City of Stuart

AGENDA

SPECIAL MEETING OF THE STUART CITY COMMISSION
EAST STUART ZONING
APRIL 16, 2025
AT 5:00 PM
10TH STREET COMMUNITY CENTER
724 SE 10TH ST.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich
Vice Mayor Christopher Collins
Commissioner Eula R. Clarke
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.)

ORDINANCE SECOND READING

1. ZONING IN PROGRESS LAND DEVELOPMENT CODE TEXT AMENDMENTS IMPLEMENTATION (LEGISLATIVE) (RC):

ORDINANCE No. 2539-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY, CHAPTER III SPECIAL ZONING CODES, CHAPTER V RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS, AND CHAPTER VI ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS WHICH WERE DETERMINED DURING THE "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

2. DISCUSSION REGARDING PROPOSED ZONING MAP CHANGES FOR EAST STUART

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: 4/16/2025 **Prepared by:** Lee Baggett

Title of Item:
ZONING IN PROGRESS LAND DEVELOPMENT CODE TEXT AMENDMENTS IMPLEMENTATION (LEGISLATIVE) (RC):

ORDINANCE No. 2539-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY, CHAPTER III SPECIAL ZONING CODES, CHAPTER V RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS, AND CHAPTER VI ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS WHICH WERE DETERMINED DURING THE "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
The City of Stuart City Commission is proposing text amendments to the Land Development Code (LDC) to various sections as discussed below:

1. Amend "lot" to "parcel" and "a lot of record" to "parcel of record"
2. Amend the minimum parcel size from 4,356 square feet to 6,000 square feet.
3. Add a definition for parcel and parcel of record
4. Reduce the number of density units from 30 units per acre to 20 units per acre in Chapter 2 and Chapter 3.
5. Remove all shared parking requirements within each zoning district.
6. Increase parking requirements for multi-family within each zoning district to .5.
7. Remove language requiring EV charging stations, preempted by the State.
8. Add language for ADU's only one water and electric meter.
9. Add language the property owner must live in the primary or accessory dwelling unit.
10. Add language to allow ADUs for home-based business with a conditional use process.
11. Only single-family approved without an approval process within East Stuart and Creek District. (Table)
12. Remove ½ units and parking requirements.

Increase shade tree calculation for multi-family from 50% to 60% coverage

Background:
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. The purpose of the Zoning in Progress is to allow the City Commissioners to evaluate and make text amendments or map changes to the City of Stuart Land Development Code and Comprehensive Plan, if applicable.

On September 16, 2024, the City Commission adopted Resolution 95-2024 initiating the Zoning in Progress procedure for three (3) months, which commenced on September 5, 2024, or until December 5, 2024, as authorized in Section 1.04.04 of the Stuart Land Development Code. 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.

The City Commission has held workshops, accepted public input, and evaluated professionally acceptable materials related to the issues in the Zoning in Progress. The issues addressed in the Zoning in Progress are complicated, and additional time is necessary to ensure that any changes are appropriate. There is good cause for additional time to be spent evaluating and drafting any text amendments that may be necessary.

At the Zoning in Progress workshop held on November 7, 2024, the City Commission voted unanimously to add another exception to the Zoning in Progress which allows the City Development Department to accept and process applications for any commercial project that does not include a residential component and that does not increase the square footage of any structure. The City Commission has requested to extend 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 an additional three (3) months from December 5, 2024, until March 4, 2025, or until the City Commission adopts a 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, requests that do not increase the density or intensity of an existing use or structure, or any commercial project that does not include a residential component and that does not increase the square footage of any 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.

During the City Commission workshops, the Boards discussed each chapter of the Land and created a list of the items discussed. Upon ratification of the items on the list, staff will then draft amendments to the land development regulations based on the Resolution adopted by Resolution No. 128-2024.

On February 10, 2025, the proposed Ordinance was first read at regular commission meeting. On February 24, 2025, the proposed Ordinance was read a second time at the next regular commission meeting. On February 24, 2025, the City Commission adopted the Ordinance with the exception of the proposed text changes to Section 3.02.03 and ESN08 which was continued to a specially set public meeting on March 20, 2025.

On March 20, 2025, the proposed Ordinance was read for a third time at a special commission meeting held at the 10th Street Recreation Center in East Stuart with lots of residents. The Commission determined to continue the matter to a fourth public hearing to be held on April 14, 2025 at the 10th Street Recreation Center.

Funding Source:
N/A

Recommended Action:
Continued Second Reading and Adoption of Ordinance 2539-2025.

ATTACHMENTS:
1. Staff Report
2. DRAFT - 2539-2025 LDC ZIP Text Amendment Ordinance v.3.12.25
3. 128-2024
4. 2.5.2025 Objection Letter wAtt

5. 12.9.24_Letter to Stuart City Commission
6. 2.3.2025 Letter to City Manager and City Attorney wAttachments

To:	City of Stuart City Commission
From:	Jodi Kugler, Development Director
Date Prepared:	February 14, 2024
Meeting Date:	February 24, 2024
Subject:	Zoning Progress Land Development Code Text Amendments *Ordinance 2539-2025 – 2nd Reading*

The City of Stuart City Commission is proposing text amendments to the Land Development Code (LDC) to various sections as discussed below.

1. Amend "lot" to "parcel" and "a lot of record" to "parcel of record"
2. Amend the minimum parcel size from 4,356 square feet to 6,000 square feet.
3. Add a definition for parcel and parcel of record
4. Reduce the number of density units from 30 units per acre to 20 units per acre in Chapter 2 and Chapter 3.
5. Remove all shared parking requirements within each zoning district.
6. Increase parking requirements for multi-family within each zoning district to .5.
7. Remove language requiring EV charging stations, preempted by the State.
8. Add language for ADU's only one water and electric meter.
9. Add language the property owner must live in the primary or accessory dwelling unit.
10. Add language to allow ADUs for home-based business with a conditional use process.
11. Only single-family approved without an approval process within East Stuart and Creek District. (Table)
12. Remove ½ units and parking requirements.
13. Increase shade tree calculation for multi-family from 50% to 60% coverage.

BACKGROUND:

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. The purpose of the Zoning in Progress is to allow the City Commissioners to evaluate and make text amendments or map changes to the City of Stuart Land Development Code and Comprehensive Plan, if applicable.

On September 16, 2024, the City Commission adopted Resolution 95-2024 initiating the Zoning in Progress procedure for three (3) months, which commenced on September 5, 2024, or until December 5, 2024, as authorized in Section 1.04.04 of the land Development Code. Pursuant to Section 1.04.01(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.

The City Commission has held workshops, accepted public input, and evaluated professionally acceptable materials related to the issues in the Zoning in Progress. The issues addressed in the Zoning in Progress are complicated, and additional time is necessary to ensure that any changes are appropriate. There is good clause for additional time to be spent evaluating and drafting any text amendments that may be necessary.

At the Zoning in Progress workshop held on November 7, 2024, the City Commission voted unanimously to add

another exception to the Zoning in Progress which allows the City Development Department to accept and process applications for any commercial project that does not include a residential component and that does not increase the square footage of any structure. The City Commission has requested to extend 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 an additional three (3) months from December 5, 2024, until March 4, 2025, or until the City Commission adopts a 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, government buildings, requests that do not increase the density or intensity of any commercial project that does not include a residential component and that does not increase the square footage or any 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.

During the City Commission workshops, the Boards discussed each chapter of the Land and created a list of the items discussed. Upon ratification of the items on the list, staff will then draft amendments to the land development regulations based on the Resolution adopted by Resolution No. 128-2024.

COMMUNITY REDEVELOPMENT BOARD

On February 4, 2025, the City of Stuart Community Redevelopment Board heard the item and voted to recommend the City Commission slow down the process, provide data and analysis, and create a Community Master Plan with Community public participation.

LOCAL PLANNING AGENCY

On February 6, 2025, the City of Stuart Local Planning Agency heard the item and voted to remove the East Stuart neighborhood amendments and hold a community meeting, the motion was amended requesting the City Commission to consider the Master Plan prepared by Mr. Kristy. A second motion by the Board not recommending increasing the multi-family parking requirements and eliminating shared parking and requiring further analysis and nexus ratio capping the Floor Area Ratio (FAR) at 800 square feet for residential within a mixed-use project. Both motions passed 5/1.

CITY OF STUART CITY COMMISSION

On February 10, 205, the City Commission held the first reading of the proposed Ordinance and voted 4/1 to hold a second reading on February 24, 2025, beginning at 5:30 P.M. or soon thereafter as may be heard.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2539-2025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY, CHAPTER III SPECIAL ZONING CODES, CHAPTER V RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS, AND CHAPTER VI ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS WHICH WERE DETERMINED DURING THE "ZONING IN PROGRESS" UNDER SECTION 1.04.04, CITY OF STUART'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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WHEREAS, Florida Statutes § 163.3202 requires the City of Stuart to adopt or amend and enforce land development regulations that are consistent with and implement the City's comprehensive plan; and

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

WHEREAS, the purpose of the Zoning in Progress was 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, on September 16, 2024, the City Commission adopted Resolution 95-2024 initiating the Zoning in Progress procedure for three (3) months, which commenced on September 5, 2024, or until December 5, 2024, and excepted applications for single family residential and government buildings; and

WHEREAS, the City Commission held workshops, accepted public input, and evaluated professionally acceptable materials related to the issues in the Zoning in Progress; and

WHEREAS, at a workshop held on November 7, 2024, the City Commission voted unanimously to add another exception to the Zoning in Progress which allows the City's Development Department to accept and process applications for any commercial project that does not include a residential component and that does not increase the square footage of any structure; and

WHEREAS, pursuant to Section 1.04.04(2) of the City of Stuart's Land Development Code, the City Commission may approve an extension of the Zoning in Progress for 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, on November 25, 2024, the City Commission adopted Resolution No. 120-2024 to extend the Zoning in Progress, thereby deferring the acceptance, processing, and approval of all applications on properties, except for properties and development described herein, submitted after September 4, 2024 and that the deferral shall last for an additional three (3) months from December 4, 2024, until March 4, 2025, or until the City Commission adopts on second reading of the amendments under review and such amendments become effective, whichever occurs first; and

WHEREAS, on December 9, 2024, the City Commission adopted Resolution No. 128-2024 directing staff to implement the requested amendments with the City of Stuart's Land Development Code as discussed in the three (3) Zoning in Progress workshops; and

WHEREAS, on December 9, 2024, the City Commission reached a consensus on the City Staff bringing forth a resolution at the next regular commission meeting to add an exception to the pending Zoning in Progress for any commercial project which does not include a multi-family residential component; and

WHEREAS, on January 16, 2025, the Local Planning Agency held duly noticed public hearing to consider this ordinance; and tabled to February 6, 2025; and

WHEREAS, on February 6, 2025, the Local Planning Agency held a duly noticed public hearing to consider this ordinance; and

WHEREAS, on February 4, 2025, the Community Redevelopment Board held duly notice public hearing to consider this ordinance; and

WHEREAS, the City Commission held duly noticed public hearings on February 10, 2025, and February 24, 2025 to consider this ordinance for full public participation on the Land Development Code amendment process.

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

SECTION 1: Recitals. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2: The provisions of the Land Development Code as amended are hereby adopted as shown hereinbelow.

Chapter II
ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

2.00.00. GENERALLY

Sec. 2.00.01. Purpose.

The purpose of this chapter is to:

(a) Identify the implementing zoning districts for the future land use categories contained in the city's comprehensive plan;

(b) Establish development approval processes for specific uses; and

(c) Identify measurable development standards (e.g. building height, setback, ~~lot~~ parcel size, density).

Sec. 2.02.02: 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
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

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 the public hearing process.

A - Allowed through City Commission public hearing process by Resolution.

□ - Prohibited

2.03.00. DENSITY[1]

Sec. 2.03.01. Generally.

Except as expressly provided herein, the densities for all zoning districts are set forth in table 3 - maximum dwelling units per acre and percentages of residential and non-residential uses and floor area ratio (FAR) for all zoning districts are set forth in table 4 - intensity of development: ~~lot~~ parcel area and floor area ratio (FAR).

Sec. 2.03.05. Maximum dwelling units per acre.

The following table 3a - maximum dwelling units per acre, reflects the potential maximum dwelling units per acre for each zoning district.

Sec. 2.03.06. Intensity of development: ~~Lot~~ Parcel area and floor area ratio (FAR) table.

The following table 4 - intensity of development: ~~lot~~ parcel area and floor area ratio (FAR) reflects the percentages of residential and/or non-residential uses allowed on a ~~lot~~ parcel and a

ratio of the floor area of a building to the area of the ~~lot~~ parcel in the future land use categories.

Sec. 2.03.06. Intensity of development: ~~Lot~~ Parcel area and floor area ratio (FAR) table.

The following table 4 - intensity of development: ~~lot~~ parcel area and floor area ratio (FAR) reflects the percentages of residential and/or non-residential uses allowed on a ~~lot~~ parcel and a

ratio of the floor area of a building to the area of the ~~lot~~ parcel in the future land use categories.

Sec. 2.03.07. Table 3.

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts																		
	R1-A	R-1	R-2	R-3	RPUD[1]	B-1	B-2	B-3	B-4	CPUD	P	I	IPUD	H	PSPUD	MXPUD	Urban Code District	East Stuart Neighborhood		
																		GRO	BMU	SFD
Low density residential	7	7	7		4[2]/7[3]/15[4]															
Multi-family residential				10	4[2]/7[3]/15[4]	10	L	L								15[5]				
Office/Residential				10	15	10	10	10		5[7]/7[8]/10[9]						15[5]				
Commercial				10		10	L	L		5[7]/7[8]/10[9]						15[5]				
Downtown redevelopment				15/~~30~~20[7]	15/~~30~~20[11]	15/~~30~~20[7]	15/~~30~~20[7]			5[7]/7[8]/10[9]						15[5]	15/~~30~~20[6]			
Neighborhood/special dist.					15					5[7]/7[8]/10[9]						15[5]	15/~~30~~20[6]			
Industrial																				
East Stuart																15[5]		17/~~30~~20[10]	17/~~30~~20[10]	17
Marine/Industrial				15			15									15[5]	15/~~30~~20[6]			
Public											E									
Recreation																				
Institutional					4[2]/7[3]/15[4]															
Conservation																				

R-1A single family—estate; R-1 single family—general; R-2 duplex; R-3 multi-family/office; R-M residential multi-family; B-1 business-limited; B-2 business-general; B-3 business-restricted; B-4 limited business/manufacturing; P public service; I industrial; H hospital; planned unit development (PUD) includes residential (RPUD), commercial (CPUD), public service (PSPUD), industrial (IPUD), and mixed use (MXPUD); urban code district includes urban general (UG), urban center (UC), urban neighborhood (UN), urban highway (UH), urban waterfront (UW), creek north (CN), creek south (CS), and creek industrial (CI); East Stuart Neighborhood includes business and mixed use (BMU), general residential and office (GRO), single-family and duplex (SFD).

Footnotes:

1 = Assisted living facility (ALF) is allowed a maximum of ~~30~~ 20 units per acre in land use classification multi-family residential, office/residential, and downtown redevelopment.

2 = Single family detached dwelling unit.

3 = Single Family attached dwelling unit.

4 = Multi-family dwelling unit.

~~5 = Potential bonus units allowable. Where not less than 50 percent of the total residential units of site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded (refer to Land Development Code table 2.07.00.C).~~ Reserved.

6 = Up to ~~30~~ 20 units with major urban code conditional use.

7 = Based on R-1 density requirements.

8 = Based on R-2 density requirements.

9 = Based on R-3, B-1 and B-2 density requirements.

10 = Up to ~~30~~ 20 with East Stuart Neighborhood conditional use approval.

11 = Up to ~~30~~ 20 upon approval by city commission with a RPUD.

Key:

E = Only residential dwelling ~~unit~~ units allowed and only by conditional use.

L = Limited. No maximum density established by Land Development Code or comprehensive plan at this time. Rather, the term "limited" is used instead of a numerical value.

— = Not Permitted

Revision: Change from 8.72 to 7.26

Sec. 2.03.08. Table 3a.

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts													
	R 1-A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	Urban Code District	East Stuart Neighborhood	
													GRO	BMU SFD
Low density residential	8.72	8.72	8.72 to 11.62[2]											
Multi-family residential[1]				10 to 11.62[3]	10	L	L					~~30~~ 20		
Office/residential[1]				10 to 11.62[3]	10	10	10					~~30~~ 20		
Commercial				10	10	L	L					15		
Downtown redevelopment[1]				15/~~30~~ 20[4]	15/~~30~~ 20[4]	15/~~30~~ 20[4]						15/~~30~~ 20[4]		
Neighborhood/special dist.												15/~~30~~ 20[4]		
Industrial														
East Stuart													17	17 17
Marine/industrial				15		15						15/~~30~~ 20[4]		
Public									E					
Recreation														
Institutional														
Conservation														

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts													
	R 1-A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	Urban Code District	East Stuart Neighborhood	
													GRO	BMU SFD
Low density residential	8.72	8.72	8.72 to 11.62[2]											
Multi-family residential[1]				10 to 11.62[3]	10	L	L					~~30~~ 20		
Office/residential[1]				10 to 11.62[3]	10	10	10					~~30~~ 20		
Commercial				10	10	L	L					15		
Downtown redevelopment[1]				15/~~30~~ 20[4]	15/~~30~~ 20[4]	15/~~30~~ 20[4]						15/~~30~~ 20[4]		
Neighborhood/special dist.												15/~~30~~ 20[4]		
Industrial														
East Stuart													17	17 17
Marine/industrial				15		15						15/~~30~~ 20[4]		
Public									E					
Recreation														
Institutional														
Conservation														

R-1A single family—estate; R-1 single family—general; R-2 duplex; R-3 multi-family/office; R-M residential multi-family; B-1 business-limited; B-2 business-general; B-3 business-restricted; B-4 limited business/manufacturing; P public service; I industrial; H hospital; urban code district includes urban general (UG), urban center (UC), urban neighborhood (UN), urban highway (UH), urban waterfront (UW), creek

north (CN), creek south (CS), creek industrial (CI); East Stuart district includes business and mixed use (BMU), general residential and office (GRO), single-family and duplex (SFD).

Footnotes:

1. Assisted living facility (ALF) is allowed a maximum of ~~30~~ 20 units per acre in land use classification multi-family residential, office/residential, and downtown redevelopment.
2. Units per acre in the low density residential classification are limited to ~~8.72~~ 7.26 maximum for single family units to 11.62 maximum for duplex units.
3. Units per acre are limited to ten maximum for single family units to 11.62 maximum for multi-family and duplex units.
4. Up to ~~30~~ 20 du per acre upon approval by city commission through an urban code exception

Key:

E = Only residential dwelling ~~unit~~ units allowed and only by conditional use.

L = Limited. No maximum density established by Land Development Code or comprehensive plan at this time. Rather, the term "limited" is used instead of a numerical value.

Sec. 2.03.09. Table 3b.

MAXIMUM DWELLING UNITS PER ACRE FOR PLANNED UNIT DEVELOPMENT (PUD)

Comprehensive Plan Land Use Designation	RPUD		CPUD		MXPUD~~2~~		IPUD		UPUD		PSPUD	
	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA
Low density residential[1]	~~8.72~~ 7.26 to 11.62	~~8.72~~ 7.26 to 11.62	-	-	-	-	-	-	-	8.72 to 11.62	-	-
Multi-family residential	~~30~~ 20	~~30~~ 20	~~30~~ 20	~~30~~ 20	15	15	-	-	-	~~30~~ 20	-	-
Office/residential	~~30~~ 20	~~30~~ 20	~~30~~ 20	~~30~~ 20	15	15	-	-	-	~~30~~ 20	-	-
Commercial	10	15	10	15	10	15	-	-	-	15	-	-
Downtown redevelopment	-	~~30~~ 20	-	~~30~~ 20	-	15	-	-	-	~~30~~ 20	-	-
Neighborhood/special dist.	15	15	15	15	15	15	-	-	-	15	-	-
Industrial	-	-	-	-	-	-	-	-	-	-	-	-
East Stuart	-	17	-	17	-	15	-	-	-	-	-	-
Marine/industrial	15	15	15	15	15	15	-	-	-	15	-	-
Public	-	-					-	-	-	-	-	-
Recreation	-	-	-	-	-	-	-	-	-	-	-	-
Institutional	~~30~~ 20	~~30~~ 20							-	~~30~~ 20	-	-
Conservation	-	-	-	-	-	-	-	-	-	-	-	-

Footnotes:

1. Units per acre in an eligible PUD in the low density residential designation are limited to ~~8.72~~ 7.26 maximum for single family units to 11.62 maximum for duplex units.

~~2. Density bonus is available in an MXPUD~~

Sec. 2.03.10. Table 4.

INTENSITY OF DEVELOPMENT ~~LOT~~ PARCEL AREA AND FLOOR AREA RATIO (FAR)

Future Land Use Categories	% ~~Lot~~ Parcel Area Residential	% ~~Lot~~ Parcel Area Non-Residential	Non-Residential (maximum FAR)	>2.0 FAR
Low density residential	95—100	0—5	<0.75 FAR	N/A
Multi-family residential	70—100	0—30	<3.0 FAR[1] /<.5 FAR[2]	<20 acres[1]
Office/residential	0—25	75—100	<3.0 FAR[1] /<1.5 FAR[2]	<10 acres[1]
Commercial	0—15	85—100	<3.0 FAR[1] /<1.5 FAR[2]	<50 acres[1]
Downtown redevelopment	0—70	0—70	<4.0 FAR	<50 acres[1]
Neighborhood/special dist.	30—90	10—70[3]	3.0 FAR[1] /<2.0 FAR[2]	<10 acres[1]
Industrial	N/A	100	3.0 FAR[1] /<1.0 FAR[2]	<10 acres[1]
East Stuart Neighborhood	70—100	0—30	<1.5 FAR	N/A
Marine/industrial	0—25	0—75	<3.0 FAR	<5 acres[1]
Public	N/A	100	<1.0 FAR	N/A
Recreation	N/A	100	<0.5 FAR	N/A
Institutional	N/A	100	<.75 FAR	N/A
Conservation	N/A	100	<10% ISR[4]	N/A

Footnotes:

1 = Inside community redevelopment agency (CRA) boundary

2 = Outside CRA boundary

3 = Recreation uses shall not exceed 25 percent of the land area

~~4 = ISR: Impervious surface ratio. Not to exceed 10,000 square feet~~

~~*Note:* The numbers in this table should be interpreted as follows (using a one acre lot and the low density residential future land use category as an example):~~

~~1. The maximum amount of a one acre lot (43,560 square feet) that can be used for non-residential activities is five percent or 2,178 square feet.~~

~~2. The maximum floor area ratio (FAR) allowed in this land use category is .75.~~

~~3. .75 of 2,178 square feet is 1,633 square feet which represents the maximum size of the non-residential structure that could be constructed within this land use category.~~

4. Multi-Family FAR: For every residential unit, the density for the commercial shall be reduced by 800 square feet.

2.04.00. AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

Sec. 2.04.01. Generally:

The following Tables 5, 6, and 7 reflect ~~lot~~ parcel area, impervious surface coverage, setback and height requirements.

Sec. 2.04.01. Generally.

The following Tables 5, 6, and 7 reflect ~~lot~~ parcel area, impervious surface coverage, setback and height requirements.

TABLE 5 - RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

Standard	R-1A	R-1	R-2 (Single-family)	R-2 (Two-Family)	R-3 (Single-family)	R-3 (Two-family)	R-3 (Multi-family)	R-3 (Professional Bldg.)	R-3 (Residential units with business)
Minimum zoning ~~lot~~ parcel size:									
Minimum ~~lot~~ parcel area (sq. feet)	10,000	7,500	5,000 6,000 ***	7,500	4,356-6,000 ***	7,500	10,000	10,000	10,000
Minimum ~~lot~~ parcel width (feet)	100'	75'	50'	75'*	50'	75'*	100'	100'	100'
Maximum Impervious Surface Coverage	50%	50%	50%	50%	50%	50%	40%	40%	40%
Building Setback (Minimum Yards):									
Minimum front	25'	25'	25'	30'	20'	30'	25'	25'	25'
Minimum side	10'	7.5'	5' for one and two story 7.5' for three story	10'**	5' for one and two-story 8' for each side	10'**	15'**	15'	25'

					setback three-story				
Minimum rear	15'	15'	15'	20'	15'	20'	20'	20'	20'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'	45'	45'
Maximum Number of Stories	3	3	3	3	3	3	3	4	4

Note: The above table does not apply to the CRA except for footnotes 1 and 2 noted below. Refer to chapter III, Special Zoning Codes for the development standards for the CRA.

*Total width for both duplex units.

**A zero-foot setback allowed for the common wall of duplex dwelling units and fee-simple townhome devising walls.

***All parcels assigned a parcel ID number and recognized by the City of Stuart as buildable as of September 4, 2024, shall be conforming and exempt from the minimum parcel size requirement. Any ~~The~~ newly created ~~platted~~ ~~lots~~ parcel or subdivision after September 4, 2024, must comply with the minimum parcel size requirement set forth herein.

TABLE 6 - COMMERCIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK, AND HEIGHT REQUIREMENTS

Standard	B-1 (Business Limited)	B-1 (Residential Units with Business)	B-2 (Business General)	B-2 (Residential Units with Business)	B-3 (Business Restricted)	B-4 (Limited Business and Manufacturing District)
Minimum zoning ~~lot~~ parcel size:						
Min. ~~lot~~ parcel area (square feet)	7,500	10,000	10,000	15,000	Not Provided	20,000
Min. ~~lot~~ parcel width	75'	100'	100'	100'		100'
Maximum Impervious Surface Coverage	65%	65%	65%	65%	65%	65%
Building Setback (Minimum Yards):						
Min. front	20'	20'	30'	30'	Not Provided	20'
Min. side	5'	5'	5'	5'		10'
Min. rear	20'	20'	20'	20'	Not Provided	30'
Maximum Building Height	45'	45'	45'	45'	Not Provided	45'
Maximum Number of Stories	4	4	4	4	Not Provided	4

TABLE 7 - PUBLIC SERVICE, INDUSTRIAL AND HOSPITAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

Standard	Public Service	Industrial	Hospital
Minimum zoning ~~lot~~ parcel size:			
Min. ~~lot~~ parcel area (square feet)	None	15,000	None
Min. ~~lot~~ parcel width		100'	
Maximum Impervious Surface Coverage	65%	65%	Not Provided
Building Setback (Minimum Yards):			
Min. front	25'	Not Provided	25'
Min. side	15'		15'
Min. rear	25'		25'[1]
Maximum Building Height	45'	45'	45'[1]
Maximum Number of Stories	4	4	4

Footnotes:

This provision is subject to amendment 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.

Sec. 2.04.02. Supplemental area requirements

A. *Minimum width and area of ~~lots~~ parcels ~~variance approval~~.*

1. No ~~lot~~ parcel shall be reduced so that its width, depth, front, side, rear yard, minimum ~~lot~~ parcel area, or other requirements of this Code are not maintained. This section shall not apply when a portion of a ~~lot~~ parcel is subsequently acquired for public purposes.

2. No residential ~~lot~~ parcel shall be less than 50 feet in width. In the case of irregularly shaped ~~lots~~ parcels, the average ~~lot~~ parcel width shall be measured and determined in accordance with the definition of average ~~lot~~ parcel width set forth in chapter XII.

~~3.~~

B. *Adjoining ~~lots~~ parcels of record.*

1. If two or more adjoining ~~lots~~ parcels of record with continuous frontage are in a single ownership at any time and such ~~lots~~ parcels individually are less than the ~~lot~~ parcel width requirements for the zone in which they are located, such groups of ~~lots~~ parcels shall be considered as a single ~~lot~~ parcel or several ~~lots~~ parcels of record of minimum permitted size and the resulting ~~lot~~ parcel(s) of record shall be subject to the dimensional requirements of this chapter.

Sec. 2.04.03. Supplemental impervious surface coverage requirements

A. *Generally.* Impervious surface coverage on a development site shall not exceed the maximum coverage amounts provided in the Tables 5, 6, and 7 of this chapter. Land within the Urban District, East Stuart District, and S.E. Ocean Boulevard Overlay may be subject to different maximum coverage amount.

B. *Impervious surface coverage calculation.* Impervious surface coverage is determined by calculating the total impervious surface area as a percentage of the gross site area. Water bodies are impervious and shall be included as such in the calculation of impervious surface coverage.

C. *Increased impervious surface coverage allowances for residential zoning districts.* Up to 65 percent of the building site for single-family and two-family dwellings in R-1A, R-1, R-2, and R-3 may consist of impervious surface coverage in which may be located building additions, accessory structures, patios, and pools. To utilize this additional coverage, the applicant must show either that the soils of

the site can be proven to accommodate the additional runoff via soil boring tests by a registered professional engineer, or:

(a) The runoff created by the additional coverage will be retained on-site via retention facilities for a ten-year, three-day storm event for ~~lots~~ parcels which are not more than one acre and for a 25-year, three-day event for ~~lots~~ parcels which are one acre or greater in area; and

(b) Retention areas will not be located above drainfields; and

(c) Retention areas shall be not more than two feet deep unless a professional engineer certifies the appropriate plans and installation; and

(d) All improvements will show compliance with section 6.03.00, Stormwater Management, of this Code.

(e) The applicant shall be required to install one tree as defined in section 6.04.00 on the site for every 500 square feet, or fraction thereof, of additional impervious surface coverage as permitted in Table 7 above. The applicant shall also replace not less than 50 percent of all trees and shrubs removed for the installation of additional impervious surface coverage.

D. *Treatment of cluster development.* Because impervious surface coverage is calculated for the gross site, cluster development or other site design alternatives may result in individual ~~lots~~ parcels within a development project exceeding the amount of impervious surface coverage, while other ~~lots~~ parcels may be devoted entirely to open space. The city development director or city commission may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

E. *Alternative paving materials.* If pervious concrete is proposed for a project, then 50 percent of the area covered with pervious concrete shall be considered as a pervious surface provided it is installed and maintained in accordance with section 6.01.14 of this Code. Other porous paving materials may be utilized with a credit for pervious coverage as determined by the city development director and as per section 6.01.14 of this Code.

Sec. 2.04.04. Supplemental building setback requirements.

A. *Construction prohibited within setback lines.*

1. No person shall construct or erect a building or other permanent structure with the exception of fences, sidewalks, pools, walls, terraces, decks, driveways, or accessory structures (see section 6.09.00 for setback requirements) on any ~~lot~~ parcel or tract for which a setback line has been established by this chapter, between such setback line and the property line from which the setback has been established.

2. Notwithstanding the foregoing, in order to accommodate reasonable residential growth while maintaining the character of older neighborhoods, setback requirements for additions to existing houses on 50 feet × 125 feet and smaller ~~lots~~ parcels shall be lessened as follows:

   Front yard: 15 feet;

   Side yard: five feet; and

   Rear yard: ten feet.

   The front yard setback shall be lessened to ten feet with the construction of a porch along, at a minimum, 50 percent of the first floor street facade.

3. Notwithstanding the foregoing, the front yard setback for construction on a ~~lot~~ parcel in the R-1 district and the R-1A district shall be the lesser of 25 feet, as set forth above, or the average of

the front yard setback distances existing on the adjacent ~~lots~~ parcels which are located on each side of said ~~lot~~ parcel.

4. Excluding streetwalls, fences, and entryway arbors and bowers a setback must be free of structures that are higher than four feet.

5. Architectural features such as cornices, eaves, gutters, fireplaces, flower boxes, bay windows, decorative molding and balconies, and front staircases designed complementary to the principle structure, which are part of the structure or attached thereto, may project no more than three feet into a required setback area. Equipment tanks, filters, stairwells, stairways attached post construction, and enclosed floor space are not considered architectural features and, therefore, must meet principal structure setbacks, unless otherwise varied pursuant to other sections of the land development regulations.

6. Where a lawful porch or screened porch existed on or before July, 1999, except those detached and constructed as an accessory structure within the required rear setback area, such structure may be enclosed without application to or approval by the board of adjustment for a variance to a required setback area, provided no part of the structure, excluding eaves, is closer than 15 feet to the rear property line or eight feet to the side property line.

7. The address of a house or location of the front door shall have no effect on the setback regulations outlined above.

B. *Required building setbacks for corner ~~lots~~ parcels and/or ~~lots~~ parcels abutting alleyways or streets.*

1. The following specific setbacks shall apply to the streets so designated, unless other provisions of the unified code provide a greater setback:

   a. A minimum setback line of ten feet from a street or alley on every corner ~~lot~~ parcel, or ~~lot~~ parcel which abuts a street or alley; or which shall hereafter abut a street or alley by virtue of the platting or construction of an alley or street.

C. *Required building setbacks for attached garages in residential zoning districts.*

1. A street facing, front entry garage or carport exceeding one automobile capacity shall have a front yard setback of minimum of 35 feet.

D. *Front setback reduction in single-family residential zoning districts.*

1. Applicable to R-1A Single-family, R-1 Single-family; R-2 Single-family; and R-3 Single-family: In an effort to retain a sense of community as well as preserve a more neighborhood-oriented architectural styling, the front setback shall be lessened to 15 feet with the construction of a porch along, at a minimum, 50 percent of the first floor street facade.

E. *Non-residential use common boundary setback.*

1. For a proposed non-residential use adjacent to a residential use or residential zoning district a common boundary setback of the greater of 30 feet or the height of the highest non-residential building shall be provided. This common boundary setback does not apply to a proposed multi-family development.

2. For a proposed non-residential use in the "R-3" residential district adjacent to an undeveloped property in the "R-3" residential district a common boundary setback of the greater of 15 feet or the highest proposed non-residential building.

3. Each/any setback requirement for R-3 Professional Building, R-3 Residential Units with Business listed in Table 7 and those districts listed in Tables 8 and 9 are subject to amendment in accordance with section 2.04.04.E.1 and 2 above.

4. All requirements relative to front, side, and rear yards shall be the same as required in the residential district to which the front, side, or rear property in a B-1, B-2, B-3, B-4 or I district adjoins or lies directly across a street or alley from a residential district.

5. For all commercial and non-residential structures, more than one story in height, the entire building must meet additional setbacks of ten feet on side yards and five feet on the rear yard, per each additional story above the ground floor.

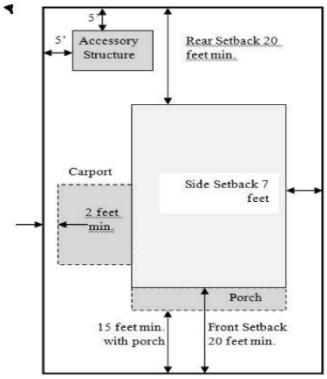
6. Greater setbacks may be required to meet transitional landscape buffer requirements per section 6.04.06.

Sec. 2.04.05. Supplemental building setbacks for waterfront properties.

All waterfront properties shall conform to the Comprehensive Plan and Code section 5.06.00 mandated waterside setbacks of 25 feet citywide and ten feet CRA, measured from the waterside ~~lot~~ parcel 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~~ parcel; or perpendicular to the centerline of a seawall.

Sec. 2.05.00. Reserved for future purposes

BUILDING FORM STANDARD
COTTAGE LOTS

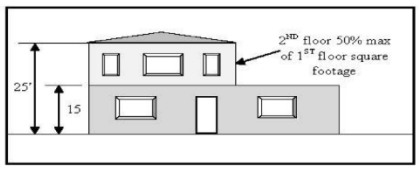


Siting
- No minimum lot size requirement.
- No minimum lot width requirement.
- Front building setback a minimum of 20 feet or the average setback along the street (excludes front setbacks in excess of 50 feet).
- Side building setback a minimum of 7 feet.
- Rear building setback a minimum of 20 feet.
- Front setback encroachment of up to 5 feet allowed for a porch provided.
- Maximum impervious surface of 65% allowed provided requirements of Sec. 2.04.03 are met.

Accessory Structures
- No accessory dwelling units allowed.
- Limited to single story and 12 feet in height
- Subject to General Standards and Requirements found in Sec. 6.09.02.A-D
- Limited to a maximum 2 car garage with a maximum of 440 square feet.

Allowable Setback Encroachment
- Front porch with no enclosed floor area may encroach up to 5 feet into front setback.
- Driveways and carports or other open-sided structure may encroach up to 5 feet provided there is no habitable structure above.

Remove Building form standard cottage lots



Principal Building Requirements
- Maximum first floor building height 15 feet.
- Maximum second story height 25 feet.
- Building height measurement must comply with Sec. 2.04.07.A of the City of Stuart Land Development Code.
- 2 story maximum.
- First floor gross living floor area (under air) not to exceed 30% of lot square footage.
- Second story allowed, but shall not exceed 50% of first floor square footage.

Use Specifications
- Single-family residential structures.
- Accessory structures incidental to principal use.
- Home Occupations (as defined in the LDC)

Sec. 2.06.07. Industrial uses.

The following standards shall apply when a proposed industrial development requires major development plan approval (over 50,000 square feet in gross floor area), or if an industrial planned unit development is proposed.

A. Industry shall be of a nature as not to be injurious or offensive or detrimental to the present or intended character of the "B-4," "I" or "IPUD" zoning districts or vicinity by reason of emission of noise, dust, glare, smoke, gas, fire, odors, vibration, fumes, toxic waste materials.

B. Planned industrial parks and new industrial developments must provide that abutting residential properties will be protected from drainage of surface water, noise, odor, glare, dust, and fumes or other objectionable conditions; that provision is made for adequate vehicular and pedestrian access and circulation so as not to present problems of safety on the site or unduly impeded normal traffic movement on adjacent streets; that requirements for parking as provided in chapter VI are met. Further, no building structure, or land within 100 feet of any ~~lot~~ parcel line or a ~~lot~~ parcel located in a residential district shall be used in connection with the operations of any establishment. Off-street parking and off-street loading space may be located within this setback area in accordance with regulations on parking in chapter VI. Within 300 feet of a residential district boundary line, all activities and operations shall be completely screened by a solid wall at least eight feet in height, and open storage shall not be of greater height than that of the enclosed fence, except that off-street loading and unloading spaces may be located in accordance with parking provisions of chapter VI.

C. Sign painting and/or manufacturing shops must contain such activities within an enclosed building.

Sec. 2.06.09. Home occupations.

A. *Standards.* The following specific standards shall apply to all home occupations:

(1) The home occupation shall involve no more than one employee on site at any one time, not including members of the family residing in the dwelling unit who may be engaged in the home occupation, provided that there is sufficient off-street parking on an "approved paved surface" as defined in section 10-69(a) of the Code of Ordinances.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the residential use and shall under no circumstances change the residential character of the dwelling.

(3) The floor area dedicated to the home occupation shall not exceed 25 percent of the floor area of the dwelling unit.

(4) No building or yard space other than the principal building shall be used for home occupation purposes. There shall be no on-site, indoor or outside display or storage of materials or supplies.

(5) There shall be no change in the outside appearance of the building or premises as a result of such occupation.

(6) No signage of any kind may be displayed, with the exception of licensed real estate brokers who shall be permitted one sign, one square foot in size, to be placed at the home entrance.

(7) No home occupation shall be conducted in any accessory building unless approved by a Major Conditional Use.

(8) Advertisements for the business shall not state the residential address, only the phone number.

(9) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

(10) No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes, odors detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(11) No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.

(12) No commercial vehicle may be parked or stored on-site for use in conjunction with the home occupation.

(13) The home occupation shall not generate pedestrian or vehicular traffic in greater volume than would normally be expected to the home.

(14) The use can qualify for all local, state and federal licenses, certificates and permits.

(15) Any violation of these regulations may result in the revocation of any home occupation business tax receipt, in addition to any other remedy for such violation provided in the city's Code.

(16) The issuance of a business tax receipt to engage in a home occupation in accordance with this ordinance shall not be deemed to be a change in zoning nor an official expression of opinion as to the proper zoning for the particular property.

Sec. 2.06.11. Telecommunications facilities.

N. *Accessory or principal use.* A tower may constitute an accessory use on a ~~lot~~ parcel containing a separate principal use. If a tower constitutes a principal use, then it must be located on a property which meets the minimum ~~lot~~ parcel size requirements of the district in which the tower is located and is large enough to accommodate the tower, accessory structures, landscaping, parking and other required improvements.

P. *Telecommunication tower distance requirements.* The following distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed telecommunications tower is to be located to the nearest point of the ~~lot~~ parcel, use, right-of-way line or district from which the proposed telecommunications tower is to be separated.

(1) No telecommunications tower shall be constructed within 500 feet of the "R-1A," "R-1," "R-2," "R-3" and "RM" residential zoning districts within the city or within 500 feet of a residential area outside the city.

(2) No telecommunications tower shall be constructed within 500 feet of a school.

(3) No telecommunications tower shall be constructed within 100 feet from the nearest right-of-way line of State Road 5, commonly known as "U.S. 1." as laid out and in use on July 26, 1995. This requirement shall also include that portion of State Road 5 consisting of the Roosevelt Bridge and the approaches thereto.

Sec. 2.06.14. Pain management clinics.

D. *Distance requirements.* The following distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed clinic is to be located to the nearest point of the ~~lot~~ parcel, use, right-of-way line or district from which the proposed clinic is to be separated.

1. No pain management clinic shall commence operation within 300 feet of any other pain management clinic.

2. No pain management clinic shall be co-located in the same office or building with a pharmacy, unless such pharmacy shall have pre-dated the pain management clinic by at least one year.

3. No pain management clinic shall commence operation within 200 feet of a pharmacy, unless such pharmacy shall have pre-dated the pain management clinic by at least one year.

4. Regardless of the other provisions of subsection C, above, no pain management clinic shall commence operation within 250 feet from the nearest right-of-way line of State Road 5, commonly known as "U.S. Highway 1" as laid out and in use on July 26, 1995. This requirement shall also include that portion of State Road 5 consisting of the Roosevelt Bridge and the approaches thereto.

Sec. 2.06.15. Minimum single-family and duplex residential design standards for new construction.

These design standards shall apply to all new single-family and duplex residential development. Mobile homes, properties within the Urban Code District, additions and restoration development are excluded from these provisions.

A. *Purpose.* The purpose and intent of this article is to provide minimum design standards for single-family and duplex residential development, which shall apply to all new single-family detached structures and duplexes.

B. New single-family and duplex residential development shall meet the following minimum design standards:

(1) Driveways and walkways shall consist of concrete, brick or concrete pavers, asphalt, stamped pattern concrete systems, rock salt textured concrete with integral color, grass block, or other similar material approved by the city development director.

(2) Yards shall be sodded or otherwise landscaped in accordance with section 6.04.08.A.

~~(3) Roofs shall have a minimum pitch of 3:12, provided a flat roof may be permitted if designed by a Florida licensed architect and upon clear demonstration that the flat roof s design is an integral part of the building's overall architectural character.~~

~~(4) Roof overhangs shall be a minimum of eight inches on the rake and 16 inches on the eaves.~~

~~(5)~~ (3) Foundations shall consist of slab on grade, stem wall, poured concrete piers or pilings and shall be the sole mean s by which load and uplift standards are met. Dry stack foundations and cable tie down systems are not permitted.

~~(6)~~ (4) For the purpose of minimizing storm water impacts, the finished floor elevations of surrounding properties shall be taken into consideration in establishing the finished floor elevation of the new structure. Fill may be placed on site to the level of natural grade, maintaining the overall drainage of the neighborhood. If new construction has a floor level higher than natural grade, the foundation is to provide for the rise in floor level, rather than mounding fill to building perimeter. Minor grading directing water away from house to natural established drainage is allowed.

~~(7)~~ (5) Exterior equipment, including, but not limited to, air conditioning equipment, heat pumps, generators and pool equipment, shall be shielded from view.

~~(8)~~ (6) Main entries shall be prominent and orientated to the street unless another pattern is well established in the surrounding neighborhood. ~~Variation from this standard may be permitted if the home is designed by a Florida licensed architect and upon clear demonstration that the variation in design is an integral part of the building's overall architectural character.~~

~~(9) Additionally, at a minimum, three of the following eight building characteristics must be provided:~~

a. Ornamental and structural details which are integrated into the building 's structure and overall design.
b. A front porch, minimum six feet deep and eight feet wide.
c. Window shutters, decorative or real, at the same height as the window.
d. A minimum of two different roof bearing heights on primary buildings or porches.
e. A minimum of two different wall planes on the front elevation separated by a minimum of 18 inches.
f. Trim color accenting the main wall color.
g. Contrasting materials on front elevation for architectural effect.
h. Arbors, pergolas or lattice screens attached to building for architectural effect

Sec. 2.06.20. Conditional use approval required for the location of any gasoline or other motor fuel stations on certain properties fronting U.S. Highway 1 and Palm City Road.

Effective June 8, 2015, approval of any gasoline or other motor fuel stations, as defined by this Code, on certain commercially zoned properties fronting the west side of U.S. Highway 1 and a portion of Palm City Road, located approximately between State Road-76 and Frasier Creek and identified by the Exhibit 1A below, shall require "major conditional use approval application" as set forth in chapter 11, section 11.01.01 11 of this Code.

Sec. 2.06.22. EV charging infrastructure.

A. *Definitions:*

Electric Vehicle (EV) means a vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and which produces zero tailpipe emissions or pollution when stationary or operating.

Electric Vehicle Charging Station (EVCS) means a parking space that is equipped to allow an EV to re-charge recharge.

Electric Vehicle Charging Infrastructure (EVCI) means equipment provided to support future electric vehicle charging. This shall include, but not be limited to; the design of electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder/branch circuits, and the installation of raceways, both underground and surface-mounted, to support the electrical vehicle supply equipment.

Electric Vehicle Charging Rate (EVCR) means the rate at which an electric vehicle is charged:

1. Level-1 is considered slow charging. Voltage up to 120v.
2. Level-2 is considered medium charging. Voltage is greater than 120v and includes 240v.
3. Level-3 is considered fast or rapid charging. Voltage is greater than 240v.

B. *EV Charging Station (EVCS) requirement:* All new commercial development of gross floorspace greater than 5,000 sqare feet and all new residential development greater than 50 dwelling units are required to provide EVCI to accommodate the future installation of EVCS(s).

1. A minimum of two or ten percent, whichever is the greater, of the required non-EV parking spaces (excluding required ADA spaces) shall be EVCI equipped spaces.
2. A minimum of two or ten percent, whichever is the greater, of required EVCI equipped spaces shall be provided at a level 2 EVCR.
3. At minimum one required EVCI equipped space shall be ADA accessible and shall be installed and marked in compliance with the current version of the City of Stuart Guide for Accessible Electric Vehicle Charging Station (EVCS).

~~C.~~ B. *Standards:* The EVCI shall be installed per the requirements of the current edition of the National Electrical Code.

~~1. The EVCI shall include a raceway, which is continuous from the branch circuit/feeder panel location to the future EV parking space.~~

~~2. The raceway shall be sized and installed per the National Electrical Code; however, in no case shall the EVCI raceway be less than one inch in size. The EVCI raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.~~

~~3. The electrical equipment room must have a dedicated space for the future installation of EVCI. This space shall be identified on all construction documents submitted for review, and the dedicated space shall not allow for violation of the National Electrical Code prescriptive requirements regulating working space clearances around equipment, or violation of the National Electrical Code prescriptive requirements governing the entrance to and egress from electrical equipment working space.~~

~~4. During~~ the ~~construction of the electrical equipment room, all raceways installed for the EVCI shall terminate at the EV parking space.~~

~~5. Prior to the final electrical inspection approval, the space dedicated within the electrical equipment room for the future EVCI installation shall have the wall stenciled or marked legibly with the following text: "FUTURE ELECTRIC VEHICLE CHARGING EQUIPMENT AND PANELS."~~

~~6. The proposed placement and installation of EVCI or equipment shall not allow for any violation of the Americans with Disabilities Act of 1990.~~

~~7. The placement of EVCI shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an EV.~~

2.07.00. DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

H. *Mixed-use planned unit development (MXPUD) districts.*

1. *Location.* An MXPUD may be located anywhere in the city in any area defined and described "office/residential," "multi-family residential," "commercial," "industrial," "institutional," "recreation," "downtown redevelopment," "East Stuart," "marine/industrial," or "neighborhood/special district," and "public," by the future land use element of the City of Stuart's Comprehensive Plan. and which is of suitable character and compatible with surrounding uses as determined by the city commission.

2. *Uses permitted in an MXPUD district.* The buildings, structures, land or water within a MXPUD district are subject to the following requirements:

   a. An MXPUD shall be any combination of two or more integrated residential, commercial, hospital, governmental, and light industrial uses, providing such uses are compatible with existing conforming uses on adjacent property as determined by the city commission.
   b. Residential uses integrated into the MXPUD shall be designed to be compatible, and developed in combination, with any associated commercial, retail, medical, governmental, and light industrial uses.
   c. Commercial uses not specifically set forth in any of the standard zoning categories, but which are compatible and of like nature and quality to those commercial uses permitted in B-1, B-2, B-3 and B-4 or R-3 zoning classifications are allowed, as determined by the city commission.
   d. Industrial (high-impact) uses as identified in section 2.02.02., Table 2, of the Code may be permitted subject to a major conditional use approval as approved by the city commission.

e. Governmental or other public uses as permitted by the city commission.
f. Adult business uses or agricultural uses as specified in section 2.02.02, Table 2 are not permitted.

3. *Mixed-use PUD standards.* The following standards shall apply to a MXPUD district:

a. *[Standards.]* MXPUD standards regarding circulation, parking, open space, utilities, drainage, and other standards shall apply as described in this section, except as modified by the city commission as part of an individual MXPUD ordinance.

b. *Parking standards.* The standards and peak parking analysis contained in the most current edition of the ITE Manual shall be referenced in any calculation of shared parking provision within an MXPUD. Reference to the ITE standards may be made by the city and applicant in order to calculate the parking requirement for an MXPUD.

c. *Parking requirement.* Subject to approval by the city commission as provided in subsection 4.d. below, minimum parking requirements for a mixed-use development may be reduced by a calculation of shared parking requirements for the development, utilizing an accumulation factor table based upon standards in the most current edition of the ITE Manual. The required parking shall conform to the ITE Manual standards unless specifically waived by the city upon acceptance and approval of an independent parking study by a recognized traffic engineer with a specialty in parking generation acceptable to the city development director. The total aggregate reduction in the minimum parking requirement for uses shall not exceed 20 percent of the minimum conventional parking requirement, otherwise applicable. Car parking stalls located in front of residential garages or within individual residential unit garages or allocated or designated parking space shall not be included in any shared parking calculation.

Table 2.07.00A: Mixed Use Parking Accumulation Factor

(time of day/use) shown as % of conventional demand)

Use	Weekday 9:00 a.m. – 4:00 p.m.	Weekday 4:00 p.m. – 8:00 p.m.	Weekday 8:00 p.m. – 12:00 a.m.	Weekend 9:00 a.m. – 4:00 p.m.	Weekend 4:00 p.m. – 12:00 a.m.	Night-time 12:00 a.m. – 9:00 a.m.
Residential	45%	75%	95%	75%	100%	100%
Office	100%	40%	10%	10%	5%	5%
Retail	90%	100%	90%	100%	75%	5%
Hotel	95%	75%	100%	75%	100%	100%
Restaurant	100%	100%	90%	100%	100%	15%
Medical office	100%	90%	5%	80%	60%	10%

Table 2.07.00B: Example calculation.

In this example the shared parking demand, using the ITE parking standards as a reference, is calculated using the appropriate % of the conventional parking requirement at specified periods of the day. The highest resultant mixed use accumulation is used to determine the maximum shared parking demand. In this case 530 shared spaces compared to the standard code requirement of 600 spaces.

Use	Standard Parking Requirement	Weekday 9:00 a.m. – 4:00 p.m.	Weekday 4:00 p.m. – 8:00 p.m.	Weekday 8:00 p.m. – 12:00 a.m.	Weekend 9:00 a.m. – 4:00 p.m.	Weekend 4:00 p.m. – 12:00 a.m.	Night-time 12:00 a.m. – 9:00 a.m.
Residential	100	45	75	95	75	100	100
Office	100	100	40	10	10	5	5

Retail	100	90	100	90	100	75	5
Hotel	100	95	75	100	75	100	100
Restaurant	100	100	100	90	100	100	15
Medical office	100	100	90	5	80	60	10
Total parking	600						
Mixed use accumulation		530	480	390	440	440	235

d. Reserved. The parking reductions allowed by shared parking accumulation described in Table 2.07.00A above may be allowed as part of an MXPUD approval only if it is demonstrated to the satisfaction of the city commission that a combination of the following vehicular, pedestrian, bicycle and parking issues are addressed and that, where appropriate, measures are incorporated by the proposed development to mitigate potential material adverse impacts on parking conditions in the immediate vicinity by providing some or all of the following:

i. The creation of new or upgraded sidewalks and bikeways, where appropriate, to help foster non-vehicular movement within, around and to the site.

ii. The creation of public or private amenity spaces to help foster and provide pedestrian and bikeway attractions (i.e., bicycle racks, benches, open and landscaped areas, pedestrian landings, lighting, etc.).

iii. The provision of additional landscape measures that are at a minimum 150 percent above City Code requirements.

e. Amenity space. Not less than 35 percent of the MXPUD shall be amenity space. Credit not exceeding five percent shall be permitted for street improvements that are contiguous with the site at the sole discretion of the city commission.

f. Native vegetation. A minimum of 25 percent of the total development site area shall remain as undeveloped native vegetation area, excluding wetlands defined by the South Florida Water Management District where the same exists. In the event that less than 25 percent of the MXPUD is comprised of native vegetation area, then the existing native vegetation area shall be maintained as part of the required amenity space. The required native vegetation area may include the landscape buffer between the site and adjacent property. The location of the existing native vegetation area(s) shall be determined using a study of the site that enables consideration as to its value and retention as a native vegetation area. Any deficit in naturally occurring required native vegetation shall be made up in offsite mitigation of preservation areas, within the city.

g. Reserved. Residential unit variety bonus. Where not less than 50 percent of the total residential units on site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded based on the following table:

Table 2.07.00C: Residential Unit Variety Bonus

Minimum 50% of dwelling units at an average floorspace of less than (sq. ft.)	1,000 sq. ft.	1,250 sq. ft.	1,500 sq. ft.
Residential unit variety bonus (du/Ac)	5	3	1

h. Multi-family/FAR: Multi-family density shall be reduced by commercial. For every 800 square feet of commercial, the residential density of the property shall be reduced by one (1) residential unit. Mixed use density calculation. The net residential density for an MXPUD shall be based

on 15 units per acre, with any density bonus added in accordance with the small residential unit bonus Table 2.07.00C above. If the project is located within the urban district overlay an increase in density (to a maximum of 30 units per acre, including any unit bonus) may be granted in accordance with the Urban Code conditional use procedure (section 3.01.06). The net residential density shall be calculated using the following formula:

Total residential floor space	=	TRF
Total development floor space	=	TDF
Residential unit variety density bonus	=	RUVDB
(TRF/TDF) × (15du/ac+SUDB)	=	Net mixed use residential density
Example:		
Total residential floor space	=	75,000 sq. ft. (TRF)
Total development floor space	=	120,000 sq. ft. (TDF)
Residential unit variety density bonus	=	3du/ac (RUVDB)
(TRF/TDF) × (15 du/ac RUVDB)	=	Net mixed use residential density
(75,000/120,000) × (15) 3	=	12.375 du/acre

i. Reserved. Net acreage of a mixed-use PUD parcel. The net acreage of a mixed-use PUD parcel shall be the total site area less all bodies of water (excluding water features with fountains) and protected environmentally sensitive areas.

j. Architectural standards. Buildings within an MXPUD shall, at a minimum, incorporate architectural detailing and use materials that meet the standards outlined in section 3.01.04 of this Code in respect of building walls, roofs and gutters, arcades and porches, windows and doors, architectural features, balconies and parapet walls.

I. *Urban planned unit development (UPUD) districts.*

a. *Location.* A UPUD may be located only within the defined community redevelopment area of the city.

b. *Density.*

i. A UPUD shall not exceed the density outlined in policy A7.2 of the City of Stuart Comprehensive Plan relating to gross densities of the underlying future land use designation as defined and described "low-density residential," "office/residential," "multi-family residential," "commercial," "industrial," "marine-industrial," "recreation," "downtown redevelopment," or "public," by the future land use element of the City of Stuart Comprehensive Plan, and which is of suitable character and compatible with surrounding uses as determined by the city commission.

ii. The table 2.07.A shall be used for the purpose of residential density and parking space calculation within a UPUD.

Table 2.07.A. UPUD Unit Density and Parking Space Calculation

Maximum Unit Size	*Maximum Bedrooms*	*Unit Density*	*Parking Space per Unit*
500 sq. ft.	1	0.5 up to 50%	1.25
700 sq. ft.	2	0.75 up to 50%	1.5
No maximum	No maximum	1	2.0

****

Chapter III
SPECIAL ZONING CODES

Sec. 3.01.01. Generally.

A. *Intent.* The purpose of the Urban Code is to encourage redevelopment, historic restoration, and infill development, and generally to promote a sense of place within the Urban Code district, described below, by providing standards and development incentives that are not otherwise available. This includes the promotion of traditional building types with arcades, balconies, railings, and porches and the enabling of social interaction on downtown streets. This Urban Code provides for mandated building alignments to define coherent streets spaces, the location of outbuildings at the rear of ~~lots~~ parcels for affordable housing, the visual protection of the streetscape from parking lots, and traditional, historically relevant, durable construction which is harmonious with the architectural heritage of downtown Stuart.

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.

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).

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.

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~~ parcel width. A ten-foot driveway may be allowed if no alley access is available in the rear or side of the ~~lot~~ parcel.
   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~~ parcels 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.

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~~ parcel 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~~ parcels 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.

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~~ parcel 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~~ parcels, 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.*
    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~~ parcels 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.

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~~ parcels 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~~ parcel width. For other ~~lots~~ parcels, the width of the principal building shall be not less than 70 percent of the ~~lot~~ parcel width.

2. *Principal building height.*
   a. The maximum building height is three stories and 35 feet. For ~~lots~~ parcels 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.*
   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~~ parcel 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~~ parcels the side setback shall be ten feet. There shall not be less than five feet of 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.

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~~ parcel.

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~~ parcel and one outbuilding is permitted in the front of the ~~lot~~ parcel. 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.

F. *Additional regulations and requirements.*

1. *Parking.*

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
Residential Land Uses	
Duplex residences	~~1.5~~ 2 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~~ 2 per unit; garages count towards required off-street parking
Single-family residences	1.5 per unit; garages count towards required off-street parking
Transient Residential Land Uses and Overnight Accommodations	
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
Institutional Uses	
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

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~~ 20 dwelling units per acre with a major Urban Code conditional use.
4. *Storage sheds.* One storage shed may be located on any ~~lot~~ parcel 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~~ parcel 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*~~ *Parcel coverage.* For the purposes of this Urban Code, there shall be no impervious ~~lot parcel~~ 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*~~ *Parcel area requirements.* For purposes of this Urban Code there shall be no minimum ~~lot~~ parcel area or ~~lot~~ parcel 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 ~~lot~~ parcel 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~~ parcel 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~~ parcel; or perpendicular to the centerline of a seawall.

Sec. 3.01.04. Architectural standards and regulations.

The following described architectural standards and regulations are governed by the categories of building and activities related thereto and shall apply to new development, to substantial renovation, to renovation development, to renovation and to building exterior refinishing. It is the responsibility of the applicant to demonstrate to the satisfaction of the city development director that any alternative building or other materials have at least a ten-year history of successful application in climates that are comparable to the City of Stuart.

F. *Outbuildings.* Outbuildings permitted within the Urban Code District shall be constructed of the same materials used in the principal building. Outbuildings may include detached garages and carports, greenhouses, slat houses, cabanas and detached garage apartments and "granny flats." Canvas outbuildings are not permitted. There shall be not less than five feet of separation between the outbuilding and the principal building.

Outbuildings shall conform to the following requirements:

1. Only one outbuilding per principle building is permitted.
2. Outbuildings are subject to a minimum five-foot side and rear yard setbacks from the property line, with the exception of the Urban Waterfront (UW) Subdistrict. On corner ~~lots~~ parcels the side setback shall be ten feet.
3. Outbuildings shall not exceed a maximum building footprint of 1,000 square feet and a maximum gross floor area of 2,000 square feet.
4. Outbuildings shall not exceed 30 feet in height. Outbuildings may not exceed the height of the principal building on the same property.

5. An outbuilding may have an unenclosed porch of up to 50 percent of the gross floor area of the outbuilding.
6. Outbuildings may be constructed as elevated buildings that include the location of open parking below an enclosed structure; however, open parking shall be shielded from public right-of-way by landscaping, lattice or other screening material that is not less than 42 inches in height.
7. Outbuildings may be connected to the principal building by a covered walkway element, trellis, or other structural link, which shall not be enclosed so as to create occupiable space.
8. Outbuildings may be connected to an outbuilding on an adjacent property and shall be structurally separated by a fire wall on the common boundary line and shall have a five-foot minimum rear yard setback.

M. *Balconies.* Balconies shall conform to the following requirements:

1. On corner ~~lots~~ parcels, a balcony shall extend along two street facades, but it does not have to be continuous.
2. A balcony may extend over a public sidewalk or right-of-way but may not be designed or used as a means of building ingress or egress above a public right-of-way.
3. Where balconies are required, the aggregate length of balconies shall be not less than (50 percent) of the building facade at the floor level from which it projects on each floor level.
4. A balcony shall have a minimum clear height of ten feet at ground level above sidewalks and a minimum depth of three feet.
5. "Paris" balconies, having a minimum projection from the building face of 12 inches and a wrought iron railing, are permitted, if the balcony is accessed by French doors.

Sec. 3.01.06. Urban code conditional use requirements.

A. *Major and minor Urban Code conditional uses.* As provided below, the city commission may grant a major Urban Code conditional use and the city community redevelopment board may grant a minor Urban Code conditional use. The review of major and minor Urban Code conditional use applications shall follow the procedures set forth in section 11.01.~~10~~ 11 relating to major conditional use approval review, including, but not limited to, required findings of fact, conditions, notice, public hearing, standards, the burden of proof, revocation and expiration. Approval of an Urban Code conditional use shall only be granted if the applicant can demonstrate that the request is consistent with and will further the implementation of this Code, the CRA redevelopment plan, and the city comprehensive plan and will measurably improve the form, function and traditional neighborhood characteristics of the Urban Code District. The procedure for a major Urban Code conditional use shall follow the procedures set forth at section 11.01.~~10~~11 with respect to submittal information and required notice for a major conditional use approval. The procedure for a minor Urban Code conditional use shall follow the procedures set forth in section 11.01.~~10~~11 with respect to submittal information and required notice for a major conditional use approval; however, mailed notice shall only be required to be provided to property owners which are directly abutting the subject property, and a minor Urban Code conditional use shall be granted by the city community redevelopment board.

J. *Conditional use.* The review of a conditional use shall follow the procedures set forth in section 11.01.~~10~~ 11 for a major conditional use review. A conditional use shall be granted if the applicant can demonstrate that the request:

- Is consistent with this Code and the city's comprehensive plan;
- Will further the implementation of the CRA redevelopment plan;
- Will measurably improve the form and function of traditional neighborhood characteristics; and
- Has satisfied site qualitative design development standards set forth in section 6.00.04.

The city commission may impose development conditions and operational requirements including, but not limited to:

1. *Pedestrian amenities.* Pedestrian amenities in the form of benches, courtyards, shared use-paths, pedestrian lighting, or other acceptable forms of amenities located adjacent to a public sidewalk and/or right-of-way.
2. Green development. On-site renewable energy generation, indoor and outdoor water use reduction or green development as outlined in section 6.06.00.
3. *Improvements to the surrounding neighborhood.* The applicant proposes to make improvements such as: replacing existing sidewalks with integral color concrete or pavers in the surrounding neighborhood.
4. Require existing overhead utilities to be placed underground.
5. *Neighborhood open space.* Neighborhood open space as provided by as described in section 3.04.04 F.2.

6. *Historic preservation.* Preservation, relocation or a monetary contribution is made to the relocation of historic buildings fund for historic structures as defined within section 5.09.00.

Sec. 3.02.03. Permitted uses.

A. Figure ESN-08 identifies permitted uses in East Stuart Neighborhood.

1. *Consideration of uses not specifically listed.* If a use is not listed within a zoning district, then the use is not allowed. A proposed use that is not listed within a zoning district, but which is determined by the development director to have a similar character, nature, and impact to a permitted use in that district may be approved through, a determination of comparability by the development director. Conditions may be placed on the decision. A determination by the development director that a proposed use is not similar to a permitted use may be appealed according to procedures in section 8.07.01.
2. *Conditional use.* Uses which require a conditional use (CU) approval are marked with "CU."
3. *Non-conforming uses.* Non-conforming uses created by virtue of the adoption of this Code shall be deemed legal non-conforming uses subject to the provisions of section 8.03.00.

FIGURE ESN-08 PERMITTED USES IN THE EAST STUART NEIGHBORHOOD

Residential Uses	Standards for Specific Use	BMU	GRO	SFD	Public	Rec.
Single-family dwelling unit		✓	✓	✓	-	-
Duplex dwelling units	Sec. 3.02.03 B.1	~~✓~~ CU	~~✓~~ CU	✓	-	-
Multi-family dwelling units		~~✓~~ CU	~~✓~~ CU	-	-	-
Accessory dwelling unit	Sec. 3.02.04 G.04	✓ CU	✓ CU	✓	-	-
Mixed-use		~~✓~~ CU	~~✓~~ CU			
Family day care home in a residence		~~✓~~ CU	~~✓~~ CU	✓	-	-

Group home of six or fewer residents		-	-	✓	-	-
Home occupation	Sec. 3.02.03 B.3	✓	✓	✓	-	-
Transient Residential and Overnight Accommodations						
Hotels/motels		~~✓~~ CU	-	-	-	-
Rooming and boarding houses		~~✓~~ CU	~~✓~~ CU	-	-	-
Bed and breakfast inn		~~✓~~ CU	~~✓~~ CU	-	-	-
Institutional Uses						
Adult day care centers (<three acres)		~~✓~~ CU	~~✓~~ CU	-	-	-
Child care centers (<three acres)	Sec. 2.04.03 B.2	~~✓~~ CU	~~✓~~ CU	-	-	-
Community centers		~~✓~~ CU	~~✓~~ CU	-	✓	✓
Funeral homes without crematoriums		~~✓~~ CU	-	-	-	-
Governmental buildings		~~✓~~ CU	~~✓~~ CU	-	✓	-
Libraries		~~✓~~ CU	~~✓~~ CU	-	✓	-
Museums		~~✓~~ CU	-	-	✓	-
Assisted living facilities (<three acres)	Sec. 2.06.03	~~✓~~ CU	~~✓~~ CU	-	✓	-
Religious institutions (<three acres)		~~✓~~ CU	~~✓~~ CU	✓	✓	-
School—public, private, parochial or technical		~~✓~~ CU	~~✓~~ CU	-	✓	-
Commercial Uses						
Art shops/galleries		~~✓~~ CU	-	-	-	-
Banks/financial institutions, excluding drive-in/drive-through		~~✓~~ CU	-	-	-	-
Barbershops, beauty salons, specialty salons		~~✓~~ CU	-	-	-	-
Bars		~~✓~~ CU	-	-	-	-
Catering shop		~~✓~~ CU	-	-	-	-
Clubs, lodges, and fraternal organizations		~~✓~~ CU	-	-	-	-
Massage therapy establishment		~~✓~~ CU	-	-	-	-

Microbreweries and craft distilleries		~~✓~~ CU	-	-	-	-
Office, business, professional, medical or veterinary		~~✓~~ CU	~~✓~~ CU	-	-	-
Restaurants, convenience and general, excluding drive-in/through	Sec. 2.06.13	~~✓~~ CU	~~✓~~ CU	-	-	-
Retail sales and service		~~✓~~ CU	-	-	-	-
Rooftop dining	Sec. 2.06.19	~~✓~~ CU	-	-	-	-
Studios, art, dance, music, or exercise		~~✓~~ CU	-	-	-	-
Theater, excluding drive-in theaters		~~✓~~ CU	-	-	-	-
Recreational Uses						
Public parks		~~✓~~ CU	~~✓~~ CU	✓	✓	✓
Utility and Service Uses						
Public facilities and services		~~✓~~ CU	~~✓~~ CU	✓	✓	✓
Public utility		~~✓~~ CU	~~✓~~ CU	✓	✓	✓
Telecommunication Uses						
Camouflage 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	Sec. 2.06.11	~~✓~~ CU	~~✓~~ CU	-	-	-
Agricultural Uses						
Community gardens	Sec. 2.06.08	~~✓~~ CU	~~✓~~ CU	✓	✓	✓
Urban farms	Sec. 2.06.08	~~✓~~ CU	~~✓~~ CU	-	-	-
Storage, Transportation and Logistics Uses						
Government provided public parking garages and lots		~~✓~~ CU	-	-	✓	✓
Private parking garages and lots		~~✓~~ CU	-	-	-	-

Key:

✓ : 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.

- : Prohibited

Sec. 3.02.04. Development standards.

A. All new development, substantial improvement, and substantial renovation shall comply with the development standards in Figure ESN-09 Development Standards in the East Stuart Neighborhood. Development standards which require a conditional use (CU) approval are marked with "CU."

FIGURE ESN-09 DEVELOPMENT STANDARDS IN THE EAST STUART NEIGHBORHOOD

	BMU	GRO	SFD	Public	Recreation
~~Lot~~ Parcel Size					
~~Lot~~ Parcel area in sf min./~~max~~.[1]	~~None~~ 6,000	~~None~~ 6,000	~~None~~ 6,000	~~None~~ 6,000	~~None~~ 6,000
~~Lot~~ Parcel width in feet min./max.[1]	None	None	None	None	None
Building Placement					
Front Build-to-Zone	5'-15'	10'-20'	10'-20'	10'-20'	10'-20'
Side setback at property line, min. in feet	5'	5'	5'	10'	10'
Side setback at street, min. in feet	10'	10'	10'	10'	10'
Rear setback, min. in feet	10'	10'	10'	10'	10'
Building Height					
Building height, max. in stories	3[2]	3[2]	2	3	3
Building height, max. in feet	40'[2]	35[2]	35'	40'	40'
Ground story height, min. in feet	12'	Not Applicable	Not Applicable	12'	12'
Gross Density					
Residential density, max. in units/acre	17 / CU ~~30~~ 20	17 / CU ~~30~~ 20	17	Not Applicable	Not Applicable
Coverage					
Impervious surface, max. in %	75%	65%	65%	65%	65%
Frontage Types					
Porch	✓	✓	✓	✓	✓
Stoop	✓	✓	✓	✓	✓
Bracketed Balcony	✓	✓	✗	✓	✓
Forecourt	✓	✓	✗	✓	✓
Arcade	✓	✗	✗	✓	✓
Storefront	✓	✗	✗	✓	✓
Parking Placement, see Sec. 3.02.07, Access and Parking Standards					
Footnote:					
[1]					

[1] ~~All parcels assigned a parcel ID number with development or an approved development order by the City of Stuart with density in excess of 20 units per acre as of must comply with the density requirements set forth herein.~~ All parcels in existence on September 4, 2024, that do not exceed the density of 20 units per acre shall be deemed conforming with the maximum lot size requirement and shall be allowed to obtain a permit for construction if they meet all of the other requirements in the code.
[2] Four stories and up to 45' requires a PUD and Community Workshop and Outreach as described in Sec. 3.02.01 H.1.c

F. *Accessory structures.* Accessory structures shall comply with the development standards applicable in the zoning district except where modified herein.

1. Accessory structures shall not be established on a ~~lot~~ parcel prior to the issuance of all permits required for the development of the principal structure to which it is accessory.
2. *Shielding from street.* Sheds, exposed pumps, electrical meters, heat pumps, generators, pool equipment, air conditioning compressors, clothes lines, antennas, satellite dishes, outdoor storage, and similar structures and uses shall not be located between the front of a building and a street. Listed items and similar structures shall be shielded from view from public rights-of-way. All rooftop utilities and facilities, such as air conditioning units, shall be screened so as to not be visible from public view, including from balconies and windows of adjacent buildings.
3. *Outbuildings.* Outbuildings may include detached garages and carports, greenhouses, slat houses, cabanas, detached garage, and accessory dwelling units (ADU). Outbuildings shall conform to the standards in Figure ESN-30.
4. *Accessory dwelling units (ADU).*
   a. One ADU may be permitted on a ~~lot~~ parcel on which a detached single-family dwelling is located.
   b. Either the primary dwelling unit or ADU shall be owner occupied. The ADU shall not be sold or titled thereto transferred separate and apart from the rest of the property.
   c. An ADU shall not count as a separate unit for purposes of calculating density.
   d. An ADU shall not exceed a footprint of 700 square feet or the footprint of the principal structure, whichever is less. If a unit exceeds the 700 square feet, it shall be used in density calculations.
   e. An ADU must be on the same water and electrical meter as the primary residence.

FIGURE ESN-17 BRACKETED BALCONY

Description
A bracketed balcony is a second-story balcony, that creates a semi-public space overlooking the street above a main entry or unit. Bracketed balconies are typically associated with buildings with commercial uses in the ground story; however, bracketed balconies may be used with residential uses. On corner ~~lots~~ parcels, a balcony shall extend along two street facades, but it does not have to be continuous. Where balconies are required, the aggregate length of balconies shall be not less than 50% of the building facade at the floor level from which it projects on each floor level.

Description
A cottage is a detached building with a small front yard often located on a narrow ~~lot~~ parcel.
Notes
1. Cottages shall not exceed a footprint of 2,000 square feet.

2. For additional development standards, see Figure ESN-09, Development standards, in the East Stuart Neighborhood.

FIGURE ESN-24 DUPLEX

Description
A duplex is an attached building with one common wall that separates two dwelling units within a single ~~lot~~ parcel. Duplexes can be designed to blend in with detached single-family dwellings.
Notes
1. For additional development standards, see Figure ESN-09, Development standards, in the East Stuart Neighborhood.
2. A portion of the zoning district is restricted to detached dwelling units and does not permit duplexes or townhouses. The area is identified on the Figure ESN-06, Regulating plan, with a crosshatch.

FIGURE ESN-27 APARTMENT HOUSE

Description
An apartment house contains multiple residences above and/or beside each other in a building that occupies most of its ~~lot~~ parcel width and is placed close to the sidewalk.
Notes
1. For additional development standards, see Figure ESN-09, Development standards, in the East Stuart Neighborhood.

FIGURE ESN-30 OUTBUILDING

Description
An outbuilding is an accessory building, located toward the rear of the same ~~lot~~ parcel as a principal building. An outbuilding may be a detached garage, carport, greenhouse, cabana, detached garage, or a ADU.
1. There shall not be less than five feet separation between an outbuilding and a principal building.
2. Outbuildings shall be constructed of the same materials used in the principal building. Canvas outbuildings are not permitted.
3. Only two outbuildings per principle building are permitted.
4. Outbuildings shall not exceed a maximum building footprint of 700 square feet, each.
5. Outbuildings may be constructed as elevated buildings that include the location of open parking below an enclosed structure; however, open parking shall be shielded from public right-of-way by a privacy buffer as defined in Figure ESN-22, Building types matrix.
6. Outbuildings may be detached or connected to the principal building by a covered walkway element, trellis, or other structural link.
7. Residential recreational facilities such as swimming pools, tennis, basketball or volleyball courts, and other similar private outdoor recreational uses shall have setbacks consistent with outbuildings.
8. For additional development standards, see Figure ESN-09, Development standards, in the East Stuart Neighborhood.

Permitted Zoning District			Permitted Frontage Types	
SFD	GRO	BMU	Porch	✓
			Stoop	✓
			Bracketed Balcony	✓

Outbuilding Placement	
Front setback	rear half of ~~lot~~ parcel or behind the rear facade of the principal building
Side setback at property line, min. in feet	5'
Side setback at street, min. in feet	10'
Rear setback, min. in feet	5'
Outbuilding Height	
Building height, max. in stories	2
Building height, max. in feet	25'
Ground story height, min. in feet	Not applicable

FIGURE ESN-31 THOROUGHFARE, ACCESS AND PARKING STANDARDS

Sec. 6.01.00	Transportation Systems	Applies as written	Replaced by
Sec. 6.01.01	General provisions.	✓	-
Sec. 6.01.02	Streets.	✓	-
Sec. 6.01.03	Rights-of-way.	→	Sec. 3.02.06
Sec. 6.01.04	Sidewalks and bikeways.	→	Sec. 3.02.07 D
Sec. 6.01.05	Pedestrian access for large-scale commercial development (LCD).	→	Sec. 3.02.07 D
Sec. 6.01.06	Access.	→	Sec. 3.02.07
Sec. 6.01.07	Standards for drive-through facilities.	✗	Does not apply.
Sec. 6.01.08	Non-residential vehicular access.	→	Sec. 3.02.06
Sec. 6.01.09	Stuart Parking Code.	→	Sec. 3.02.07
Sec. 6.01.10	Rules for computing parking requirements.	✓	-
Sec. 6.01.11	Location of required parking spaces.	→	Sec. 3.02.07
~~Sec. 6.01.12~~	~~Shared parking and joint use of facilities.~~	~~✓~~	~~–~~
Sec. 6.01.13	Off-street parking schedule.	→	Figure ESN-42
Sec. 6.01.14	Design standards for off-street parking.	→	Sec. 3.02.07 D
Sec. 6.01.15	Parking structure standards.	→	Sec. 3.02.07 D
Sec. 6.01.16	Transit stops.	✓	-
Sec. 6.01.17	Parking study.	✓	-
Sec. 6.01.18	Off-street loading requirements.	✓	-
Sec. 6.01.19	Payment in lieu of parking program.	✓	-
Sec. 6.01.20	Bicycle parking.	✓	-

FIGURE ESN-42 MINIMUM PROVIDED PARKING SCHEDULE

Uses	Required Minimum Parking
Residential Uses	
All residential uses, including ADUs	1 per unit
Transient Residential and Overnight Accommodations	
All Transient Residential and Overnight Accommodations	1 per room
Institutional Uses	
Adult day care centers	1 per 300 sf
Child care centers	1 per 6 kids adequate stacking for pick-up/drop-off activities consistent with the student population
Community centers	1 per 300 sf
Funeral homes without crematoriums	1 per 4 seats
Governmental buildings	1 per 300 sf
Libraries	1 per 300 sf
Museums	1 per 500 sf
Assisted Living Facility	1 per 4 beds + 1 per 1000 sf
Religious institutions	1 per 4 seats
Elementary or junior high Schools—Private, parochial	1 per classroom, plus 1 per 500 sf for employees & visitors with adequate stacking for pick-up/drop-off activities consistent with the student population
High schools—Private, parochial, or technical	1 space per 3 students, plus 1 per 500 sf for employees & visitors
Technical Schools—Private, parochial	1 per 10 student stations, plus 1 per 500-sf for employees & visitors
Commercial Uses	
All Commercial uses	1 per 300 sf
Recreational Uses	
All Recreational uses	Not Applicable
Utility and Service Uses	
All Utility and Service uses	Not Applicable
Telecommunication Uses	
Stealth telecommunications facilities	1 per tower
Agricultural Uses	
Community gardens	Not Applicable
Urban farms	1 per 4 employees
Storage, Transportation and Logistics Uses	
All Storage, Transportation and Logistics Uses	Not Applicable

1. *On-street parking.* On-street parking, constructed to city code, within a public right-of-way along the ~~lot~~ parcel frontage can be counted towards on-site parking requirements. An approved revocable permit from the city commission is required for on-street parking constructed by the new development.

2. 3. *Payment in lieu of parking (PILOP).* Up to three required parking spaces may be accommodated via payments to the PILOP program as described in section 6.01.19.

3. 4. *Parking alternatives.* The following may be substituted for required on-site parking spaces. Alternative parking spaces shall count toward no more than 25 percent of the overall on-site parking requirement.

4. a. Two motorcycle or scooter spaces shall count as one parking space
5. b. Two golf cart spaces shall count as one parking space

6. 5. *Historic preservation credit.* Historic buildings as designated by the Stuart Historic Preservation Board and recorded and preserved in compliance with section 5.09.00 A, Historic preservation program, are exempt from new parking requirements due to a change of use when existing on-site parking remains. If existing on-site parking is removed, up to 50 percent of the required parking for any use may be accommodated via payments to the PILOP as described in section 6.01.19.

~~7. 6. *EV charging station (EVCS).* All new commercial development of greater than 5,000 square feet of gross floor area and all new residential development greater than 50 dwelling units are required to provide EVCI to accommodate the future installation of EVCS(s). See section 2.06.22.~~

8. FIGURE ESN-43 PARKING PLACEMENT

	Distance from ~~Lot~~ Parcel Line	Landscaping Requirement in Parking Lots
Front	10' or 5' behind building facade	Landscape buffer
Side street	10' or 5' behind building facade	Landscape buffer
Side interior	5'	Privacy buffer
Side with alley	0'	Not applicable
Rear without alley	5'	Privacy buffer
Rear with alley	0'	Not applicable
Curb Cut Notes		
1. For properties with access to an improved alley, no street curb cuts are permitted.		
2 Where buildings do not have alleys in the rear of the property, curb cuts shall be no closer than 75 feet along the ~~lot~~ parcel frontage. Distance between curb cuts shall be measured from the centerlines of each curb cut.		
3. Curb cut(s) shall be permitted for a single-family residence utilized as a single family dwelling or duplex dwelling regardless of the existence of an alley.		
4. Excluding parcels in public zoning district, the total driveway width at the property line shall not exceed 20 feet.		

FIGURE ESN-49 REQUIRED LANDSCAPE AREA AND TREE PLANTING

Zoning	Minimum Percentage	Number of Trees per Site
BMU	Not applicable	1 within build-to-zone
GRO	20% of site	1 within build-to-zone
SFD	20% of site	1 within build-to-zone
Public	Not applicable	1 per 30 linear feet at ~~lot~~ parcel frontage
Recreation	Not applicable	1 per 30 linear feet at ~~lot~~ parcel frontage

FIGURE ESN-52 FENCE AND WALL MATERIALS

Fence Materials			
Aluminum or Steel	Stone or pre-cast concrete	Wrought iron	Painted stucco
Brick	Wood	Vinyl	Split-face masonry block

D. *Height.*

1. Fences located in the front yard shall have 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 fence may be no more than 6 feet in height. See Figure ESN-53, Wall and fence locations, for an illustration of front, rear, and side yards.
2. The height of fences and walls shall be measured from existing natural elevation of a ~~lot~~ parcel, prior to any construction or alteration.

3.03.00. S.E. OCEAN BOULEVARD OVERLAY ZONE

Sec. 3.03.02. Development standards.

A. *Professional office section.*

1. *Building placement.*
   a. The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet and not more than 15 feet. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted.
   b. The side setbacks may be a minimum of five feet on both sides.
   c. If the property is abutting a right-of-way or a non-residential use or district, the rear setback may be zero feet. Otherwise, the rear setback shall be 20 feet.
   d. The width of the principal building shall be not less than 50 percent of the ~~lot~~ parcel width.
2. *Parking.*
   a. All parking areas shall be located either behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in section 6.04.00, Landscaping, of this Code.
   b. A continuous concrete sidewalk shall be installed at locations where driveways intersect sidewalks.
   c. A pedestrian connection consisting of decorative paving materials shall be installed to connect the S.E. Ocean Boulevard entrance of the principal building with the sidewalk along S.E. Ocean Boulevard.
   d. For corner ~~lots~~ parcels with access from side streets other than S.E. Ocean Boulevard, no new curb cuts shall be permitted along S.E. Ocean Boulevard. All parking egress shall be required from the side street.
3. *Architectural requirements.*
   a. Architectural features consisting of arcades, balconies or porches are required along the S.E. Ocean Boulevard street facade.

b. Roofs and gutters shall comply with section 3.01.04 B., Architectural standards and regulations of the Urban Code.
c. Building walls shall comply with section 3.01.04 A., Architectural standards and regulations of the Urban Code. Simulated materials may be permitted provided the manufacturer's specifications indicate a ten-year successful application in a similar climate.
d. All exterior building wall colors shall comply with section 3.01.04 G., Architectural standards and regulations of the Urban Code.
e. All utility devices and trash receptacles must be visually screened from public right-of-way.

4. *Landscaping.*

a. The strip of land between the front building facade and the front property line shall be landscaped with a combination of trees, hedges, shrubs, vines, grass and ground cover as described in section 6.04.07, Landscaping, of this Code.
b. Tree materials planted along all street facades shall consist of the following tree types as identified in section 6.04.02, Landscaping: 50 percent flowering trees and 50 percent palms.

5. *Signage.*

a. Only signs as provided in chapter VI of this Code shall be permitted.

6. ~~*Lot*~~ *Parcel coverage.*

a. Not more than 50 percent of a building site may be covered by impervious surface coverage.

B. *Commercial and multi-family section.*

1. *Building placement.*

a. The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted.
b. The side setbacks may be a minimum of five feet on both sides.
c. If the property is abutting a right-of-way or a non-residential use or district, the rear setback may be zero feet. Otherwise, the rear setback shall be 20 feet.
d. The width of the principal building shall be not less than 50 percent of the ~~lot~~ parcel width.

2. *Parking.*

a. The lesser of 25 percent of parking area or one row of parking area may be located between the front building facade and the front property line. All other parking shall be located behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in section 6.04.06, Landscaping, of this Code.
b. A continuous concrete sidewalk shall be installed at locations where driveways intersect sidewalks.
c. A pedestrian connection consisting of decorative paving materials shall be installed to connect the S.E. Ocean Boulevard entrance of the principal building with the sidewalk along S.E. Ocean Boulevard.
d. For corner ~~lots~~ parcels with access from side streets other than S.E. Ocean Boulevard, no new curb cuts shall be permitted along S.E. Ocean Boulevard. All parking egress shall be required from the side street.

3. *Architectural requirements.*

a. Roofs and gutters shall comply with section 3.01.04 B., Architectural standards and regulations of the Urban Code.

b. Building walls shall comply with section 3.01.04 A., Architectural standards and regulations of the Urban Code. Simulated materials may be permitted provided the manufacturer's specifications indicate a ten-year successful application in a similar climate.
c. All exterior building wall colors shall comply with section 3.01.04 G., Architectural standards and regulations of the Urban Code.
d. All utility devices and trash receptacles must be visually screened from public right-of-way.

4. *Landscaping.*

a. As described in section 6.04.07, Landscaping, of this Code, tree materials planted along all street facades shall consist of the following:
i. For buildings with front setbacks of ten to 15 feet: 50 percent flowering trees and 50 percent palms.
ii. For buildings with front setbacks of 15 feet or greater: 25 percent flowering trees, 25 percent palms and 50 percent shade trees.

5. *Signage.*

a. Only signs as provided in chapter VIII of this Code shall be permitted.

6. ~~*Lot*~~ *Parcel coverage.*

a. Not more than 65 percent of a building site may be covered by impervious surface coverage.

Sec. 3.03.04. S.E. Ocean Boulevard Overlay Zone conditional use.

The city commission may grant a S.E. Ocean Boulevard Overlay Zone code conditional use. The review of a S.E. Ocean Boulevard Overlay Zone code conditional use application shall follow the procedures set forth in section 11.01.~~10~~ 11relating to Major Conditional Use Approval review, including, but not limited to, required findings of fact, conditions, notice, public hearing, standards, burden of proof, revocation and expiration. Approval of a S.E. Ocean Boulevard Overlay Zone code conditional use shall only be granted if the applicant can demonstrate that the request is consistent with and will further the implementation of this Code and the city comprehensive plan, and will measurably improve the form, function and traditional neighborhood characteristics of the east ocean overlay district.

J. *Conditional use.* The review of conditional use shall follow the procedures set forth in section 11.01.~~10~~ 11 for a major conditional use and minor conditional use review. A conditional use shall be granted if the applicant can demonstrate that the request:

• Is consistent with this Code and the city's comprehensive plan;

• Will further the implementation of the CRA redevelopment plan;

• Will measurably improve the form and function of traditional neighborhood characteristics; and

• Has satisfied site qualitative design development standards set forth in section 6.00.04.

A minor conditional use or major conditional use shall be distinguished by the following:

1. *Minor conditional use.* A minor conditional use process shall be required for: public art and public murals. A minor conditional use shall be granted by the community redevelopment board (CRB).

2. *Major conditional use.* A major conditional use process shall be required where a conditional use is requested for: permitted uses, density, structured parking, and location of a formula business.

a. *Review.* Unless a longer timetable is granted by city commission, a building permit shall be obtained no later than 12 months from the approval date of a major conditional use. A certificate of occupancy shall be obtained no later than 30 months from the issuance of a building permit.

b. *Design objectives.* The city commission may impose development conditions and operational requirements in order to satisfy the design objectives. Design objectives may include:
   i. Additional building setbacks.
   ii. *Pedestrian amenities.* Pedestrian amenities in the form of benches, courtyards, shared use-paths, pedestrian lighting, or other acceptable forms of amenities located adjacent to a public sidewalk and/or right-of-way.
   iii. *Green development.* On-site renewable energy generation, indoor and outdoor water use reduction or green development as outlined in section 6.06.00.
   iv. *Enhanced landscaping.* Planting over and above code requirements with respect to size, quantity, and quality.
   v. *Improvements to the surrounding neighborhood.* The applicant proposes to make improvements such as: replacing existing sidewalks with integral color concrete or pavers in the surrounding neighborhood.
   vi. Require existing overhead utilities to be placed underground.
   vii. *Neighborhood open space.* Neighborhood open space as provided by as described in section 3.04.04 F.2.
   viii. *Historic preservation.* Preservation, relocation or a monetary contribution is made to the relocation of historic buildings fund for historic structures as defined within section 5.09.00.

Sec. 3.04.03. Permitted uses.

B. *Standards for specific uses.* Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards which may pertain to the general group of uses encompassing the use. These standards shall be met in addition to all other standards of this Code, unless specifically exempted.

1. *Home occupations.* Home occupations shall comply with the following standards:

   a. The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the residential use and shall under no circumstances change the residential character of the dwelling, outbuilding or accessory structures except with a conditional use permit.

Sec. 3.04.04. Development standards.

A. All new development, substantial improvement, and substantial renovation shall comply with the development standards in Figure CD-09, Development standards in the Creek District. Development Standards which require a conditional use (CU) approval are marked with "CU."

FIGURE CD-09 DEVELOPMENT STANDARDS IN THE CREEK DISTRICT

	Creek North	Creek South	Creek Indust.	Recreation
~~Lot~~ Parcel Size				
~~Lot~~ Parcel area in sf min./max.[1]	~~None~~ 6,000	~~None~~ 6,000	~~None~~ 6,000	~~None~~ 6,000
~~Lot~~ Parcel width in feet min./max.[1]	None	None	None	None
Building Placement				
Front Build-to-Zone	0'-10'	0'-20'	10'-30'	10'-20'
Build-to-Zone Setback at US-1/Federal Highway	Not Applicable	20'-40'	Not Applicable	Not Applicable
Side setback at property line, min.	0' or 5'+	0' or 5'+	5'	10'
Side setback at street, min.	5'	10'	10'	10'
Rear setback with alley, min.	0'	0'	5'	5'

Rear setback without alley, min.	10'	10'	10'	10'
Percentage of Frontage Buildout, min.	60%	60%	Not Applicable	Not Applicable
Placement for Accessory Structures and Outbuildings	5' rear/side	5' rear/side	5' rear/side	5' rear/side
Additional Building Placement Standards				
Shoreline Protection at Frazier Creek	10'	10'	10'	Not Applicable
Min. sidewalk on S Colorado Ave	10'	10'	Not Applicable	10'
Min. sidewalk at all other rights-of-way	8'	10'	6'	8'
Building Height				
Building height, max. in stories	3[2]	4	4	3
Building height, max.	40'[2]	45'	45'	40'
Building height for Outbuildings	2-stories / 30'	2-stories / 30'	2-stories / 30'	2-stories / 30'
Ground story height, min.	12'	12'	12'	12'
Gross Density				
Residential density, max. in units/acre	15 / ~~30~~ 20 CU	15 / ~~30~~ 20 CU	15	Not Applicable
Coverage				
Impervious surface, max. %	Not Applicable	Not Applicable	65%	65%
Frontage Types				
Porch	✓	✓	✓	✓
Stoop	✓	✓	✓	✓
Bracketed Balcony	✓	✓	✓	✓
Forecourt	✓	✓	✓	✓
Arcade	✓	✓	✗	✓
Storefront	✓	✓	✓	✓
Garage Storefront	✗	✗	✓	✓
Parking Placement, see Sec. 3.02.07, Access and Parking Standards				
Footnote:				
[1] All parcels assigned a parcel ID number with development or an approvement development order by the City of Stuart with density in excess of 20 units per acre. The newly created must comply with the density requirements set forth herein.				
[2] Four stories and up to 45' requires a PUD and Community Workshop and Outreach as described in Sec. 3.02.01 H.1.c				

B. *Building placement.*

1. *Build-to-zone (BTZ).* Setbacks are measured from the property line and are defined in chapter XII.

2. *Setbacks.* Setbacks are measured from the property line and are defined in chapter XII. [See also] section 2.04.04, Supplemental building setback requirements.

3. *Primary facade.* Main entries shall be prominent, well lit, and orientated to the street.

a. The primary facade shall be parallel to the right-of-way, located in accordance with the build-to-zone of the zoning district.
b. Main entries shall be articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements.
c. The primary facade shall face "A" street or existing roadway.
d. The location of the primary facade is not changed by the projection of architectural elements such as cornices, bay windows, awnings, balconies, or stoops.
e. On corner ~~lots~~ parcels, the primary facade shall extend to the corner, respective of all required setbacks and visibility triangles, or a neighborhood open space shall be provided.

F. *Accessory structures.* Accessory structures shall comply with the development standards applicable in the zoning district except where modified herein.

1. Accessory structures shall not be established on a ~~lot~~ parcel of record prior to the issuance of all permits required for the development of the principal structure to which it is an accessory.

2. *Shielding from street.* Sheds, exposed pumps, electrical meters, heat pumps, generators, pool equipment, air conditioning compressors, clothes lines, antennas, satellite dishes, outdoor storage, and similar structures and uses shall not be located between the front of a building and a street. Listed items and similar structures shall be shielded from view from public rights-of-way. All rooftop utilities and facilities, such as air conditioning units, shall be screened so as to not be visible from public view, including from balconies and windows of adjacent buildings.

3. *Outbuildings.* Outbuildings shall conform to the following requirements:

a. Outbuildings may include detached garages and carports, greenhouses, slat houses, cabanas, detached garage, and accessory dwelling units (ADU).
b. Outbuildings shall be located behind the rear facade of the principal building or in the rear one-half of the property subject to minimum five-foot side and rear yard setbacks from the property line. On corner ~~lots~~ parcels, the side corner setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and a principal building.
c. Outbuildings shall be constructed of the same materials used in the principal building. Canvas outbuildings are not permitted.
d. Outbuildings shall not exceed a maximum building footprint of 1,000 square feet, each.
e. Outbuildings may not exceed the height of the principal building.
f. Outbuildings may be constructed as elevated buildings that include the location of open parking below an enclosed structure; however, open parking shall be shielded from public right-of-way by privacy buffer as defined in Figure CD-41.
g. Outbuildings may be detached or connected to the principal building by a covered walkway element, trellis, or other structural link.

4. *Accessory dwelling units (ADU).*

a. One ADU may be permitted on a ~~lot~~ parcel on which a detached single-family dwelling is located.
b. Either the primary dwelling unit or ADU shall be owner occupied. The ADU shall not be sold or titled thereto transferred separately and apart from the rest of the property.
c. An ADU shall not count as a separate unit for purposes of calculating density.
d. An ADU shall not exceed a footprint of 700 square feet or the footprint of the principal structure, whichever is less. If a unit exceeds the 700 square feet, it shall be used in density calculations.
e. An ADU must be on the same water and electric meter as the primary residence.

G. *Frontage types.* Each new building, or substantial improvement, constructed must meet the standards for one of the frontage types permitted in the zoning district where it is located. See section 3.04.05.

H. *Historic preservation.* Structures identified as historically and architecturally contributing shall be candidates for historic preservation as set forth in section 5.09.00. The requirements of this Code may be adjusted by variance for the purposes of preserving a historic building.

I. *Public art.* All zoning districts shall comply with standards in section 3.01.07, Public art. Wall murals shall be permitted on any structures. When visible from a right-of-way, public via, or public land, murals shall require approval by minor conditional use.

J. *Conflicts with utilities.* The applicant may be required to install existing overhead utilities to underground when located on property subject to new construction or substantial renovation.

FIGURE CD-17 BRACKETED BALCONY

Description
A bracketed balcony is a second-story balcony, that creates a semi-public space overlooking the street above a main entry or unit. Bracketed balconies are typically associated with buildings with commercial uses in the ground story; however, bracketed balconies may be used with residential uses. On corner ~~lots~~ parcels, a balcony shall extend along two street facades, but it does not have to be continuous. Where balconies are required, the aggregate length of balconies shall be not less than 50% of the building facade at the floor level from which it projects on each floor level.
Dimensions

Sec. 3.04.06. Thoroughfare standards.

A. *Applicability.* Section 6.01.00 shall apply except where modified in Figure CD-23, Thoroughfare, access and parking standards.

FIGURE CD-23 THOROUGHFARE, ACCESS AND PARKING STANDARDS

Sec. 6.01.00	Transportation Systems	Applies as written	Replaced by
Sec. 6.01.01	General provisions.	✓	-
Sec. 6.01.02	Streets.	✓	-
Sec. 6.01.03	Rights-of-way.	→	Sec. 3.02.06
Sec. 6.01.04	Sidewalks and bikeways.	→	Sec. 3.02.07 D
Sec. 6.01.05	Pedestrian access for large-scale commercial development (LCD).	→	Sec. 3.02.07 D
Sec. 6.01.06	Access.	→	Sec. 3.02.07
Sec. 6.01.07	Standards for drive-through facilities.	→	Applicable for banks only
Sec. 6.01.08	Non-residential vehicular access.	→	Sec. 3.02.06
Sec. 6.01.09	Stuart Parking Code.	→	Sec. 3.02.07
Sec. 6.01.10	Rules for computing parking requirements.	✓	-
Sec. 6.01.11	Location of required parking spaces.	→	Sec. 3.02.07
~~Sec. 6.01.12~~	~~Shared parking and joint use of facilities.~~	~~✓~~	~~–~~
Sec. 6.01.13	Off-street parking schedule.	→	Figure ESN-42

Sec. 6.01.14	Design standards for off-street parking.	→	Sec. 3.02.07 D
Sec. 6.01.15	Parking structure standards.	→	Sec. 3.02.07 D
Sec. 6.01.16	Transit stops.	✓	-
Sec. 6.01.17	Parking study.	✓	-
Sec. 6.01.18	Off-street loading requirements.	✓	-
Sec. 6.01.19	Payment in lieu of parking program.	✓	-
Sec. 6.01.20	Bicycle parking.	✓	-

D. *Vehicle access and parking.*

1. The required minimum on-site parking is listed in Figure CD-34, minimum on-site parking schedule.

FIGURE CD-34 MINIMUM ON-SITE PARKING SCHEDULE

Uses	Required Minimum Parking
Residential Uses	
All residential uses, including ADUs	1 per unit
Transient Residential and Overnight Accommodations	
All Transient Residential and Overnight Accommodations	0.75 per room
Institutional Uses	
Adult day care centers	1 per 300 sf
Child care centers	1 per 6 kids and adequate stacking for pick-up/drop-off activities consistent with the student population
Community centers	1 per 300 sf
Funeral homes without crematoriums	1 per 4 seats
Governmental buildings	1 per 300 sf
Libraries	1 per 300 sf
Museums	1 per 500 sf
Nursing homes	1 per 4 beds + 1 per 1000 sf
Religious institutions	1 per 4 seats
Commercial Uses	
All Commercial uses	1 per 300 sf
Recreational Uses	
All Recreational uses	Not Applicable
Utility and Service Uses	
All Utility and Service uses	Not Applicable
Telecommunication Uses	
Stealth telecommunications facilities	1 per tower
Agricultural Uses	
Community gardens	Not Applicable
Urban farms	1 per 4 employees
Storage, Transportation and Logistics Uses	

All Storage, Transportation and Logistics Uses	Not Applicable

2. *On-street parking.* On-street parking, constructed to city Code, within a public right-of-way along the ~~lot~~ parcel frontage can be counted towards on-site parking requirements. An approved revocable permit from the city commission is required for on-street parking constructed by new development.

3. *Payment in lieu of parking (PILOP).* Up to three required on-site parking spaces may be accommodated via payments to the PILOP program as described in section 6.01.19.

4. *Parking alternatives.* The following may be substituted for required on-site parking spaces. Alternative parking spaces shall count toward no more than 25 percent of the overall on-site parking requirement.

   a. Two motorcycle and/or scooter spaces shall count as one parking space
   b. Two golf cart spaces shall count as one parking space
   c. One transit vehicle pull-off shall count as four parking spaces, eligible only by approval development director and coordination with City of Stuart Tram or Martin County Public Transit, MARTY.

5. *Historic preservation credit.* Historic buildings as designated by the Stuart Historic Preservation Board and recorded and preserved in compliance with section 5.09.00 A, Historic preservation program, are exempt from new parking requirements due to a change of use when existing on-site parking remains. If existing on-site parking is removed, up to 50 percent of the required parking for any new may be accommodated via payments to the PILOP as described in section 6.01.19.

~~6. *EV charging station (EVCS).* All new commercial development of greater than 5,000 square feet of gross floor area and all new residential development greater than 50 dwelling units are required to provide EVCI to accommodate the future installation of EVCS(s). See section 2.06.22.~~

~~7.~~ 6. *Parking placement.* See Figure CD-35, Parking placement dimensions.

   a. All parking areas shall be located as shown in Figure CD-36, Parking placement diagram, behind the rear facade of the principal building and screened from rights-of-way by a privacy buffer or landscape buffer described in Figure CD-41, Minimum buffer types, or other screening approved by the development director.
   b. Up to two required parking spaces may be provided as "stacked" spaces, where one parking space is located behind the other.
   c. Boats, campers, and recreational trailers may only be parked in the rear yard.

FIGURE CD-35 PARKING PLACEMENT

	Distance from ~~Lot~~ Parcel Line	Buffer Requirements, see in Sec. 3.04.09, Figure CD-41
Front	10' or 5' behind building facade	Landscape buffer
Side street	10' or 5' behind building facade	Landscape buffer
Side interior	5'	Privacy buffer
Side with alley	0'	Not applicable
Rear without alley	5'	Privacy buffer
Rear with alley	0'	Not applicable
Curb Cut Notes		
1. For properties with access to an improved alley, no street curb cuts are permitted.		

2. Where buildings do not have alleys in the rear of the property, curb cuts shall be no closer than 75 feet along the ~~lot~~ parcel frontage. Distance between curb cuts shall be measured from the centerlines of each curb cut.
3. The total driveway width at the property line shall not exceed 20 feet.

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Chapter V RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS

5.00.00. IN GENERAL

Sec. 5.01.01. Initial determination required.

C. *Site engineering changes.*

1. Can grading be minimized by incorporating natural topography?
2. Can more trees and vegetation be preserved?
3. Can ~~lot~~ parcel layout be reconfigured?
4. Can state waters, including wetlands, be concentrated into subdivision "common areas"?
5. Can the project's stormwater facilities be designed using Low Impact Development (LID) Techniques as described in the University of Florida IFAS Extension publication "LID Practices: Integrating Wetlands & Enhancing Stormwater Basins," copies of which shall be made available by the city development department?

Sec. 5.03.02. Wetland protection standards.

A. *Introduction.* To preserve and protect wetlands, the city advocates a development pattern that avoids or minimizes damage to wetlands and directs development to lands that are not environmentally sensitive. The city encourages activities not dependent upon a wetland location be located at upland sites. To promote compact urban development and discourage urban sprawl, the city allows wetland impacts under certain conditions and only where all practical measures to avoid wetlands have been applied.

B. *Impacts to wetlands prohibited.* Except as otherwise provided herein, any impact upon a wetland, whether directly or indirectly caused, is prohibited. An impact upon a wetland is damage to a wetland caused by any means.

An impact to a wetland is prohibited unless the mitigation requirements of this chapter and each of the following criteria are satisfied. Further, the proposed impact must be made in the context of a planned unit development (PUD) agreement.

5. Unless otherwise approved by the city commission, new onsite sewage disposal systems must be located not less than 75 feet from wetlands for ~~lots~~ parcels created after January 1, 1972, and not less than 50 feet from wetlands for ~~lots~~ parcels created prior to 1972.

Sec. 5.04.03. Monitoring and maintenance of preserve areas for sites of greater than one acre.

In order to ensure that the wetland and upland preserve areas remain a native vegetative area and a functional habitat for wildlife, these areas must be monitored and maintained in their native form. This requirement shall be met both during construction of approved projects as well as throughout the existence of the project and its associated preserve areas.

A. *Preserve area protection plan during construction.* The application for site plan approval for a site of greater than one acre shall include a preserve area protection plan the provisions of which shall be implemented prior to construction to prevent encroachment and negative effects upon required preserve areas. The plan shall include the following:

1. A barricade plan shall indicate the locations and types of barricades that will be employed to prevent encroachment of construction activities into the preserve areas.
2. An erosion and turbidity control plan shall indicate the locations and types of erosion control that will be employed to prevent runoff of turbid water into the preserve areas.
3. A schedule for the inspection and maintenance of barricades and erosion controls prior to and during the construction period shall be provided.
4. A signage and information plan depicting locations and text for signs designating preserve areas shall indicate that the signs will be placed at an interval of one per ~~lot~~ parcel with perimeter bordering preserve or buffer areas or every 100 feet for perimeter areas that do not include ~~lots~~ parcels.

Sec. 5.07.05.A. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 5.07.05.B.(2) or (3) of this ordinance.

(3) Where the parcel on which the proposed development will take place will have more than 50 ~~lots~~ parcels or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 5.07.05.B.(1) of this ordinance.

Sec. 5.07.07.G. Conditions for issuance of variances.

Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;

(2) Determination by the Stuart Magistrate that:

(a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the ~~lot~~ parcel undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

Sec. 5.07.10.B.2. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 ~~lots~~ parcels of record or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 5.07.05.B(1) of this ordinance; and

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Chapter VI - ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS

Sec. 6.00.03. Principles of development design.

The provisions of this chapter are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in chapter V of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to ~~lots~~ parcels and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

Sec. 6.01.06. Access.

A. *Accessibility to the handicapped and the elderly.* All proposed development shall be accessible to the handicapped and the elderly, and shall have handicapped parking spaces and barrier-free entrances in accordance with F.S. ch. 553, part II, as amended, and ch. 11, Florida Building Code.

B. *Number of access points.* (Reserved.)

C. *Separation of access points.* (Reserved.)

D. *Frontage on service roads and common driveways.* (Reserved.)

E. *Alternative designs.* (Reserved.)

F. *Access to residential ~~lots~~ parcels.* (Reserved.)

Sec. 6.01.09. Stuart Parking Code.

A. This parking code shall apply to all development for which a complete application for site plan review pursuant to section 11.02.07 of the Stuart land development regulations has not been filed with the city development department on or before ~~July 1, 1995~~ September 4, 2024, as follows:

1. The construction of a new building or structure on unimproved real property;
2. The construction of a new addition to an existing building or structure on improved real property; or
3. Changes in use including changes in the intensity of an existing use.

B. No certificate of occupancy shall be issued for any portion or phase of a development to which this parking code applies until all required parking and loading spaces and all required landscaping have been installed pursuant to the requirements of this Stuart Land Development Code. In the event of the construction of an addition to an existing building or in the event of a change in use, the entire building to which an addition has been constructed or in which a use has changed shall comply with this parking code in all respects.

C. This Stuart Parking Code applies to a vacant building or structure which, as of ~~July 1, 1995~~ September 4, 2024, and at any time thereafter, has remained unoccupied continuously for the previous 365 days. This parking code does not apply to a development for which a building permit was issued prior to ~~July 1, 1995~~ September 4, 2024, unless such development becomes vacant for 365 days.

D. This Stuart Parking Code applies to all parking spaces installed on public or private property after ~~July 1, 1995,~~ September 4, 2024. Required parking and loading facilities shall be maintained as long as the use served thereby continues to exist.

E. This parking code shall apply in all respects in the Urban District, East Stuart District, and S.E. Ocean Boulevard Overlay Zone as reflected in chapter III of this Code, provided however, the number of required parking spaces has been reduced as provided in the Urban Code and East Stuart District.

Sec. 6.01.10. Rules for computing parking requirements.

A. In the event the computation of the number of required parking spaces results in a fractional space, the number of required spaces is the nearest whole number.

B. The number of required parking and loading spaces for a use not specifically listed in section 6.01.13 below shall be determined by the city development director with reference to the listed use most similar in parking and loading needs to the unlisted use.

C. For properties containing more than one use, the number of required parking spaces is the cumulative number of spaces for all uses, absent an approved shared parking as provided at section 6.01.12 below.

D. Each 20 linear inches of benches or pews shall be considered one seat where the computation of required parking spaces relates to seating provided by benches or pews.

E. Gross floor area shall be used for the computation of required parking spaces relating to floor area.

F. The greatest number of employees, including owners and managers, present on a premise at any one time shall be used for the computation of required parking spaces relating to the number of employees.

G. For a single-family dwelling, a driveway may be used to provide two tandem parking spaces provided sufficient driveway space is available exclusive of right-of-way or road easements.

H. Reserved. ~~Excess surface parking is discouraged, and in no case shall the number of extra surface parking spaces exceed ten spaces or ten percent, whichever is greater.~~

I. If electric charging stations are installed adjacent to parking spaces, those spaces may still be counted towards the required number of off-street parking spaces.

Sec. 6.01.12. ~~Shared parking and joint use of facilities.~~ Reserved.

~~A. The standards and peak parking analysis contained in the most current edition of "Parking Generation" by the most current edition of the Institute of Transportation Engineers (ITE), ("ITE Manual") is hereby adopted and shall be referenced in any calculation of shared parking.~~

~~(Ord. No. 2077-06, § 2, 7-10-06)~~

~~A. The city development director may permit the required parking spaces for one use to be shared as required parking spaces for another use upon a finding that:~~

~~1. The shared parking spaces are in close proximity and readily accessible to the uses served thereby; and~~

~~2. The uses served thereby have different peak parking demands and operating hours; and~~

~~3. There will be a reduction in vehicle movements by the users of the shared parking spaces; and~~

~~4. The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation and public safety will be improved.~~

~~(Ord. No. 2077-06, § 2, 7-10-06)~~

~~B. It shall be the responsibility of an applicant for shared parking approval to provide a description of the uses, plan document or civil plan as appropriate, trip generation report, parking study and other information necessary to permit a finding by the city development director regarding a request for shared parking.~~

~~(Ord. No. 2077-06, § 2, 7-10-06)~~

~~C. Upon a finding by the city development director that shared parking is appropriate, the director may require that an agreement for shared parking be made between or among the appropriate parties in the form of a shared parking agreement with easement(s) in recordable form acceptable to the city attorney. Such document shall be filed with the city development department and shall be recorded in the public records of Martin County, Florida.~~

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 RequiredResidential Uses:
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~~ 2 per unit; garages count towards required off-street parking
Multi-family dwelling units (2 or more bedrooms)	~~2~~ 2.5 per unit; garages count towards required off-street parking

Sec. 6.03.01. Generally.

G. *Infill development.*

1. All single family and duplex residential infill ~~lot~~ parcel development shall submit the following at time of building permit submittal:

   (a) A topographic survey which identifies existing improvements within and adjacent to the site.
   (b) A ~~lot~~ parcel grading plan that is designed to maintain consistent regional elevations at grade and prevent excessive stormwater runoff. The stormwater ~~lot~~ parcel grading plan may be reviewed by the city's consultant engineer at no cost to the applicant.

2. Residential infill development shall comply with the approved ~~lot~~ parcel grading plan and with the following:

   (a) ~~Lot~~ Parcel fill shall be limited to the minimum as determined by the stormwater management requirements.
   (b) Foundation construction shall comprise of a stem-wall or extended footers or other method of foundation construction as approved during the building permit process.
   (c) The owner/developer is responsible for showing that the development will not cause or increase off-site flooding to properties adjacent to or along the discharge path from the infill ~~lot~~ parcel.
   (d) If the residential infill ~~lot~~ parcel has a waterfront then a buffered shoreline or other approved method for preventing excessive stormwater run-off into the waterbody shall be required.

Sec. 6.03.02. Drainage specifications.

A. *Drainage requirements.* All subdivisions and developments must have comprehensive storm drainage facilities which convey stormwater runoff through easements to drainage canals/ditches,

natural water courses, or public storm sewers subject to municipal or agency approval. The design data of the drainage system shall be submitted along with the construction plans in a report form prepared by the developer's engineer indicating the method of control of storm and groundwater, including the method of drainage, existing water elevations, recurring high groundwater and surface water elevations, proposed design water elevations, drainage structures, canals, ditches and any other pertinent information pertaining to the system. The system shall provide for drainage of ~~lots~~ parcels, streets, roads and other public areas including surface waters which drain into or through the property. The design for drainage of the subdivision or development must be adequate to provide for surface water drainage of adjacent contributory areas. Where additional facilities are required to accommodate contributory surface waters, right-of-way shall be provided for future needs; however, the developer may be permitted to excavate or open sufficient capacity to provide for existing drainage needs whenever the developed or undeveloped status of adjacent areas so warrants as determined by the city engineer. The runoff coefficients used in the design of the subdivision or development shall consider final development and shall be calculated based on sample areas of each type of ultimate use.

Sec. 6.04.02. General provisions.

A. *Plant material standards.*

1. At least ~~50~~ 60 percent of all required landscaping in the form of trees, shrubs, ground cover and grass shall collectively consist of native vegetation. No one species of tree shall exceed 25 percent of the minimum number of trees required. Neither existing trees nor trees in excess of the minimum number required shall be subject to this limitation. The native vegetation shall be selected from the following City of Stuart plant list. This list may be amended as necessary from time to time by resolution:

2. Not less than ~~50~~ 60 percent of all trees used to meet landscaping requirements shall be shade or canopy trees. Trees shall have a minimum height of 12 feet and a minimum spread of six feet at planting. Palm trees may be substituted for any number of the remaining trees provided that two palm trees shall be counted as one tree. Requirements of shade or canopy trees shall be mitigated when proposed locations will conflict with overhead power lines. Forms of mitigation may include: the replacement of each shade or canopy tree with three small accent trees, the planting of shade or canopy trees at an alternate site as determined by the Stuart Beautification Committee, the requirement of additional existing native trees, or other mitigation methods as determined by the city development director.

Sec. 6.04.07. Parking areas for multi-family and all non-residential developments.

A. *Parking area landscaping adjacent to streets.* On the site of a multi-family or a non-residential development which includes a parking area not entirely screened visually by an intervening building from abutting streets, landscaping shall be installed as follows:

1. A landscaped strip of land not less than ten feet in width shall be located between the parking area and the abutting street.

2. The landscaping provided within the landscaped strip shall include:

   a. One tree for every 30 linear feet of required landscape strip planted singly or in clusters, not be more than 50 feet apart, located between the common ~~lot~~ parcel line and the parking area; and
   b. A hedge, wall, berm or other durable landscape barrier placed along the outside perimeter of the strip adjacent to right-of-way; and
   c. Other landscaping, such as shrubs or vines, planted five feet on-center along the street side of a wall; and

d. Grass, ground cover, or other landscape treatment.

B. *Adjacent to private property.* On the site of a multi-family or a non-residential development which includes a parking area not entirely screened visually by an intervening building from abutting private property, landscaping shall be installed as follows:

1. A landscaped strip of land not less than five feet in width shall be located between the parking area and the abutting private property.

2. The landscaping provided within the landscaped strip shall include:

a. One tree for every 30 linear feet of required landscape strip planted singly or in clusters, not be more than 50 feet apart, located between the common ~~lot~~ parcel line and the abutting private property; and

8. Not less than ~~50~~ 60 percent of trees used in the parking area interior landscaping shall be shade trees. 6.00.00. GENERAL PROVISIONS

6.09.00. ACCESSORY STRUCTURES AND DETACHED ACCESSORY DWELLING UNITS

Sec. 6.09.01. Purpose.

It is the purpose of this chapter to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas. In cases of conflict with provisions in the Urban District Code, East Stuart District Code or S.E. Ocean Boulevard Overlay Zone, the provisions in those sections shall prevail.

Sec. 6.09.02. General standards and requirements.

Not more than three accessory structures (excluding satellite television antenna systems, swimming pools, fences, walls, hedges, enclosures, and awnings), including a detached accessory dwelling unit, may be located on a parcel, provided that the following requirements are met:

A. *Principal structure required.* No accessory structure shall be constructed unless there exists a permitted principal structure on the parcel, located in full compliance with all standards and requirements of this Code.

B. *Compliance with requirements for principal structure required.* All accessory structures, including a detached accessory dwelling unit, shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.

C. *Location.*

1. *Setbacks.* Accessory structures shall not be located between the front facade of the principal building and the front property line and shall only be permitted in side and rear yards, subject to minimum five-foot side and rear setbacks from the property line. On corner lots the side setback shall be ten feet.

2. *Separation.* There shall not be less than five feet separation between an accessory structure and the principal building.

3. *Size.* In a residential district the height of an accessory structure shall not exceed the height of the principal structure and the footprint of an accessory structure shall not exceed 50 percent of the footprint of the principal structure. The interior ceiling of the first floor of an accessory structure shall not exceed ten feet above the finished floor elevation.

4. *Design.* The architectural design and materials shall be consistent with the principal structure, neighborhood and use conventional residential windows and doors.

D. *Drainage calculations.* Accessory structures and detached accessory dwelling units shall be included in all calculations of impervious surface and stormwater runoff.

E. *Detached accessory dwelling unit.* In addition to the general standards and requirements set forth above for accessory structures, a single detached accessory dwelling unit may be located on the same lot as a single-family detached home provided that the following requirements are met:

1. A detached accessory dwelling unit shall not exceed one story in height. The unit may be located on a second story if the first story is utilized as a garage or storage facility.
2. A detached accessory dwelling unit shall be set back from the side and rear property lines not less than five feet. On corner lots the side setback shall be ten feet. An accessory dwelling unit to be located on the second story of a detached garage or storage facility shall meet the side and rear yard setbacks required of the principal structure.
3. A detached accessory unit shall be separated from the principal building and other accessory structures a distance not less than five feet.
4. The accessory dwelling unit shall contain one full bath and kitchen facilities.
5. An accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as that term is defined in this Code. The accessory dwelling unit shall use the same street address as the primary dwelling unit.
6. An ADU must be on the same water and electric meter as the primary residence. No additional meters will be permitted

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Chapter VIII
ADMINISTRATION AND ENFORCEMENT

8.03.00. EXISTING NONCONFORMING DEVELOPMENT AND ~~LOTS~~ PARCELS

A. Existing land uses, structures or ~~lots~~ parcels which are inconsistent with the character, natural resources, and Stuart Comprehensive Plan shall be eliminated upon redevelopment. Historic and archaeological resources as identified in the housing element of the Stuart Comprehensive Plan are deemed to be consistent with the character of the City, its natural resources, and the Stuart Comprehensive Plan and are therefore considered to be conforming development. Any previously approved development application with an unexpired timetable or any previously completed improvement made on a parcel prior to September 4, 2024, shall be deemed conforming so long as it remains in compliance with any conditions of approval.

B. An exception to the elimination of non-conforming uses, structures and ~~lots~~ parcels, may be granted by the City Commission, for good cause shown, if all three of the following conditions are met:

1. An existing non-conforming structure, or conforming structure with non-conforming use, is destroyed by accident or act of God; and
2. The majority of landowners within a 300-foot radius support the rebuilding of the structure to its prior state; and
3. The rebuilding or reuse does not pose a detriment to the public health, safety or welfare.

Sec. 8.03.01. Non-conforming uses and ~~lots~~ parcels.

As used in this section, a use shall be deemed "discontinued" if all activities related to such use have ceased for a continuous period of 365 days or more regardless of the intent of the property owner, lessee or other person in charge of the property on which the use was located. The determination that a use has ceased shall be made by the City Development Director who shall consider, among other things, the consumption of utility services at the property, payment of the local business tax, and advertising to the public of any activities on the property. The Intent of the owner, or occupant of the property regarding the cessation of the use by the user, as required by law for "abandonment" of a nonconforming use, is not relevant to the determination of whether or not a use has been discontinued.

A. Nonconforming uses shall be permitted to continue, subject to the following:

1. The lawful use of a structure existing on ~~July 23, 1990~~ September 4, 2024, may be continued although such use within the structure does not conform to the provisions of the chapter; and such use may be extended throughout the building; provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the structure, are made therein. No such use shall be extended to occupy any land outside the existing structure.
2. If a lawful use of a nonconforming use is discontinued for a continuous period of 365 days or more, every future use of the real property upon which such structure of use existed shall be in conformity with the provisions of this chapter. If a lawful use of a nonconforming use is discontinued for a continuous period of 180 days, safety inspections to determine compliance with applicable building and fire codes are required for any future lawful use.
3. In those instances when structural additions or modifications are proposed to one- and two-family residential non-conforming structures, no variance shall be required to construct additions or modifications, which, by virtue of the proposed structural addition or modification, would otherwise be rendered illegal. This exemption from the variance requirement shall be

available only to those proposed structural additions or modifications which meet all current code requirements.

4. The lawful use of land existing on ~~July 23, 1990~~ September 4, 2024, although such use does not conform to the provisions of this chapter, may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this chapter. If such nonconforming use is discontinued for a continuous period of not less than 365 days, any future use of said land shall be in conformity with the provisions of this chapter. Provided, however, that where land is located and such use is not an accessory to the use of the main building located on the same ~~lot~~ parcel or grounds, such nonconforming use of land shall be discontinued and all material completely removed by its owner not later than three years from ~~July 23, 1990~~ September 4, 2024.
5. If no structural alterations are made, a nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter. When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a lower classification.
6. A nonconforming building destroyed to more than 50 percent of its assessed value shall not be reconstructed except in accordance with the provisions of this Code. Notwithstanding the foregoing, a multi-family building so destroyed containing four or more dwelling units that is nonconforming because of density may be reconstructed to contain the same number of dwelling units as originally constructed. A nonconforming building destroyed by a declared natural disaster to less than 50 percent of its assessed value may be reconstructed as originally constructed.

8.04.00. NONCONFORMING ~~LOTS~~ PARCELS CAUSED BY EMINENT DOMAIN PROCEEDINGS

Sec. 8.04.01. Procedure for obtaining a certificate of conformity.

The condemnor or condemnee in an eminent domain proceeding may apply to the City Development Director for a certificate of conformity relative to a remainder parcel which has or will be created as a result of the eminent domain proceedings. The application shall include the following:

A. An application fee as established by resolution of the City Commission from time to time.

B. The name and address of the owner of the remainder parcel.

C. The name and address of the condemnor including the name and address of the condemnor's representative.

D. Evidence of the institution of eminent domain proceedings.

E. A diagram of the property subject to the eminent domain proceeding at a scale of not less than one inch = 30 feet, showing the location of all structures and improvements on the property and the extent of the condemnor's acquisition.

F. The legal description of the remainder parcel which has or will become a nonconforming ~~lot~~ parcel.

G. A proposed site plan for the redevelopment of the remainder parcel.

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8.05.00. VARIANCES

Sec. 8.05.01. Generally.

A. ~~*Board of Adjustment*~~ *Local Planning Agency*. ~~The Board of Adjustment's~~ The Local Planning Agency's bylaws and administration for the board can be found in Chapter 2, Article III of the City's Code of Ordinances.

B. *Granted by* ~~*Board of Adjustment*~~ *Local Planning Agency*. The ~~Board of Adjustment~~ Local Planning Agency may grant a variance from the strict application of the following dimensional requirements of the City's Land Development Code and the City's Code of Ordinances: Subsection 2.04.00 regarding ~~lot~~ parcel area requirements and minimum yard setbacks; Section 6.09.00 regarding setbacks, building separation and heights for accessory structures; Section 6.03.02 regarding finished floor elevation; Section 6.09.05, regarding fences, walls, hedges and enclosures; and Section 6.09.04 regarding setback requirements for location of swimming pools.

C. *Variances to be considered as part of the plan document review.* Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for plan document review. A development activity pursuant to the provisions set forth in subsection A. above that might otherwise be approved by the director must be approved by the ~~Board of Adjustment~~ Local Planning Agency if a variance is sought. The variance shall be granted or denied in conjunction with the application for plan document review. In granting a variance, the ~~Board of Adjustment~~ Local Planning Agency may prescribe appropriate conditions and safeguards.

D. *Administrative variances by City Development Director.* The City Development Director may grant minor variances from this Code pursuant to this Section.

Sec. 8.05.02. Limitations on granting variances.

A. *Initial determination.* The ~~Board of Adjustment~~ Local Planning Agency shall have the power to authorize in specific cases such variances from the provisions set forth herein, which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of certain parts of this code will, in an individual case, result in unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon the following findings by the ~~Board of Adjustment~~ Local Planning Agency.

B. *Required findings.* The need for the proposed variance is attributable to unique characteristics of the property either as to the land or as to any improvements thereon, or both, and the proposed variance, if granted, will not:

1. Authorize any use of the property that is not allowed as a permitted use or a use allowed by conditional use in the district in which the property is located; and
2. Allow a density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located; and
3. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
4. Cause a detrimental effect in the supply of light and air to adjacent properties; and
5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
6. Cause an increase of traffic on adjacent or nearby roads to levels that are not usual for the types of uses in the neighborhood; and
7. Cause any threat to public safety in any manner whatsoever; and

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8. Cause any threat to the health or general welfare of the Inhabitants of the city.

C. A variance shall not be granted that exceeds the minimum variance to the strict application of the provisions of this Code necessary to alleviate the unnecessary hardship.

Sec. 8.05.03. Notice of variance hearings.

A. *Manner of notice.* A variance hearing scheduled before the ~~Board of Adjustment~~ Local Planning Agency shall be preceded by notice mailed by regular U.S. mall to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject property. The identity of the owners of such properties and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation. Notice shall also be posted on the subject property.

B. *Time of notice.* Notice shall be placed in the regular U.S. mall and posted on the subject property by the applicant not less than 15 days prior to the date of the public hearing to be held by the ~~Board of Adjustment~~ Local Planning Agency at which the matter will be considered.

C. *Content of mailed notice.* The content of a mailed notice shall include the following information:

1. The substance of the variance application generally describing the nature of the proposed use;
2. The time, date and place of the meeting of the ~~board of adjustment~~ local planning agency at which the matter will be considered;
3. The right of the public to be heard by the ~~Board of Adjustment~~ Local Planning Agency regarding the proposed variance;
4. The times and places for public inspection of the application for the variance; and
5. A map depicting the real property for which the variance is sought.

D. *Content of posted notice.* Posted notice shall be in substantially the following form:

NOTICE

VARIANCE HEARING

ON _____, 20___

AT ___:___ P.M.

STUART CITY HALL

121 S.W. FLAGLER AVE.

QUESTIONS?

CALL CITY DEVELOPMENT DEPARTMENT

(772) 288-5326

E. *Affidavit of mailing and posting.* An affidavit of the applicant shall be filed with the City Development Department or submitted to the board at the hearing that the required notice has been provided.

F. The rules for any hearing before the ~~Board of Adjustment~~ Local Planning Agency are set forth in Chapter 2, Article III of the City's Code of Ordinances and Chapter 11 of the City's Land Development Code.

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Secs. 8.05.04—8.05.07. Reserved.

Sec. 8.05.08. Administrative variance.

A. *Authority.* The City Development Director is hereby granted the power and authority to vary the Land Development Code of the City, only as provided herein. Generally, this procedure is to provide for an efficient and effective review and approval process for certain minor aspects of development in the City. Pursuant to the following, the City Development Director may review and approve, approve with conditions, or deny:

1. *Yard setbacks.* Any yard setback variance request which does not exceed 110 percent of the code requirement. (For example: where a rear yard setback is 15 feet, and the variance request doesn't exceed 1.5 feet of relief, or conversely stated, a reduction to a 13.5-foot setback.)
2. *Fences, walls and hedges.* Any variance request for a fence, wall or hedge height or location, or other buffer screening matter
3. *Green development.*
   a. In the context of this section a building or development that meets the criteria set out in section 6.06.00, "Green development" of this Code qualifies for any or all of the following additional administrative variances:
      (1) *Yard setback area.* A variance to position the principal building within a yard setback area to an extent no greater than ten percent of the square footage of the principal building footprint to a maximum of 500 square feet.
      (2) *Stormwater.* Subject to the design approval of the city engineer, up to 100 percent of stormwater runoff may be stored in underground storage structures for irrigation, cooling, or other appropriate reuse.
      (3) *Driveway width.* Subject to the design approval of the City Fire Chief, the minimum width for a two-way residential driveway may be reduced to 18 feet provided any parking is restricted to one side of the driveway only.
      (4) *Architectural design.* Subject to the design approval of the City Development Director, a variance may be granted to depart from the strict architectural and building materials, design and location standards as contained in Sections 3.01.04, 3.03.00 and 6.05.00 in order to utilize architectural and design features that are consistent with green building principles and are required in order to facilitate compliance with green development criteria.
4. *Other minor land development code variances.*
   a. Any other minor land development code variance which is minor in nature affecting the type, location, size, or area, including, but not limited to, drainage structures, easements, slab or foundation footers, marine construction, flood elevation, curbing and curb-cuts, road medians, solid waste or recycle containers, principal or accessory structures or ~~lots~~ parcels, signage, landscape, lighting, parking, driveways, or utilities.
   b. A minor land development code variance is one in which the requested change:
      (1) Does not increase or enlarge the density, Intensity of use; or
      (2) Does not increase or enlarge the building footprint by more than five percent; or
      (3) Does not violate the scope and intent of a previous approval for the property by the city commission.
5. *Time extensions.* A one-time extension of 180 days or less to an originally approved timetable of development may be granted upon good cause shown.

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B. *Further approval authority.* When authority to do so is conferred by the City Commission as a condition of zoning approval, plat approval, or development plan approval, the City Development Director may approve, approve with conditions or deny any plan document modification.

C. *City Commission intent.* By adopting this section, the City Commission intends that the City Development Director shall use the provisions of this section of the Code as a guide. Because the nature of the variances permitted herein is minor, strict adherence to the hardship requirements for a code variance granted by the ~~Board of Adjustment~~ Local Planning Agency shall not pertain, and the City Development Director shall be free to use reasonableness, as well as an awareness of community needs and aesthetics, in addition to the criteria expressed herein in, as a basis for all decisions.

D. *Nonexclusivity.* It is intended that this section shall be non-exclusive in nature.

1. The City Development Director may defer any application for administrative variance which would otherwise qualify for consideration by the ~~Board of Adjustment~~ Local Planning Agency, or City Commission, as applicable, if such deferral is based upon a reasonable determination that the variance sought does not meet the criteria for an administrative variance. Any application so deferred shall be processed as a new application, and shall meet all land development code requirements for such application, including applicable fees, public notice, and all other submittal requirements.

E. *Appeal of an administrative variance.* An applicant may appeal a denial of an administrative variance, as provided in this chapter.

Sec. 8.07.05. Appeals from decisions of the ~~Board of Adjustment~~ Local Planning Agency.

Appeal by certiorari to the circuit court. Any person who appeared before the ~~Board of Adjustment~~ Local Planning Agency who is aggrieved by any decision of the board, may present to a circuit court a petition for issuance of a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. A petition for a writ of certiorari shall be filed in the manner and within the time provided by the Florida Appellate Rules. The filing of a petition for rehearing, as provided below, shall toll the time for the filing of a petition for writ of certiorari herein.

8.00.00. RESERVED[2]

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Chapter XII DEFINITIONS

A Parcel of Record/Parcel is a piece or portion of land that is identified and delineated for ownership or administrative purposes through the assignment of a "Parcel Identification Number" (PIN) by the Martin County Property Appraiser.

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SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: 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 5: The provisions of this Ordinance shall be codified.

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

First read on the 10th day of February, 2025.

Second reading on the 24th day of February, 2025.

Commissioner COLLINS offered the foregoing Ordinance and moved its adoption with the exception of Section 3.02.03 and ESN08, which is continued to a public hearing on March 20, 2025. 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, VICE MAYOR	Y			
EULA CLARKE, COMMISSIONER	Y			
LAURA GIOBBI, COMMISSIONER	Y			
SEAN REED, COMMISSIONER	Y			

ADOPTED on second reading this 24th day of February, 2025.

Third reading on the 20th day of March, 2025.

Commissioner _____ offered Section 3.02.03 and ESN08 of 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:

DRAFT

	YES	NO	ABSENT	ABSTAIN
CAMPBELL RICH, MAYOR				
CHRISTOPHER COLLINS, VICE MAYOR				
EULA CLARKE, COMMISSIONER				
LAURA GIOBBI, COMMISSIONER				
SEAN REED, COMMISSIONER				

ADOPTED on third and final reading this 20th day of March, 2025.

ATTEST:

_____
MARY R. KINDEL, MMC
CITY CLERK

_____
CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
LEE J. BAGGETT, ESQ
CITY ATTORNEY

DRAFT

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 128 -2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DIRECTING STAFF ON THE IMPLEMENTATION OF AMENDMENTS TO CERTAIN CHAPTERS OF THE LAND DEVELOPMENT CODE OF THE CITY OF STUART, FLORIDA AS OUTLINED IN EXHIBIT "A" ATTACHED WHICH WERE DETERMINED DURING THE ZONING IN PROGRESS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING 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 was 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, on September 16, 2024, the City Commission adopted Resolution No. 95-2024 initiating the Zoning in Progress procedure for three (3) months, which commenced on September 5, 2024, or until December 4, 2024, as authorized in Section 1.04.04 of the Stuart Land Development Code; and

WHEREAS, pursuant to Section 1.04.02(C) 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 of 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, at a workshop held on November 7, 2024, the City Commission voted unanimously to add another exception to the Zoning in Progress which allows the City's Development Department to accept and process applications for any commercial project that does not include a residential component and that does not increase the square footage of any structure; and

WHEREAS, on November 25, 2024, the City Commission adopted Resolution No. 120-2024 to extend 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. The deferral shall last for an additional three (3) months from December 4, 2024, until March 4, 2025, or until the City Commission adopts on second reading of the amendments under review and such amendments become effective, whichever occurs first.

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, correct, and incorporated herein by this reference.

SECTION 2: Implementation of Zoning in Progress. The purpose of this is to state the intention of the City Commission to direct staff to implement the requested amendments within the City of Stuart Land Development Code as discussed in the three (3) Zoning in Progress workshops as outlined in **Exhibit "A"**.

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

SECTION 4: Conflict. If any resolution(s), or part(s) of any resolution, is in conflict herewith, this Resolution shall control to the extent of this Resolution.

SECTION 5: Severability. The provisions of this Resolution are intended to be severable. If any part(s) of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

SECTION 6: 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	Y			
CHRISTOPHER COLLINS, VICE MAYOR	Y			
EULA R. CLARKE, COMMISSIONER	Y			
LAURA GIOBBI, COMMISSIONER	Y			
SEAN REED, COMMISSIONER	Y			

ADOPTED this 9th day of December, 2024.

ATTEST:

MARY R. KINDEL, MMC 12/19/24
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY

CITY OF STUART · FLORIDA · INCORPORATED 1914 · SAILFISH CAPITAL OF THE WORLD ·

Exhibit "A"

ZONING IN PROGESS EXHBIT A
RESOLUTION

Chapter	Subject	C. Rich	C. Collins	E. Clarke	S. Reed	L. Giobbi
2.03.06	Intensity of Development: Lot area and Floor area ratio (FAR) table.					
2.03.09	Remove denisty bonus and parking waivers for mixed use.					
2.03.10	Florida area ratio needs to be revised to be reduced by density or vice versa					
2.04.02	Revise "lots" to parcels of record.					
2.04.02	No platted lot shall contain less than 5,000 square feet. (Cottage Lot)					
	Minimum lot width must be 50 feet as defined by code					
	Impervious surface allows up to 65%. Commission recommended reduction to					
2.04.03 (c)	50% on commercial properties.					
2.04.04	Side setbacks shall be a minimum of 10 feet.					
2.06.03	Create definition and regulation of detoxification facilities similar to County					
2.06.22	Modify code regarding EV Chargers to comply with State Law					
	Accessory Dwelling Units (ADUs) must be on the same water and electric meter as primary residence.					
	ADU not allowed to be occupied unless owner of property lives on the property.					
	Duplex - non conforming duplexes near flamingo shall not expand and any improvements shall be limited to 50% of the current value and shall be					
	Multi-Family/ FAR: Multi family density shall be reduced by commercial. For each 1,000 feet of commercial, the densty of the property shall be reduced by one unit..					
	Each residenial unit shall reduce the allowed commercial by 1000 square feet.					
	Self Storage should only be allowed in Industrial Zoned property.					
	Shared Parking: Shared parking shall not be permitted.					
	1/2 Units shall be removed from code					
East Stuart	SFD - Duplexes shall only be allowed by commission action					
	Minimum lot size and width					
3.02.04	Foot note 1 references lot size of 4,356					
	Multi-family parking shall be increased by .5 for each category and no shared					
6.01.03	parking. Staff recommneds utilizing the ITE (Institute of Transportation Engineers)					
	Mixed use shall provide full parking for the commercial use and full parking for the residential.					

	Shaed trees shall be 60%. See language in Creek District. size of the landscape terminal/median islands may need to be increased to accommodate the
6.04.02	increased percentage for landscaping
6.06	Green or LEED certified should be upddated or removed
6.6.11	Consultant shall be hired to re-write sign code.
6.01.09(C)	A new sunset date will need to be added to account for these changes.
6.01.11(B)	Location of parking spaces will need new sunset date
6.01.10(A)	Change to a whole number
6.04.07	All new development must comply with minimum landscape standards.
	Public Rights of way should not be modified by home owners to construct parking spaces without a license. Existing space shall be allowd. In future no gravel.
	Non Conforming Uses and Lots - Must define the grandfathering of already existing structures as well as expansion of exisiting structures and impacts of new
8.03.01	construction.
	Reference to Table 4 is in the code before Reference to Table 3.

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

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February 5, 2025

Michael J. Mortell, City Manager
Lee Baggett, City Attorney
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

VIA EMAIL

RE: Objections to Proposed Amendments to City of Stuart Parking Regulations Set Forth as Part of Exhibit A to Proposed Ordinance Number 2539-2025

Dear Messers Mortell and Baggett:

Stearns Weaver Miller represents Central Parkway Plaza, LLC, and submits this objection letter on its behalf. The City of Stuart Local Planning Agency is scheduled to hold a public hearing on February 6, 2025 to consider proposed amendments to the City of Stuart Land Development Code, including proposed changes to the City's parking standards, as set forth in Exhibit A to proposed Ordinance Number 2539-2025 ("**Draft Amendments**").

The Draft Amendments propose to amend Code Sections 6.01.10.C and 6.01.12 by deleting various regulations allowing for shared parking. The proposed deletions are inconsistent with the City of Stuart Comprehensive Plan ("**Comprehensive Plan**"), which requires the City to implement shared parking. Specifically, the proposed deletions are inconsistent with Future Land Use Element Policy 1.A8.1 and Transportation Element Policies 2.A1.8, 2.A16.1 and 2.A15.3 (**See Attachment "1"**). Each of these policies requires the City to implement shared parking. The deletion of the shared parking code provisions directly conflicts with these policies. Adoption of the proposed parking code standards would violate Florida Statutes, which require that land development regulations must implement and be consistent with the adopted comprehensive plan, including:

- Section 163.3194(1)(b), which states in relevant part:

  "All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof..."

- Section 163.3194(2), which states:

  "After a comprehensive plan… is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the government body until such regulation code or amendment has been referred either to the local planning agency or to a separate land development regulation commission…for review and recommendation as to the relationship of such proposal to the adopted comprehensive, or element or portion thereof.

- Section 163.3194(3)(a), which states:

  "A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

Draft Ordinance Number 2539-2025 also recognizes in the first *Whereas* clause that s. 163.3202, Florida Statutes also "[r]equires that the City of Stuart to adopt or amend and enforce land development regulations that are consistent with and implement the City's comprehensive plan." Yet, the Draft Amendments, including the parking code provisions cited above, have not been properly analyzed by City staff or any agency of the City to determine whether the Draft Amendments are consistent with the Comprehensive Plan. The City's website posts the Local Planning Agency agenda items. As of the date of this letter (one day prior to the Local Planning Agency hearing), the posted agenda items for do not include a staff report evaluating whether the Draft Amendments are consistent with the Comprehensive Plan. Moreover, the attached Item Request (**Attachment "2"**) posted as part of the agenda items for the Draft Amendments confirms that the Draft Amendments were drafted based on the direction of the City Commission prior to the City analyzing whether the Draft Amendments are consistent with the Comprehensive Plan, prior to holding any public hearings on the Draft Amendments and prior to the Local Planning Agency considering whether the Draft Amendments are consistent with the Comprehensive Plan.

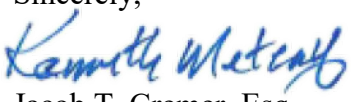
The Draft Amendments also propose to amend Code Section 6.01.13 by increasing the minimum off-street parking requirement for multifamily from 1.5 parking spaces per unit to 2.0 for studios and 1 bedroom units and from 2.0 to 2.5 parking spaces per unit for 2 or more bedrooms. The proposed increase in minimum required parking for multifamily development will adversely affect many landowners with existing multifamily development developed in accordance with the current parking code requirements and will render such developments nonconforming. Moreover, this increased parking requirement, combined with the deletion of the shared parking provisions, will adversely affect existing mixed use developments developed in accordance with the current parking code requirements and will render such developments nonconforming.

The deletion of shared parking provisions and increased minimum parking requirements for multifamily development will inordinately burden the reasonable, investment-backed

expectations of Central Parkway Plaza, LLC, in regard to its vested right to develop Lot 3 of the Central Park Commercial Planned Unit Development. The adoption of the proposed parking standards would substantially reduce the density and intensity that could be reasonably expected based on the development standards applicable to Lot 3 based on the currently effective Comprehensive Plan and Land Development Regulations.

We request that this letter be included in the record of the Local Planning Agency hearing on this agenda item. Central Parkway Plaza, LLC, desires to resolve its concerns amicably and work with the City on an acceptable approach rather than pursuing legal remedies in the alternative.

Sincerely,



Jacob T. Cremer, Esq.
Kenneth Metcalf, AICP

2

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 2/6/2025 **Prepared by:** Jodi Nentwick

Title of Item:
ZONING IN PROGRESS LAND DEVELOPMENT CODE TEXT AMENDMENTS IMPLEMENTATION (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2539-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY, CHAPTER III SPECIAL ZONING CODES, CHAPTER V RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS, AND CHAPTER VI ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS WHICH WERE DETERMINED DURING THE "ZONING IN PROGRESS" UNDER SECTION 1.04.04, CITY OF STUART'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
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. The purpose of the Zoning in Progress is to allow the City Commissioners to evaluate and make text amendments or map changes to the City of Stuart Land Development Code and Comprehensive Plan, if applicable.

On September 16, 2024, the City Commission adopted Resolution 95-2024 initiating the Zoning in Progress procedure for three (3) months, which commenced on September 5, 2024, or until December 5, 2024, as authorized in Section 1.04.04 of the Stuart Land Development Code. Pursuant to Section 1.04.04(2) of the City of Stuart Land Development Code, the maximum period allowed for Zoning in Progress is (3) months, unless the City Commission extends the period for up to an additional three (3) months for good cause.

The City Commission has held workshops related to the issues in the Zoning in Progress. During the workshops, the Commissioners discussed each chapter of the Land Development Code and directed staff regarding changes. The City Commission adopted Resolution 128-2024 providing direction to staff regarding the proposed changes to the Land Development Code that were expected. Staff has drafted amendments to the Land Development Regulations pursuant to Resolution No. 128-2024. The proposed changes are being presented to Local Planning Agency (LPA) for input and recommendations to the City Commission. The City Code of Ordinances requires and text amendments to the Land Development Regulations to first be reviewed by the LPA. Because of the significant changes being proposed, staff will also present the proposed changes to the Community Redevelopment Board for additional public input.

Funding Source:
N/A

Recommended Action:
Review the proposed text amendments and make recommendations to the City of Stuart City Commission.

ATTACHMENTS:

1. 2539-2025 LDC ZIP Text Amendment Ordinance
2. DRAFT Chapter_II___ZONING_DISTRICTS_USES_ALLOWED__DENSITY__INTENSITY
3. DRAFT Chapter_III___SPECIAL_ZONING_CODES
4. DRAFT Chapter_VI___ON_SITE_AND_OFF_SITE_DEVELOPMENT_STANDARDS
5. DRAFT Chapter_XII___DEFINITIONS
6. 128-2024

c) 2030 Flood Zones Map

d) 2030 Wetlands Map

e) 2030 Soils Map

f) 2030 Land Cover Map

(Ord. No. 1867-02, 10-14-2002; Ord. No. 1974-04, § 1, 12-13-2004; Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010; Ord. No. 2342-2017, § 1(Exh. A), 8-28-2017)

Objective 1.A8. - Land Development Regulations.

Future growth, development, and redevelopment will be managed through the preparation, adoption, implementation and enforcement of Land Development Regulations.

Policy 1.A8.1. The City shall continue to include in the land development regulations specific and detailed provisions required to implement the adopted Comprehensive Plan, and which at a minimum: ~~(9J-5~~).

a. Regulate the subdivision of land;

b. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;

c. Regulate areas subject to periodic flooding and provide for drainage and stormwater management;

d. Protect potable water wellfields and aquifer recharge areas by not allowing more than 75 percent impervious surface coverage. Impervious surface coverage restrictions do not apply in the Downtown Development land use category;

e. Regulate signage;

f. Ensure safe and convenient on-site traffic flow and vehicle parking needs including shared-use parking where appropriate; and

g. Provide that development approvals and permits shall not be issued that result in a reduction of the level of service standards adopted in this Comprehensive Plan;

h. Establish site plan review procedures;

i. Establish official sources for defining "native vegetation";

j. Define "open space" as defined by Policy 1.B3.7 and require not less than 25 percent on a development site outside the CRA; and

k. Establish a permitting process for the clearing of land;

l. Establish an urban code overlay zone to promote appropriate infill development and redevelopment within the TCEA which promotes a mix of uses, traditional neighborhood development, and a pedestrian-oriented land use pattern; complements transit-oriented development; and discourages large expanses of parking area.

Policy 1.A8.2. All regulations pertaining to land development shall be integrated into one development code and shall be reviewed within the EAR-based amendment cycle to ensure internal consistency and consistency with the City's adopted Comprehensive Plan.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

GOAL STATEMENT 1.B

Segment	From	To	Interim LOS Standard	Volume Threshold (peak hour/peak direction)	201908 Generalized LOS
SR 5/US 1	Wright Boulevard	Jensen Beach Blvd.	Martin County 201908 Roadway Level of Service Inventory Report	3,600	Interim
SR 714	Mapp Road	SR 76	Martin County 201908 Roadway Level of Service Inventory Report	2,810	Interim
SR 714	SR 76	CR A1A	Martin County 201908 Roadway Level of Service Inventory Report	2,015	Interim
* The Green River Parkway project is a completed County funded project, which consists of construction of a new 2 mile long of roadway from Jensen Beach Boulevard to SR 707 that is expected to be completed by November 2010. Project is an alternate north/south corridor to relieve Level of Service deficiencies on US1.					
The Indian Street Bridge project is also a completed County funded project, which consist of construction of a new bridge across the South Fork of the St. Lucie River to connect Palm City with the City of Stuart. The project includes new roadway construction from the intersection of SR 76 and Indian Street to the intersection of Martin Highway and Mapp Road.					
~~The Level of Service shall be updated in the first amendment opportunity as the roadway construction projects are completed.~~					

———

Policy 2.A1.6. The City shall update analysis of existing level of service standards for all roadways in the City using the FDOT Level of Service Manual and amend the adopted level of service standards for roadways in the Comprehensive Plan as necessary.

Policy 2.A1.7. In cooperation with Martin County, the City will utilize the results of the North Stuart Traffic Operations Study to analyze major traffic corridors, such as Roosevelt Bridge, Green River Parkway, and other roadways, in the north Stuart area.

Policy 2.A1.8. The following strategies shall be implemented by the City in its efforts to maintain and improve traffic conditions throughout the City.

TRANSPORTATION SYSTEMS AND DEMAND MANAGEMENT STRATEGIES

ATTACHMENT "2"

Strategy	Action
Traffic operation	Intersection and roadway widening. One-way streets. Turn-lane installation.
Traffic signalization	Coordinate with Martin County and the State of Florida regarding synchronization of traffic signals, intelligent traffic systems (ITS) and similar programs.
Pedestrian, bicycle and other alternative modes	Widen sidewalks. Pedestrian grade separation. Increasing b~~B~~ikeways visibility connectivity and bike parking opportunities. ~~Bike storage.~~ Interconnected sidewalk system: sidewalks and/or bikeways shall be provided for internal circulation and linkage to other projects when such facilities are possible given the particular physical characteristics of the site, type of project, and adjacent land uses. Traffic calming. Downtown rail station/transportation depot. Increase visibility and safety through streetscape and crosswalk improvement initiatives Enhance pedestrian safety thru print, social media and City website education
Route diversion	Auto restricted zones. Residential traffic control. Truck-restricted zones and routes.
Parking management	Curb parking restrictions on U.S. 1 within the TCEA. On-street parking. Common parking areas. Off-street parking incentives. "In-lieu of" parking incentives. Public/private shared parking. Public/private shared parking through joint ownership or leasing or issuing licensing agreements. Valet parking for commercial businesses.

development occurring within the TCEA as depicted on the TCEA Map in order to promote urban redevelopment and infill development.

Policy 2.A15.2. Transportation level of service standards for arterials within the TCEA Buffer Area as depicted on the TCEA Buffer Area Map shall allow an additional 30 percent increase in peak hour traffic over the adopted level of service standards set in Policies 2.A1.1 and 2.A1..2 of this element.

Policy 2.A15.3. Where appropriate, parking requirements shall be reduced citywide, including within the TCEA. The City shall promote the use of shared parking arrangements throughout its jurisdiction in order to reduce vehicular movement on roadways thereby reducing congestion and increasing the amount of land available for building or attractive landscaping when the following conditions are met:

g) The shared parking spaces are in close proximity and readily accessible to the uses served thereby; and

h) The uses served thereby have different peak parking demands and operating hours; and

i) There will be a reduction in vehicle movements by the users of the shared parking spaces; and

j) The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation and public safety will be improved.

Policy 2.A15.4. The City shall develop incentives for developers who provide preferential parking and other support facilities for high-occupancy vehicles, community bus services, shuttle services and car pools within the TCEA. The policies addressing mobility strategies must be developed by July 1, 2011.

Policy 2.A15.5. The City shall require the interconnection of parking lots on adjacent commercial properties at the time of development or redevelopment.

Policy 2.A1~~1~~5.6. Where possible, the City shall expand multi-modal transportation facilities within the TCEA as described in Policies 2.A7.7 through 2.A7.12.

Policy 2.A15.7. The City shall support public transit within the TCEA as described in Policies 2.A6.3, 2.A6.4, 2.A7.8, 2.A7.14, 2.A7.15, 2.A7.16, and 2.A7.17.

(Ord. No. 2205-2010, § 1(Exh. I), 9-27-2010)

Cross reference— Capital improvements element and concurrency management system, Element 8~~VIII~~.

Objective 2.A16. - [Community Redevelopment Area parking plans and program.]

Within the CRA, parking plans and program should be established to serve and facilitate existing and future mixed-use development.

Policy 2.A16.1. The City shall encourage public/private shared parking areas.

Policy 2.A 1~~1~~6.2. The City shall prepare a master parking plan.

Policy 2.A16.3. The City shall establish "in-lieu of" parking fee.

Policy 2.A16.4. Where appropriate, the City shall allow adjacent on-street parking spaces to count towards parking requirements for private development.

Policy 2.A16.5. The City shall review the Comprehensive Plan and Land Development Regulations to establish incentives for redevelopment.

Objective 2.A17. - [Greenhouse gas emission reduction.]

The City shall pursue and support transportation systems (e.g. high-speed rail, express buses, high-occupancy vehicles, bikeways) that reduce air quality degradation and help conserve energy.

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

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Fax: (813) 222-5054
Email: jcremer@stearnsweaver.com

December 9, 2024

SENT VIA EMAIL

City Commissioners
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

RE: Neurus Enterprises, LLC Objections to Proposed Amendments to City of Stuart Land Development Code as Set Forth in Exhibit A to Resolution No. 128-2024

Dear Commissioners:

Stearns Weaver Miller represents Neurus Enterprises, LLC and submits this objection letter on its behalf in regard to the proposed City of Stuart Land Development Code ("LDC") amendments set forth in Exhibit A to Resolution No. 128-2024. Item No. 10 on the attached agenda (**Attachment "1"**) for the City Commission meeting scheduled for today at 4:00 p.m. indicates the intent for the City Commission "TO DIRECT STAFF ON THE IMPLEMENTATION OF THE ZONING IN PROGRESS AMENDING CERTAIN CHAPTERS OF THE LAND DEVELOPMENT CODE OF THE CITY OF STUART, FLORIDA AS OUTLINED IN EXHIBIT "A" ATTACHED; PROVIDING AN (*sic*) CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING EFFECTIVE DATE; AND FOR OTHER PURPOSES."

Exhibit A (**Attachment "2"**) includes incomplete provisions with language partial obscured and not legible where highlighted in yellow. This occurs in the summary of changes listed for LDC Section 2.06.22, which shows "improvements shall be limited to 50% of the current value and shall be cumulative" with partially obscured language preceding and following the quoted language. Similarly, Exhibit A proposes a change to LDC Section 3.02.04 and shows "Foot note 1 referenced lot size of 4,356" followed by language that is mostly obscured and continuing with "shared parking." Similarly, Exhibit A proposes a change to Section 6.04.07 which shows language partially obscured by "All new development must comply with minimum landscape standards" and also following "future no gravel." In addition, Exhibit A is confusing due to these errors and does not provide the public with sufficient notice or clarity in regard to the scope of changes that are proposed. As a result, Exhibit A includes confusing language that does not form complete sentences and that is unclear in regard to the intent of the City Commission.

Section 2.04.02.A.3 currently requires that no platted lot shall contain less than 4,356 square feet. This requirement corresponds with Table A in Section 2.04.01, which requires a minimum lot size of 4,356 square feet in the R-3 zoning district. It appears that the proposed amendment is intended to increase the minimum lot size in the R-3 zoning district from 4,356 square feet to 5,000 square feet. Neurus Enterprises, LLC obtained approval of the Tidewater Court Subdivision Plat (**Attachment "3"**), which was recorded in the Martin County Public Records (Plat Book 19, Page 25) on February 4, 2022. Neurus Enterprises, LLC proceeded with the platting of Tidewater Court in full reliance on LDC Section 2.04.02.A.3 and LDC Section 2.04.01. Each of the ten lots in the Tidewater Court Subdivision complies with the minimum lot size requirement of 4,356 square feet as currently required by those sections of the LDC. The proposed amendment to the LDC would render each of the ten lots in the Tidewater Court Subdivision non-conforming.

Section 2.04.04 currently requires a minimum side yard setback of five feet. Exhibit A indicates an intent to increase the minimum side yard setback to ten feet. Neurus Enterprises, LLC proceeded with the platting of Tidewater Court in full reliance on LDC Section 2.04.04 in regard to the minimum five-foot side yard requirement. Six of the ten lots were platted with 50-foot lot width and the other four lots with 60-foot lot width. The proposed amendment would essentially render the 50-foot wide lots unusable when the minimum 10-foot wide setback requirement is combined with the requirement to construct a 22-foot wide garage (mandated by the LDC) that must be setback 20 feet from the front door (mandated by the LDC). This combination of standards would result in essentially an 8-foot wide hallway extending 40' from the front setback line to the portion of the lot behind the garage where the remainder of the dwelling unit would be located. As a result, the proposed amendment would render the 50-foot lots unmarketable and would render the two dwelling units that have been permitted nonconforming. Moreover, the 60-foot wide lots would be adversely affected as well. It is also not possible to fully understand the additional impacts that may result to the Tidewater Court Subdivision from Exhibit A due to its errors and overall lack of clarity.

The proposed amendments will adversely affect Neurus Enterprises' investment-backed expectations and inordinately burden its property. Accordingly, Neurus Enterprises requests that the City Commission defer action on Resolution 128-2024 and revise Exhibit A to correct the errors so that the general public and lot owners affected by the proposed amendment can better understand the intent of the City Commission. Moreover, Neurus Enterprises requests that the City Commission direct staff to maintain the minimum lot size of 4,356 square feet applicable to the R-3 zoning district and maintain the minimum side yard setback of five feet. This option was provided by the City as an alternative to developing multi-family at a higher density. Neurus Enterprises expended substantial money to plan, design, plat and construct stormwater management improvements in reliance on this regulatory option, which the City Commission previously adopted as an inducement for property owners in the R-3 zoning district to pursue rather than higher density, multifamily development. It would be patently inequitable for the City Commission just two years later to change the regulations in a manner to significantly impact Neurus Enterprises' property rights after sending Neurus Enterprises down the proverbial primrose path.

We would welcome the opportunity to have a constructive discussion with the City Commission, City Manager and City Attorney on these matters. While the City Commission has held three workshops, Neuris Enterprises has not been provided an opportunity to discuss the proposed amendments with the City Commission. We encourage the City Commission to schedule a workshop or public hearing where Neurus Enterprises, other affected property owners and the general public would be afforded a sufficient amount of time to provide input prior to the City Commission directing staff.

Neurus Enterprises desires to resolve its concerns amicably and work with the City Commission on an acceptable approach rather than pursuing legal remedies in the alternative.

Sincerely,

Jacob T. Cremer, Esq.
Kenneth Metcalf, AICP

cc: Mike Morrel, City Manager
Lee Baggett, City Attorney

City of Stuart

AGENDA

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

CITY COMMISSION

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

ADMINISTRATIVE

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

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

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

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

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - LEILA PIERRE, 'STARS OVER STUART' STUDENT - SONG PERFORMANCE

2. SELECTION OF MAYOR AND VICE MAYOR

PROCLAMATIONS

PRESENTATIONS

3. SERVICE AWARDS - DECEMBER 2024

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

4. APPROVAL OF 11/12/2024 CCM, 11/7/2024 SCM ZIP WORKSHOP #2, 11/19/2024 SCM ZIP WORKSHOP #3, and 11/25/2024 CCM MINUTES (RC)

5. APPROVAL OF THE 2025 MEETING CALENDAR (RC):

RESOLUTION No. 129-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING THE CITY OF STUART PUBLIC MEETING CALENDAR FOR 2025; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

6. APPOINTMENT OF ALTERNATE CODE ENFORCEMENT MAGISTRATES (RC):

RESOLUTION No. 124-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPOINTING GEMMA TORCIVIA AND BRETT T. LASHLEY AS CODE ENFORCEMENT MAGISTRATES; AND CONFIRMING THE TERMS OF APPOINTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

7. ADVISORY BOARD MEMBER APPOINTMENTS / RATIFICATION OF TERMS (RC):

RESOLUTION No. 126-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPOINTING AND RATIFYING THE MEMBERSHIP OF THE ADVISORY BOARD MEMBERS AND ADOPTING THE MEMBER TERMS FOR THE 2025 CALENDAR YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. ENVIRONMENTAL ATTORNEY JOB DESCRIPTION AND INITIATION OF HIRING PROCESS (RC):

RESOLUTION No. 127-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING JOB DESCRIPTION FOR ENVIRONMENTAL ATTORNEY AND TO INITIATE THE PROCESS OF HIRING AN ENVIRONMENTAL LAWYER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (RC):

9. APPOINTMENTS OF CITY COMMISSIONERS TO COMMUNITY BOARDS (RC):

RESOLUTION No. 130-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING THE ANNUAL APPOINTMENTS OF CITY OF STUART COMMISSIONERS AS CITY REPRESENTATIVES TO SPECIFIED LOCAL COMMUNITY BOARDS FOR THE 2025 CALENDAR YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. IMPLEMENTATION OF ZONING IN PROGRESS RECOMMENDATIONS (RC):

RESOLUTION No. 128-2024, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO DIRECT STAFF ON THE IMPLEMENTATION OF THE ZONING IN PROGRESS AMENDING CERTAIN CHAPTERS OF THE LAND DEVELOPMENT CODE OF THE CITY OF STUART, FLORIDA AS OUTLINED IN EXHIBIT "A" ATTACHED; PROVIDING AN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

11. EAST STUART HISTORICAL ADVISORY COMMITTEE BY-LAWS REVIEW

ADJOURNMENT

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

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

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

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

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

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 128 -2024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, DIRECTING STAFF ON THE IMPLEMENTATION OF AMENDMENTS TO CERTAIN CHAPTERS OF THE LAND DEVELOPMENT CODE OF THE CITY OF STUART, FLORIDA AS OUTLINED IN EXHIBIT "A" ATTACHED WHICH WERE DETERMINED DURING THE ZONING IN PROGRESS; PROVIDING AN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING 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 was 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, on September 16, 2024, the City Commission adopted Resolution No. 95-2024 initiating the Zoning in Progress procedure for three (3) months, which commenced on September 5, 2024, or until December 4, 2024, as authorized in Section 1.04.04 of the Stuart Land Development Code; and

WHEREAS, pursuant to Section 1.04.02(C) 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 of 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 has held workshops, accepted public input, and evaluated professionally acceptable materials related to the issues in the Zoning in Progress. The issues addressed in the Zoning in Progress are complicated, and additional time is necessary to ensure that any changes are appropriate. There is good cause for additional time to be spent evaluating and drafting any text amendments that may be necessary; and

WHEREAS, at a workshop held on November 7, 2024, the City Commission voted unanimously to add another exception to the Zoning in Progress which allows the City's Development Department to accept and process applications for any commercial project that does not include a residential component and that does not increase the square footage of any structure; and

WHEREAS, on November 25, 2024, the City Commission adopted Resolution No. 120-2024 to extend 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. The deferral shall last for an additional three (3) months from December 4, 2024, until March 4, 2025, or until the City Commission adopts on second reading of the amendments under review and such amendments become effective, whichever occurs first.

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, correct, and incorporated herein by this reference.

SECTION 2: Implementation of Zoning in Progress. The purpose of this is to state the intention of the City Commission to direct staff implement the requested amendments within the City of Stuart Land Development Code as discussed in the three (3) Zoning in Progress workshops as outlined in **Exhibit "A"**.

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

SECTION 4: Conflict. If any resolution(s), or part(s) of any resolution, is in conflict herewith, this Resolution shall control to the extent of this Resolution.

SECTION 5: Severability. The provisions of this Resolution are intended to be severable. If any part(s) of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

SECTION 6: Effective Date. This Resolution shall take effect immediately upon its adoption.

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

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

ADOPTED this ___ day of _____, 2024.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
LEE J. BAGGETT, ESQ.
CITY ATTORNEY

Exhibit “A”

Chapter	Subject	C. Rich	C. Collins	E. Clarke
2.03.06	Intensity of Development: Lot area and Floor area ratio (FAR) table.			
2.03.09	Remove denisty bonus and parking waivers for mixed use.			
2.03.10	versa			
2.04.02	Revise "lots" to parcels of record.			
2.04.02	No platted lot shall contain less than 5,000 square feet. (Cottage Lot)			
	Minimum lot width must be 50 feet as defined by code			
2.04.03 (c)	Impervious surface allows up to 65%. Commission recommended reduction to 50% on commercial properties.			
2.04.04	Side setbacks shall be a minimum of 10 feet.			
2.06.03	County regulations			
2.06.22	Modify code regarding EV Chargers to comply with State Law			
	Accessory Dwelling Units (ADUs) must be on the same water and electric meter as primary residence.			
	property.			
	improvements shall be limited to 50% of the current value and shall be cumulative.			
	For each 1,000 feet of commercial, the densty of the property shall be reduced by one unit.. Each residenial unit shall reduce the allowed commercial by 1000 square feet.			
	Self Storage should only be allowed in Industrial Zoned property.			
	Shared Parking: Shared parking shall not be permitted.			
	1/2 Units shall be removed from code			
East Stuart	SFD - Duplexes shall only be allowed by commission action			
	Minimum lot size and width			
3.02.04	Foot note 1 references lot size of 4,356			
	shared parking. Staff recommneds utilizing the ITE (Institute of			
6.01.03	Transportation Engineers)			
	Mixed use shall provide full parking for the commercial use and full parking for the residential.			

	Shaed trees shall be 60%. See language in Creek District. size of the landscape terminal/median islands may need to be increased to
6.04.02	accommodate the increased percentage for landscaping
6.06	Green or LEED certified should be upddated or removed
6.6.11	Consultant shall be hired to re-write sign code.
6.01.09(C)	A new sunset date will need to be added to account for these changes.
6.01.11(B)	Location of parking spaces will need new sunset date
6.01.10(A)	Change to a whole number
6.04.07	All new development must comply with minimum landscape standards. [illegible] parking spaces without a license. Existing space shall be allowd. In future no gravel. [illegible] existing structures as well as expansion of exisiting structures and
8.03.01	impacts of new construction.
	Reference to Table 4 is in the code before Reference to Table 3.

S. Reed L. Giobbi

Recorded in Martin County, FL 2/4/2022 11:05 AM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $60.00
CFN#2940825 BK 19 PG 25 PAGE 1 of 3

TIDEWATER COURT

BEING A REPLAT OF A PORTION OF BAY ST. LUCIE, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 57, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, A PORTION OF SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND A PORTION OF ST. LUCIE POINT BUILDING LOTS, A SUBDIVISION OF THE SOUTH END OF LOT 4, SECTION (2*), TOWNSHIP 38 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT FILED THE 10TH DAY OF FEBRUARY, 1916, AND RECORDED IN PLAT BOOK 6, PAGE 36, PALM BEACH COUNTY (NOW MARTIN COUNTY), FLORIDA.
SAID LANDS LYING IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA.

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA
CITY OF STUART

NEURUS ENTERPRISES LLC, BY AND THROUGH ITS UNDERSIGNED OFFICER, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED ON THE PLAT OF TIDEWATER COURT AND HEREBY DEDICATES AS FOLLOWS:

1. UTILITY EASEMENT - ALL PLATTED UTILITY EASEMENTS (U.E.) SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES, AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR, ANY UTILITY EASEMENT DESIGNATED AS SUCH ON THIS PLAT.
2. DRAINAGE EASEMENT - DRAINAGE EASEMENTS (D.E.) AS SHOWN ON THIS PLAT OF TIDEWATER COURT AND DESIGNATED AS SUCH ON THE PLAT, ARE HEREBY DEDICATED TO BE THE PROPERTY OF THE TIDEWATER COURT PROPERTY OWNERS ASSOCIATION FOR DRAINAGE PURPOSES AND ALL DRAINAGE FACILITIES LOCATED THEREIN SHALL BE MAINTAINED, REPAIRED AND REPLACED BY THE ASSOCIATION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR ANY DRAINAGE EASEMENTS DESIGNATED AS SUCH ON THIS PLAT.
3. ACCESS EASEMENT - THE ACCESS EASEMENT SHOWN ON THIS PLAT OF TIDEWATER COURT IS HEREBY DEDICATED TO BE THE PROPERTY OF TIDEWATER COURT PROPERTY OWNERS ASSOCIATION AND THE ACCESS EASEMENT IS HEREBY CONVEYED BY THIS PLAT TO THE ASSOCIATION, FOR ACCESS AND SHALL BE MAINTAINED, REPAIRED AND REPLACED BY THE ASSOCIATION. THE CITY OF STUART SHALL HAVE ACCESS TO SAID ACCESS EASEMENT FOR EMERGENCY VEHICLES AND PERSONNEL, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR THE ACCESS EASEMENT DESIGNATED AS SUCH ON THIS PLAT.

SIGNED AND SEALED THIS 11 DAY OF January 2022 IN BEHALF OF NEURUS ENTERPRISES, LLC.

BY: _____
PRINTED NAME: Marcela Camblor
(TITLE) Managing Member
WITNESS: Ryanne N. Cavo
PRINT NAME: Ryanne N. Cavo
WITNESS: Vito Lorenzo
PRINT NAME: Vito Lorenzo

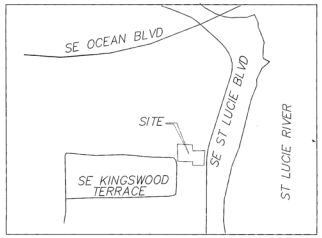
ACKNOWLEDGMENT

STATE OF FLORIDA
CITY OF STUART

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [ ] PHYSICAL PRESENCE OR [ ] ON LINE NOTARIZATION. THIS 11 DAY OF January 2022 BY Marcela Camblor OF NEURUS ENTERPRISES LLC, ON BEHALF OF SAID COMPANY. THEY ARE [ ] PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED _____ AS IDENTIFICATION.

NOTARY PUBLIC
Michelle Vicet
PRINT NAME

STATE OF FLORIDA AT LARGE
COMMISSION NO. GG #230877
MY COMMISSION EXPIRES: [redacted]



VICINITY MAP (NOT TO SCALE)

ACCEPTANCE OF DEDICATION

STATE OF FLORIDA
CITY OF STUART

TIDEWATER COURT PROPERTY OWNERS ASSOCIATION, HEREBY:

1. ACCEPTS THE DEDICATION OF TIDEWATER COURT AS SET FORTH UPON THE HEREIN PLAT.

2. CONSENTS TO THE PLATTING OF THE LANDS HEREIN.

DATED THIS 11 DAY OF January, 2022

_____
PRINT NAME: Marcela Camblor

WITNESS: Ryanne N. Cavo PRINT NAME Ryanne N. Cavo

WITNESS: Vito Lorenzo PRINT NAME Vito Lorenzo

ACKNOWLEDGMENT

STATE OF FLORIDA
CITY OF STUART

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [✓] PHYSICAL PRESENCE OR [ ] ON LINE NOTARIZATION. THIS 11 DAY OF January 2022 BY Marcela Camblor OF THE TIDEWATER COURT PROPERTY OWNERS ASSOCIATION, ON BEHALF OF SAID COMPANY. THEY ARE [ ] PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED _____ AS IDENTIFICATION.

_____
NOTARY PUBLIC
Michelle Vicet
PRINT NAME

STATE OF FLORIDA AT LARGE
COMMISSION NO. GG 230877
MY COMMISSION EXPIRES: [redacted]

CLERK'S RECORDING CERTIFICATE

I, CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT OF MARTIN COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN PLAT BOOK 19 PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS THIS 4th DAY OF Feb. 2022

CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT, MARTIN COUNTY, FLORIDA.

FILE NUMBER: 2940825

BY: _____ DEPUTY CLERK

02-38-41-021-000-00000-0
PARCEL CONTROL NUMBER

LEGAL DESCRIPTION:

(PER ORB 1748, PG 283)
LOTS 25, 26 AND THE NORTH 30 FEET OF LOT 27, BLOCK 9, BAY ST. LUCIE, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 57, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

TOGETHER WITH:

(PER ORB 2063, PG 2032)
THE SOUTH 17-1/2 FEET OF BLOCK 6, ST. LUCIE POINT BUILDING LOTS, A SUBDIVISION OF THE SOUTH END OF LOT 4, SECTION (2*), TOWNSHIP 38 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT FILED THE 10TH DAY OF FEBRUARY, 1916, AND RECORDED IN PLAT BOOK 6, PAGE 36, PALM BEACH COUNTY (NOW MARTIN COUNTY), FLORIDA.

(*=SCRIVNERS ERROR. LEFT OUT OF RECORDED DEED DESCRIPTION)

TOGETHER WITH:

(THE EASTERLY 150' OF THE FOLLOWING DESCRIBED LANDS IN ORB 1810, PG 2421)

PARCEL C

A PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 2, THENCE BEARS S 89°32'19" E, ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 1333.00 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE N 00°21'51" E, ALONG SAID WEST LINE, A DISTANCE OF 665.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE HALF OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 2; THENCE S 89°31'49" E, ALONG SAID SOUTH LINE, A DISTANCE OF 1325.54 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE N 00°40'15" E, ALONG SAID EAST LINE A DISTANCE OF 487.12 FEET TO THE NORTHEAST CORNER OF KINGSWOOD CONDOMINIUM BUILDING 109 PARCEL, AS RECORDED IN O.R. BOOK 1117, PAGE 331, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE PROCEED N 89°19'45" W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 155.00 FEET TO THE NORTHEAST CORNER OF THE 44 FOOT PARCEL ADDED TO KINGSWOOD CONDOMINIUM BUILDING NO. 109 PARCEL, AS RECORDED IN O.R. BOOK 1117, PAGE 330, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA. THENCE BY THE FOLLOWING COURSES WITH SAID PARCEL N 89°19'45" W, A DISTANCE OF 44.00 FEET; THENCE S 00°40'15" W, A DISTANCE OF 51.05 FEET TO A POINT ON THE NORTH LINE OF THE DRAINAGE AREA DEEDED TO KINGSWOOD ASSOCIATION 3, INC., AS RECORDED IN O.R. BOOK 01501, PAGE 1566, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE BY THE FOLLOWING COURSES WITH SAID DRAINAGE EASEMENT PARCEL, N 84°37'41" W, A DISTANCE OF 107.87 FEET; THENCE S 75°22'19" W, A DISTANCE OF 184.25 FEET; THENCE N 79°37'41" W, A DISTANCE OF 178.95 FEET TO A POINT OF THE WEST LINE OF THE RECREATION AREA NO. 4 PARCEL, AS RECORDED IN O.R. BOOK 01501, PAGE 1566, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; THENCE BY THE FOLLOWING COURSES WITH SAID RECREATION PARCEL: N 00°22'19" E, A DISTANCE OF 16.00 FEET; THENCE N 10°22'19" E, A DISTANCE OF 77.51 FEET; THENCE N 74°37'41" W, A DISTANCE OF 95.32 FEET; THENCE LEAVING SAID RECREATION AREA PARCEL, N 09°37'41"W, A DISTANCE OF 121.45 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 2; THENCE, S 89°33'03" E, ALONG SAID NORTH LINE, A DISTANCE OF 761.56 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 2; THENCE S 00°40'15" W, ALONG THE EAST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 2, A DISTANCE OF 178.36 FEET TO THE POINT OF BEGINNING.

Court Copy

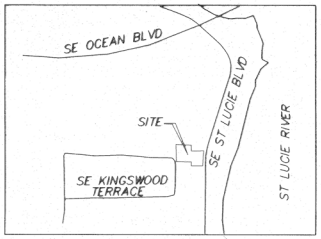
PREPARED BY:
VELCON ENGINEERING & SURVEYING, LLC
590 NW PEACOCK BOULEVARD, SUITE #8
PORT ST.LUCIE, FL. 34986
LICENSED BUSINESS NO. 8206

SHEET 1 of 3

TIDEWATER COURT

PLAT BOOK: _____
PAGE: _____

BEING A REPLAT OF A PORTION OF BAY ST. LUCIE, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 57, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, A PORTION OF SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND A PORTION OF ST. LUCIE POINT BUILDING LOTS, A SUBDIVISION OF THE SOUTH END OF LOT 4, SECTION (2"), TOWNSHIP 38 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT FILED THE 10TH DAY OF FEBRUARY, 1916, AND RECORDED IN PLAT BOOK 6, PAGE 36, PALM BEACH COUNTY (NOW MARTIN COUNTY), FLORIDA.
SAID LANDS LYING IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA.



VICINITY MAP (NOT TO SCALE)

TITLE CERTIFICATION

I, CHRISTOPHER J. TOOHEY A MEMBER OF THE FLORIDA BAR, HEREBY CERTIFY THAT AS OF DECEMBER 1, 2021:

1. RECORD TITLE TO THE LAND DESCRIBED AND SHOWN ON THIS PLAT OF TIDEWATER COURT IS IN THE NAME OF NEXUS ENTERPRISE, LLC EXECUTING THE CERTIFICATE OF OWNERSHIP AND DEDICATION HEREON, TO WIT: _____

2. ALL RECORDED MORTGAGES, NOT SATISFIED OR RELEASED OF RECORD, ENCUMBERING THE LAND HEREON ARE LISTED AS FOLLOWS:

NONE

3. ALL TAXES THAT ARE DUE AND PAYABLE PURSUANT TO SECTION 197.192, FLORIDA ATATUTES, HAVE BEEN PAID.

DATED THIS 13TH DAY OF DECEMBER 2021.

BY: _____
CHRISTOPHER J. TOOHEY
FLORIDA BAR NO. 0952103

CITY APPROVAL

THIS PLAT IS HEREBY APPROVED BY THE UNDERSIGNED ON THE DATE INDICATED.

1-19-2022	~~EULA CLARKE~~ CITY MAYOR / MERRITT MATHESON
DATE	
1-19-2022	MARY KINDEL - CITY CLERK
DATE	
1-19-2022	MICHAEL MORTELL CITY ATTORNEY
DATE	
1-19-22	KEVIN ROBERSON - CITY ENGINEER - KIMLEY-HORN AND ASSOCIATES INC.
DATE	
1-19-22	E. C. DEMETER, PSM - CITY PLAT REVIEWER
DATE	

GENERAL PLAT NOTES:

1. PROPERTY LIES IN F.I.R.M. ZONE "X" AND "AE EL. 6", AS SHOWN ON MAP 12085C0154G, DATED 3/16/15. FLOOD ZONES ARE APPROXIMATE AS SCALED FROM FLOOD INSURANCE RATE MAPS.

2. THE BEARINGS SHOWN HEREON ARE RELATED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, TRANSVERSE MERCATOR PROJECTION, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENTS.) REFERENCE BEARING OF THE WEST LINE OF GOVERNMENT LOT 4, HAVING AN CALCULATED BEARING OF N 00°12'57" E. ALL OTHER BEARINGS ARE RELATIVE THERETO.

3. COORDINATES WERE ESTABLISHED BY GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) REAL TIME KINEMATICS (RTK) USING FLORIDA DEPARTMENT OF TRANSPORTATION - FLORIDA PERMANENT REFERENCE NETWORK (FDOT - FPRN). WITH REDUNDANCY OF MEASUREMENTS PERFORMED. ALL HORIZONTAL ACCURACY IS 0.02 FOOT PLUS OR MINUS.

4. PLAT CONTAINS 1.02 ACRES.

5. PLAT CONTAINS 10 LOTS.

6. NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT WHETHER GRAPHIC OR DIGITAL. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

7. THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO CHAPTER 177, PART 1, BY THE PROFESSIONAL SURVEYOR & MAPPER EMPLOYED BY THE CITY OF STUART.

CERTIFICATE OF SURVEYOR AND MAPPER

I, ROBERT F. KEMERSON, HEREBY CERTIFY THAT THIS PLAT OF TIDEWATER COURT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT SUCH SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED, AS REQUIRED BY LAW; THAT PERMANENT CONTROL POINTS WILL BE SET FOR THE REQUIRED IMPROVEMENTS WITHIN THE PLATTED LANDS; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, FLORIDA STATUTES, AND APPLICABLE ORDINANCES OF THE CITY OF STUART, FLORIDA.

DATED THIS 22ND DAY OF NOVEMBER, 2021.

_____
ROBERT F. KEMERSON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA LICENCE NO. 6285

CITY OF STUART

SURVEYORS SEAL

CLERK OF THE COURT

SHEET 2 of 3

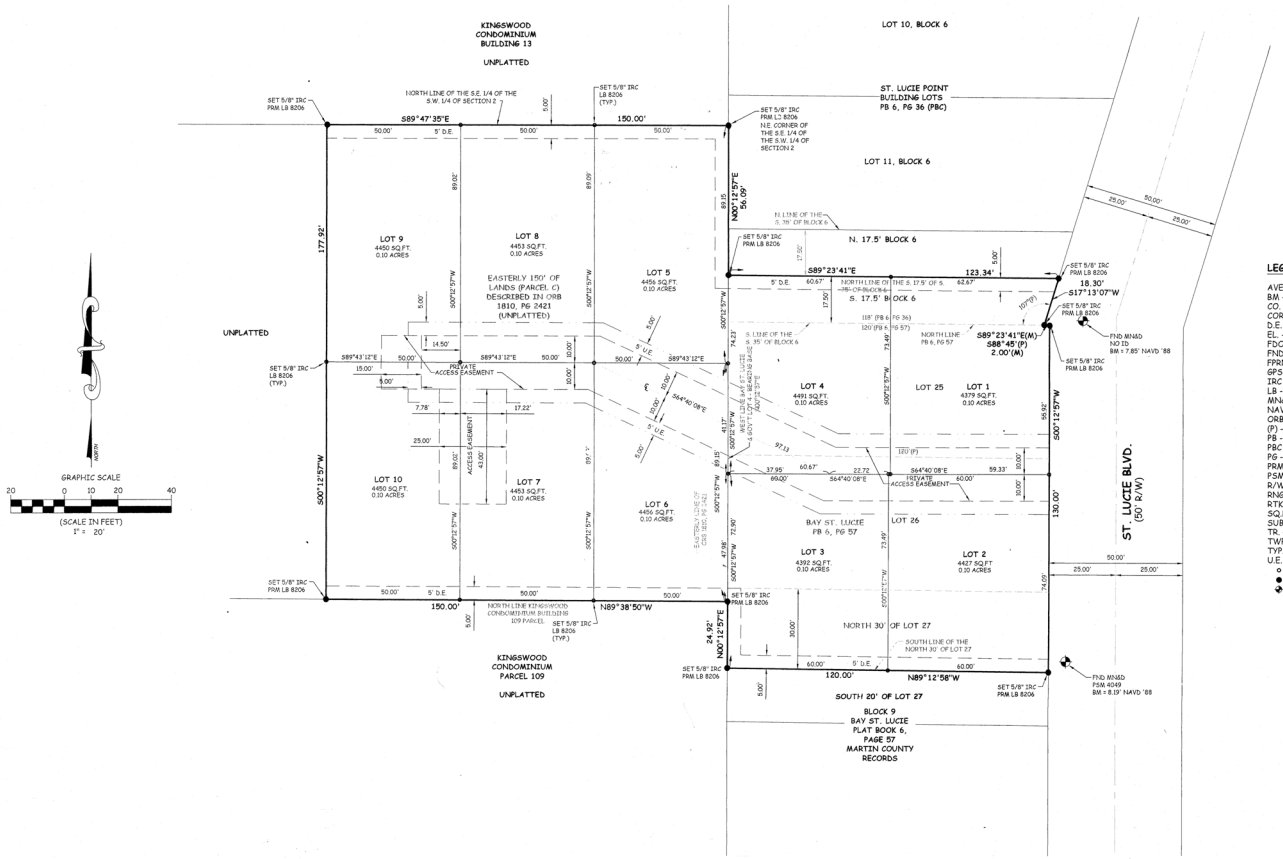
PREPARED BY:
VELCON ENGINEERING & SURVEYING, LLC
590 NW PEACOCK BOULEVARD, SUITE #8
PORT ST.LUCIE, FL. 34986
LICENSED BUSINESS NO. 8206

Courtesy Copy

TIDEWATER COURT

PLAT BOOK: _____
PAGE: _____

BEING A REPLAT OF A PORTION OF BAY ST. LUCIE, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 57, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, A PORTION OF SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA AND A PORTION OF ST. LUCIE POINT BUILDING LOTS, A SUBDIVISION OF THE SOUTH END OF LOT 4, SECTION (2*), TOWNSHIP 38 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT FILED THE 10TH DAY OF FEBRUARY, 1916, AND RECORDED IN PLAT BOOK 6, PAGE 36, PALM BEACH COUNTY (NOW MARTIN COUNTY), FLORIDA.
SAID LANDS LYING IN SECTION 2, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA.



LEGEND

AVE - AVENUE
BM - BENCHMARK
CO. - COMPANY
COR. - CORNER
D.E. - DRAINAGE EASEMENT
EL. - ELEVATION
FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION
FND - FOUND
FPRN - FLORIDA PERMANENT REFERENCE NETWORK
GPS - GLOBAL POSITIONING SYSTEM
IRC - IRON ROD AND CAP (AS NOTED)
LB - LICENSED BUSINESS
MNAD - MAGNETIC NAIL AND DISK
NAVD '88 - NORTH AMERICAN VERTICAL DATUM OF 1988
ORB - OFFICIAL RECORDS BOOK
(P) - PER PLAT
PB - PLAT BOOK
PBC - PALM BEACH COUNTY
PG - PAGE
PRM - PERMANENT REFERENCE MONUMENT
PSM - PROFESSIONAL SURVEYOR AND MAPPER
R/W - RIGHT OF WAY
RNG. - RANGE
RTK - REAL TIME KINEMATIC
SQ.FT. - SQUARE FEET
SUB. - SUBDIVISION
TR. - TRACT
TWP - TOWNSHIP
TYP. - TYPICAL
U.E. - UTILITY EASEMENT
o - SET 5/8" ROD & CAP OR NAIL & DISK "LB 8206"
● - SET 5/8" ROD & CAP "PRM LB 8206"
✣ - SITE BENCHMARK AS NOTED

PREPARED BY:
VELCON ENGINEERING & SURVEYING, LLC
590 NW PEACOCK BOULEVARD, SUITE #8
PORT ST.LUCIE, FL. 34986
LICENSED BUSINESS NO. 8206

SHEET 3 of 3

Plotted By:Jacob McClellan November 11, 2021 09:14:06am N:\Projects\2019\19-2061 St Lucie Blvd, Stuart\19-2061 PLAT.dwg

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

Jacob T. Cremer
401 East Jackson Street, Suite 2100
Post Office Box 3299
Tampa, FL 33601
Direct: (813) 222-5051
Fax: (813) 222-5054
Email: jcremer@stearnsweaver.com

February 3, 2025

SENT VIA EMAIL

Michael J. Mortell, City Manager
Lee Baggett, City Attorney
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

RE: Neurus Enterprises, LLC Objections to Proposed Amendments to City of Stuart Land Development Code

Dear Messers Mortell and Baggett:

Stearns Weaver Miller represents Neurus Enterprises, LLC and submits this objection letter on its behalf. As you know, our firm previously submitted an objection letter, dated December 9, 2024, in regard to the proposed City of Stuart Land Development Code ("LDC") amendments set forth in Exhibit A to Resolution No. 128-2024. We subsequently reviewed the draft LDC amendments ("Draft Amendments") that are posted on the City's website for the Local Planning Agency meeting to be held on February 6, 2025. Neurus Enterprises objects to the Draft Amendments, including the following provisions:

1) Table 5 (**Attachment "1"**) in LDC Section 2.04.01 includes the following footnote applicable to the R-3 (single family) zoning district:

> ***For existing parcels with assigned parcel ID numbers at the effective date of ~~this Code~~ September 5, 2024. The newly ~~platted lots~~ parcel of records have a minimum lot size of ~~4,356~~ 6,000 sf.

The footnote language does not read correctly. Moreover, the proposed revisions would make the Tidewater Court lots that were recorded in 2022 *nonconforming*, which would adversely affect Neurus Enterprises property rights.

2) The Draft Amendments change various references from "lot" to "parcel" and utilize other terms, such as "parcel of records" without providing definitions for these terms. The purpose of these proposed terminology changes is not clear, and the Draft Amendment utilizes various terms inconsistently within the same LDC sections and even within the same sentences, including the footnote above that refers to *parcels*, *parcel ID numbers*, *parcel of records* and

lot. The LDC should consistently refer to *lots* since the platting process results in the recording of subdivisions that create *lots*. All terms utilized should be defined.

3) LDC Sections 2.05.00 through 2.05.07 regulate Cottage Parcels. The above revisions to Table 5 would make parcels that are less than 6,000 square feet nonconforming. LDC Section 2.05.01 appears intended to characterize nonconforming parcels as *substandard*. The proposed revisions to LDC Section 2.05.06 refers to substandard by reference to Exhibit A, which appears to be intended to reference Exhibit A in LDC Section 2.05.07. This is a confusing reference and fails to properly define the term substandard. The proposed revisions to LDC Section 2.05.06 are poorly worded and confusing. However, it appears the proposed changes are intended to regulate parcels of record that existed on September 5, 2024 as *substandard* if such parcels do not comply with the proposed minimum lot size of 6,000 square feet and other development standards applicable to single family parcels in the R-3 zoning district. LDC Section 2.05.06 and 2.05.07 propose to require such parcels to comply with additional regulatory limitations applicable to Cottage Parcels as set forth in Exhibit A in LDC Section 2.05.07.

The proposed changes would collectively make the ten lots in Tidewater Court nonconforming and substandard, and subject to additional regulatory limitations applicable to Cottage Parcels. Neurus Enterprises strongly objects to these proposed revisions that would adversely affect its property rights and investment-backed expectations. Neurus Enterprises lawfully platted the ten lots in compliance with the City's minimum lot size requirement of 4,356 square feet, which the City adopted as an *incentive* for platting such lots in lieu of developing multifamily in the R-3 zoning district. As noted in our previous letter, Neurus Enterprises invested significant money to plan, design and construct improvements in reliance on the City's development standards. It is our understanding that Tidewater Court is the only subdivision that was platted with 4,356 square foot lots. Now, just two years later, the City has proposed Draft Amendments that are arbitrary and capricious and evidently intended to target Neurus Enterprises in particular.

Neurus Enterprises requests that the City withdraw the proposed Draft Amendment application. As an alternative, Neurus Enterprises proposes the attached revisions to Table 5 (**Attachment "2"**). Please note the footnote (with ***) would replace the existing footnote in its entirety. We would like to schedule a zoom meeting this week to discuss Neurus Enterprises' objections prior to the Local Planning Agency meeting on February 6th. We request that this letter and our previous letter, dated December 9, 2024, be included in the record of the Local Planning Agency hearing on this item. Neurus Enterprises desires to resolve its concerns amicably and work with the City on an acceptable approach rather than pursuing legal remedies in the alternative.

Sincerely,

Jacob T. Cremer, Esq.
Kenneth Metcalf, AICP

2.04.00. AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

Sec. 2.04.01. Generally.

The following Tables 5, 6, and 7 reflect ~~lot~~ parcel area, impervious surface coverage, setback and height requirements.

TABLE 5 - RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

Standard	R-1A	R-1	R-2 (Single-family)	R-2 (Two-Family)	R-3 (Single-family)	R-3 (Two-family)	R-3 (Multi-family)	R-3 (Professional Bldg.)	R-3 (Residential units with business)
Minimum zoning lot size:									
Minimum lot area (sq. feet)	10,000	7,500	~~5,000~~ 6,000 ***	7,500	~~4,356~~ 6,000 ***	7,500	10,000	10,000	10,000
Minimum lot width (feet)	100'	75'	50' 75'*	50'		75'*	100'	100'	100'
Maximum Impervious Surface Coverage	~~50%~~	50%		50%	50%	50%	40%	40%	40%
Building Setbacks (Minimum Y									
Minimum front	~~25'~~	25'		30'	20'	30'	25'	25'	25'
Minimum side	10'	7.5'	5' for one and two story 7.5' for three story	10'**	5' for one and two story 8' for each side stack three story	10'**	15'**	15'	25'
Minimum rear	15'	15'	15'	20'	15'	20'	20'	20'	20'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'	45'	45'

Maximum Number of Stories	3	3	3	3	3	3	3	4	4

XXXX

Note: The above table does not apply to the CRA except for footnotes 1 and 2 noted below. Refer to chapter III, Special Zoning Codes for the development standards for the CRA.

* Total width for both duplex units.

** A zero-foot setback allowed for common wall of duplex dwelling units and fee-simple townhome devising walls.

***For existing parcels with assigned parcel ID numbers at the effective date of ~~this Code~~ September 5, 2024. The newly ~~platted~~ ~~lots~~ parcel of records have a minimum lot size of ~~4,365~~ 6,000 sf.

(Ord. No. 2454-2020, § 1, 11-9-20)

TABLE 6 - COMMERCIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK, AND HEIGHT REQUIREMENTS

Standard	B-1 (Business Limited)	B-1 (Residential Units with Business)	B-2 (Business General)	B-2 (Residential Units with Business)	B-3 (Business Restricted)	B-4 (Limited Business and Manufacturing District)
Minimum zoning ~~lot~~ parcel size:						
Min. ~~lot~~ parcel area (square feet)	7,500	10,000	10,000	15,000	Not Provided	20,000
Min. ~~lot~~ parcel width	75'	100'	100'	100'		100'
Maximum Impervious Surface Coverage	65%	65%	65%	65%	65%	65%
Building Setback (Minimum Yards):						
Min. front	20'	20'	30'	30'	Not Provided	20'
Min. side	5'	5'	5'	5'		10'
Min. rear	20'	20'	20'	20'	Not Provided	30'
Maximum Building Height	45'	45'	45'	45'	Not Provided	45'
Maximum Number of Stories	4	4	4	4	Not Provided	4

TABLE 7 - PUBLIC SERVICE, INDUSTRIAL AND HOSPITAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

Standard	Public Service	Industrial	Hospital
Minimum zoning ~~lot~~ parcel size:			

2.04.00. AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

Sec. 2.04.01. Generally.

The following Tables 5, 6, and 7 reflect ~~lot~~ parcelarea, impervious surface coverage, setback and height requirements.

TABLE 5 – RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

Standard	R-1A	R-1	R-2 (Single-family)	R-2 (Two-Family)	R-3 (Single-family)	R-3 (Two-family)	R-3 (Multi-family)	R-3 (Professional Blvd.)	R-3 (Residential units with business)
Minimum zoning lot size:									
Minimum lot area (sq. feet)	10,000	7,500	~~5000~~ 6,000 ***	7,500	4,356 6,000 ***	7,500	10,000	10,000	10,000
Minimum lot width (feet)	100'	75'	50' 75'*	50'		75'*	100'	100'	100'
Maximum Impervious Surface Coverage	50%	50%		50%	50%	50%	40%	40%	40%
Building Setback (Minimum Y									
Minimum front	25'	25'		30'	20'	30'	25'	25'	25'
Minimum side	10'	7.5'	5' for one and two story 7.5' for three story	10'**	5' for one and two story 8' for each side stack three story	15'**	15'	15'	25'
Minimum rear	15'	15'	15'	20'	15'	20'	20'	20'	20'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'	45'	45'

Maximum Number of Stories	3	3	3	3	3	3	3	4	4

XXXX

Note: The above table does not apply to the CRA except for footnotes 1 and 2 noted below. Refer to chapter III, Special Zoning Codes for the development standards for the CRA.

* Total width for both duplex units.

** A zero-foot setback allowed for common wall of duplex dwelling units and fee-simple townhome devising walls.

*** Minimum lot size of 4,356 square feet applies to any lot within a subdivision recorded in the Official Records of Martin County prior to September 5, 2024.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission

Meeting Date: 4/16/2025 **Prepared by:** Jodi Nentwick

Title of Item:
DISCUSSION REGARDING PROPOSED ZONING MAP CHANGES FOR EAST STUART

Summary Explanation/Background Information on Agenda Request:

Funding Source:
N/A

Recommended Action:
Discussion by the City Commission

ATTACHMENTS: