace eligible exterior improvements from “exterior signage” to “replacement of non-confirming pole signs to conforming freestanding or monument signs” to encourage and provide financial support for bringing exterior signage into compliance with the City’s Land Development Code and enhance the appearance of the property.

At the direction of the Board, the program was significantly amended in 2021 to encourage commercial property owners to upgrade landscaping on private property and bring it into compliance with the City’s Landscape Code, where feasible, since many of the properties within the CRA were constructed prior to the adoption of the Code. The amendment encourages property owners to upgrade landscaping to enhance the visible appearance of the property and provide shade along streets. We strongly encourage these improvements along the perimeter property lines that abut the public rights-of-way and interior parking lots.

Also, the evaluation matrix was amended to further encourage the property owners to provide landscape improvements as part of the overall site improvements and restricts funding for improvements such as replacement of windows and doors, replacement of existing awnings, exterior painting and lighting, and decorative shutters. These improvements are eligible for funding only as part of a more comprehensive site improvement.

The CRA continues to make outreach efforts to promote the program, which includes distributing an electronic newsletter to the City’s contact list, distributing flyers to local businesses, mailing postcards to local business owners, and social media outlets such as Twitter, Facebook, Instagram.

Funding Source:

The CRB and CRA Board approve \$50,000 in CRA TIF funding each fiscal year for the program.

Recommended Action:

Provide staff with direction on amending the Business Improvement Grant Program guidelines to ensure the program’s success and that the program goals and objectives are met.

ATTACHMENTS:

1. Business Improvement Reimbursement Grant Program_GUIDELINES
2. Business Improvement Reimbursement Grant Program_APPLICATION
3. Business Improvement Reimbursement Grant Program_EVALUATION CRITERIA
4. Business Improvement Reimbursement Grant Program_REIMBURSEMENT FORM
5. CRA Map
6. CRA_BIRP - Priority Area Map
7. BIRP Program Application Packet_FY2024_May 31 2024 Deadline



Community Redevelopment Agency
BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM
GUIDELINES



PROGRAM DESCRIPTION

The City of Stuart Community Redevelopment Agency (CRA) Business Improvement Reimbursement Program is an incentive program designed to encourage visible, exterior improvements to commercial businesses in the Stuart Community Redevelopment Area.

The intent of the program is to promote commercial vitality, increase economic activity, and improve property values by encouraging private investment in exterior renovations that enhances the overall attractiveness of the community. The program will provide financial assistance to existing businesses in the form of a grant intended to reduce the costs for exterior improvements that result in more visually appealing commercial properties in accordance with the Stuart Community Redevelopment Plan.

The grant program provides a reimbursement grant of up to \$10,000 of public funds per property to match private funds to pay for the design and completion of property improvements. The grant shall be available on a dollar-to-dollar match (for every dollar the grantee puts in, the Stuart CRA will put in one dollar) for commercial businesses which may qualify for a reimbursement of 50% of the applicant's total project costs up to \$10,000.

The grant cycle will open on _____ - _____ and close on _____. To be eligible for consideration, applicant must submit a completed application by 5 PM on _____, at the City Hall, CRA office located at 121 SW Flagler Avenue, Stuart. Funds are limited and subject to availability. Funding may be appropriated annually in the CRA budget. The continuation of the program is subject to the availability of funds in the CRA budget.

ELIGIBILITY

- Property must be within the boundaries of the Community Redevelopment Area. Refer to the attached CRA map.
- Must be a commercial property (i.e. retail, restaurant, office, service, mixed-use) and not solely provide living accommodations.
- Residential, non-profit and City owned/leased properties are not eligible.
- The property owner is the applicant; however, if the property is currently leased to a tenant, then the application and agreement must be jointly executed by both the owner and tenant.
- First time applications will receive priority consideration for funding allocation.
- Properties must not have building code or code enforcement issues/ City staff will verify this during its due diligence.
- Property must not have any tax liens and must be current on property taxes paid to the City of Stuart.
- Commercial businesses must have a current Business Tax License with the City of Stuart.

ELIGIBLE PROJECTS

The grant provides funding for a comprehensive enhancement to a building's facade. A facade is defined as the principal face(s) of a building that is on a public street. Eligible projects include replacement, repair, or addition of **at least two** of the expenses below.

- Building facade materials or elevation enhancements (ex. brick, stucco, siding, stairs, ramps, or decorative features)
- Exterior architectural amenities (ex. addition or improvement of balconies, porches, entryways, or arcades) excluding Downtown Outdoor Dining Program establishments
- Exterior lighting (fixed structures that improve visibility and safety)
- Awnings/Canopies (New or Replacement) Decorative Fences (no metal chain link)
- Parking lots, driveways, and streetscaping (ex. benches, shade trees, bicycle racks) *
- Exterior cleaning and painting
- Replacement of impact or non-impact energy efficient windows and doors
- Sidewalks on private property
- Replacement of wall air-conditioning units on a building to energy efficient central air conditioning system
- Replacement of non-conforming pole signs to conforming freestanding or monument signs
- Dumpster enclosures
- Architectural, engineering or landscape architectural services for design to be funded through this program (maximum of \$500 in grant funding)

All enhancements must be located on private property and comply with zoning and building codes. Any eligible expense incurred prior to the execution of the Business Improvement Program Agreement, or work performed without required permits, is ineligible for reimbursement.

* For extensive streetscape improvements, it is recommended that you also utilize the Commercial Landscape Improvement Program.

MAINTENANCE

The applicant shall assume responsibility for maintenance of improvements funded with the grant for a minimum of three (3) years. Failure to maintain can negatively impact future funding of projects for the subject property.

FUNDING GUIDELINES

The CRA is making available to eligible commercial properties within the Community Redevelopment Area a grant award that equates to 50% of eligible project costs, up to \$10,000 to assist in exterior facade improvements. This money is available on a dollar-for-dollar match (for every one dollar the grantee puts in, the CRA will put in one dollar) but cannot exceed 50% of the total cost of the project. An agreement between the grantee and the CRA must be signed that will guarantee that any materials installed under the grant will not be removed or negatively altered (as determined by the CRA) for

three (3) years after installation, unless pre-approved by the CRA, and that it will be maintained in accordance with the City of Stuart's Community Redevelopment Plan and landscaping maintenance standards. If these provisions are not met, the CRA will have the right to request a return of any funds disbursed to the grantee with interest. Additionally, no work is to be undertaken without written approval of grant funds from the CRA. The program will not reimburse a grantee for work previously done, or already underway prior to the CRA board's approval of the grant.

EVALUATION CRITERIA

It is the intent of the CRA to fund applicants on a first-come, first-served basis, however, the CRA reserves the right as its sole discretion to make any final determinations as to how this program will be offered and implemented. This may include, but not limited to ranking of applicants, which applicants will be funded, all conditions of funding, and approval of all plans, designs and materials to be utilized. Applicants, even those that meet the eligibility criteria, may not be approved if the project conflicts with the objectives and goals of the City of Stuart's Community Redevelopment Plan and Land Development Code.

If the applicant is applying for the Landscape Improvement Reimbursement Program simultaneously, that applicant must complete the application form for both programs but may submit them together with all the required attachments as one package. Remember to include separate cost breakdown describing the improvements to be undertaken through each program. Acceptance of an application to one program does not guarantee approval of both programs.

APPLICATION PROCESS

1. Download an application from the City's website, or secure an application at City Hall, Community Redevelopment Agency office located on 121 SW Flagler Avenue, Downtown Stuart.
2. Review the application if you have any questions please call (772) 288-5375 or email jpinkston@ci.stuart.fl.us.
3. Submit a completed application package to City Hall, CRA office, which includes the following:
 - ☐ Signed and completed application
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Complete budget spreadsheet (attached to application)
 - ☐ A minimum of two (2) bids/quotes from licensed contractors/agent registered with the City of Stuart or Martin County
 - ☐ Photographs of existing conditions of the site to be improved (two minimum)
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Preliminary façade improvement plan identifying types and location of materials, landscape plans; location of parking must be included in the plan and meet current code regulations

☐ New vendor application and W-9 Form (this is required for reimbursement)

The applicant is responsible for all building and other permits and fees which are associated with the proposed project.

4. City staff reviews the application for completeness, and eligibility. City staff may go to the project site and do a “walk-thru” of the property to consider the proposed improvements.
5. Staff will review the completed application based on the Land Development Code guidelines for recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board. Staff will make recommendations to the application about how to prepare a competitive grant application.
6. Staff will present a recommendation for funding to the Community Redevelopment Board (CRB). The applicant or a representative must be present at the CRB meeting to be considered for the grant program. City staff will provide the public hearing date and time for the CRB meeting. The meeting will be held in the Stuart City Hall Commission Chambers located at 121 SW Flagler Avenue. The CRB will make a recommendation to the Community Redevelopment Agency (CRA) Board.
7. The Community Redevelopment Agency (CRA) Board will hear the agenda item and make the final recommendation for approval or denial of funding. City staff will provide the public hearing date and time for the CRA Board meeting. The applicant or a representative must be present at this meeting also. Staff will provide information for the meeting date and time.
8. The CRB and CRA Boards may award grant fund with certain provisions, conditions, or other requirements as it deems appropriate.
9. improvements of any component of the grant application cannot begin until the board approves the project. Any work completed prior to this approval will not be eligible for reimbursement. Upon CRA approval, the applicant will need to sign the contract and will have one year for project completion. If the project is not completed or is not approved in its final inspection (if applicable), within one year from the approval of the grant, the grant award shall expire. A request for extension may be requested at least 30 days prior to grant award expiration by contacting the CRA Director.

Once approved, the property owner will have to sign to specify the obligation of the applicant for grant reimbursement. The contract may be recorded in the public records of Martin County, Florida. For the duration of the improvements, the applicant will post a sign to be provided by the City which indicates the project has received a Landscape Improvement Grant and relevant program information. The sign can be picked up at Stuart City Hall, located at 121 SW Flagler Avenue, Stuart.

REIMBURSEMENT PROCESS

Upon project completion, the applicant contacts the CRA Program Manager at (772) 288-5375. Disbursement of grant funds shall only occur when the following documents are submitted, and all other required conditions are met:

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

- Proof of payment for improvements (which must be at least as much as the amount indicated in the application)
- Copies of applicable invoices must show “paid in full” (receipts must clearly show how the project was paid, i.e. check, cash must be made by cashier’s check or credit)
- Copies of passed final inspection (if applicable)
- A minimum of two (2) photos of completed improvements
- Completed W-9 form (if not provided with application submission)

If the project is not completed or is not approved in its final inspection within one year from the approval of the grant, the grant award shall expire.

If you have any questions regarding this application, please contact the CRA Program Manager at (772) 288-5375 or jpinkston@ci.stuart.fl.us or visit www.cityofstuart.us/CRA.





Community Redevelopment Agency
BUSINESS IMPROVEMENT GRANT PROGRAM
APPLICATION

APPLICANT INFORMATION		
Owner Name:		
Owner Address:		
Phone:	Email:	Tax ID#
Authorized Agent/Contractor:		
Agent Address:		
PROPERTY INFORMATION		
Name of Business:		
Address of Proposed Project:		
Type of Business:		
Years in Operation:		
Number of Employees:		
Description of Improvements:		
Describe how this project benefits the Community Redevelopment Area:		
Total Project Cost \$		

Signature of Applicant/Property Owner

Date

Signature of Lessee/Tenant (if applicable)

Date

- Submit a completed application package to City Hall, CRA office, which includes the following:
 - ☐ Signed and completed application
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Complete budget spreadsheet (attached to application)
 - ☐ A minimum of two (2) bids/quotes from licensed contractors/agent registered with the City of Stuart or Martin County
 - ☐ Photographs of existing conditions of the site to be improved (two minimum)
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Preliminary landscape plan identifying types and location of materials, irrigation plans; location of parking must be included in the plan and meet current code regulations
 - ☐ New vendor application and W-9 Form (this is required for reimbursement)

The applicant is responsible for all building and other permits and fees which are associated with the proposed project.

- An application to the Business Improvement Grant Program will not be processed until a completed application packet is submitted to the Stuart Community Redevelopment Agency located in the City Hall, CRA Office at 121 SE Flagler Avenue, Stuart. If you have any questions, please call the CRA Program Manager at 772-288-5375.
- Applying is not a guarantee of funding.





Community Redevelopment Agency
BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM
EVALUATION CRITERIA STANDARDS



The following factors shall be considered in determining whether to award a grant. Grant applications must score a minimum of fifty (50) points to be considered for funding. A score of sixty (50) or more points does not guarantee funding. All funding is contingent of remaining fund availability.

The following evaluation matrix is a guide to assist the city staff in the evaluation process and provide a recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board:

REVIEW CRITERIA	MAXIMUM POINTS	POINTS AWARDED
Improvements will have more visual impact (highly visual elements of the buildings are being improved and visible from the street; side and rear building facades where improvements will serve to remove blight)	15	
Match ratio of total renovation costs (projects that leverage more private investment will be scored higher than those seeking just the grant funding)	15	
Facade project is part of a larger project that improves other exterior or interior parts of the building	10	
Adjacent to other CRA projects (e.g. streetscape improvements, sidewalks, neighborhood improvements)	10	
Site improvement that improves the pedestrian and transportation functionality of the property (such as shade trees, benches, bike racks, etc.)	10	
Will serve as a catalyst for redevelopment	10	
Renovation and rehabilitation of historic buildings (listed on the City of Stuart Local Historic Register, National Historic Register, "1991 Historic Properties Survey" or local landmark designation)	10	
Location within high traffic and/or high visibility area (e.g. Federal Highway, Dixie Highway, Ocean Blvd., Martin Luther King Jr. Blvd., Old Downtown District, "The Creek" Arts & Entertainment District, etc.); or Located within the approved priority areas (map attached)	10	
First time applicant	10	
Total maximum number of points	100	



Community Redevelopment Agency
BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM
PROJECT COST ESTIMATE/REIMBURSEMENT FORM



Note: All Business Improvement Grant applicants need to complete the “Project Cost Estimate” portion of this form and submit documented cost estimates as a part of the application packet. To receive the grant reimbursement, the “Reimbursement Summary” portion of this form must be completed and submitted with copies of paid invoices indicating completion of improvements. All improvements must be completed, inspected, and have received final approval from the City of Stuart prior to reimbursement.

Project Cost Estimate				Reimbursement Summary		
Item	Facade Improvement (parking lot, lighting, architecture, painting, etc.)	Contractor	Cost Estimate	Contractor	Date of Completion	Actual Cost (include proof of payment)
1			\$			\$
2			\$			\$
3			\$			\$
4			\$			\$
5			\$			\$
6			\$			\$
7			\$			\$
Total Cost Estimate			\$	Total Actual Cost		\$

Signature of Applicant/Property Owner

Date

Signature of Lessee/Tenant (if applicable)

Date

Community Redevelopment Agency (CRA) Area Map





STUART COMMUNITY REDEVELOPMENT AGENCY

BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM

PROGRAM DESCRIPTION:

The City of Stuart Community Redevelopment Agency (CRA) Business Improvement Reimbursement Program is an incentive program designed to encourage visible, exterior improvements to commercial businesses in the Stuart Community Redevelopment Area.

The grant program provides a reimbursement grant of up to \$10,000 of public funds per property to match private funds to pay for the design and completion of property improvements. The grant shall be available for commercial businesses which may qualify for a reimbursement of 50% of the applicant's total project costs up to \$10,000.

The CRA recognizes that many properties within the Community Redevelopment Area were constructed before the adoption of the City's current landscape code. This has left the CRA with many commercial properties that provide little, if any, aesthetic appeal. It is the intent of the CRA to rectify this situation by encouraging all eligible applicants to upgrade landscaping along the perimeter of a commercial property that abuts a public right-of-way and interior parking lot landscaping to enhance the visible appearance of the property and provide shade along streets to improve walkability. If there are site limitations, the applicant may consider planting shade trees within the City's right-of-way adjacent to their property. This may include but not limited to asphalt removal, plant materials, xeriscaping, native plants, shade trees, and irrigation systems. Where the landscaping cannot reasonably be provided, the applicant is requested to provide a justification statement for why it can't be met.

The grant cycle opened October 1, 2023 and ended on January 26, 2024, but has been extended until Friday, May 31, 2024. To be eligible for consideration, applicant must submit a completed application by **5 PM on Friday, May 31, 2024** at the City Hall, CRA office located at 121 SW Flagler Avenue, Stuart. Funds are limited and subject to availability. Funding may be appropriated annually in the CRA budget. The continuation of the program is subject to the availability of funds in the CRA budget.

ELIGIBILITY:

- All owners of a licensed business within the Stuart Community Redevelopment Area shall be eligible for the program. Refer to attached CRA map.
- The property owner is the applicant; however, if the property is currently leased to a tenant, then the application and agreement must be jointly executed by both the owner and the tenant.
- Residential, non-profit and City owned/leased properties are not eligible.
- First time applications will receive priority consideration for funding allocation.

- Properties must not have building code or code enforcement issues. City staff will verify this during its due diligence.
- Property must not have any tax liens and must be current on property taxes paid to the City of Stuart.
- Commercial Businesses must have a current Business Tax License with the City of Stuart.

ELIGIBLE IMPROVEMENTS:

The Stuart CRA Business Improvement Reimbursement Program shall provide, on a reimbursement basis, 50% matching grant for eligible exterior improvements, up to \$10,000, which are consistent with and further the implementation of the Stuart Community Redevelopment Plan and City of Stuart Land Development Code, and visible from the roadway. Funds may be used for one or more of the following types of enhancements as a part of an improvement program:

- Restoring or sustainably beautifying or enhancing the façade or elevation of a commercial building.
- Exterior architectural amenities to provide shade over the public right-of-way/sidewalk (*e.g., addition or improvement of new awnings, balconies, porches, entryways, or arcades*) excluding Downtown Outdoor Dining Program establishments.
- Landscaping improvements around the perimeter of a property that abuts a public right-of-way and interior parking lot landscaping. This may include but not limited to asphalt removal, plant materials, xeriscaping, native plants, shade trees, and irrigation system.
- Replacement of non-conforming pole signs to conforming freestanding or monument signs.
- Property improvements such as lighting, fencing, benches, bicycle racks, walkway and driveway improvements, parking lot improvements.
- Architectural, engineering or landscape architectural services for design to be funded through this program (maximum of \$500 in grant funding).

The following is not eligible for funding on its own, but it may be funded as part of a more comprehensive façade improvement: replacement of windows and doors, replacement of wall air-conditioning units on a building to energy efficient central air conditioning system, replacement of existing awnings, exterior cleaning and painting, exterior lighting, decorative Bahama or Colonial Shutters, exterior signage and dumpster enclosures.

NOTE: All improvements proposed with this grant application must be consistent with the Community Redevelopment Plan and the Land Development Code overlay design guidelines.

MAINTENANCE OF IMPROVEMENTS:

The applicant shall assume responsibility for maintenance of improvements funded with the grant for a minimum of three (3) years. Failure to maintain can negatively impact future funding of projects for the subject property.

EVALUATION CRITERIA STANDARDS:

The following factors shall be considered in determining whether to award a grant. Grant applications must score a minimum of sixty (60) points to be considered for funding. A score of sixty (60) or more points does not guarantee funding. All funding is contingent of remaining fund availability.

The following evaluation matrix is a guide to assist the city staff in the evaluation process and provide a recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board:

Evaluation Criteria	Possible Points	Awarded Points
Visual Impact • Improvement in the attractiveness of the location and the level of blight or deterioration removed; • Highly visual elements of the buildings are being improved and visible from the street; • For building facades that are not visible from the street, the improvements allowed will serve to remove blight or deterioration condition; • Level of improvements impact on overall appearance of the property.	30	
Urban Street Impact • Upgrade landscaping around the perimeter of the property that abuts the public right-of-way and interior parking lot; or within the public right-of-way if there are site limitations. • Bike racks, benches, lighting, etc. • Level of improvements improve the pedestrian and transportation functionality of the property.	30	
Economic Impact • Amount of additional funding expended by business; • Facade project is part of a larger project that improves other exterior or interior parts of the building); • Reuse of vacant or underutilized property; • Adjacent to other CRA projects (e.g., streetscape improvements, sidewalks, neighborhood improvements); • Location within high traffic and/or high visibility area (e.g., Federal Highway, Dixie Highway, Ocean Blvd., Martin Luther King Jr. Blvd., Old Downtown District, "The Creek" Arts & Entertainment District, etc.); or Located within the approved priority area (map attached); • Will serve as a catalyst for redevelopment activity on the corridor or neighborhood.	10	
Historic/Community Impact • Renovation and rehabilitation of historic buildings (listed on the City of Stuart Local Historic Register, National Historic Register, "1991 Historic Properties Survey" or local landmark designation)	10	

APPLICATION PROCESS:

1. Download an application from the City's website, or secure an application at City Hall, Community Redevelopment Agency office located on 121 SW Flagler Avenue, Downtown Stuart.
2. Review the application if you have any questions please call (772) 288-5375 or email jpinkston@ci.stuart.fl.us.
3. Submit a completed application package to City Hall, CRA office, which includes the following:
 - Completed application
 - Complete budget spreadsheet (*attached to application*)
 - Proof of ownership of the property (ex. tax deed)
 - Copies of TWO cost estimates by licensed contractor/agent registered with the City of Stuart or Martin County
 - Photographs of existing site/building to be improved (2 minimum).
 - Project renderings/drawings/specifications of proposed improvements (e.g. building elevations, landscape location/material, awning design/color, paint color, proposed sign)
 - New vendor application and W-9 Form (this is required for reimbursement)

The applicant is responsible for all building and other permits and fees which are associated with the proposed project.

4. City staff reviews the application for completeness, and eligibility. City staff may go to the project site and do a "walk-thru" of the property to consider the proposed improvements.
5. Staff will review the completed application based on the evaluation guidelines for recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board. Staff will make recommendations to the application about how to prepare a competitive grant application.
6. Staff will present a recommendation for funding to the Community Redevelopment Board (CRB). The applicant or a representative must be present at the CRB meeting to be considered for the grant program. City staff will provide the public hearing date and time for the CRB meeting. The meeting will be held in the Stuart City Hall Commission Chambers located at 121 SW Flagler Avenue. The CRB will make a recommendation to the Community Redevelopment Agency (CRA) Board.
7. The Community Redevelopment Agency (CRA) Board will hear the agenda item and make the final recommendation for approval or denial of funding. City staff will provide the public hearing date and time for the CRA Board meeting. The applicant or a representative must be present at this meeting also. Staff will provide information for the meeting date and time.
8. The CRB and CRA Boards may award grant fund with certain provisions, conditions, or other requirements as it deems appropriate.
9. Construction of any component of the grant application cannot begin until the board approves the project. Any work completed prior to this approval will not be eligible for reimbursement. Upon CRA approval, the applicant will need to sign the contract and will have one year for project completion. If the project is not completed, is not approved in its final inspection, or does not receive its certificate of occupancy (if applicable) within one year from the approval of the grant, the grant award shall expire. A request for extension may be requested at least 30 days prior to grant award expiration by contacting the CRA Director.

Once approved, the property owner will have to sign to specify the obligation of the applicant for grant reimbursement. The contract may be recorded in the public records of Martin County, Florida. For the duration of the improvements, the applicant will post a sign to be provided by the City which indicates the project has

received a Property Improvement Grant and relevant program information. The sign can be picked up at Stuart City Hall, located at 121 SW Flagler Avenue, Stuart.

REIMBURSEMENT PROCESS:

Upon project completion, the applicant contacts the CRA Program Manager at (772) 288-5375. Disbursement of grant funds shall only occur when the following documents are submitted, and all other required conditions are met:

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

- Proof of payment for improvements (which must be at least as much as the amount indicated in the application)
- Copies of applicable invoices must show “paid in full” (*receipts must clearly show how the project was paid, i.e. check, cash must be made by cashier's check or credit*)
- Copies of passed final inspection
- Two photos of completed project/improvements
- Completed W-9 form (if not provided with application submission)

If the project is not completed, is not approved in its final inspection, or does not receive its certificate of occupancy (*if applicable*) within one year from the approval of the grant, the grant award shall expire.

If you have any questions regarding this application, please contact the CRA Program Manager at (772) 288-5375 or jpinkston@ci.stuart.fl.us or visit www.cityofstuart.us/CRA.





**STUART COMMUNITY REDEVELOPMENT AGENCY
BUSINESS IMPROVEMENT REIMBURSEMENT PROGRAM APPLICATION**



APPLICANT INFORMATION

Owner Name:

Owner Address:

Phone:

Email:

Tax ID#

Authorized Agent/Contractor:

Agent Address:

PROPERTY INFORMATION

Name of Business:

Type of Business:

Years in Operation:

Number of Employees:

Description of Improvements:

Address of Proposed Project:

Describe how this project benefits the Community Redevelopment Area:

Total Project Cost \$

Signature of Applicant/Property Owner

Date

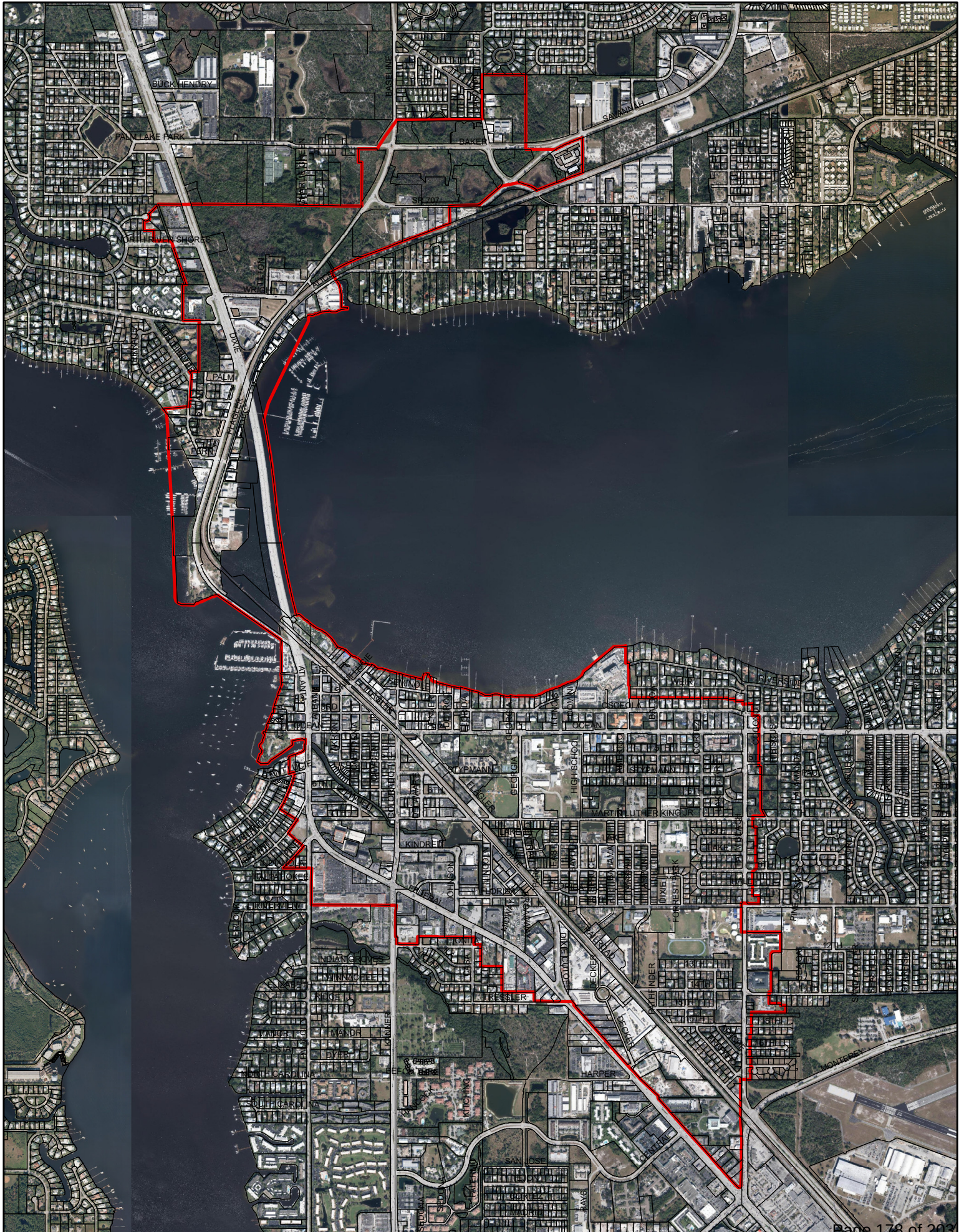
Signature of Lessee/Tenant (if applicable)

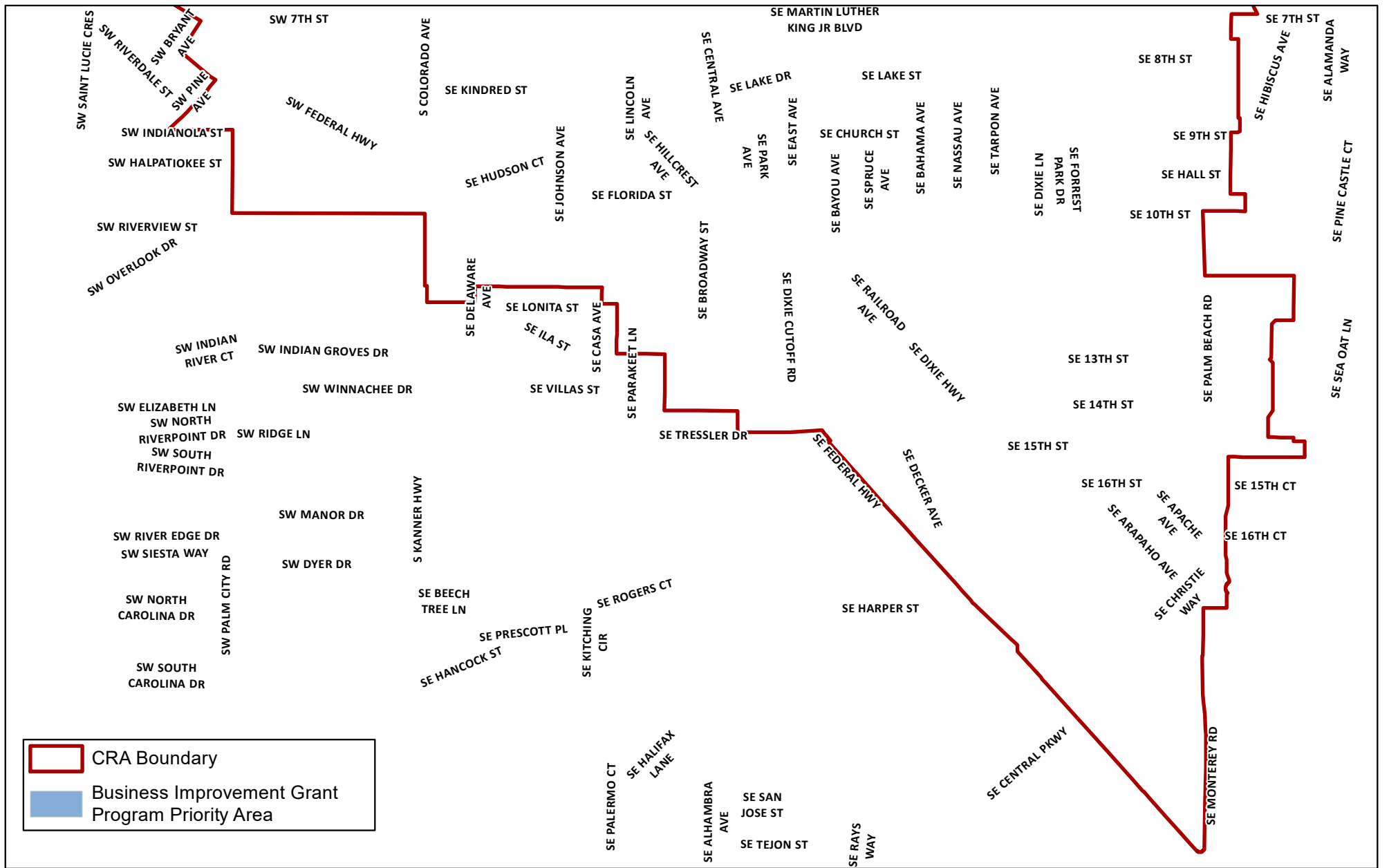
Date

- Submit a completed application package to City Hall, CRA office, which includes:
- Completed application
 - Complete budget spreadsheet (*attached to application*)

- Proof of ownership of the property (ex. Tax Deed)
 - Copies of TWO cost estimates by licensed contractor/agent registered with the City of Stuart or Martin County
 - Photographs of existing site/building to be improved (2 minimum)
 - Project renderings/drawings/specifications of proposed improvements (e.g., building elevations, landscape location/material, awning design/color, paint color, proposed sign)
 - New vendor application and W-9 Form (this is required for reimbursement)
- The applicant is responsible for all building and other permits and fees which are associated with the proposed project.
 - An application to the Business Improvement Reimbursement Program will not be processed until a completed application packet is submitted to the Stuart Community Redevelopment Agency located in the City Hall, CRA Office at 121 SE Flagler Avenue, Stuart.
 - Completed applications are due **Monday, April 15, 2024 by 5 PM**. Applications with all documents attached will be accepted at the CRA Office located at City Hall, 121 SW Flagler Avenue. If you have any questions, please call the CRA Program Manager at 772-288-5375.
 - Submitting an application is not a guarantee of funding.

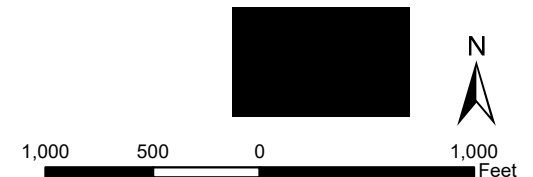
Community Redevelopment Agency (CRA) Area Map





City of Stuart CRA Business Improvement Reimbursement Program Priority Area

Proposed Arts and Entertainment has been created by the City of Stuart Development Department as well as the Arts Council of Martin County. Aerial Imagery source is ESRI, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, AeroGRID, IGN, and the GIS Users Community. This map is a conceptual planning tool only.





STUART COMMUNITY REDEVELOPMENT AGENCY PROPERTY IMPROVEMENT GRANT PROGRAM

PROJECT COST ESTIMATE/REIMBURSEMENT FORM

Note: All property improvement grant applicants need to complete the "Project Cost Estimate" portion of this form and submit documented cost estimates as a part of the application packet. To receive the grant reimbursement, the "Reimbursement Summary" portion of this form must be completed and submitted with copies of paid invoices indicating completion of improvements. All improvements must be completed, inspected, and have received final approval from the City of Stuart prior to reimbursement.

Project Cost Estimate				Reimbursement Summary		
Item	Category of Improvement (landscaping, parking lot, architecture, painting, etc.)	Contractor	Cost Estimate	Contractor	Date of Completion	Actual Cost (include proof of payment)
1			\$			\$
2			\$			\$
3			\$			\$
4			\$			\$
5			\$			\$
6			\$			\$
7			\$			\$
Total Cost Estimate			\$	Total Actual Cost		\$



Financial Services Department
121 SW Flagler Avenue
Stuart, Florida 34994-2172
Tel: 772-288-5314 Fax: 772-288-5323

**REQUEST FOR TAXPAYER IDENTIFICATION NUMBER
SUBMIT WITH IRS FORM W-9**

Dear Vendor:

Federal Income Tax Law requires a Form 1099 with a valid taxpayer identification number to be filed for payments made in the course of conducting a trade or business. Further, these payments may be subject to Backup Federal Income Tax Withholding for all payees who have not submitted a correct Federal Tax Identification Number at the time of payment.

Please read this form and complete the information thereon before signing and **returning with a copy of your IRS W9 Form**. If you are a corporation, we will not issue you a Form 1099 (Reference: 1.6401-3(c)). However, kindly return this form to document your corporate status.

In order to avoid the possibility of future payments being held subject to Backup Withholding at a rate of 31%, please complete the form printed below and return this letter to the above address or E-mail request to: cityaccountspayable@ci.stuart.fl.us

VENDOR NAME _____

DBA: _____

CORPORATE ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

TELEPHONE: (____) _____ **FAX:** (____) _____ **ALTERNATE PHONE:** (____) _____

COMPANY CONTACT NAME: _____ **EMAIL ADDRESS:** _____

TYPE OF CERTIFICATION

- | | | |
|----------------------------------|---------------------------------|--|
| 1. ☐ MBE | 3. ☐ SBA | 5. ☐ DVBE |
| 2. ☐ MWBE | 4. ☐ SDB | 6. ☐ Other: _____ |

"THE ABOVE INFORMATION WILL BE USED FOR PURCHASE ORDERS"

REMIT TO ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP:** _____

TELEPHONE: (____) _____ **FAX:** (____) _____ **ALTERNATE PHONE:** (____) _____

COMPANY CONTACT NAME: _____ **EMAIL ADDRESS:** _____

TYPE OF ORGANIZATION

- | | | |
|---|---|---|
| 1. ☐ Corporation | 3. ☐ Sole Proprietor | 5. ☐ Government Agency |
| 2. ☐ Partnership | 4. ☐ Individual | 6. ☐ Other: _____ |

1099 REPORTING STATUS (Check One): ☐ Yes ☐ No

TAXPAYER IDENTIFICATION NUMBER:

Employer Identification Number: _____ - _____

Print name of Taxpayer if using SS#: _____

Under penalties of perjury, I certify that this statement is accurate and complete.

Signature: _____ **Title:** _____

Date: _____ **Phone:** (____) _____

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		
2 Business name/disregarded entity name, if different from above		
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)	
6 City, state, and ZIP code		
7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-			-		
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C corporation, or S corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for ...	THEN the payment is exempt for ...
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Community Redevelopment Board

Meeting Date: 10/1/2024

Prepared by: Jordan Pinkston

Title of Item:

DISCUSSION & DELIBERATION ON COMMERCIAL LANDSCAPE IMPROVEMENT REIMBURSEMENT GRANT PROGRAM GUIDELINES

Summary Explanation/Background Information on Agenda Request:

SUMMARY

The City of Stuart Community Redevelopment Agency (CRA) Commercial Landscape Improvement Reimbursement Program is an incentive program designed to encourage irrigation and visible, exterior landscape improvements to commercial businesses in the Stuart Community Redevelopment Area to encourage shade trees, walkability, native plants and meet the City of Stuart's Land Development Code requirements.

The CRA recognizes that many properties within the Community Redevelopment Area were constructed before the adoption of the City's current landscape code. This has left the CRA with many commercial properties that provide little, if any, aesthetic appeal. It is the intent of the CRA to rectify this situation by encouraging all eligible applicants to upgrade landscaping along the perimeter of a commercial property that abuts a public right-of-way and interior parking lot landscaping to enhance the visible appearance of the property and provide shade along streets to improve walkability. If there are site limitations, the applicant may consider planting shade trees within the City's right-of-way adjacent to their property.

Eligible improvements may include, but are not limited to, landscape design, plant and irrigation installation, asphalt removal, plant materials, xeriscaping, native plants, and shade trees. Irrigation is a requirement for reimbursement. The following is not eligible for funding on its own, but it may be funded as part of a more comprehensive landscape improvement: decorative walls, fencing, planters, and hardscape plazas (where appropriate in pedestrian areas). Based on recommendation, irrigation is a requirement for reimbursement. All improvements proposed in the grant application must be consistent with the Community Redevelopment Plan and the Land Development Code overlay design guidelines.

The City of Stuart Community Redevelopment Agency (CRA) Commercial Landscape Improvement Reimbursement Program shall provide, on a reimbursement basis, 50% matching grant for eligible landscape improvements, up to \$5,000, which is consistent with and further the implementation of the Stuart Community Redevelopment Plan and City of Stuart Land Development Code, and visible from the roadway.

An agreement between the grantee and the CRA must be signed that will guarantee that any materials installed under the grant will not be removed or negatively altered (as determined by the CRA) for three (3) years after installation, unless pre-approved by the CRA, and that it will be maintained in accordance with the City of Stuart's landscaping maintenance standards. If these provisions are not met, the CRA will have the right to request a return of any funds disbursed to the grantee with interest. Additionally, no work is to be undertaken without written approval of grant funds from the CRA. The program will not reimburse a grantee for work previously done, or already underway prior to the CRA board's approval of the grant.

It is the intent of the CRA to fund applicants on a first-come, first-served basis. However, the CRA reserves the right as its sole discretion to make any final determinations as to how this program will be offered and implemented. This may include, but not limited to: ranking of applicants, which applicants will

be funded, all conditions of funding, and approval of all plans, designs and materials to be utilized. Applicants, even those that meet the eligibility criteria, may not be approved if the project conflicts with the objectives and goals of the City of Stuart's Land Development Code.

If the applicant is applying for the Business Improvement Reimbursement Grant Program simultaneously, that applicant must complete the application form for both programs but may submit them together with all the required attachments as one package. Remember to include breakdowns describing the improvements to be undertaken through each program. Acceptance of an application to one program does not guarantee approval of both programs.

BACKGROUND

Commercial businesses are essential to the fabric of Downtown Stuart. For the past 15 years, the CRA has offered businesses financial relief for improvements made through the Business Improvement Reimbursement Grant Program. Over the years, program initiatives shifted, and the guidelines and evaluation matrix were amended to encourage upgrades of landscaping and trees to promote shade, walkability, and bring businesses into compliance with the City's Land Development Code. Staff and business owners have found it increasingly difficult to fund their façade and building improvements along with additional landscape requests for the program. The Community Redevelopment Board and Community Redevelopment Agency supported staff to implement a separate program focusing on grant assistance for business owners that plan to make significant landscape improvements. The Commercial Landscape Improvement Grant Program can be used in conjunction with a BIRP application or be applied for independently.

Funding Source:

The grant program provides a reimbursement of up to \$5,000 of public funds per property to match private funds to pay for the design and completion of landscape improvements. The grant shall be available for commercial businesses which may qualify for a reimbursement of 50% of the applicant's total project costs up to \$5,000.

The CRA has allocated \$25,000 of CRA TIF funding for FY 2025 to budget for the program. The budget is pending Commission approval.

Recommended Action:

Provide staff with direction on the Commercial Landscape Improvement Reimbursement Grant Program Guidelines.

ATTACHMENTS:

1. Commercial Landscape Improvement Reimbursement Grant Program_GUIDELINES
2. Commercial Landscape Improvement Reimbursement Grant Program_APPLICATION
3. Commercial Landscape Improvement Reimbursement Grant Program_REIMBURSEMENT FORM
4. 06042024 CRB Minutes
5. CRA Map
6. 06242024 CRA Minutes



Community Redevelopment Agency
COMMERCIAL LANDSCAPE IMPROVEMENT PROGRAM
GUIDELINES



PROGRAM DESCRIPTION

The City of Stuart Community Redevelopment Agency (CRA) Commercial Landscape Improvement Grant Program is designed to facilitate the enhancement of existing commercial properties within the Stuart Community Redevelopment Area. The intent of the program is to substantively improve the landscape appearance of the existing commercial properties within the redevelopment area. The program will provide financial assistance to existing businesses in the form of a grant intended to reduce the costs for landscaping improvements that result in more visually appealing commercial properties in accordance with the Stuart Community Redevelopment Plan.

The grant program provides a reimbursement of up to \$5,000 of public funds per property to match private funds to assist in landscape improvements. The grant shall be available on a dollar-to-dollar match (for every dollar the grantee puts in, the Stuart CRA will put in one dollar) for commercial businesses which may qualify for a reimbursement of 50% of the applicant's total project costs up to \$5,000.

The CRA recognizes that many properties within the Community Redevelopment Area were constructed before the adoption of the City's current landscape code. This has left the CRA with many commercial properties that provide little, if any, aesthetic appeal. It is the intent of the CRA to rectify this situation by encouraging all eligible applicants to upgrade landscaping along the perimeter of a commercial property that abuts a public right-of-way and interior parking lot landscaping to enhance the visible appearance of the property and provide shade along streets to improve walkability.

ELIGIBILITY

- Property must be within the boundaries of the Community Redevelopment Area. Refer to the attached CRA map.
- Must be a commercial property (i.e. retail, restaurant, office, service, mixed-use) and not solely provide living accommodations.
- Residential, non-profit and City owned/leased properties are not eligible.
- The property owner is the applicant; however, if the property is currently leased to a tenant, then the application and agreement must be jointly executed by both the owner and tenant.
- First time applications will receive priority consideration for funding allocation.
- Properties must not have building code or code enforcement issues/ City staff will verify this during its due diligence.
- Property must not have any tax liens and must be current on property taxes paid to the City of Stuart.
- Commercial businesses must have a current Business Tax License with the City of Stuart.

ELIGIBLE PROJECTS

The City of Stuart Community Redevelopment Agency (CRA) Commercial Landscape Improvement Reimbursement Program shall provide, on a reimbursement basis, 50% matching grant for eligible landscape improvements, up to \$5,000, which are consistent with and further the implementation of the Stuart Community Redevelopment Plan and City of Stuart Land Development Code, and visible from the roadway. **Irrigation for landscaping is required for reimbursement.** Funds may be used for one or more of the following types of enhancements as a part of an improvement program:

- Landscaping around buildings and lot perimeter, for buffers, parking lot islands, green space (landscaping shall include native plants and shade trees where feasible)
- Installation of Irrigation system
- Demolition and removal of asphalt, concrete, impervious surfaces to add landscape areas

The following is not eligible for funding on its own, but it may be funded as part of a more comprehensive landscape improvement: decorative walls, fencing, planters, and hardscape plazas (where appropriate in pedestrian areas).

INELIGIBLE PROJECTS

There are several items in the City Landscape Code that are not eligible expenses. These items include but are not limited to:

- Installation of trash receptacles
- Dumpster enclosures
- Screening or landscaping to masonry walls for buffering zones between non-residential and residential properties.
- Replacement of existing materials and work associated with the City of Stuart Land Development Code

MAINTENANCE

The applicant shall assume responsibility for maintenance of improvements funded with the grant for a minimum of three (3) years. Failure to maintain can negatively impact future funding of projects for the subject property.

FUNDING GUIDELINES

The CRA is making available to eligible commercial properties within the Community Redevelopment Area a grant award that equates to 50% of eligible project costs, up to \$5,000 to assist in landscape improvements. This money is available on a dollar-for-dollar match (for every one dollar the grantee puts in, the CRA will put in one dollar) but cannot exceed 50% of the total cost of the project. An agreement between the grantee and the CRA must be signed that will guarantee that any materials installed under the grant will not be removed or negatively altered (as determined by the CRA) for three (3) years after installation, unless pre-approved by the CRA, and that it will be maintained in

accordance with the City of Stuart's landscaping maintenance standards. If these provisions are not met, the CRA will have the right to request a return of any funds disbursed to the grantee with interest. Additionally, no work is to be undertaken without written approval of grant funds from the CRA. The program will not reimburse a grantee for work previously done, or already underway prior to the CRA board's approval of the grant.

EVALUATION CRITERIA

It is the intent of the CRA to fund applicants on a first-come, first-served basis, however, the CRA reserves the right as its sole discretion to make any final determinations as to how this program will be offered and implemented. This may include, but not limited to ranking of applicants, which applicants will be funded, all conditions of funding, and approval of all plans, designs and materials to be utilized. Applicants, even those that meet the eligibility criteria, may not be approved if the project conflicts with the objectives and goals of the City of Stuart's Land Development Code.

If the applicant is applying for the Business Improvement Reimbursement Grant Program simultaneously, that applicant must complete the application form for both programs but may submit them together with all the required attachments as one package. Remember to include separate cost breakdown describing the improvements to be undertaken through each program. Acceptance of an application to one program does not guarantee approval of both programs.

APPLICATION PROCESS

1. Download an application from the City's website, or secure an application at City Hall, Community Redevelopment Agency office located on 121 SW Flagler Avenue, Downtown Stuart.
2. Review the application if you have any questions please call (772) 288-5375 or email jpinkston@ci.stuart.fl.us.
3. Submit a completed application package to City Hall, CRA office, which includes the following:
 - ☐ Signed and completed application
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Complete budget spreadsheet (attached to application)
 - ☐ A minimum of two (2) bids/quotes from licensed contractors/agent registered with the City of Stuart or Martin County
 - ☐ Photographs of existing conditions of the site to be improved (two minimum)
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Preliminary landscape plan identifying types and location of materials, irrigation plans; location of parking must be included in the plan and meet current code regulations
 - ☐ New vendor application and W-9 Form (this is required for reimbursement)

The applicant is responsible for all building and other permits and fees which are associated with the proposed project.

4. City staff reviews the application for completeness, and eligibility. City staff may go to the project site and do a “walk-thru” of the property to consider the proposed improvements.
5. Staff will review the completed application based on the Land Development Code guidelines for recommendation to the Community Redevelopment Board (CRB) and Community Redevelopment Agency (CRA) Board. Staff will make recommendations to the application about how to prepare a competitive grant application.
6. Staff will present a recommendation for funding to the Community Redevelopment Board (CRB). The applicant or a representative must be present at the CRB meeting to be considered for the grant program. City staff will provide the public hearing date and time for the CRB meeting. The meeting will be held in the Stuart City Hall Commission Chambers located at 121 SW Flagler Avenue. The CRB will make a recommendation to the Community Redevelopment Agency (CRA) Board.
7. The Community Redevelopment Agency (CRA) Board will hear the agenda item and make the final recommendation for approval or denial of funding. City staff will provide the public hearing date and time for the CRA Board meeting. The applicant or a representative must be present at this meeting also. Staff will provide information for the meeting date and time.
8. The CRB and CRA Boards may award grant fund with certain provisions, conditions, or other requirements as it deems appropriate.
9. improvements of any component of the grant application cannot begin until the board approves the project. Any work completed prior to this approval will not be eligible for reimbursement. Upon CRA approval, the applicant will need to sign the contract and will have one year for project completion. If the project is not completed or is not approved in its final inspection (if applicable), within one year from the approval of the grant, the grant award shall expire. A request for extension may be requested at least 30 days prior to grant award expiration by contacting the CRA Director.

Once approved, the property owner will have to sign to specify the obligation of the applicant for grant reimbursement. The contract may be recorded in the public records of Martin County, Florida. For the duration of the improvements, the applicant will post a sign to be provided by the City which indicates the project has received a Landscape Improvement Grant and relevant program information. The sign can be picked up at Stuart City Hall, located at 121 SW Flagler Avenue, Stuart.

REIMBURSEMENT PROCESS

Upon project completion, the applicant contacts the CRA Program Manager at (772) 288-5375. Disbursement of grant funds shall only occur when the following documents are submitted, and all other required conditions are met:

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

- Proof of payment for improvements (which must be at least as much as the amount indicated in the application)

- Copies of applicable invoices must show “paid in full” (receipts must clearly show how the project was paid, i.e. check, cash must be made by cashier’s check or credit)
- Copies of passed final inspection (if applicable)
- A minimum of two (2) photos of completed improvements
- Completed W-9 form (if not provided with application submission)

If the project is not completed or is not approved in its final inspection within one year from the approval of the grant, the grant award shall expire.

If you have any questions regarding this application, please contact the CRA Program Manager at (772) 288-5375 or jpinkston@ci.stuart.fl.us or visit www.cityofstuart.us/CRA.





Community Redevelopment Agency
COMMERCIAL LANDSCAPE IMPROVEMENT PROGRAM
APPLICATION

APPLICANT INFORMATION		
Owner Name:		
Owner Address:		
Phone:	Email:	Tax ID#
Authorized Agent/Contractor:		
Agent Address:		
PROPERTY INFORMATION		
Name of Business:		
Address of Proposed Project:		
Type of Business:		
Years in Operation:		
Number of Employees:		
Description of Improvements:		
Describe how this project benefits the Community Redevelopment Area:		
Total Project Cost \$		

Signature of Applicant/Property Owner

Date

Signature of Lessee/Tenant (if applicable)

Date

- Submit a completed application package to City Hall, CRA office, which includes the following:
 - ☐ Signed and completed application
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Complete budget spreadsheet (attached to application)
 - ☐ A minimum of two (2) bids/quotes from licensed contractors/agent registered with the City of Stuart or Martin County
 - ☐ Photographs of existing conditions of the site to be improved (two minimum)
 - ☐ Proof of ownership of the property (ex. tax deed)
 - ☐ Preliminary landscape plan identifying types and location of materials, irrigation plans; location of parking must be included in the plan and meet current code regulations
 - ☐ New vendor application and W-9 Form (this is required for reimbursement)

The applicant is responsible for all building and other permits and fees which are associated with the proposed project.

- An application to the Landscape Improvement Grant Program will not be processed until a completed application packet is submitted to the Stuart Community Redevelopment Agency located in the City Hall, CRA Office at 121 SE Flagler Avenue, Stuart. If you have any questions, please call the CRA Program Manager at 772-288-5375.
- Applying is not a guarantee of funding.





Community Redevelopment Agency
COMMERCIAL LANDSCAPE IMPROVEMENT PROGRAM
PROJECT COST ESTIMATE/REIMBURSEMENT FORM



Note: All Commercial Landscape Improvement Grant applicants need to complete the “Project Cost Estimate” portion of this form and submit documented cost estimates as a part of the application packet. To receive the grant reimbursement, the “Reimbursement Summary” portion of this form must be completed and submitted with copies of paid invoices indicating completion of improvements. All improvements must be completed, inspected, and have received final approval from the City of Stuart prior to reimbursement.

Project Cost Estimate				Reimbursement Summary		
Item	Landscape Improvement (Irrigation, plants, installation, asphalt, etc.)	Contractor	Cost Estimate	Contractor	Date of Completion	Actual Cost (include proof of payment)
1			\$			\$
2			\$			\$
3			\$			\$
4			\$			\$
5			\$			\$
6			\$			\$
7			\$			\$
Total Cost Estimate			\$	Total Actual Cost		\$

Signature of Applicant/Property Owner

Date

Signature of Lessee/Tenant (if applicable)

Date

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

COMMUNITY REDEVELOPMENT BOARD

**Chair - Tom Campenni
Vice Chair - Mark Brechbill
Board Member - Anita Cocoves
Board Member - Aaron Hawkins
Board Member - Frank McChrystal
Board Member - Bonnie Moser
Board Member - Andy Noble**

ADMINISTRATIVE

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

CALL TO ORDER

4:05 PM

ROLL CALL

PRESENT: Chair Campenni, Board Member Hawkins, Board Member Moser, Board Member Noble

ABSENT: Board Member McChrystal, Vice Chair Brechbill, Board Member Cocoves

PLEDGE OF ALLEGIANCE

Clerk's Note: Meeting began without a quorum; quorum was met at 4:08 PM. Comments from the Public were heard prior to the Approval of the Agenda and the adoption of the Minutes.

APPROVAL OF AGENDA

MOTION: Approve

MOVED BY: Bonnie Moser

SECONDED BY: Andy Noble

Motion approved unanimously.

APPROVAL OF MINUTES

1. APPROVAL OF 05/07/2024 CRB MINUTES

MOTION: Approve

MOVED BY: Andy Noble

SECONDED BY: Aaron Hawkins

Motion approved unanimously.

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

1. Robert Whitlach - Stuart; Representative of Avonlea; commented as an application for awnings and reviewed challenges.
2. Alan Fredrich - Port St. Lucie; Business owner who benefited from the improvement grants and spoke in favor of the BIRP program.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

No Comments.

ACTION ITEMS

2. DISCUSSION & DELIBERATION ON BUSINESS IMPROVEMENT GRANT PROGRAM (BIRP) GUIDELINES

Jordan Pinkston, CRA Program Manager, presented the history, results, and purpose of the Business Improvement Grant Program (BIRP).

Board Member Moser began the discussion, commented on urban and suburban architecture; recognizes the guidelines and the effects on the participating business. In favor of the idea of a separate landscape program and proposed it be based on a percentage instead of a point system.

Pinal Gandhi-Savdas, CRA Executive Director, stated the point system is easier and separating the landscaping would be more efficient.

Chair Campenni commented on the types of structures, and maybe separating that in the program. He also inquired about the budget.

Gandhi-Savdas reported that the program has \$50,000.00 and Campenni suggested the Director come back to the board with a dollar amount. Ms. Gandhi-Savdas stated she is working on the budget for next year and the information would be brought to the Board in August.

Board Member Hawkins asked if funds could be rolled from year to year and the CRA Director responded that it stays within the CRA budget, but goes back to the fund balance, not to the particular program. Hawkins asked about specific eligibility and stated he was in favor of separating the program which would focus on the goals of helping small business owners.

Board Member Noble inquired about the maximum amount allowed by the grant, which is

\$10,000.00. Stated he was in favor of separating the landscaping from the BIRP, to allow the focus to be specifically on what the applications are designed for.

Chair Campenni commented in favor of the separation and noted that he would like to see \$50,000.00, then \$25,000.00 for landscape and irrigation. Landscaping should be limited to \$5,000.00 per applicant and BIRP remains at \$10,000.00 with a 50/50 match and the applicants for BIRP would also be eligible for the landscape program.

There was a brief discussion on shade trees; Board Member Moser commented on Live Oaks being a good investment for year-around shade.

Chair Campenni commented that there is a separate tree program and felt business owners should be left to decide their landscaping, then the City as a whole, plant more shade trees; keeping the programs separate.

Board Member Noble asked about the commercial associations and Pinal Gandhi-Savdas responded that they have business tax.

Jordan Pinkston requested a discussion on awnings, clarified that the program currently offers to extend current awnings or the purchase new awnings, and that replacement of existing awnings are not covered in the program. Noted that in 2021, the Board made changes to the BIRP to reflect the awnings guidelines.

Ms. Gandhi-Savdas announced that applications would be brought to the board at the next meeting (July) and the adjustments would be brought to them at the following meeting (August).

A brief discussion on the reduction per applicant occurred.

The Board thanked the CRA for the presentation.

STAFF UPDATE

ADJOURNMENT

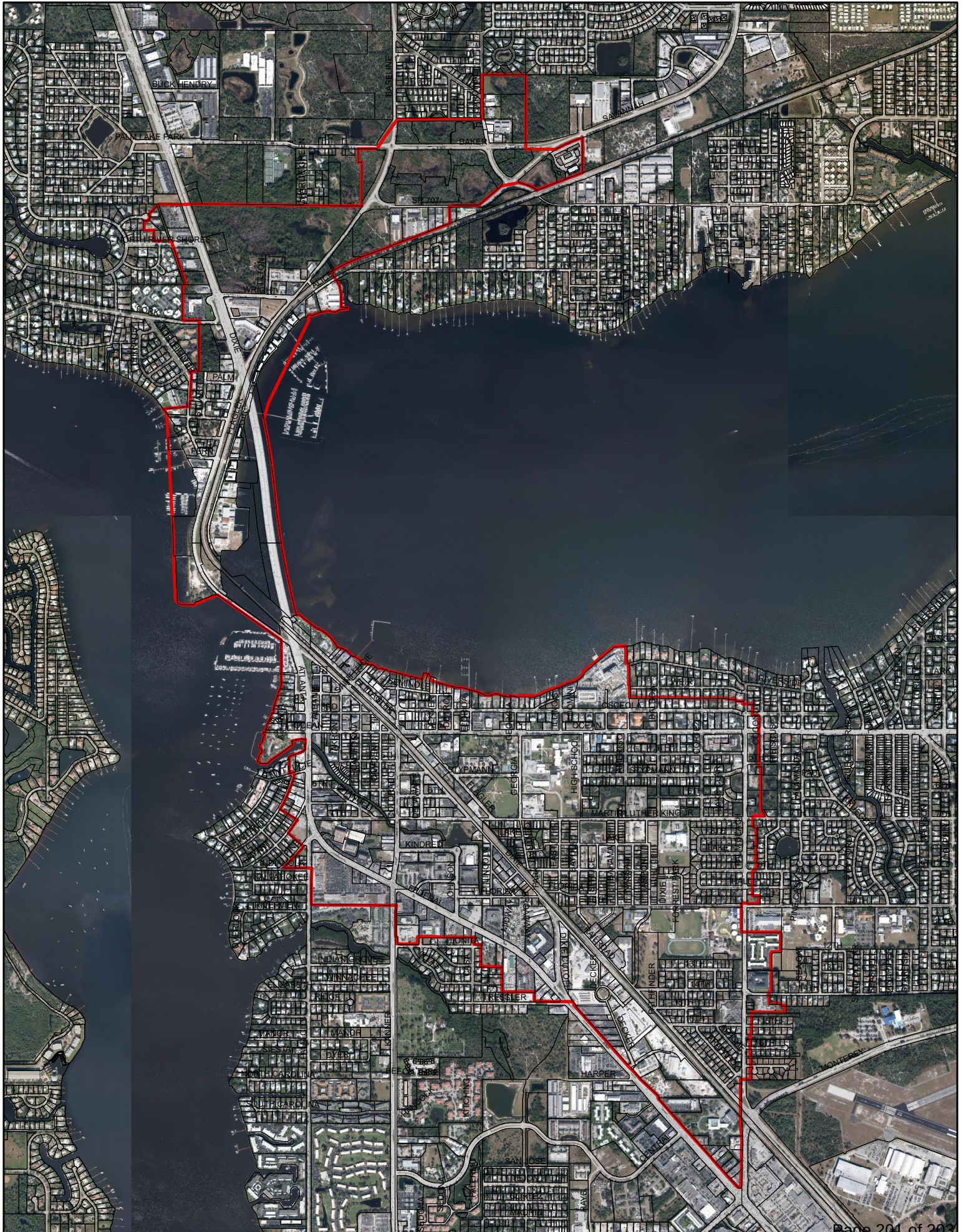
4:42 PM

Susej T. Meleqi, Board Secretary

Tom Campenni, Chair

**Minutes to be approved at the CRB
Meeting this 2nd day of July, 2024.**

Community Redevelopment Agency (CRA) Area Map



MINUTES
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF STUART
JUNE 24, 2024
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT AGENCY

Chair - Rebecca S. Bruner
Vice Chair - Campbell Rich
Board Member - Eula R. Clarke
Board Member - Christopher Collins
Board Member - Troy McDonald
Board Member - Tom Campenni
Board Member - Mark Brechbill

ADMINISTRATIVE

City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
CRA Executive Director, Pinal Gandhi-Savdas
City Clerk, Mary R. Kindel

CALL TO ORDER

4:00 PM

ROLL CALL

PRESENT: Chair Bruner, Vice Chair Rich, Board Member Clarke, Board Member Collins, Board Member McDonald, Board Member Campenni, Board Member Brechbill

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

4:01 PM MOTION: Approve.
MOVED BY: Tom Campenni
SECONDED BY: Campbell Rich
Motion approved unanimously.

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

1. Michael Syrkus; Requested time frame on the MPO project.

Board Member McDonald responded that there will be a meeting in September or October and more information will be provided at City Commission Meeting.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Board Member Clarke

- Requested the Community Redevelopment Agency (CRA) staff to provide a recap of the status of planning and design for the MLK Boulevard Street Scape Project and the Guy Davis Park Project.

Chair Bruner

- Commented she is disappointed that the Annex building has not been repainted.

City Manager Michael Mortell commented that he met with Milton Leggett, Public Works Director, and noted that the Annex Building was painted six (6) years ago. There does not seem to be wear and tear for need of paint, but if it is a color change request, he will review.

ACTION ITEMS

1. DISCUSSION & DELIBERATION ON BUSINESS IMPROVEMENT GRANT PROGRAM (BIRP) GUIDELINES

Jordan Pinkston, Community Redevelopment Agency (CRA) Project Manager, gave a presentation on the recommendations of the CRA for the Business Improvement Grant Program (BIRP).

Board Members discussed landscape expenses and the applicants being able to match funds.

Mrs. Gandhi-Savdas stated the CRA will bring back the amendments and both programs together, irrigation for the landscaping and BIRP, to the next CRA meeting.

STAFF UPDATE

ADJOURNMENT

4:44 PM

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Chair

**Minutes to be approved at the CRA
Meeting this 22nd day of July, 2024.**