City of Stuart

AGENDA

SPECIAL COMMISSION MEETING OF THE STUART CITY COMMISSION
ZONING IN PROGRESS (ZIP) WORKSHOP #2
NOVEMBER 7, 2024
AT 9:00 AM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

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

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

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

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

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

DISCUSSION AND DELIBERATION

1. CONTINUE DISCUSSION ON THE CITY OF STUART LAND DEVELOPMENT CODE (LDC) CHAPTERS 3-12

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
City Commission

Meeting Date: 11/7/2024 **Prepared by:** Jodi Nentwick

Title of Item:
CONTINUE DISCUSSION ON THE CITY OF STUART LAND DEVELOPMENT CODE (LDC) CHAPTERS 3-12

Summary Explanation/Background Information on Agenda Request:
On September 16, 2024, the City of Stuart City Commission adopted Resolution Number 95-2024, directing City staff to initiate a "Zoning in Progress" (ZIP) authorized under Section 1.04.04 of the City of Stuart Land Development Code (LDC). The purpose of the ZIP is to allow the City Commissioners and City staff to evaluate and make text amendments or district map changes to the City of Stuart LDC. Since the adoption of the Zoning in Progress, the City has been contacted by landowners asking for exceptions to the Zoning in Progress or in the alternative requesting confirmation letters that their property will not be impacted by the new regulations. Staff is not authorized to grant exceptions and in very few cases can staff provide a letter stating that the property would not be affected by the new regulations. During the workshop, some examples will be provided to provide the Commission with the opportunity to discuss the parameters of the zoning in progress moving forward.

At the October 14, 2024, City Commission meeting, the Board requested the City Clerk to schedule a Special Meeting Workshop to begin discussion and provide direction to the City staff for any recommended revisions to the City of Stuart LDC. At the first workshop, the Commission addressed Chapters one (1) and two (2). Staff will begin on Chapter three (3) at the second workshop with the intent to move through each chapter of the Land Development Regulations as time allows.

Chapter I - GENERAL PROVISIONS - Discussed at the October 24, 2024, Zoning in Progress Workshop #1
Chapter II - ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY - Discussed at the October 24, 2024, Zoning in Progress Workshop #1
Chapter III - SPECIAL ZONING DISTRICTS
Chapter IV - CONCURRENCY DETERMINATIONS
Chapter V - RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS
Chapter VI - ON-SITE AN OFF-SITE DEVELOPMENT STANDARDS
Chapter VII - RESERVED
Chapter VIII - ADMINISTRATION AND ENFORCEMENT
Chapters IX & X - RESERVED
Chapter XI - PROCESSING OF PLAN APPLICATIONS
Chapter XII - DEFINITIONS

To access the LDC, please click on the link below:

https://library.municode.com/fl/stuart/codes/land_development_code?nodeId=LADECOSTFL

Funding Source:
N/A

Recommended Action:
Continue to provide direction to staff regarding revision(s) to the City of Stuart Land Development Code (LDC) by the City of Stuart City Commission.

ATTACHMENTS:
1. Resolution 095-2024-Zoning in Progress

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 95-2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DECLARING "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE, FOR NEW DEVELOPMENT EXCEPT FOR SINGLE-FAMILY DWELLINGS OR REQUESTS THAT DO NOT INCREASE THE DENSITY OR INTENSITY OF AN EXISTING USE OR STRUCTURE; DIRECTING CITY STAFF TO REVIEW AND PROPOSE CERTAIN AMENDMENTS TO THE STUART LAND DEVELOPMENT CODE, THE COMPREHESIVE PLAN AND THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on August 26, 2024, the City Commission directed City staff to initiate a 'Zoning in Progress" authorized under Section 1.04.04 of the City of Stuart Land Development Code; and

WHEREAS, the purpose of the zoning in progress is to allow the City Commissioners and City staff to evaluate and make text amendments or district map changes to the City of Stuart Land Development Code, if applicable; and

WHEREAS, the City Commission deems it in the best interest of the citizens and residents of the City of Stuart to initiate a staff review of the zoning standards for all zoning categories and districts in the City of Stuart and initiate certain amendments to the Land Development Code, the Comprehensive Plan and Code of Ordinances; and

WHEREAS, the City Commission may hold workshops, request public input or evaluate professionally acceptable material related to any potential amendments or recommendations; and

WHEREAS, during the Zoning in Progress, no plans, permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property in the event that the text amendment or zoning district change be enacted by the City Commission pursuant to Section 1.04.04(2) of the City of Stuart Land Development Code; and

WHEREAS, pursuant to Section 1.04.04(2) of the City of Stuart Land Development Code, the maximum freeze period allowed for Zoning in Progress shall be three (3) months, except if the City Commission extends the period for up to an additional three (3) months for good cause, and upon making a finding that it is in the public interest to do so; and

WHEREAS, the City Commission further determines that this Resolution shall not apply to any application that was filed on or before September 4, 2024; and

WHEREAS, having conducted a duly noticed public hearing, the City Commission finds that this Resolution is in the best interest and welfare of the City of Stuart.

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

SECTION 1: Recitals. The above-stated recitals are true and correct and are incorporated by this reference.

SECTION 2: Invocation of Zoning in Progress. The City Commission adopts this Resolution and invokes the "Zoning in Progress" or pending ordinance doctrine, thereby deferring the acceptance, processing, and approval of all applications on properties, except for properties and development described herein, submitted after September 4, 2024. This deferral shall last for three (3) months, or until the City Commission adopts on second reading of the amendments under review and such amendments become effective, whichever occurs first. During the "Zoning in Progress," the City's

Development Department shall not accept or process applications except for single-family dwellings, governmental buildings or requests that do not increase the density or intensity of an existing use or structure. This "Zoning in Progress" shall apply to new development, amendments to planned unit developments, amendments to development orders, substantial improvements and substantial renovation as defined in Chapter 12 of the Stuart Land Development Code.

SECTION 3: Authorization. The appropriate City officials are authorized to take any necessary action to effectuate the intent of this Resolution.

SECTION 4: Effective Date. This Resolution shall take effect immediately upon its adoption.

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

	YES	NO	ABSENT	ABSTAIN
CAMPBELL RICH, MAYOR		N		
CHRISTOPHER COLLINS, COMMISSIONER	Y			
EULA R. CLARKE, COMMISSIONER			ABSENT	
LAURA GIOBBI, COMMISSIONER	Y			
SEAN REED, COMMISSIONER	Y			

ADOPTED this 16th day of September, 2024.

ATTEST:

MARY R. KINDEL, MMC 9/19/24
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY

Sec. 1.04.04. - Zoning in progress.

(1) *Purpose.* The purpose of zoning in progress is to allow the city to make a text amendment or district map change to the Stuart Land Development Code, and apply that change to development applications submitted following the declaration of zoning in progress. Additionally, zoning in progress allows a temporary hold on permits, licenses and other development orders already in progress, if there is a pending change in the Land Development Code that would affect the permit, license or other development order.

(2) *No permits issued; and period of time.* During the period of time that the land planning agency or the city commission is considering either a text amendment or a change of zoning district to the Stuart Land Development Code, no plans, permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property in the event that the text amendment or zoning district change be enacted by the city commission (freeze period). The maximum freeze period allowed for zoning in progress shall be three months, except that the city commission may extend the period for up to an additional three months for good cause, and upon making a finding that it is in the public interest to do so.

(3) *Notice of declaration.* The declaration of zoning in progress, and the freeze period on development orders, permits and licenses shall begin on the earlier of:

  (a) Publication of a notice of a public hearing before the city commission to consider a resolution declaring zoning in progress; or

  (b) Publication of a notice of a public hearing before the local planning agency on a text amendment or zoning district change, which notice also includes a notice of zoning in progress.

(4) *Applicability.*

  (a) Upon adoption of a text amendment or district map change, all pending applications, permits, licenses, and other development orders shall conform to the new provisions.

  (b) Notwithstanding anything contained in this section to the contrary, no application for a text amendment to the Code, or map rezoning, plan approval, permit, or other development order shall be held up by this procedure for more than a total of six months, including all time periods described herein. Any such approval shall be deemed granted, if so affected, except as provided in subsection (c) below.

  (c) Where an affected property owner requests a postponement or other delay of an application, such period of delay shall toll the running of the freeze period.

  (d) If it is determined by the city development director that an application for a text amendment or map rezoning, plan, permit, license, or other development order would not

violate the provisions of a pending zoning measure, such application, shall be exempt from this section.

(Ord. No. 2056-05, § 1, 11-28-05)