



City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD OCTOBER 14, 2021
AT 5:30 PM
121 SW FLAGLER AVENUE, STUART FL 34994
121 S.W. FLAGLER AVE. STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Kelly Laurine
Vice Chair - Margaret Bromfield
Board Member - Larry Massing
Board Member - Bill Mathers
Board Member - Campbell Rich
Board Member - Ryan Strom
Board Member - Jackie Vitale
Ex Officio Board Member - Kimberly Everman

ADMINISTRATIVE

Development Director, Kev Freeman
Board Secretary, Jordan Pinkston

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 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.

CALL TO ORDER

Oath of Office for newly appointed Local Planning Agency Board Member

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of September 9, 2021 Minutes

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3 Minutes Max.)

COMMENTS FROM THE BOARD MEMBERS

ACTION ITEMS

2. AMENDMENT TO THE LAND DEVELOPMENT CODE SIGN CODE

ORDINANCE No. 2469-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 6.11.03 ENTITLED "NON-CONFORMING SIGNS; AMORTIZATION OF CERTAIN SIGNS" IN CHAPTER 6 OF THE CITY OF STUART LAND DEVELOPMENT CODE TO REMOVE DEADLINE FOR THE AMORTIZATION PERIOD FOR EXISTING, NON-CONFORMING POLE SIGNS AND PROVIDE PROVISIONS TO ACCELERATE POLE SIGN REMOVAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. REQUEST TO CONTINUE THE ITEM WITH NO SET DATE: Silverthorn Townhomes - (Land Use change to Multi-family and Rezoning to RPUD)

ORDINANCE 2472-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 10/14/2021

Prepared by: Jordan Pinkston

Title of Item:

Oath of Office for newly appointed Local Planning Agency Board Member.

Summary Explanation/Background Information on Agenda Request:

Oath of Office for Campbell Rich, appointed by City of Stuart Commissioner Matheson.

Funding Source:

N/A.

Recommended Action:

Administer oath.

ATTACHMENTS:

Description	Upload Date	Type
❏ Oath of Office_Campbell Rich	9/30/2021	Cover Memo



OATH OF OFFICE CITY ADVISORY BOARD

**STATE OF FLORIDA)
CITY OF STUART)
COUNTY OF MARTIN)**

I DO SOLEMNLY SWEAR THAT I WILL SUPPORT, HONOR, PROTECT AND DEFEND THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES AND THE STATE OF FLORIDA; AND THAT I AM DULY QUALIFIED TO HOLD OFFICE UNDER THE CONSTITUTION OF THE STATE OF FLORIDA AND UNDER THE CHARTER OF THE CITY OF STUART; AND THAT I WILL WELL AND FAITHFULLY PERFORM THE DUTIES OF A MEMBER OF THE CITY OF STUART LOCAL PLANNING AGENCY ON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.

Campbell Rich

**Sworn to and subscribed before me
this 14 day of October, 2021**

**Jordan Pinkston
Notary Public**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 10/14/2021

Prepared by: Jordan Pinkston

Title of Item:

Approval of September 9, 2021 Minutes.

Summary Explanation/Background Information on Agenda Request:

N/A.

Funding Source:

N/A.

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
❏ LPA Minutes 9.9.2021	10/5/2021	Cover Memo



MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD SEPTEMBER 9, 2021 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994**

LOCAL PLANNING AGENCY

**Chair – Kelly Larine
Board Member – VACANT
Board Member – Margaret Bromfield
Board Member – Ryan Strom
Board Member – Larry Massing
Board Member – Bill Mathers
Board Member – Jackie Vitale**

ADMINISTRATIVE

**Development Director – Kev Freeman
Board Secretary – Jordan Pinkston**

CALL TO ORDER



ROLL CALL

Present: Kelly Laurine, Ryan Strom, Bill Mathers, Christina de la Vega, Margaret Bromfield

Absent: Larry Massing, Jackie Vitale

PLEDGE OF ALLEGIENCE

APPROVAL OF MINUTES:

Approval of April 8, 2021 Minutes

Approval of April 29, 2021 Minutes

Action: Approve.

Moved by: Ryan Strom

Second by: Bill Mathers

Motion passed unanimously.

Appointment of Local Planning Agency Board Member to Vice Chair.

Action: Appoint Margaret Bromfield as Vice Chair.

Moved by: Bill Mathers

Second by: Ryan Strom

Motion passed unanimously.

APPROVAL OF AGENDA

Action: Approve.

Moved by: Ryan Strom

Second by: Bill Mathers

Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3 minutes max): None.

COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS: None.

ACTION ITEMS:

1. (Request item be continued to October 14, 2021 or sooner by special meeting, if available)

ORDINANCE 2472-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: None.

PUBLIC COMMENT (3 minute max): None.

PUBLIC COMMENTS VIA ZOOM: None.

BOARD COMMENT: None.

Action: Approve moving item to October 14, 2021 meeting.

Moved by: Margaret Bromfield

Second by: Bill Mathers

Motion passed unanimously.

2. ORDINANCE 2473-2021: AN ORDINANCE OF THE CITY OF STUART AMENDING THE COMPREHENSIVE PLAN; ADDING ELEMENT 12 - A NEW PROPERTY RIGHTS ELEMENT; AMENDING ELEMENT 1 - FUTURE LAND USE ELEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

PRESENTATION: Erin Wohlitka, Senior Planner

 5:36PM

PUBLIC COMMENT (3-minute max): None.

BOARD COMMENT:

Bill Mathers asked for confirmation of who this applies to.

Kev Freeman clarified the table.

MOTION:

Action: Approve

Moved by: Ryan Strom

Second by: Bill Mathers

Motion passed unanimously.

STAFF UPDATE:

Kev Freeman let the board know that City Commission approved the Costco project, but staff is still working on the Administrative Hearing appeal.

Mike Mortell clarified the details of the appeal.

ADJOURNMENT



Action: Approve.

Moved by: Ryan Strom

Second by: Bill Mathers

Motion passed unanimously.

Kelly Laurine, Chair

Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 10/14/2021

Prepared by: Pinal Gandhi-Savdas

Title of Item:

AMENDMENT TO THE LAND DEVELOPMENT CODE SIGN CODE

ORDINANCE No. 2469-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 6.11.03 ENTITLED “NON-CONFORMING SIGNS; AMORTIZATION OF CERTAIN SIGNS” IN CHAPTER 6 OF THE CITY OF STUART LAND DEVELOPMENT CODE TO REMOVE DEADLINE FOR THE AMORTIZATION PERIOD FOR EXISTING, NON-CONFORMING POLE SIGNS AND PROVIDE PROVISIONS TO ACCELERATE POLE SIGN REMOVAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Community Redevelopment Board

On September 14, 2021, the Community Redevelopment Board unanimously recommended approval of the proposed amendment to the City's pole sign code.

City Commission

This item was initially presented to the City Commission on July 26, 2021 for discussion and deliberation to provide direction to staff. At that time, three options were presented to the City Commission including the following:

- (1) to maintain the deadline for removal of nonconforming pole signs by January 1, 2022 and promptly notify all impacted sign owners; or
- (2) to return with a draft amendment to the Land Development Code extending the pole sign amortization by additional five years (January 1, 2027) with code changes to accelerate sign removal and promptly notify all impacted sign owners; or
- (3) to return with a draft amendment to the Land Development Code eliminating or removing the deadline with code changes to accelerate sign removal and promptly notify all impacted sign owners.

The City Commission selected option #3 to eliminate the deadline for removal of non-conforming pole signs within the city limits and provide regulations to accelerate the removal of pole signs. Based on the direction provided by the City Commission, the attached ordinance amends the Land Development Code Sign Code standards regarding the non-conforming pole signs.

Summary

A 2016 amendment to the City's sign code extended the amortization period for pole signs and provided that all existing pole signs shall be removed by January 1, 2022. In 2016, Staff conducted a windshield survey and identified approximately 280 pole signs which were subject to the January, 2022 deadline. A notice was mailed to all impacted sign owners of the amortization schedule for removal of pole signs. Upon the expiration of the amortization period, the sign shall be brought into conformance with the code or be removed. In a recent survey, staff identified that approximately 90 pole signs have been removed or replaced with a conforming sign. There are still approximately 190 nonconforming pole signs remaining within the city limits.

Specifically, Section 6.11.03 A.1 and B of the Land Development Code states:

A. Amortization of certain signs.

1. All pole signs existing on December 31, 2007, shall be allowed to remain operational, and may be repaired or replaced until January 1, 2022, at which time all remaining pole signs shall be removed. Replacement pole signs may not exceed the height or area of the existing pole sign. In addition to any other requirements of the code, replacement of an existing pole sign will require the sign owner to acknowledge in writing, on a form approved by the city attorney, that the replacement sign will be removed by the owner or any assignee or successor in interest on or before January 1, 2022. Incorporation of an existing pole sign within a new monument sign is encouraged, and may earn "green development" points for adaptive re-use under section 6.06.00, LDC. The conversion of any pole sign to a conforming sign shall be issued on a no-fee sign permit.

B. Notification prior to removal.

The city development director shall be responsible for notifying the owner of each existing sign with a message unit, billboard, or a pole sign of the removal provision, and the expected removal date. An owner of such sign(s) shall not be fined for failure to remove such sign(s) without having been first notified in writing by the city of the requirement to remove the sign(s), and given a reasonable time within which to comply.

Pole sign is defined as any sign erected upon a pole or poles with the exception of freestanding signs or billboards and which is wholly or partially independent of any building for support.

Monument sign is defined as a freestanding low-profile sign with the sign area at the top of a solid base.

Background

In light of public safety concerns stemming from multiple hurricanes, as well as a desire to improve the City's appearance, in 2007 the City Commission adopted an ordinance that began a 10 year amortized period for removal of all existing nonconforming pole signs by January 1, 2017. Failure to notify the pole sign owners of the amortization schedule and the nation's economy that nearly crashed in 2008, the City Commission approved amendment to the Land Development Code to add five years to the pole sign amortization schedule, allowing removal or replacement of pole signs with a conforming sign until January 1, 2022.

The existing code prohibits pole signs so no new pole signs have been installed since the ordinance was adopted in 2007, however, the code allows replacement of sign face without altering the sign area or structure but the sign would have to be brought into conformance by the deadline.

Reason to consider extending or removing the amortization deadline

Due to the pandemic, the economy and businesses were heavily impacted causing financial hardship for many businesses. This leads to concerns about the ordinance's financial impact on businesses who could have to pay as much as \$20,000 for replacement of sign. Therefore, staff suggests that the board consider amending the Land Development Code to either extend the amortization deadline or eliminate the deadline for amortization period considering that the nonconforming pole signs will continue to reduce over the years.

Funding Source:

N/A.

Recommended Action:

Approve Ordinance No. 2469-2021.

ATTACHMENTS:

	Description	Upload Date	Type
▢	A.1 Ordinance 2469-2021 Proposed Amendments to LDC	9/2/2021	Ordinance add to Y drive
▢	D.1 Ordinance 2321-2016	7/15/2021	Backup Material
▢	D.2 Example of Notice Mailed to Sign Owners in 2016	9/20/2021	Backup Material
▢	D.3 Map depicting remaining pole signs in 2021	7/16/2021	Backup Material
▢	D.4 Minutes City Commission 7-26-2021	8/20/2021	Backup Material



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

ORDINANCE NUMBER 2469-2021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 6.11.03 ENTITLED “NON-CONFORMING SIGNS; AMORTIZATION OF CERTAIN SIGNS” IN CHAPTER 6 OF THE CITY OF STUART LAND DEVELOPMENT CODE TO REMOVE DEADLINE FOR THE AMORTIZATION PERIOD FOR EXISTING, NON-CONFORMING POLE SIGNS AND PROVIDE PROVISIONS TO ACCELERATE POLE SIGN REMOVAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Stuart has adopted a Land Development Code encompassing all development regulations; and

WHEREAS, the City Commission of the City of Stuart adopted Ordinance No. 2206-2010 on July 12, 2010, which provided for the amortization over a ten (10) year period of existing pole signs made nonconforming by the adoption of the ordinance; and

WHEREAS, the City Commission of the City of Stuart adopted Ordinance No. 2321-2016 on January 25, 2016, which extended the ten (10) year amortization period by an additional five (5) years for properties to come into compliance with sign regulations; and

WHEREAS, the City Commission recognizes that ongoing economic conditions continue to challenge business owners within the City of Stuart who wish to convert nonconforming pole signs to conforming monument signs at the end of the amortization period; and

WHEREAS, the City Commission finds that removal of deadline for amortization period for pole signs is necessary to assist local businesses and support businesses that were impacted by the pandemic and causing financial hardship for many businesses; and

WHEREAS, the City Commission recognizes that properties have brought non-conforming pole signs into conformance with the existing sign code and the signs will continue to reduce over the years; and

WHEREAS, the City Commission wishes to add provisions to expedite the removal or replacement of abandoned and/or damaged pole signs to conforming sign.

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

SECTION 1: Section 6.11.03 of the City of Stuart Land Development Code is hereby amended to read as follows:

Subsection 6.11.03. Non-conforming pole signs; ~~amortization of certain signs.~~

Pole ~~Signs~~ erected, under a valid permit, prior to July 12, 2010, which are now "non-conforming" shall be allowed to remain in accordance with the ~~time limitation and~~ structure requirements set forth in the Stuart Land Development Code (LDC), except as stated below:

~~A. Amortization of certain signs.~~

- ~~1. All pole signs existing on December 31, 2007, shall be allowed to remain operational, and may be repaired or replaced until January 1, 2022, at which time all remaining pole signs shall be removed. Replacement pole signs may not exceed the height or area of the existing pole sign. In addition to any other requirements of the code, replacement of an existing pole sign will require the sign owner to acknowledge in writing, on a form approved by the city attorney, that the replacement sign will be removed by the owner or any assignee or successor in interest on or before January 1, 2022. Incorporation of an existing pole sign within a new monument sign is encouraged, and may earn "green development" points for adaptive re-use under section 6.06.00, LDC. The conversion of any pole sign to a conforming sign shall be issued on a no-fee sign permit.~~

A. Abandoned and/or Damaged Signs. To have all abandoned or damaged non-conforming pole signs within the City of Stuart removed in an expeditious manner.

1. Any damaged non-conforming sign that requires a permit to be repaired shall be removed within ninety (90) days after written notification from the City of Stuart.
2. Any abandoned non-conforming pole signs pertaining to or associated with a business which is no longer on-going, and which has been inactive or out of business for a continuous period of 180 days or longer shall be removed within ninety (90) days after written notification from the City of Stuart.
3. Incorporation of an existing pole sign within a new monument sign is encouraged, and may earn "green development" points for adaptive re-use under section 6.06.00, LDC.

4. The conversion of any pole sign to a conforming sign shall be issued on a no-fee sign permit.

B. Notification prior to removal.

The city development director shall be responsible for notifying the owner of each existing sign with a message unit, billboard, or a pole sign of the removal provision, and the expected removal date. An owner of such sign(s) shall not be fined for failure to remove such sign(s) without having been first notified in writing by the city of the requirement to remove the sign(s), and given a reasonable time within which to comply.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clauses, sentence, paragraph, section or part thereof contained in this ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4: The provisions of this ordinance shall be codified into the City's Land Development Code.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED on first reading this _____ day of _____, 2021.

Commissioner _____ offered the following 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:

EULA R. CLARKE, MAYOR
MERRITT MATHESON, VICE MAYOR
BECKY BRUNER, COMMISSIONER
TROY MCDONALD, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second reading this _____ day of _____, 2021.

ATTEST:

MARY R. KINDEL
CITY CLERK

EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

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

ORDINANCE NUMBER 2321-2016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE CITY OF STUART LAND DEVELOPMENT CODE BY AMENDING SECTION 6.11.00 SIGN STANDARDS TO ALLOW FOR THE EXTENSION OF THE AMORTIZATION PERIOD FOR EXISTING, NON CONFORMING POLE SIGNS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the City of Stuart has adopted a Land Development Code encompassing all development regulations; and

WHEREAS, the City Commission of the City of Stuart adopted Ordinance No. 2206-2010 on July 12, 2010, which provided for the amortization over a ten (10) year period of existing pole signs made nonconforming by the adoption of the ordinance; and

WHEREAS, the City Commission recognizes that ongoing economic conditions continue to challenge business owners within the City of Stuart who wish to convert nonconforming pole signs to conforming monument signs at the end of the amortization period; and

WHEREAS, the City Commission wishes not to unduly burden the business owners with immediate sign replacement by adding a five (5) year amortization term for properties to come into compliance with sign regulations; and

WHEREAS, the City Commission finds that an extension of the ten (10) year amortization period by an additional five (5) years will assist local businesses and support economic development.

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

SECTION 1: Section 6.11.03(A)(2) of the City of Stuart Land Development Code is hereby amended to read as follows:

Subsection 6.11.03. Non-conforming signs; amortization of certain signs.

(A) Amortization of certain signs.

- (2) All pole signs existing on December 31, 2007, shall be allowed to remain operational, and may be repaired or replaced until January 1, 2017 2022, at which time all remaining pole signs shall be removed. In addition to any other requirements of the code, replacement of an existing pole sign will require the sign owner to acknowledge in writing, on a form approved by the city attorney, that the replacement sign will be removed by the owner or any assignee or successor in interest on or before January 1, 2017 2022. Incorporation of an existing pole sign within a new monument sign is encouraged, and may earn "green development" points for adaptive re-use under sec. 6.06.00, LDC. The conversion of any pole sign to a conforming sign shall be issued on a no-fee sign permit.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clauses, sentence, paragraph, section or part thereof contained in this ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 4: The provisions of this ordinance shall be codified into the City's Land Development Code.

SECTION 5: This ordinance shall take effect upon adoption.

ADOPTED on first reading this 11 day of January, 2016.

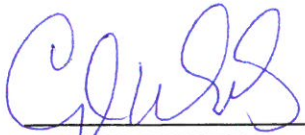
Commissioner GLASS LEIGHTON offered the following ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

JEFFREY A. KRAUSKOPF, MAYOR
EULA CLARKE, VICE MAYOR
TROY A. MCDONALD, COMMISSIONER
THOMAS CAMPENNI, COMMISSIONER
KELLI GLASS LEIGHTON, COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

ADOPTED on second reading this 25th day of January, 2016.

ATTEST:

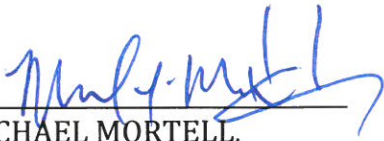


CHERYL WHITE
CITY CLERK



JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:



MICHAEL MORTELL,
CITY ATTORNEY



VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 20, 2016

TREASURE COAST COMMUNITY CHURCH INC
PO BOX 1511
JENSEN BEACH FL 34958

RE: Notice of **January 1, 2022** Deadline to Remove Non-Conforming Pole Sign(s)

20 NE DIXIE HWY, STUART FL 34994

Dear TREASURE COAST COMMUNITY CHURCH INC:

As owner of the property located at 20 NE DIXIE HWY, you are hereby notified that the City of Stuart has identified one or more pole sign(s) on your property (please see attached photograph(s)) which, under the City's sign code, are non-conforming and must be removed on or before **January 1, 2022**. Replacement or removal of the sign must be performed by a licensed sign contractor and must be preceded by the issuance of a no-cost permit by the City Building Division.

Background

In light of public safety concerns stemming from multiple hurricanes, as well as a desire to improve the City's appearance, in 2007 the Stuart City Commission amended its sign code establishing a 10-year amortization period following which all pole signs must be removed. Specifically, Section 6.00.03 (A)(2) of the City's Land Development Code states: *All pole signs¹ existing on December 31, 2007, shall be allowed to remain operational, and may be repaired or replaced until January 1, 2017, at which time all remaining pole signs shall be removed. In addition to any other requirements of the code, replacement of an existing pole sign will require the sign owner to acknowledge in writing, on a form approved by the city attorney, that the replacement sign will be removed by the owner or any assignee or successor in interest on or before January 1, 2017. Incorporation of an existing pole sign within a new monument*

¹ A **pole sign** is defined as: *Any sign erected upon a pole or poles with the exception of freestanding signs which is wholly or partially independent of any building or support.*

A **freestanding sign** is defined as: *A freestanding sign is not affixed to any other structure and is limited to no more than two faces. All signs supported by one or two posts, with the top edge of the sign no more than six feet above the finished grade, shall have a pole cover. All freestanding signs shall contain the street number.*

A **monument sign** is defined as: *A freestanding low-profile sign with the sign area at the top of a solid base. It shall be composed on metal frame, textured brick, concrete block, or other masonry, and finished with stucco or another textured material. The skirt and base shall be no smaller than 80% of the sign width nor greater than 120% of the sign width.*

sign is encouraged, and may earn “green development” points for adaptive re-use under sec. 6.06.00, LDC. The conversion of any pole sign to a conforming sign shall be issued on a no-fee sign permit.

Extension of Deadline Approved by the City Commission

By Ordinance No. 2321-2016, earlier this year the Stuart City Commission granted a five-year extension to the amortization period for existing, non-conforming pole sign(s). This allows pole sign owners until **January 1, 2022**, to come into compliance with the current regulations.

Please note that removal of the subject sign(s) must occur prior to the deadline of **January 1, 2022** and that time extensions are not provided for in the code. Since sign contractors are likely to be in heavy demand as the deadline approaches, you are encouraged to act on this notice well in advance. Property owners who fail to meet the deadline may be subject to code enforcement proceedings.

If you have any questions regarding the content of this notice, please do not hesitate to contact our office at (772) 288-5375 and we will be glad to meet and discuss your signage options.

Sincerely,

Terry O’Neil
City Development Director
City of Stuart

Cc: Copy of this notice has been mailed to the property’s physical address by regular mail

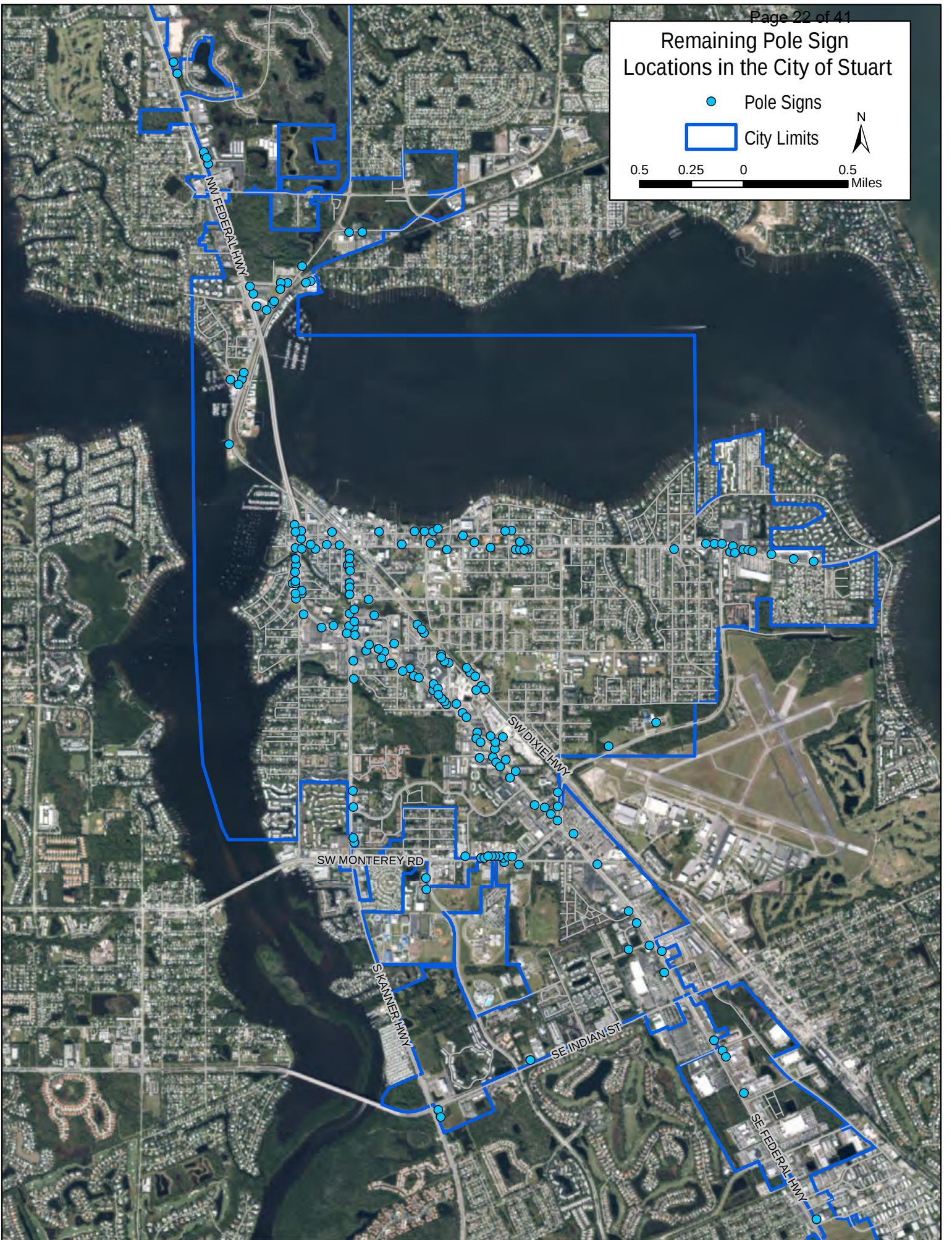
Remaining Pole Sign Locations in the City of Stuart

● Pole Signs

□ City Limits



0.5 0.25 0 0.5 Miles



MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD July 26, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Merritt Matheson

Commissioner Becky Bruner

Commissioner Troy McDonald

Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

SERGEANT AT ARMS: Police Chief Joseph Tumminelli



5:44 PM ROLL CALL

Present: Mayor Clarke, Vice Mayor Matheson, Commissioner Bruner, Commissioner McDonald, Commissioner Meier

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Commissioner Meier

- Thanked colleagues for joining him at the TCCLG Luncheon Meeting in Okeechobee.
- Announced that next week, attending the Florida League of Cities Conference.

Vice Mayor Matheson

- Commented that it was a pleasure attending the Treasure Coast Council of Local Governments Luncheon in Okeechobee.
- Thanked Anne Ellig, Programs Manager, for her efforts in planning the Treasure Coast Waterway Cleanup this past Saturday, he and his family picked up several

trash bags full and noticed a downed "No Wake" sign and contacted the authorities; fortunately, no one hit it.

- Tomorrow at City Hall, the Army Corp of Engineers is hosting a meeting at 2:00 p.m. as part of their LOSOM Listening Tour. He provided a brief River and Lake Okeechobee update.

Mayor Clarke

- Commented on receiving a message from a citizen that contacted her about being disappointed about not being able to attend tonight's meeting, nice to know people want to attend.
- Stood and announced that the City is hosting the Cal Ripken World Series, estimating that close to 10,000 people will come to Stuart and play in Sailfish Park. Clarke read from a flyer to report on the details of the event.
- Thanked everyone who came out for the cleanup and asked Anne Ellig how much was filled.

Anne came forward and reported on the Treasure Coast Waterway Cleanup.

- Read from a letter received announcing the City being awarded the CDBG Grant for \$750,000 and turned it over the City Manager.
- Received letter from the Boys and Girls Club to ensure they are included in the City's programs.
- Florida League of Cities Meeting, August 12th through the 14th, Commissioner Meier attending and Mayor considering attending as well.
- Commented on communities adopting May 20th Emancipation Day and Juneteenth Day as employee holidays. Would like that discussed at the upcoming budget meeting.
- Met with the head of the Housing Authority and she may be soon making a presentation to the Commission on how the Authority works.
- Announced per Agenda Item #5, ROW abandonment, she is completing the Form 8B and will file it with the City Clerk as she lives in the area.

COMMENTS BY CITY MANAGER

City Manager Dyess

- Thanked Anne Ellig and those who participated for job well done with the cleanup, hoping for a better participation next year.
- Thanked Milton Leggett, his team, and the Tram team. Mentioned that the Wells Fargo property owned by the City now has a tram stop and is open as public parking spots.

APPROVAL OF AGENDA



6:09 PM MOTION: Move to approve.

MOVED BY: Commissioner McDonald

SECONDED BY: Vice Mayor Matheson

Motion approved unanimously.

 6:10 PM

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Walter Loyd – SW Cabana Point Cir; Commented on the Commission being the leaders but seeing where the City is being used to get around the County, in reference to the Kanner Hwy. CPUD, respectfully appealing to them to hear them and their experts, recommending the book that was originally suggested “Strong Town”.

 6:14 PM

CONSENT CALENDAR

1. APPROVAL OF 7/12/2021 CCM MINUTES

2. AUTHORIZATION TO ENTER INTO A SOVEREIGN SUBMERGED LANDS EASEMENT RENEWAL:

RESOLUTION No. 68-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AND TO EXECUTE A SOVEREIGN SUBMERGED LANDS EASEMENT RENEWAL AND MODIFICATION TO REFLECT CHANGE IN OWNERSHIP WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. FEMA STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT APPLICATION:

RESOLUTION No. 71-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE FILING OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA) FOR FUNDING UNDER THE FY2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 6:14 PM **MOTION:** Motion to approve the Consent Calendar.
MOVED BY: Commissioner Matheson
SECONDED BY: Commissioner Meier
Motion approved unanimously.

COMMISSION ACTION

 6:15 PM

4. R.O.W. ABANDONMENT OF PORTION OF SEMINOLE STREET AND OSCEOLA STREET ALLEY:

RESOLUTION No. 70-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 23, 2021 AT 5:30 PM, AND SEPTEMBER 13, 2021, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF ALLEY, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FOR OTHER PURPOSES.

Noted that this was put on "Commission Action" because we are making an announcement, and this is just informative.

Tom Reetz, Senior Planner, announced that this item will be brought back before the Commission on August 23rd for First Reading.

Commissioner Meier stated that he believes if there are intact alley ways in the middle of the city that can serve a purpose down the road really consider preserving them so in the future, they can be useful but if it is not complete, he is in favor of relinquishing it.

- 1) Helen McBride – Questioned the Commission that if the alleyways are being "abandoned" does that mean we are selling the land to the landowners?

Attorney Mike Mortell responded we will not sell the alleyway but instead charge a "privilege fee". Further discussed.



6:16 PM MOTION: Move approval.

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner McDonald

Motion approved unanimously.

5. AUTHORIZATION TO ABANDON RIGHT-OF-WAY BETWEEN SE 16TH COURT AND SE 18TH STREET:

RESOLUTION No. 72-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 16TH COURT AND S.E. 18TH STREET, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Clarke abstaining from Vote, see Form 8B attached.



6:22 PM MOTION: Move to approve.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved 4/1, Clarke abstaining.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

 6:23 PM

6. APPEAL OF DETERMINATION OF COMPARABILITY AT 728 NW DIXIE HWY FOR USE OF RETAIL SALE OF VEHICLE PARTS TOGETHER WITH VEHICLE REPAIR, WITH ALL ACTIVITIES TAKING PLACE WITHIN AN ENCLOSED BUILDING. THE PROPERTY IS ZONED URBAN HIGHWAY. (QUASI-JUDICIAL):

Kev Freeman, Development Director, presented the City's Determination of Compatibility, addressing the location, the urban code uses, the address options of Dixie Hwy and US1.

Nick Schroth, Appellant, presented a power point on his property located at 623 NW Palm Street in Stuart, reviewing the investment made, previous determination, and identifying his disagreement of the address being identified as Dixie Hwy.

Commissioner Meier requested clarification from Attorney as to what they are looking for.

City Attorney Mortell clarified the appeal process and reviewed Section 2.02.01(a) of the Code. The Commission must determine whether the Development Director had ability to make the Determination of Comparability.

Further Commission discussion and review of code took place. Commissioner Meier made a Motion.

 7:01 PM

Commissioner Meier asked Kev Freeman, Development Director to please describe his reasoning pertaining to the address.

Freeman reported that he does think its listed for the urban highway. The question from his point of view is whether that property fronts Federal Hwy or does it not.

Commissioners and staff continued discussion.

Public Comment:

- 1) Chis Klein – NW Federal Hwy.; Commented that he is in favor of this property not becoming an automotive business, it is about the address.
- 2) Blair Scott – property owner; commented that she agrees with everything Mr. Schroth stated, the use proposed by Giant Oil does not conform with Stuart, and concerned with the environmental impact on the community, feels it would be better suited for something more environmentally friendly.

 **6:59 PM MOTION:** Because the use is indeed listed, in the Land Development Code 3.01.03, I move that the Development Director does not have the authority to grant the use, as a finding of fact.

MOVED BY: Commissioner Meier

SECONDED BY: Commissioner McDonald

Motion approved unanimously.  **7:23 PM**

 **7:23 PM MOTION:** Grant the appeal. [Rule in favor of Mr. Schroth]

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Meier

Motion approved unanimously.

7. CHAPTER 16- EMERGENCY MANAGMENT:

ORDINANCE No. 2468-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING CHAPTER 16- EMERGENCY MANAGEMENT; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Commissioner McDonald commented that he feels this is another attack on Home Rule.

 **7:28 PM MOTION:** Move to approve.

MOVED BY: Commissioner McDonald

SECONDED BY: Commissioner Matheson

Motion approved unanimously.

DISCUSSION AND DELIBERATION

 **7:31 PM**

8. DISCUSSION OF A PROPOSED AMENDMENT TO THE CITY'S LAND DEVELOPMENT CODE FOR EXTENDING OR REMOVING THE DEADLINE OF THE AMORTIZATION PERIOD FOR NON-CONFORMING POLE SIGNS WITHIN THE CITY LIMITS.

CRA Administrator, Pinal Gandhi-Savdas briefly reviewed the proposed amendments brought before the Commission pertaining to pole signs, explaining that according to existing Code, all pole signs must come down by January 2022. There are 190 pole signs remaining within City limits. New signs have been prohibited since 1997. Staff has reviewed the Code and come up with the following three options:

- 1) Poles must be removed within 30 days when the sign is damaged or when business closes.
- 2) Code be extended with a 5-year amortization period to January 2027
- 3) Staff return with draft amendment to remove Code all together

Commissioners participated in a discussion with Gandhi-Savdas about extensions, deadlines, business owners that have fixed their signs, and the various options.

Commissioners agreed to Option 3.

 7:55 PM ADJOURNMENT


Mary R. Kindel, City Clerk


Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission
Meeting this 9th day of August, 2021.





City of Stuart

AGENDA

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD July 26, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Eula R. Clarke
Vice Mayor Merritt Matheson
Commissioner Becky Bruner
Commissioner Troy McDonald
Commissioner Mike Meier**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel**

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

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

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

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

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

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

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.*

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

1. APPROVAL OF 7/12/2021 CCM MINUTES (RC)
2. AUTHORIZATION TO ENTER INTO A SOVEREIGN SUBMERGED LANDS EASEMENT RENEWAL (RC):

RESOLUTION No. 68-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AND TO EXECUTE A SOVEREIGN SUBMERGED LANDS EASEMENT RENEWAL AND MODIFICATION TO REFLECT CHANGE IN OWNERSHIP WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. FEMA STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT APPLICATION (RC):

RESOLUTION No. 71-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE FILING OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA) FOR FUNDING UNDER THE FY2021 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

4. R.O.W. ABANDONMENT OF PORTION OF SEMINOLE STREET AND OSCEOLA STREET ALLEY:

RESOLUTION No. 70-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 23, 2021 AT 5:30 PM, AND SEPTEMBER 13, 2021, AT 4:00 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY, BEING THAT PORTION OF ALLEY, MORE CLEARLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FOR OTHER PURPOSES.

5. AUTHORIZATION TO ABANDON RIGHT-OF-WAY BETWEEN SE 16TH COURT AND SE 18TH STREET:

RESOLUTION No. 72-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ABANDONMENT OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY LIMITS, BEING THAT PORTION OF LAND, WHICH LIES BETWEEN S.E. 16TH COURT AND S.E. 18TH STREET, WHICH IS MORE FULLY DEPICTED IN EXHIBIT "A" ATTACHED HERETO, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

6. APPEAL OF DETERMINATION OF COMPARABILITY AT 728 NW DIXIE HWY FOR USE OF RETAIL SALE OF VEHICLE PARTS TOGETHER WITH VEHICLE REPAIR, WITH ALL ACTIVITIES TAKING PLACE WITHIN AN ENCLOSED BUILDING. THE PROPERTY IS ZONED URBAN HIGHWAY. (QUASI-JUDICIAL)(RC)

7. CHAPTER 16- EMERGENCY MANAGMENT (RC):

ORDINANCE No. 2468-2021; AN ORDINANCE OF THE CITY OF STUART AMENDING CHAPTER 16- EMERGENCY MANAGEMENT; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

8. DISCUSSION OF A PROPOSED AMENDMENT TO THE CITY'S LAND DEVELOPMENT CODE FOR EXTENDING OR REMOVING THE DEADLINE OF THE AMORTIZATION PERIOD FOR NON-CONFORMING POLE SIGNS WITHIN THE CITY LIMITS.

ADJOURNMENT



Babe Ruth League presents

CAL RIPKEN

World Series

in Stuart, FL

9U BASEBALL

BEGINNING, JULY 31

AT SAILFISH PARK

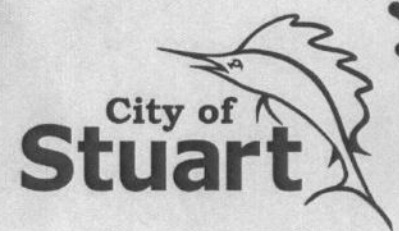


ADMISSION - 6 & UNDER - FREE / INDIVIDUAL DAY PASS - \$8
AT GATE INDIVIDUAL TOURNAMENT PASS -
\$45 FOR THE WEEK.

SEEDING GAMES | AUGUST 1 & 2 | 8AM-6PM
BRACKET GAMES | AUGUST 3 & 4 | 8AM-6PM
CHAMPIONSHIP GAMES | AUGUST 5 | 8AM-4PM

For more info please visit:

TCAASPORTS.COM



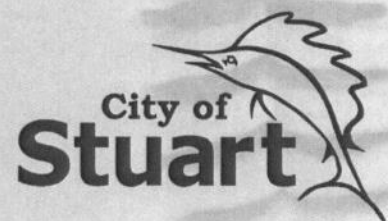
CAL RIPKEN

World Series

in Stuart, FL

Babe Ruth League is celebrating it's 70th birthday in 2021 and will be hosting some of its youth World Series games in Martin County and in the City of Stuart. In honor of this special milestone, we anticipate that close to 10,000 people will be coming to the Treasure Coast to be part of the festivities. The World Series games will take place at Pineapple, Halpatiokee, Sailfish, and Citrus Grove Parks from July 18th to August 6th.

This is also the first year that the City of Stuart is hosting activities. Sailfish Park will be the host facility for the 9U division of the Cal Ripken baseball tournament. Six girls youth softball divisions and a second youth baseball division will also be playing at public parks in Martin County during this period. Teams will be arriving to the Stuart area the week of July 25th. The tournament will begin on Saturday, July 31st with the Salute to Service Day. Past & present military members and first responders will be recognized and one selected to throw the 1st pitch for each game.



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CLARKE EWA ROSE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY OF STUART	
MAILING ADDRESS 1008 E. 16th COURT		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY STUART	COUNTY FL 34996	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED JULY 26, 2021		NAME OF POLITICAL SUBDIVISION: CITY OF STUART	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☒ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The City of Stuart is abandoning the
SE. 17th Street Right of Way behind
my home.

RECEIVED
JUL 26 2021
BY: *mpkindel*

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed _____

Signature *Eula P. Calhoun*

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CITY COMMISSION MEETING
REQUEST TO SPEAK

Page 37 of 41
SPEAKER# 1

Please complete form and submit it to the City Clerk prior to Public Comment.

NAME WALTER LOYD DATE 7/26/21 ITEM# OR PUBLIC ☒
(PLEASE PRINT)
ADDRESS 150 SW CABANA POINT CIR. APT #3 CITY STUART ZIP 34994
PHONE 754-224-9349 EMAIL LOYDB@BELLSOUTH.NET

ADDRESSING THE CITY COMMISSION (ORD# 2450-2020)

- 1.) Members of the public who have been called upon to speak should come forward to the microphone; state their name, city in which they reside, and the item number.
- 2.) All remarks shall be addressed to the City Commission as a body and not to a particular City official.
- 3.) **PREPARED STATEMENTS** shall be presented to the City Clerk for the record.
- 4.) To ensure fair and equal treatment of all who appear before the City Commission, speakers will be limited to 3 minutes.

DECORUM (ORD 2450-2020)

Any person making personal, impertinent, irrelevant or slanderous remarks, or who becomes boisterous while addressing the City Commission or while attending the Commission meeting, shall be removed from the City Commission Chambers at the direction of the presiding officer. The sergeant-at-arms shall carry out all orders and instruction given by the Mayor for the purpose of maintaining order and decorum at the Commission meeting.

**CITY COMMISSION MEETING
REQUEST TO SPEAK****SPEAKER#** 2

Please complete form and submit it to the City Clerk prior to Public Comment.

NAME Chris Klein **DATE** 7-26/21 **ITEM#** 6 **OR PUBLIC** _____
(PLEASE PRINT)
ADDRESS 1906 N. W. 78th St. NW Federal Heights **CITY** Shaw **ZIP** 31994
PHONE 772-708-3230 **EMAIL** scld@gate.net

ADDRESSING THE CITY COMMISSION (ORD# 2450-2020)

- 1.) Members of the public who have been called upon to speak should come forward to the microphone; state their name, city in which they reside, and the item number.
- 2.) All remarks shall be addressed to the City Commission as a body and not to a particular City official.
- 3.) **PREPARED STATEMENTS** shall be presented to the City Clerk for the record.
- 4.) To ensure fair and equal treatment of all who appear before the City Commission, speakers will be limited to 3 minutes.

DECORUM (ORD 2450-2020)

Any person making personal, impertinent, irrelevant or slanderous remarks, or who becomes boisterous while addressing the City Commission or while attending the Commission meeting, shall be removed from the City Commission Chambers at the direction of the presiding officer. The sergeant-at-arms shall carry out all orders and instruction given by the Mayor for the purpose of maintaining order and decorum at the Commission meeting.

**CITY COMMISSION MEETING
REQUEST TO SPEAK**

Please complete form and submit it to the City Clerk prior to Public Comment.

NAME Blair Scott DATE July 26, 2021 ITEM# 6 OR PUBLIC _____
(PLEASE PRINT)

ADDRESS _____ CITY _____ ZIP _____

PHONE 772-763-4545 EMAIL BlairPaige@gmail.com

ADDRESSING THE CITY COMMISSION (ORD# 2450-2020)

- 1.) Members of the public who have been called upon to speak should come forward to the microphone; state their name, city in which they reside, and the item number.
- 2.) All remarks shall be addressed to the City Commission as a body and not to a particular City official.
- 3.) **PREPARED STATEMENTS** shall be presented to the City Clerk for the record.
- 4.) To ensure fair and equal treatment of all who appear before the City Commission, speakers will be limited to 3 minutes.

DECORUM (ORD 2450-2020)

Any person making personal, impertinent, irrelevant or slanderous remarks, or who becomes boisterous while addressing the City Commission or while attending the Commission meeting, shall be removed from the City Commission Chambers at the direction of the presiding officer. The sergeant-at-arms shall carry out all orders and instruction given by the Mayor for the purpose of maintaining order and decorum at the Commission meeting.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 10/14/2021

Prepared by: Tom Reetz

Title of Item:

**REQUEST TO CONTINUE THE ITEM WITH NO SET DATE: Silverthorn Townhomes -
(Land Use change to Multi-family and Rezoning to RPUD)**

ORDINANCE 2472-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Staff has reviewed the applicants proposal for the 86 town-home project being proposed for the 9.43 acre site located at the south east corner of SE Indian Street and SE Commerce Avenue. An environmental assessment report was prepared for the project that found no native upland habitat present on the property, however, Section 2.07.00D.4.d. of the City's Land Development Code requires not less than 25 percent of the development site to remain as undeveloped native vegetation area.

Since this item was continued from the board's last meeting on September 9, 2021, staff has not received any information regarding the required 25% on site upland habitat from the applicant.

Staff is requesting this proposal be continued to no set date with re-notification necessary for any future hearing.

Funding Source:

N/A.

Recommended Action:

Continue agenda item for Ordinance 2472-2021 to no set date.

