City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD JULY 16, 2020
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE. STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Ryan Strom
Vice Chair - Li Roberts
Board Member - Larry Massing
Board Member - Bill Mathers
Board Member - Christina de la Vega
Board Member - Michael Herbach
Board Member - Campbell Rich
Ex Officio - Garret Grabowski

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

ROLL CALL

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

In Person: City Hall can accommodate a small number of citizen participants.

Teleconference: Citizens can attend from the comfort of their home via telephone, computer, laptop, tablet or smartphone. Click the below link or call the below phone number to attend.

The City reserves the right to revoke anyone's virtual attendance for cause, just as the sergeant at arms would at an in person meeting.

JOIN MEETING:
By Device-
https://us02web.zoom.us/j/86099080233

If you wish to speak during public comment, click raise hand at bottom of window. Your microphone will be unmuted when you are called to speak. Your microphone will be deactivated once you have completed your comment.

By Telephone-
Meeting ID: 860 9908 0233
Dial In numbers:
+1 312 626 6799 US
+1 646 558 8656 US
+1 253 215 8782 US
+1 301 715 8592 US

If you wish to speak during public comment press *9 to raise your hand. You will be called by your partially displayed phone number so please listen for that number. The host will lower your hand and mute your line after speaking.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Approval of Amended 5/21/2020 LPA Minutes

Approval of 6/4/2020 Special LPA Minutes

Approval of 6/18/2020 LPA Minutes

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

COMMENTS FROM THE BOARD MEMBERS

ACTION ITEMS

ORDINANCES

1. ANNEXATION OF INDUSTRIAL PROPERTY (QUASI-JUDICIAL)

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

2. FUTURE LAND USE AND IPUD DESIGNATION (QUASI-JUDICIAL)

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. AMENDMENT TO THE LAND DEVELOPMENT CODE - PUD AMENITY CRITERIA(RC):

ORDINANCE No. 2446-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.07.00.J. ENTITLED "PUD AMENITY CRITERIA" TO CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" TO ADD A METHODOLOGY FOR ATTRIBUTING QUALIFYING AMENITY CRITERIA IN RESPECT OF CONSIDERATION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

4. AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.22. TO THE LAND DEVELOPMENT CODE ENTITLED "FOOD TRUCKS" TO CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" IN RESPECT OF STANDARDS FOR THE PERMITTING OF FOOD TRUCKS ON PRIVATE PROPERTY OUTSIDE OF THE OLD DOWNTOWN DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

5. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. (QJ)(RC).

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.23. OF THE LAND DEVELOPMENT CODE ENTITLED "EV CHARGING INFRASTRUCTURE" OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" IN RESPECT OF STANDARDS FOR THE PROVISION OF ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE IN NEW COMMERCIAL AND NEW RESIDENTIAL DEVELOPMENTS GREATER THAN 50 DWELLING UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 7/16/2020 **Prepared by:** David Dyess, City Manager

Title of Item:

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

In Person: City Hall can accommodate a small number of citizen participants.

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If you wish to speak during public comment press *9 to raise your hand. You will be called by your partially displayed phone number so please listen for that number. The host will lower your hand and mute your line after speaking.

Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 7/16/2020 **Prepared by:** Jordan Pinkston

Title of Item:
Approval of Amended 5/21/2020 LPA Minutes

Summary Explanation/Background Information on Agenda Request:
Vice Chair Roberts requested amending the LPA minutes from 5/21/2020 to approve with the following revisions:

1. Page 10 out of 267: Both motions for #2 should be edited. The words “take care of the” should be replaced with “repair existing, replace existing, or install new.”
2. Page 13 out of 267: Motion #5 the words “120% of AMI maximum for 10 years” replaced with “maximum rent for 10 years will be 30% of 120% of the AMI.”

Funding Source:
N/A.

Recommended Action:
Approve.

ATTACHMENTS:

	Description	Upload Date	Type
	LPA Minutes 5.21.2020 AMENDED	7/7/2020	Cover Memo

City of Stuart

MINUTES
Amended
LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD MAY 21, 2020 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

Chair – Ryan Strom
Vice Chair – Li Roberts
Board Member – Michael Herbach
Board Member – Larry Massing
Board Member – Campbell Rich
Board Member – Bill Mathers
Board Member – Cristina de la Vega
Ex Officio – Garrett Grabowski

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER

ROLL CALL
Present (Physically): Michael Herbach, Li Roberts, Ryan Strom
Present (Remotely): Cristina de la Vega, Larry Massing, Campbell Rich
Absent: Bill Mathers

APPROVAL OF MINUTES
Motion: Action: Approve.
Moved by: Michael Herbach
Seconded by: Li Roberts
Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS: None.

COMMENTS FROM THE BOARD MEMBERS:

Michael Herbach said that we need to work on the parking ordinance and updating the bylaws.

David Dyess said that the commission will be approving bylaws for each board.

ACTION ITEMS: None.

ORDINANCES:

1. STUART OCEAN RPUD - FIRST READING (QUASI-JUDICIAL)(RC):ORDINANCE No. 2435-2020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OFSTUART, FLORIDA, TO APPPROVE A REZONING FROM R-3 MULTIFAMILY/OFFICE TORESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP;FOR AN 11.04 ACRES PARCEL, OWNED BY SERRAGUI GROUP INVESTMENTS LLC, LOCATEDON THE SOUTH SIDE OF SE OCEAN BLVD BETWEEN THE POINTE ASSISTED LIVING FACILTYAND KINGSWOOD CONDO ASSOCIATION, SAID LAND BEING MORE FULLY DESCRIBED INEXHIBIT "A" ATTACHED; ESTABLISHING STUART OCEAN TOWNHOMES RPUD CONSISTING OFEIGHTY (80) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLANTO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TOTHE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDINGFOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Tom Reetz, Senior Planner 5:40PM
Kev Freeman, Development Director
Bob Raynes, Gunster Law Firm
Michael Houston, HJA Design Studio

Mike Mortell swore in attendees giving testimony. 5:45PM

Bob Raynes handed out proposed revisions to the ordinances.

BOARD COMMENT:

Li Roberts asked about the entrance drawings. She suggested correcting the site plan drawings before going to City Commission.

Bob Raynes confirmed that it is the entrance on the regular site plan and there is no alternative.

The applicant confirmed they will clarify the drawings before Commission.

Li Roberts questioned fencing regulations and responsibility for the community to make it more esthetically pleasing.

Amiee Carlson explained fencing expenses and landscaping regulations.

Li Roberts asked if the developer would be inclined to installing additional fences.

Amiee Carlson said that they do not feel like it is necessary at this time.

Li Roberts asked about removing on-street parking language and making crosswalks the same material as sidewalks. She said that she was concerned about parking at the mail kiosk and suggested an alternate parking plan.

Amiee Carlson said that there has been a lot of thought that has gone into this plan and it is a tight site, so they believe this is the best location for the mail kiosk.

Li Roberts said that she will not support the project if the mail kiosk parking is not addressed.

Michael Herbach asked if there can be a restriction in place making parking garages required for parking vehicles only. He asked about a covered bus stop.

Michael Houston said that they do not have anything covered.

Cristina De le Vega said that she was concerned about the opposition from Kingswood residents. She said that residents should be able to park wherever they want.

Campbell Rich asked about the land use classification they are applying for.

Tom Reetz explained why they needed to apply for an RPUD versus Straight Zoning. He confirmed where the buffer is located.

Larry Massing asked how the site plan would be different if it was straight zoning, and clarified it was the west buffer due to the retirement home.

Ryan Strom explained why they were confused about the parking data. He asked about trash pickup, the existing six-foot wood fence on the western buffer.

Michael Houston said they will likely end up putting a new fence.

Ryan Strom discussed the different access points and traffic.

Bob Raynes said that is being worked on and addressed.

Ryan Strom said that the wetland retention area is a benefit to the site. He is concerned about the pool location, mail kiosk, parking and student calculation expected to live there. He said that he appreciates the density, all of the public meetings and shared his opinion on the resident letters the board received. He used some of the letters to ask for clarification on the resident's questions.

The board and applicant further discussed answers to resident concerns.

Ryan Strom received clarification from Mike Mortell about public comment procedures.

Campbell Rich said that he felt the board received petitions more than letters individual letters. He asked if there have been any similar projects that have come before that City that have tried to intergrade into an existing neighborhood to this degree.

Discussion amongst the board about potential past projects that are similar.

Bob Raynes explained the history of the property.

Campbell Rich asked for details about the trail.

Michael Houston said it is a natural pine straw and mulch trail that is about 400 feet.

Cristina de la Vega said that she thinks the trail is very nice and would not want to block it with a fence. She asked about the location of the pool.

Amiee Carlson explained the location of the pools.

PUBLIC COMMENT:

1. Jack Raynaud (SE Ocean Blvd.) – Representing Phase 3. He said they will now be working with the applicant on the project and revoked their intervenor.

2. Jane Cornett (US1) – Attorney representing Kingswood 3. She said they have reached an agreement with Pulte that is beneficial for both parties and their board approved it yesterday morning. She listed what their agreement covers and recommended the board approve the project.

3. Laura Giobbi (SE Ocean Blvd.) – wanted to mention that an easement listed does not include all of the buildings in Kingswood 2. She is concerned about location of mail kiosk.

4. Katy Gibbs (Kingswood, Building 16) – She gave an alternate location for the mail kiosk. She is concerned about everyone coexisting in a positive way and about the estimation of students expected to live in the community.

BOARD COMMENT:

Li Roberts asked about parking spots next to Kingswood 3 being a possible site for the mail kiosk.

Michael Houston explained on the map why the kiosk is in a good spot.

Brief discussion occurred informing the board that the intervenor reached an agreement with Pulte Group that they believe will benefit both parties.

The board continued discussion about the proposed motion.

MOTION: Approval with the following conditions:
1. Correct front elevation plans that show the grass between the sidewalk and road
2. Add a condition that applicant will repair existing, replace existing, or install new fence on the west side of the property
3. Stripe traffic crossroads
4. Correct narrative on page 53 and 56
5. Move the mail kiosk to another location on the property and potentially eliminate the six parking spaces upon applicant discretion

Action: Approve.
Moved by: Li Roberts
Second by: Campbell Rich
Motion failed 5/1 with Li Roberts approving.

AMENDED MOTION: Approval with the following conditions:
1. Correct front elevation plans that show the grass between the sidewalk and road
2. Add a condition that they applicant will repair existing, replace existing, or install new fence on the west side of the property
3. Stripe traffic crossroads
4. Correct narrative on page 53 and 56

Action: Approve.
Moved by: Michael Herbach
Second by: Larry Massing
Motion passed 5/1 with Li Roberts opposing.

2. HARBOR GROVE APARTMENTS RPUD - FLUM AND RE-ZONING (QUASI-JUDICIAL)(RC):ORDINANCE No: 2436-2020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OFSTUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'SCOMPREHENSIVE PLAN

THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM"COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR TWO PARCELS EQUALING 13.93ACRES, OWNED BY TED GLASRUD ASSOCIATES, FL, LLC, LOCATED ON THE WEST SIDE OFS.E. COMMERCE AVENUE, SOUTH OF S.E. INDIAN STREET, AND NORTH OF S.E. FISCHERSTREET WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ANDFURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE AHS ATHARBOR GROVE RESIDENTIAL PLANNED UNIT DEVELOPMENT RPUD CONSISTING OFTHREE HUNDRED TWENTY FOUR (324) MULTI-FAMILY UNITS WITHIN NINE (9) INDIVIDUALTHREE-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT 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 ALLORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ANEFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATIONS: Tom Reetz, Senior Planner 7:38PM
Doug Fitwater, Lucido & Associates
Juan Hernandez, AHS Residential

BOARD COMMENT:

Li Roberts asked for clarification about a generator, wifi, fees for recreational activities, price range, center hallway between all buildings, sidewalk location, homeless population on the property, and an additional parking option.

The applicant clarified all questions.

Li Roberts asked to see additional photos. She said that she was concerned about language regarding rental rates and the calculation.

Juan Hernandez explained the rates that they are looking to charge per bedroom in the current market.

Discussion regarding the market and rate calculations occurred.

Li Roberts asked about dumpsters, bus stop benches, and interior crosswalks.

Juan Hernandez said they can add a bus stop bench.

Doug Fitzwater said that they are using pervious concrete and will stripe it to indicate that it is a crosswalk.

Li Roberts asked about parking and gave possible calculations for additional parking spaces. She clarified the density with the new calculation.

Juan Hernandez explained their parking calculation and told the board that there is assigned parking.

Discussion occurred regarding parking concerns and possible options.

Michael Herbach discussed adding in green/electrical vehicle parking spaces to the project.

Juan Hernandez said that they will look into adding it into the project. He said that they would most likely assign a resident to a space who has an electric vehicle.

Discussion occurred that there is no ordinance requiring electrical charging stations being implemented into projects, but it can be brought up for discussion.

Cristina de la Vega asked about the current density for the site. She asked about the developer's other project sites and their densities.

Kev Freeman spoke about the recent density analysis that the City has done.

Cristina de la Vega said that she was concerned about Indian Street and Commerce intersection.

Discussion occurred about the traffic in the area.

Campbell Rich asked the applicant about their past projects and clarification what the city gets from this project.

Juan Hernandez explained past projects and how there is a need for workforce housing in the area.

Campbell Rich asked to see rental rates for other properties they own.

Juan Hernandez said that he is offering value and would be happy to provide the board with numbers.

Campbell Rich asked about solar panels.

Juan Hernandez said that those are not financially feasible right now.

Discussion about sewer occurred.

Ryan Strom said that this project is positioned strategically for workforce housing and he thinks this is a good project to see the impact.

PUBLIC COMMENTS: None.

MOTION: Approve with the following conditions:

1. Addition of school bus bench
2. Striping of eight interior crosswalks
3. Update language on page 211
4. Add infrastructure to support four level 2 charging stations
5. Fix condition #3 language to reflect a maximum rent for 10 years will be 30% of 120% of the AMI

Moved by: Li Roberts
Second by: Michael Herbach
Motion passed 5/1 with Campbell Rich opposing.

BOARD COMMENT: None.

STAFF UPDATE: None.

ADJOURNMENT:
Motion: Action: Adjourn.
Moved by: Michael Herbach
Seconded by: Larry Massing

_____ _____

Ryan Strom, Chair Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 7/16/2020

Prepared by: Jordan Pinkston

Title of Item:
Approval of 6/4/2020 Special LPA Minutes

Summary Explanation/Background Information on Agenda Request:
N/A.

Funding Source:
N/A.

Recommended Action:
Approve.

ATTACHMENTS:

	Description	Upload Date	Type
	LPA Minutes 6.4.2020	7/7/2020	Cover Memo

City of Stuart

MINUTES
LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD JUNE 4, 2020 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

Chair – Ryan Strom
Vice Chair – Li Roberts
Board Member – Michael Herbach
Board Member – Larry Massing
Board Member – Campbell Rich
Board Member – Bill Mathers
Board Member – Cristina de la Vega
Ex Officio – Garrett Grabowski

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER 5:33PM

ROLL CALL 5:35PM
Present (Physically): Michael Herbach, Li Roberts, Ryan Strom, Li Roberts,
Present (Remotely): Campbell Rich, Cristina de la Vega, Larry Massing
Absent: Bill Mathers

COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS:

Li Roberts requested a discussion be brought before the board about electric vehicles.

Michael Herbach requested that the old and new bylaws be sent to the board for review once they are ready.

Campbell Rich arrived to the meeting remotely. 5:44PM

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS: None.

ACTION ITEMS:

1. EVALUATION AND APPRAISAL REPORT (EAR)ORDINANCE NO. 2442-2020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OFSTUART, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THECOMPREHENSIVE PLAN OF THE CITY OF STUART; STATING THE INTENT OF THE CITYCOMMISSION TO AMEND THE COMPREHENSIVE PLAN BASED UPONRECOMMENDATION CONTATINED IN THE REPORT; AND APPROVING TRANSMITAL OFTHE EVALUATION AND APPRAISAL REPORT TO THE DEPARTMENT OF COMMUNITYAFFAIRS AND ANY OTHER INTERESTED GOVERNMENTAL ENTITY; PROVIDING FORCONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; ANDFOR OTHER PURPOSES.

PRESENTATION: Stephen Mayer, Senior Planner 5:39PM

BOARD COMMENT ON DEFINITIONS:

Li Roberts commented on Policy 1B1.4 and said Fire Rescue Agency should be updated in the plan attachment.

Recommended staff changes to the Comprehensive Plan language were presented by Kev Freeman.

Larry Massing asked for the definition of attainable.

Kev Freeman said that would be addressed later in the presentation.

Discussion about the Future Land Use Element (1) suggestions occurred.

The board questioned increasing density in East Stuart.

Mike Mortell explained the City's original density code for East Stuart and what has happened over time.

Kev Freeman said their goal is to make the code more consistent.

MOTION:
Action: Make East Stuart density code reflect 30 du/acres.
Moved by: Li Roberts
Second by: Michael Herbach
Motion passed unanimously.

Kev Freeman presented staff recommendations for Housing Element (3).

Discussion occurred about the census data presented.

The City Manager said that this element will need to be revisited because the data does not match discussion that occurred at the City Commission Housing Workshop.

Discussion continued about how the City should calculate the data.

Li Roberts recommended keeping the four categories with the generally accepted definitions. She said she does not have a problem using the City of Stuart's annual median income number but it needs to be clarified where the information is coming from.

The board discussed using the HUD definition instead of U.S. Bureau of the Census.

Mike Mortell said that the Commission had a Workforce Housing Workshop and they discussed using different numbers, but it was not decided on. Commissioners said that the City's sample is so low it is not enough data to reflect workforce income numbers, and discussed using Port Saint Lucie's MSA with a median of $59,500.00.

David Dyess showed the graph that was generated from the Workhouse Workshop last year and the board reviewed and discussed the data.

Board discussion continued about workforce and attainable housing calculations, current language and definitions.

Li Roberts suggested changing the Stuart Housing Profile chart to less than 50% very low income, low income is more than 50% up to less than 80%, 80% up to 100% is workforce. She recommended using the term attainable instead of affordable.

Michael Herbach asked what areas are included in statistical metropolitan area that the City is using.

Li Roberts confirmed where the numbers are coming from.

Kev Freeman presented suggestions for Conservation Element (5).

Li Roberts asked about the watershed basin options.

Kev Freeman confirmed the options.

BOARD COMMENT ON EVALUATION AND APPRAISAL REPORT:

Section 1: Introduction – None.

Section 2: Community Engagement – None.

Section 3: General Recommendations – None.

Section 4: Environment

Michael Herbach asked about renewable resource text including incentives for electric charging stations. He said that the board needs to come up with an ordinance to propose.

Li Roberts questioned whether the it was appropriate to add encouraging electric vehicle language under resilience and sustainability. She asked about adding sod language in the conservation piece.

Stephen Mayer acknowledged her suggestions.

Section 5: Neighborhoods

Li Roberts commented on ground cover elements not being limited to new development and questioned language.

Section 6: Mobility

Li Roberts asked about bike use language and suggested we add expansion of our bike racks to show what we have accomplished.

Michael Herbach suggested adding signal signs on bike racks for education.

Ryan Strom said there was no mention of a golf cart policy and suggested we add it. He said that the transportation element table looks dated.

Li Roberts said we should add more about electric vehicle hookups. She said we should add text to encourage bus stops in multimodal transportation and add golf carts.

Michael Herbach suggested adding lighting to bus stops as well.

Li Roberts would like to change the word additional in electric vehicle parking facilities because it gives the impression that we already have them in place.

Section 7: Public Services – None.

Section 8: Community & Economic Development

Li Roberts suggested changing language in Policy 7.

Ryan Strom said that the public school's facilities element's charts need to be updated.

Stephen Mayer said it will be looked at and is no longer a required element.

Discussion about the language regarding inventory of historic and archeological resources occurred.

Li Roberts asked if we should include the fertilizer band to the language in policy regarding landscape restrictions and adding sod language. She asked if the City has a redevelopment plan for Flagler Park, Youth Center and Recreation Center.

Staff confirmed the status of each.

Michael Herbach commented about clarifying language for single family residential lots with water frontage.

STAFF UPDATE: None.

ADJOURNMENT: 7:25PM
Motion: Action: Adjourn.
Moved by: Li Roberts
Seconded by: Michael Herbach

_____ _____

Ryan Strom, Chair Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 7/16/2020

Prepared by: Jordan Pinkston

Title of Item:
Approval of 6/18/2020 LPA Minutes

Summary Explanation/Background Information on Agenda Request:
N/A.

Funding Source:
N/A.

Recommended Action:
Approve.

ATTACHMENTS:

	Description	Upload Date	Type
	LPA Minutes 6.18.2020	7/7/2020	Cover Memo

City of Stuart

MINUTES
LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD JUNE 18, 2020 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

Chair – Ryan Strom
Vice Chair – Li Roberts
Board Member – Michael Herbach
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Ex Officio – Garrett Grabowski

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER

ROLL CALL
Present (Physically): Ryan Strom, Li Roberts, Michael Herbach, Bill Mathers
Present (Remotely): Campbell Rich, Larry Massing
Absent: Cristina de la Vega

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES
Motion: Approve with the following revisions:

1. Page 10 out of 267: Both motions for #2 should be edited. The words "take care of the" should be replaced with "repair existing, replace existing, or install new."

2. Page 13 out of 267: Motion #5 the words "120% of AMI maximum for 10 years" replaced with "maximum rent for 10 years will be 30% of 120% of the AMI."

Action: Approve.
Moved by: Li Roberts
Seconded by: Larry Massing
Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS: None.

COMMENTS FROM THE BOARD MEMBERS: None.

ACTION ITEMS: None.

ORDINANCES:

1. ORDINANCE No. 2443-2020: QUASI-JUDICIAL AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

MOTION: Continue to next LPA meeting 7/16/2020
Action: Approve.
Moved by: Li Roberts
Second by: Michael Herbach

2. ORDINANCE No. 2444-2020: (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

MOTION: Continue to next LPA meeting 7/16/2020
Moved by: Li Roberts
Second by: Michael Herbach

3. BRIDGEVIEW RESIDENTIAL PLANNED UNIT DEVELOPMENT(QJ)(RC): ORDINANCE No. 2437-2020: 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 OFFICE RESIDENTIAL" TO "MULTI-FAMILY DENSITY RESIDENTIAL" FOR A 15.88 ACRE PARCEL ANNEXED BY ORDINANCE NO. 2415-2019, OWNED BY ATLANTIC REALTY PARTNERS, INC., AND LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 76 (SW KANNER HIGHWAY) AND SW MARTIN HIGHWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE BRIDGEVIEW RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF TWO HUNDRED TWELVE (212) MULTI-FAMILY UNITS WITHIN TWO FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT 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. (QJ) (RC)

City Attorney swore in those making testimony. 5:37PM

PRESENTATIONS: Stephen Mayer, Senior Planner 5:39PM
Troy Holloway, with Troy Holloway, Gentile Glas, Holloway & O'Mahoney

BOARD COMMENT:

Li Roberts asked the applicant to clarify the traffic analysis, trash process, mail room location, parking space locations for mail pickup, assigned parking, wetland buffers, fence heights, generators, hurricane plans.

Troy Holloway and Steve Sealy from Atlantic Realty Partners answered Li Robert's questions.

Discussion regarding the proposed landscape plan occurred between Li Roberts and the applicant.

Li Roberts asked about construction times.

Kev Freeman said that construction times have restrictions based on the code of ordinances for this project.

Li Roberts had questions and made comments regarding air conditioning units, street elevations, buffers, off-street parking and building height.

Troy Holloway addressed her questions and concerns.

Li Roberts said that staff should add clarification regarding the length and height of the wall. She questioned staff on the text regarding balconies.

Stephen Mayer agreed to her suggestion and clarified balcony locations.

Michael Herbach asked about bike racks around the pool area.

Li Roberts confirmed their location.

Michael Herbach suggested the applicant to incorporate panels or conduits for electric vehicle charging stations.

Troy Holloway said that they will provide the infrastructure for those based on demand.

Michael Herbach asked for clarification on the north wall and/or fence.

Steve Sealy confirmed the location of the chain link fence and wall.

Larry Massing asked about the construction type.

Steve Sealy confirmed that the plans at this point are for CMU or concrete and steel.

Campbell Rich asked for clarification on the elevation on the parking lots.

Mike Mortell swore in Sean MacKenzie with Mackenzie Engineering.

Sean Mackenzie confirmed the layout and elevations of parking.

Discussion continued regarding elevations, parking, and wetlands.

Ryan Strom asked about the materials being used for construction of the building.

Steve Sealy attempted to clarify the materials being used.

Mike Mortell swore in Cristian Oquendo from CBA Architects.

Cristian Oquendo confirmed the materials being used for construction and explained the reasoning behind their choice.

Larry Massing said that he would like to see a four-story non-combustible construction and asked for further material confirmation.

Cristina Oquendo clarified the material process and options they have.

Ryan Strom commented on the compactor location.

Troy Holloway confirmed it was behind a screen wall.

Ryan Strom asked about obtainable housing.

Troy Holloway said they are not at this point.

Li Roberts asked about benches for buses.

Michael Herbach recommended they provide sheltered benches.

Troy Holloway said that they have no issue providing one.

Bill Mathers asked staff if we are abandoning an easement in this project.

Stephen Mayer confirmed that we are abandoning a drainage easement.

PUBLIC COMMENTS:

1. Don Barber – Resident and representing Riverland Community. He informed the board that an agreement has been made with the applicant that benefits both parties. They have no objections to the approval process.

MOTION: Approve with the following conditions:

1. Increase designated spaces for mail pick up from one to four.
2. Install a generator that would provide power to the clubhouse in building 1.
3. Install a covered area for buses or transit.
4. Discuss adding level 2 electrical vehicle infrastructure

Moved by: Li Roberts
Second by: Michael Herbach
Motion passed unanimously.

4. ORDINANCE NUMBER 2445-2020; (QUASI-JUDICIAL)(RC): AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING ORDINANCE NO. 1601-97, WHICH ASSIGNED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING TO AN 11.42 ACRE PARCEL OF

LAND LOCATED ON THE SOUTH SIDE OF SE MARKET PLACE EAST OF U.S. HIGHWAY ONE, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; PROVIDING FOR MASTER SITE PLAN APPROVAL, DEVELOPMENT CONDITIONS, A TIMETABLE FOR DEVELOPMENTAND MANDATORY PLATTING FOR A 4.02 ACRE PORTION OF ANNEXED PARCEL #F21 TO ACCOMMODATE 24,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT KNOWN AS LAKESIDE MARKET PLACE CPUD; DECLARING THE PROPOSED DEVELOPMENT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; ACCEPTANCE BY THE APPLICANT; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

PRESENTATIONS: Tom Reetz, Senior Planner 6:45PM
John Ahern, Ahern & Associates Architects, P.A.

BOARD COMMENT:

Bill Mathers stepped down from this item due to conflict of interest and filled out an 8B Form.

Mike Mortell swore in all who are giving testimony.

Presentations began.

Li Roberts asked about the north side of the lake.

Bill Mathers clarified that the lake was developed 30 years ago and the applicant had to make modifications to the lake make it up to date.

Li Roberts asked about parking on the grass area.

Bill Mathers clarified that it is considered green space.

Tom Reetz clarified that they are not permitted to park on the grass.

Discussion about the sidewalk areas between buildings 1, 2, and 3 occurred.

Li Roberts questioned the entrance location.

Bill Mathers clarified the location of the entrance and explained why they put it there.

Tom Reetz explained current traffic patterns.

Li Roberts asked about the locations of lights on the property.

John Ahern confirmed the location of the lights.

PUBLIC COMMENTS: None.

MOTION: Approve.
Moved by: Michael Herbach
Second by: Li Roberts
Motion passed unanimously.

BOARD COMMENT: None.

STAFF UPDATE: None.

ADJOURNMENT: 7:20PM
Motion: Action: Adjourn.
Moved by: Michael Herbach
Seconded by: Campbell Rich
Motion passed unanimously.

Ryan Strom, Chair

Jordan Pinkston, Board Secretary

1.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:7/16/2020 **Prepared by:**Tom Reetz

Title of Item:
ANNEXATION OF INDUSTRIAL PROPERTY (QUASI-JUDICIAL)

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
This application is concurrent to, and precedes an application for, a future land use designation of “Industrial” and a zoning designation of “Industrial Planned Unit Development (IPUD)”.

The annexation request relates to a 2.01 acre parcel together with and adjoining 0.92 acre parcel, located on the west side of SE Commerce Avenue south of SE Market Place in unincorporated Martin County.

The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sq.ft. metal building and 8,670 sq. ft of covered area used for sorting metal. The facility provides a much-needed service to the community as a receiving site for various metals to be sorted and processed for recycling.

COMPREHENSIVE PLAN:
Future Land Use Element: Policy A7.5. Properties that are *annexed* into the City shall be given a City land use designation as soon as possible after the *annexation* is finalized.

Future Land Use Element: Policy B1.4. *Annexation* and redevelopment strategies for infill development and redevelopment should be formulated to produce a future viable economy for the City.

Economic Development Element: Policy A1.4. The City will encourage the designation and preservation of *industrial* land for *industrial* uses.

Economic Development Element: Policy A2.1. The City will encourage the expansion of existing business and *industry* and/or development of new business and *industry* in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure.

Capital Improvement Element: Policy A7.2. The City shall consider for *annexation* only those parcels of land which may be lawfully *annexed* pursuant to F.S. ch. 171.

The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. As called for by Florida Statute, the Martin County BOCC has been notified of the proposed annexation, future land-use amendment and zoning amendment.

Staff are aware that the property has recently satisfied a code violation with Martin County. However, because compliance was not achieved by the compliance date established in the Order Finding Violation, a fine in the

amount of $40,000.00 has accrued.

Funding Source:
N/A

Recommended Action:
Subject to the conditions of the attached Ordinance and consideration before the board, staff offers no objection to the proposed annexation.

ATTACHMENTS:

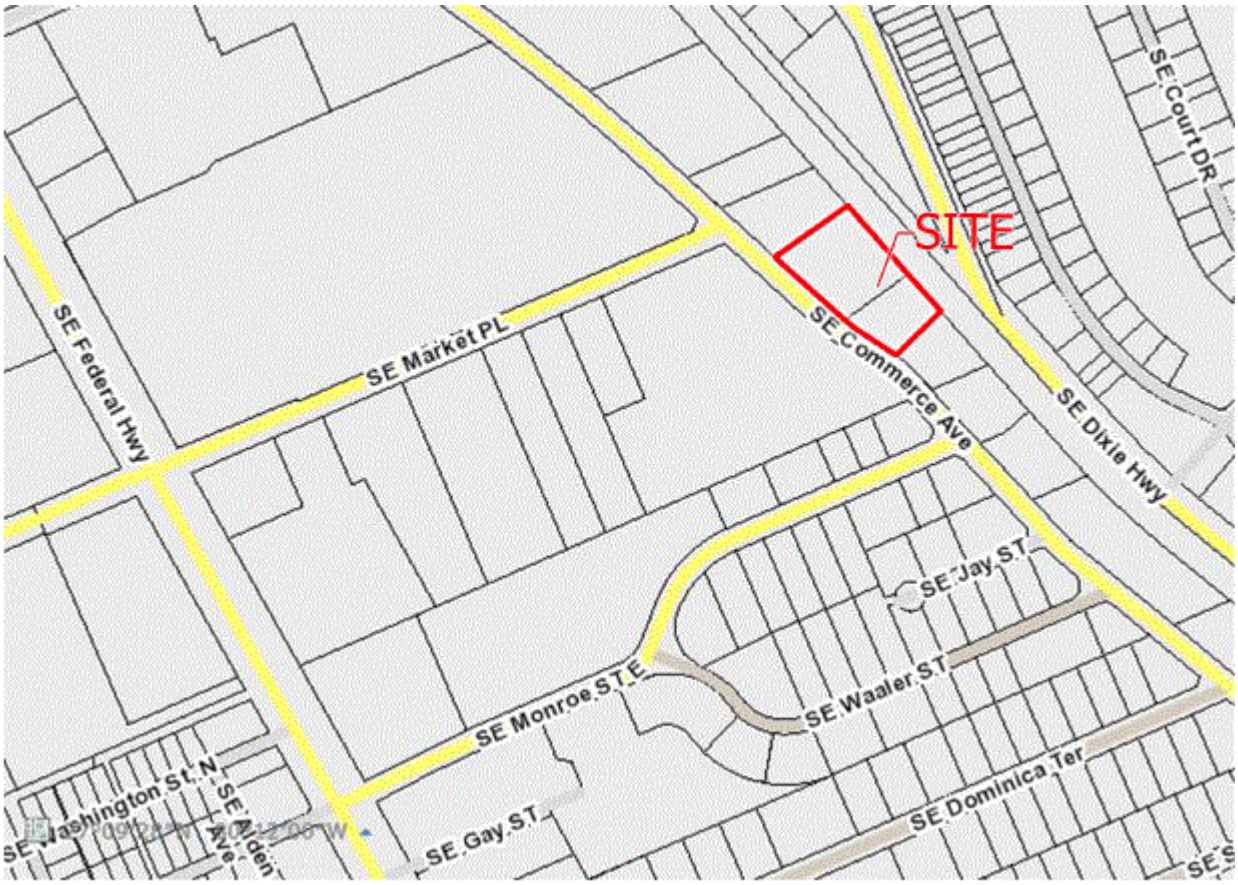
	Description	Upload Date	Type
	Staff Report for Annexation FLUM and Rezoning	7/7/2020	Staff Report
	Ordinance No. 2443-2020	7/7/2020	Ordinance add to Y drive
	Signed Letter from City Attorney	7/7/2020	Backup Material
	Location Map	7/7/2020	Backup Material
	Annexation Application	7/7/2020	Backup Material

CITY OF STUART
CITY COMMISSION
July 16, 2020

Project Name: Capital Scrap Metal	**Property Owner:** Barrio2Beach, LLC
Project No.: Z19120005	**Applicant/Petitioner:** Sean Harrigan
Ordinance No: 2443-2020 and 2444-2020	**Agent/Representative:** Mike McCarty
	Case Planner: Tom Reetz

Location: Parcel of land on the west side of SE Commerce Avenue and south of SE Market Place

Parcel #	Parcel ID	Address	Acreage	Current FLU	Current Zoning
1	38-38-41-002-208-0000-1	3951 SE Commerce	2.01	(MC) Ind.	(MC) M-2
2	38-38-41-002-208-00003-8	3951 SE Commerce	.92	(MC)Ind.	(MC) M-2



PROJECT SUMMARY	
Property Size (area)	Parcel 1 – 2.01 acres Parcel 2 - .92 acres TOTAL 2.93 ACRES

Present Use		Parcel 1 - Developed Parcel 2 - Undeveloped
Subject Property Land Use		Parcel 1 - Martin County - Industrial Parcel 2 - Martin County - Industrial
Adjacent FLU	*North*	Martin County- Industrial
	South	Martin County - Industrial
	East	FEC Rail system
	West	City of Stuart - Commercial
Subject Property Zoning		Parcel 1 - Martin County - M-2 Commercial Limited Parcel 2 - Martin County - M-2 Commercial Limited
Adjacent Zoning	*North*	Martin County - M-2 Commercial Limited
	South	Martin County - M-2 Commercial Limited
	East	FEC Rail system
	West	City of Stuart - CPUD
Proposed Land Use Designation & Zoning District		Industrial and Industrial Planned Unit Development (IPUD)
Proposed Use		Industrial – Existing warehouse that is 8,371 sq. ft & 8,670 sq. ft. of covered area with proposed covered Loading Dock ramp.
City Approvals		• Building Department – No comments at this time. • Fire Department – Approved with Comments • Public Works – Approved with Comments - See attached comments. • Police Department – See comments
Brief Explanation		The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.
Staff Recommendation: Subject to the attached development conditions staff offers no objection to the annexation and the Future Land Use designation to Industrial and zoning district designation to Industrial Planned Unit Development (IPUD) for the combined parcels consisting of 2.934 acres.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The applications for annexation, Future Land Use amendment to Industrial, zoning district designation to IPUD and a final site plan have been noticed in accordance with the requirements set forth in Sections 11.01.02, 11.01.09, and 11.02.00 of the Land Development Regulations, as well as applicable sections in F.S. Ch. 163, Part II and Ch. 171, Part II.

B. Site Posting Date: 6-3-20

C. Mail Notice Postmark: 6-3-20 to property owners within 300 feet

II. APPLICATION See Attachment to agenda

III. STAFF ANALYSIS

A. Site and Area Characteristics (Attachment C)

Direction	Current Use	Zoning	Future Land Use
North	Undeveloped	Martin County M-2 Commercial Limited	Martin County Industrial
South	Manufacturing/ Repair service shops/Warehouse (Martin County)	Martin County M-2 Commercial Limited	Martin County Industrial
East	FEC Rail	FEC Rail	FEC Rail
West	Upland Preserve for Walmart CPUD (City of Stuart)	CPUD	Commercial

B. Project Description

The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility

provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.

The property directly to the west, across the street, was recently annexed into the City of Stuart which provides the connectivity to the City boundary. The city has annexed properties along the US Hwy 1 and Commerce Ave corridors, thereby extending the city limits in a southward direction. The proposed IPUD site plan application is consistent with the development trends in the area and surrounding uses. Capital Scrap Metal is a job provider and employs 10 people or more.

C. Annexation

i. Reason for Request

The annexation of the subject property will further the relevant goals, objectives, and policies of the City of Stuart's Comprehensive Plan and will extend opportunities for City of Stuart to continue to attract industrial and commercial users into the municipal jurisdictional limits.

The City of Stuart recently annexed property near the subject property and the proposed annexation of the subject property will continue to provide the City of Stuart with a consistent inclusion of land. The annexation of the subject property is a logical extension of the City's municipal boundaries as the subject property is bounded on the west by property located with the municipal boundaries of the City of Stuart and bounded on the east by the FEC railway. The FEC railway acts as an easterly boundary of the City's municipal limitations for much of the land south of Monterey Road and down into this area.

The Annexation application is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-serve for utilities/facilities and compatibility with existing/planned uses. The Annexation application complies with the relevant development standards of the City of Stuart Land Development Code. The subject parcels are existing industrial sites and currently are provided all necessary services to support its needs and ensure compatibility with surrounding properties.

Building & Emergency Impact Services:

ii. Impact on Police and Emergency Services

The City's Police and Fire Departments have reviewed all plans and state the proposed annexation would not have a significant impact on police and fire services.

iii. Access, Drainage, and Utility Statement

1. Access: An ingress/egress access point exist on SE Commerce Avenue, which is a Martin County roadway.

iv. Intergovernmental Coordination

A copy of the application for annexation, Comprehensive Plan amendment and zoning designation and the final LPA packet was transmitted to Martin County Growth Management Department on July 10, 2020.

V. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Subject to the conditions contained in the attached Ordinances and consideration before the LPA, staff offers no objection to the proposed annexation, future land use amendment to Industrial, and rezoning to an IPUD.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE No. 2443-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

******

WHEREAS, Petitioner, Barrio2Beach LLC, constituting the fee simple title holder to the land south of SE Market Place and west of SE Commerce Avenue, consisting of 2.01 & .92 acres, more particularly described in **Exhibit "A"**, attached hereto and made a part thereof, has voluntarily requested the City of Stuart annex said land into the corporate limits of the City; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for annexation, and has also considered the recommendation of the Stuart Local Planning Agency and City staff.

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

Section 1. Findings. The City Commission finds the above statements are true and correct, and serve as a basis for consideration of this ordinance; that said lands are contiguous with the corporate limits of the City of Stuart, creates no enclaves, is reasonably compact, and that the City can effectively provide police, fire, and sanitary services to said land, all in compliance with the terms and requirements of Sec. 171.44, Florida Statutes, and the City of Stuart Code.

Section 2. Annexation. The City Commission has determined that development of said lands upon annexation shall be in accordance with the regulatory requirements of Martin County until such time as amendments to the City's Comprehensive Land Use Plan and Official Zoning Map become effective; and that the parcel of land more particularly described in **Exhibit "A"**, are hereby annexed into and shall be within the corporate limits of the City of Stuart, Florida, and that same shall henceforth be a part of said City as if said lands were originally a part of the City of Stuart.

Section 3. Directions to the City Clerk. The City Clerk shall cause the boundaries as set forth in the City's Charter to be amended and codified. The City Clerk shall submit such documentation as required by law to give effect to this ordinance to the Clerk of the Circuit Court, Board of County Commissioners Florida Statute 171.044(6) within 10 days prior to second reading adoption, the Chief Administrative Officer of Martin County, and the Florida Department of State within seven (7) days following adoption, in accordance with Section 171.044, Florida Statutes. Upon complete execution of this Ordinance, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance. The corporate boundary of the City shall be re-codified to include lands annexed.

Section 6. Effective Date: This ordinance shall be effective upon its adoption.

Passed on first reading the 10th day of August 2020.

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

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
VACANT, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL

CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____day of _____, 2020, by MICHAEL J. MEIER, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT

ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Barrio2Beach, LLC,

_____

By: _____

Print Name: _____

Sean Harrigan - Owner

_____

Print Name: _____

OWNERS ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

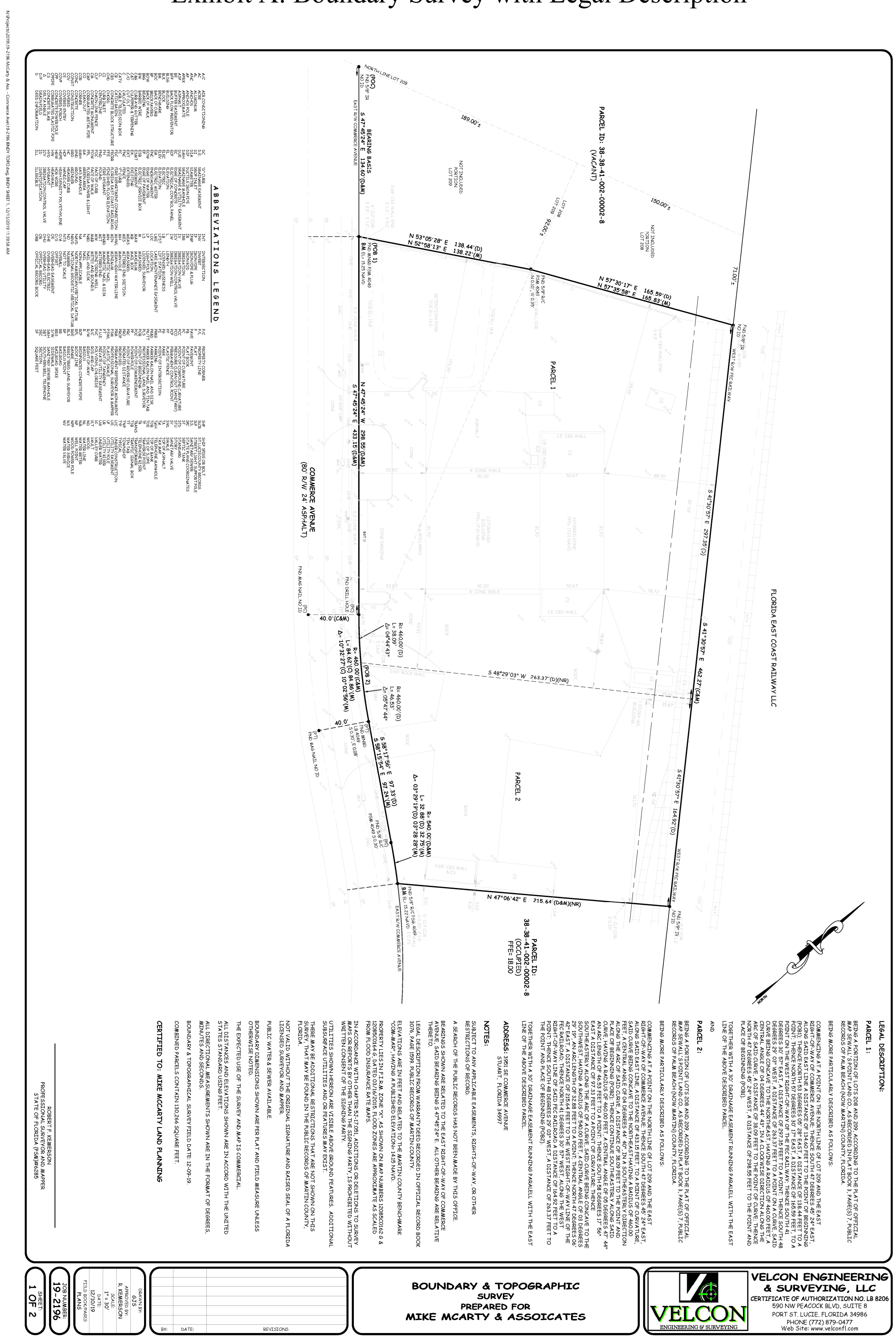
The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

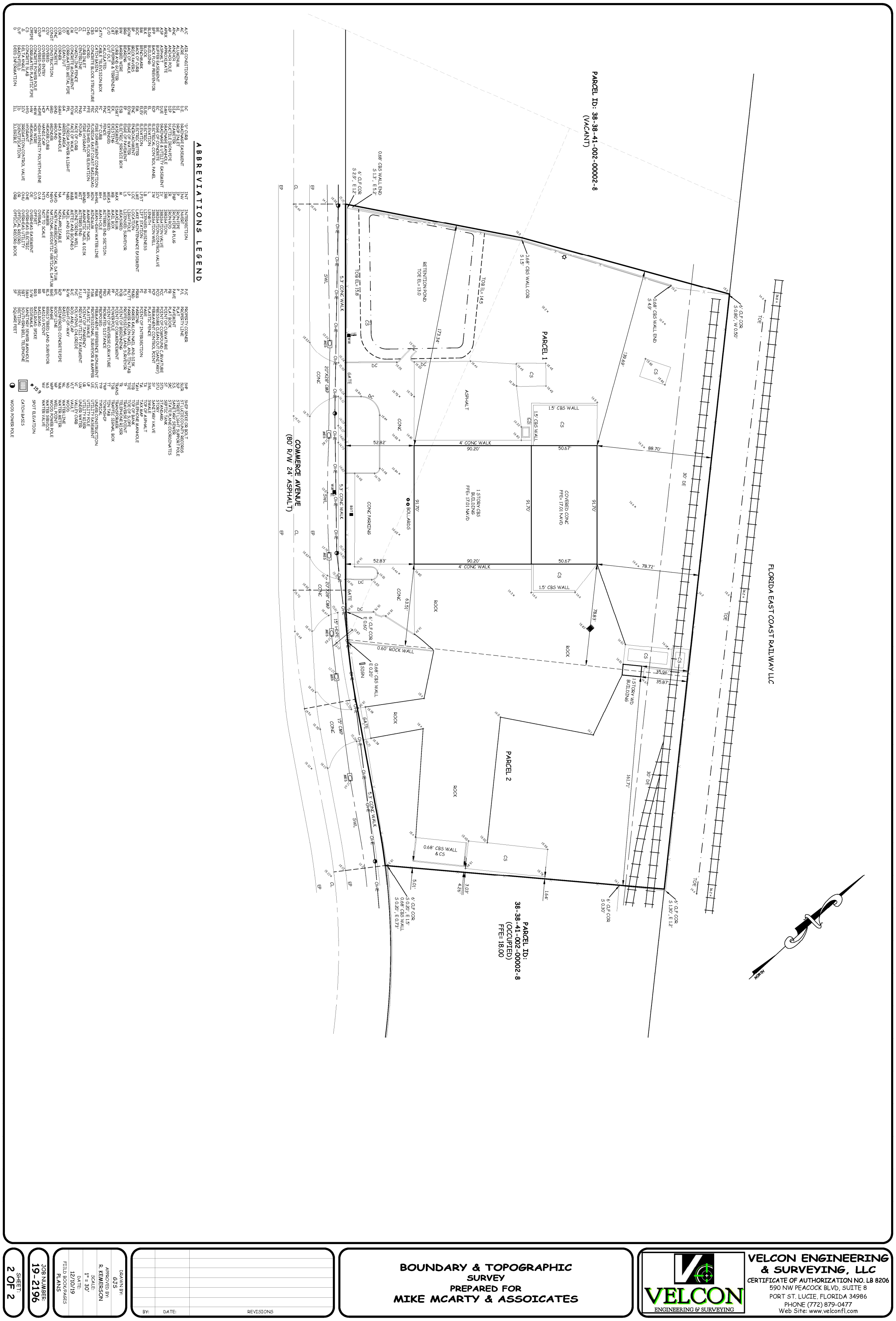
Signature of Notary Public: _____
Commission Expires:

Notary Seal:

Exhibit A: Boundary Survey with Legal Description



Ordinance No. 2443-2020 Capital Scrap Metal Annexation



CITY OF STUART
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: TOM REETZ, DEVELOPMENT DEPARTMENT

SUBJECT: REVIEW OF APPLICATION FOR VOLUNTARY ANNEXATION OF TWO CONTIGUOUS PARCELS OF LAND CONSISTING 2.01 ACRES AND .92 ACRES EACH FOR A TOTAL OF 2.934 ACRES LOCATED ON THE WEST SIDE OF COMMERCE AVENUE SOUTH OF S.E. MARKET PLACE

CC: DAVE DYESS, CITY MANAGER

DATE: March 19, 2020

FACTS

The City of Stuart has received a voluntary annexation request for a 2.93 acre tract of land which is made up of two parcels. The larger parcel is 2.01 acres the smaller is .92 acres. Both parcels are owned by the same entity. There is a single annexation application for a total of 2.93 acres. If you review the aerial photograph attached as Exhibit "A", you can see that there is no distinction based upon parcel and therefore it can be treated as one application.

ISSUE

Does the voluntary annexation request the City to annex land comply with Florida Statute §171.043? Specifically, Is the total area to be annexed contiguous to the City's boundaries? Is the land reasonably compact? is any part of the area to be annexed included within the boundary of another incorporated municipality? If so, will the land be used or developed for urban purposes?

DISCUSSION

Florida Statutes, §171.043 discusses the character of the area to be annexed. There are separate

procedures involuntary annexations, but the City Commission adopted a policy that it will not pursue involuntary annexations. Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

> *"(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."*

The statute contains four (4) general requirements. First, a petition for voluntary annexation must be unanimously signed by all property owners in the area to be annexed. Second, the property proposed to be annexed must be contiguous and reasonably compact. Third, the proposed annexation cannot produce an enclave. Finally, county charters which provide for an exclusive method of municipal annexation override the Florida Statute. Martin County is not a Charter county and therefore, the fourth criteria does not apply to an annexation in the City of Stuart, Florida.

1. **Signed by all property owners in the geographic area being annexed.** ***In the present matter, the property request for annexation has been executed by Sean Harrigan, authorized member for Barrio2Beach LLC and therefore meets the criteria that the application was executed by the proper owner for both (all) parcels.***

2. **Contiguous to the Municipality:** Pursuant to Section 171.044(1), F.S., "the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Property is deemed to be "Contiguous" under Section 171.031 (11), F.S., where a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous (sharing a common boundary) with a part of the boundary of the municipality. "Contiguous" has also been defined as "touching or adjoining in a reasonably substantial … sense." See City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989); May v. Lee County, 483 So. 2d 481 (Fla. 2d DCA 1986). The Sanford Court found that Section 171.031(11) F.S. only requires "that a substantial part of a boundary" touch municipal property as opposed to the entire perimeter of the property.

   Section 171.031(11) provides that:

   > Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such

> division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In the current application, the proposed annexation is coterminous with the City of Stuart. Specifically, the entire western boundary of the property borders the City of Stuart separated only by SE Commerce Avenue right of way. The portion of property "touching" the City of Stuart is significant and does not constitute a finger or minimal contact. Therefore, the property meets condition one and is contiguous to the City of Stuart.

3. Reasonably Compact

"Compactness is defined under Florida Statute §171.031(12), as a concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). The court in City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989) found that our statutes do not define the term pocket but Webster's defines the term in relevant part as a small isolated area of group. *Id.* AT 115 (referencing Websters New Collegiate Dictionary, p. 879).

A review of the map and the application determines that this property is reasonably compact and meets Florida Statute §171.031(12). Annexation would not create enclaves, pockets, or finger areas in serpentine patterns as the parcels are not isolated nor do they create serpentine patterns.

4. No Enclaves

Subsection (5) of F.S. §171.044, provides that "land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". The term "enclave" is defined under Florida Statute, §171.031(13), as "any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

The map provided as exhibit "A" delineates the property with a red outline and shows that an annexation of this parcel would not create an unincorporated geographic area bound on all sides by a single municipality. If the City Commission determines that an annexation results in an unincorporated area being bounded on all sides and a manmade obstacle prevents vehicular traffic from accessing the unincorporated property without passing through the municipality then steps must be taken to avoid the creation of an enclave.

Exhibit 'A'

4051
4001
LeMART AT PORT SEWALL
3920
208
3960
2700
2700
2800
2820
2700
2700
2700
2700
20
19
4221
4229
4233
4201
4245
4249
4241
4203
101
4203
103
4255
4263
4271
4275
4205
4279
4291
4287
4295
4283
300 m
1000 ft

Conclusion

Based upon the information provided in the application and the map attached hereto as exhibit "A", the two parcels of land qualify for review by the City Commission to be considered for annexation into the City of Stuart.

See Exhibit 'A' map on next page.

6/3/20

Capital Scrap Metal

38-38-41-002-208-00000-1
38-38-41-002-208-00003-8
3951 SE Commerce Lane
Stuart, Florida

McCarty & Associates
LAND PLANNING AND DESIGN
STUART • FT. PIERCE
772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Location Map

Reviewed By: T

CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
ANNEXATION APPLICATION

Application must be legible with all relevant fields completed.

Project ID#_____
(Staff Entry)

Pre-App Conference Date: October 31, 2019	Application Date:
Project Name: Capital Scraps Annexation Parcel ID# See Attached	Project Address: 3951 SE Commerce Avenue, Stuart, Florida
Zoning/CRA Sub-district: General Institutional (Martin County) **Subdivision:** Plat of Port Sewall Land Company	Lot(s): See Legal Description Attached

Fee: $1,792.00 *{this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)*

Submittal Requirements:

A. Completed application form;
B. Payment of fees;
C. A concept plan;
D. An estimate of the direct public costs to provide capital facilities for City utilities and other municipal services required by the development;
E. An estimate of the ad valorem tax revenues to be generated by the subject property at the current millage rate both prior to and after development;
F. An estimate of the residential population increase of the City after development; and
G. Any other information as may be required by the City Development Director in order to do a thorough review of the request.
H. One (1) copy of all documents on a PDF formatted disc electronically signed and sealed.

(The data requirements for a concept plan are available at the Development Department)

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Justification: Please explain how the proposed annexation would further the relevant goals, objectives, and policies of the City's comprehensive plan *(include additional pages if needed).*

See Justification Statement Attached.

(over)

General Information

(Please Print or Type)

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

Name: Sean Harrigan	City/State/Zip Code: Pompano Beach, Florida 33069
Tit l·e: Manager/ Authorized Member	Telephone Number:
Company: BARRI02BEACH LLC	Facsimile Number:
Company Address: 1610 Powerline Road	Email Address (optional):

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

Name: Tyson Waters, Esq.	City/State/Zip Code: Stuart, Florida 34994
Title: Member - Attorney	Telephone Number: 772-287-4444
Company: Fox McCluskey Bush Robison, PLLC	Facsimile Number:
Company Address: 3461 SE Willoughby Blvd.	Email Address (optional): twaters@foxmccluskey.com

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

Name: Sean Harrigan	City/State/Zip Code: Pompano Beach, Florida 33069
Title: Manager/ Authorized Member	Telephone Number:
Company: BARRIO2BEACH LLC	Facsimile Number:
Company Address: 1610 N Powerline Road	Email Address (optional):

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

4. Signed this 27TH day of DECEMBER 2019.

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

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 17 day of DEC 2019 by SEAN HARRIGAN who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

NOTARY PUBLIC

Commission Expires:

TYSON WATERS
MY COMMISSION #GG184811
EXPIRES: February 1, 2022
Bonded Thru Notary Public Underwriters

FOX McCLUSKEY BUSH ROBISON, PLLC

M. LANNING FOX
Board Certified Real Estate Lawyer
MICHAEL J. McCLUSKEY
Board Certified Business Litigation (2008-2019)
RAYMOND G. ROBISON
LL.M. - MasterofLaws in Taxation
J, HENRY CARTWRIGHT
Board Certified Condominium and
Planned Development Lawyer
TYSON J. WATERS
Board Certified Real Estate Lawyer
FREDERIK W. van VONNO (1951-2017)
Board Certified City, County &
Local Government Lawyer

3461 SE Willoughby Boulevard
P.O. Drawer 6
Stuart, Florida 34995-0006

Telephone:
(772) 287-4444 * (561) 744-6499
Fax:
(772) 283-4637

www.foxmccluskey.com

ANTHONY D. GEORGE, JR.

VALERIE A. CHESNUT
PHILIP W. GROSDIDIER
LL.M. - Master of Laws in Taxation

Of Counsel:
GEORGE W. BUSH, JR (1964-2019)
Board Certified Business Litigation Lawyer
Board Certified Condominium
& Planned Development Lawyer
ROBERT A. GOLDMAN
ADAM G. SCHWARTZ

December 31, 2019

Kev Freeman
City of Stuart, Development Director
Development Department
121 SW Flagler Avenue
Stuart, Florida 34994

Dear Kev:

Please find enclosed Barrio2Beach LLC's Annexation Application for the two parcels located at 3951 SE Commerce Avenue, Stuart, Florida (Parcel Identification Numbers 38-38-41-002-208-00000-1 and 38-38-41-002-208-00003-8), as more particularly described in the enclosed documents. The filing fee of $1,792.00 for the Annexation Application is included with this application packet. In addition, the following materials are included with the Annexation Application and attached hereto:

1. Justification Statement;
2. Description of surrounding land uses and zoning;
3. Survey of the subject properties (an updated survey is being prepared and will be submitted by supplemental filing upon receipt of same);
4. Aerial photograph of the properties; and
5. Proof of parcel ownership by way of deed.

There are no anticipated direct public costs to provide capital facilities for City utilities and other municipal services required by the parcels. Based on the current millage rate and the 2019 assessed value of the subject properties, the estimated ad valorem tax revenues to be generated by the subject properties are approximately $4,880 per year, though that amount will likely increase based on the proposed operations for the subject property. Finally, as the subject properties are industrial lands, there will be no increase of the residential population of the City of Stuart after annexation of the parcels.

We would ask that City staff review the enclosed materials and process the Annexation Application in an expeditious manner.

Should there be questions or anything further required please contact me.

Sincerely

Tyson J. Waters

TJW
Enclosures

Legal Description

Parcel 1

Being a portion of Lots 208 and 209, according to the plat of Official Map Sewall's Point Land Co., as recorded in Plat Book 3, Page(s) 7, Public Records of Palm Beach (now Martin) County, Florida.

Being more particularly described as follows:

Commencing at a point on the North line of Lot 209 and the East right-of-way of Commerce Avenue;

thence South 47 degrees 45'24" East along said East line a distance of 134.60 feet to the Point of Beginning;

thence North 53 degrees 05'28" East, a distance of 138.44 feet to a point;

then North 57 degrees 30' 17" East, a distance of 165.59 feet, to a point on the West right-of-way of the F.E.C. Railway;

thence South 41 degrees 30'57" East, a distance of 297.35 feet to a point;

thence South 48 degrees 29' 03" West, a distance of 263.37 feet, to a point on a curve, said curve being concave to the Northeast, having a radius of 460.00 feet, a central angle of 04 degrees 44'43", in a clockwise direction along the arc of said curve, a distance of 38.09 feet to the Point of Curve;

thence North 47 degrees 45'24" West, a distance of 298.55 feet to the Point and Place of Beginning,

together with a 30' drainage easement running parallel with the East line of the above described parcel.

AND

Parcel 2

Being a portion of Lot 208 according to the Plat of Official Map Sewall's Point Land Co. as recorded in Plat Book 3, Page 7, according to the Public Records of Palm Beach (now Martin) County, Florida, begin more particularly described as follows:

Commencing at a point on the North line of Lot 209 and the East right-of-way of Commerce Avenue;

thence South 47 degrees 45'24" East, along said East line, a distance of 433.15 feet, to a point of curvature, said curve being concave to the northeast having a radius of 460.00 feet, a central angle of 04 degrees 44'40", in a Southeasterly direction, along the arc of said curve, a distance of 38.09 feet to a point and place of beginning;

Thence continue Southeasterly along said curve, having a radius of 460.00 feet, a central angle of 05 degrees 47'44" an arc length of 46.53 feet to a point;

Thence South 58 degrees 17' 56" East a distance of 97.33 feet to a point of curvature;

thence Southeasterly along the arc of a curve, said curve being concave to the Southwest, having a radius of 540.00 feet; a central angle of 03 degrees 29' 19", an arc length of 32.88 feet to a point;

thence North 47 degrees 06'42" East, a distance of215.64 feet to the West right of way line of the F.E.C. Railroad;

thence North 41 degrees 30'57" West, along the West right-of-way line of said F.E.C. Railroad a distance of 164.92 feet to a point;

thence South 48 degrees 29'03" West a distance of 263.37 feet to the point and place of beginning.

Together with a 30' drainage easement running parallel with the East line of the above described parcel.

JUSTIFICATION STATEMENT

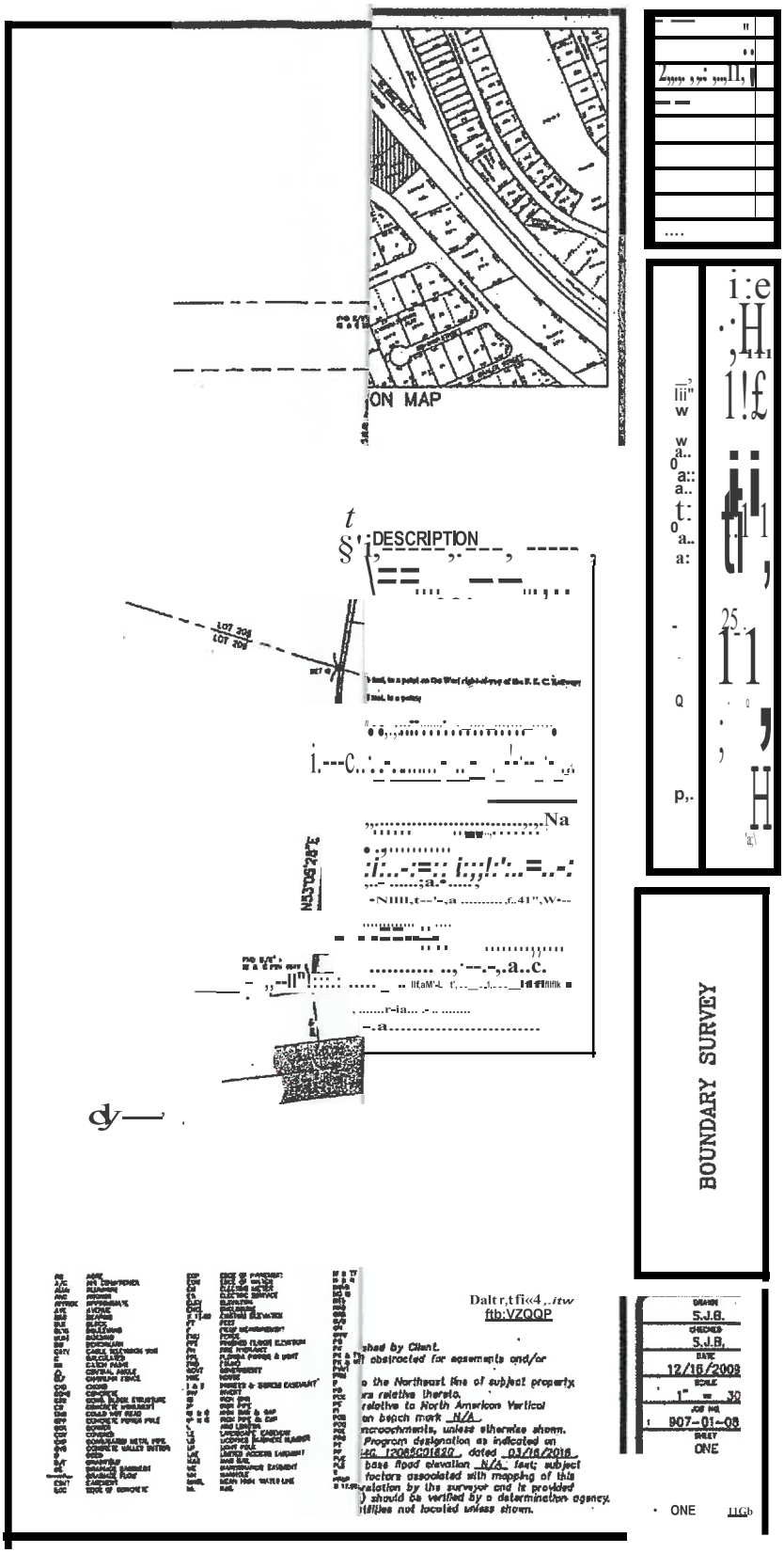
The annexation of the subject property will further the relevant goals, objectives, and policies of the City of Stuart's Comprehensive Plan and will extend opportunities for City of Stuart to continue to attract industrial and commercial users into the municipal jurisdictional limits.

The City of Stuart recently annexed property near the subject property and the proposed annexation of the subject property will continue to provide the City of Stuart with a consistent inclusion of land. The annexation of the subject property is a logical extension of the City's municipal boundaries as the subject property is bounded on the west by property located with the municipal boundaries of the City of Stuart and bounded on the east by the FEC railway. The FEC railway acts as an easterly boundary of the City's municipal limitations for much of the land south of Monterey Road and down into this area.

The Annexation application is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-serve for utilities/facilities and compatibility with existing/planned uses. The Annexation application complies with the relevant development standards of the City of Stuart Land Development Code. The subject parcels are existing industrial sites and currently are provided all necessary services to support its needs and ensure compatibility with surrounding properties.

DESCRIPTION OF SURROUNDING LAND USES AND ZONING

The subject property has an Industrial land use designation and M-2 zoning designation, with a General Institutional covenant imposed by Martin County. To the north and south of the subject property are lands with an Industrial land use and zoning designation. A portion of such properties are located within the City of Stuart municipal boundaries and some are in the unincorporated Martin County. To the east of the subject properties is the FEC railroad. Further east is a commercial parcel and SE Dixie Highway. To the west of the subject property are parcels within the City of Stuart municipal boundaries. The neighboring properties to the west are designated as commercial, with the exception of most immediate parcel to the west being recently annexed and still showing an industrial land use.


ON MAP
DESCRIPTION
BOUNDARY SURVEY
S.J.B.
S.J.B.
12/16/2009
1" = 30
907-01-05
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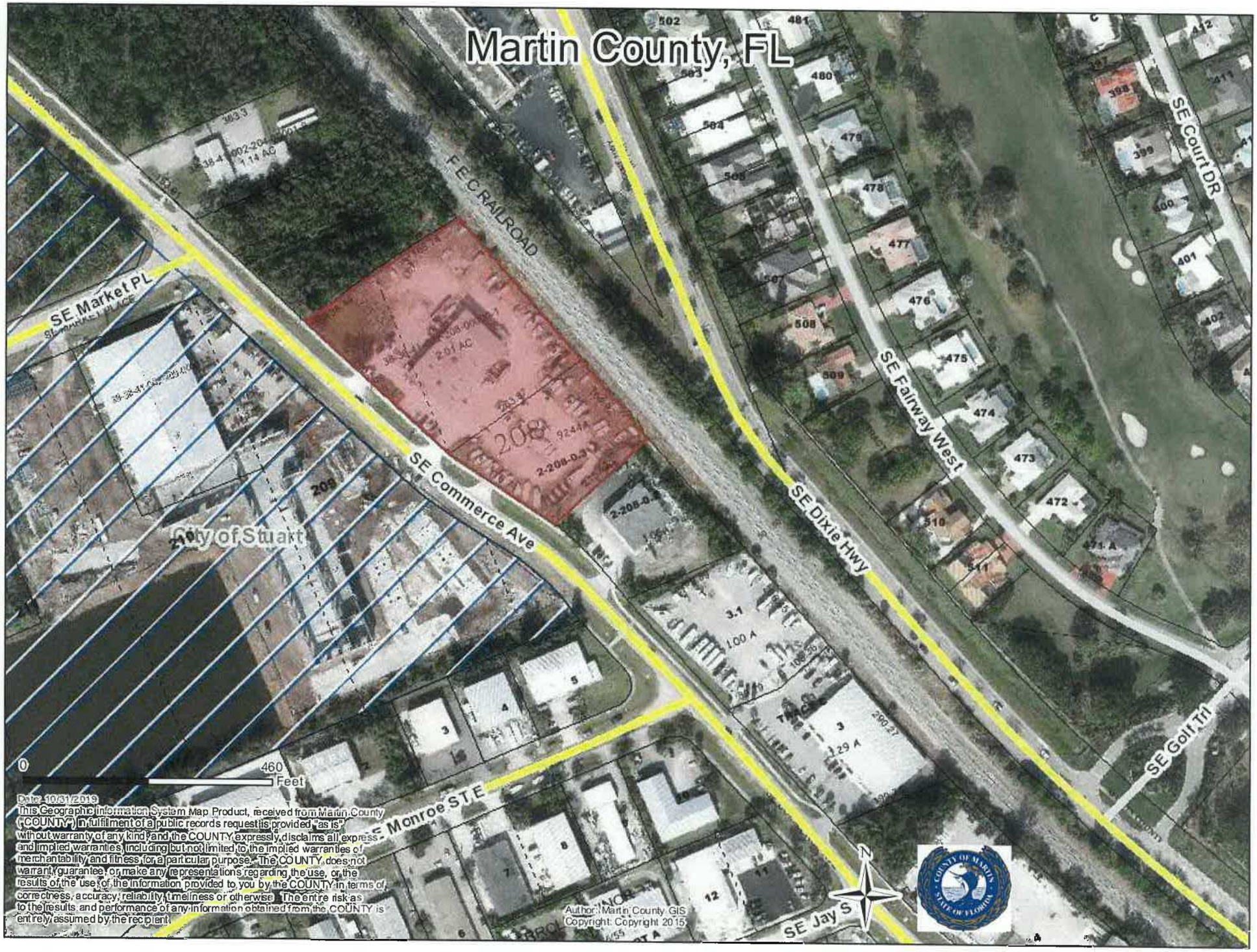
ONE


Martin County, FL
F E C RAILROAD
SE Market PL
SE Commerce Ave
SE Dixie Hwy
SE Fairway West
SE Court DR
SE Golf Trl
SE Jay S
City of Stuart
208
0
460
Feet
Date: 10/31/2019
This Geographic Information System Map Product, received from Martin County ("COUNTY") in fulfilment of a public records request is provided "as is" without warranty of any kind and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.
Author: Martin County GIS
Copyright: Copyright 2015

Recorded in Martin County, FL 8/12/2019 4:50 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $27.00Deed Ta : $12,950.00
CFN#2769724 BK 3076 PG 1599 PAGE 1 of3

This Document Prepared By and Return to:
Christopher J. Twohey, ?A
844 SE Ocean Blvd. Suite A
Stuart, Florida 34994

Pored ID Number: 383841002208000001 & 383841002000038

Warranty Deed

This Indenture, Made this 6th day of August ,2019 A.O., **Between**
Dream Maker Group, LLC. a Florida limited liabilltv company
of the County of Martin , State of Florida , **grantor,** and
BARRIO:ZBEACH. LLC, a Florida limited liability com1>11nv
whose address is: 1610 N. Powerline Road, Pompano Beach, FL 33069
of the County of Broward , State of Florida , **grantees.**

Witnesseth that the GRAN'IOR, for and in consideration of the sum of
TEN DOLLARS ($10)

and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of **Martin**
State of **Florida** to wit:

SF.E F.XHIBJT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

SUBJECT TO:
1. **Taxes for the year 2019, and all subsequent years;**
2. **Zoning restrictions, prohibitions and other requirements imposed by governmental authority;**
3. Restrictions and matters appearing on the **Pl11t** or otherwise common to the subdivision; and
4. **Public utility easements of record, if any.**

and the grantor does hereby fully warrant the title to said land, and will defend the same against law persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal th nd ye 1rs<abov r'tren.

Signed, sealed and deliv

Printe **Name:** Christopher J. Twohey
Witness

Printed Name: Angela G. Jordan
Witness

Dream Maker Group, LLC
By: _____ (Seal)
Craig Clements, Manager
P.O. Address 1549 SW Gopher Trl., Palm City, FL 34990

State of Florida
County of Martin
The foregoing instrument was acknowledged before me this 6 day of **August** , **2019** , by
Craig Clements, Manager of Dream Maker Group, LLC, a Florida limited liability company on behalf of the limited liability company
who is personally known to me or who has produced his DL as identification .

CHRISTOPHER J. TWOHEY
Commission # GG 000198
Expires July 28, 2020
Bonded Thru Troy Fain Insurance 800-385-7019

Printed Name: Christopher J. Twohey
Notary Public
My Commission Expires: 7-28-20

EXHIBIT "A"

Legal Description of the Land

PARCEL l:

Being a portion of Lots 208 and 209, according to the plat of Official Map Sewall's Point Land Co., as recorded in Plat Book 3, Page(s) 7, Public Records of Palm Beach (now Martin) County, Florida·.

Being more particularly described as follows:

Commencing nt a point on the North line of Lot 209 and the East **right-of-way of** Commerce Avenue;

thence South 47 degrees 45' 24" East along said East line a distance of 134.60 feet to the Point of Beginn in g.

thence North 53 degrees 05' 28"East, a distance of 13B.44 feet to a point;

thence North 57 degrees 30' 17" East, a distance of 165.59 feet, to a point on the West right-of-way of the F.E.C. Railway;

thence South 41 degrees 30'57" East, a distance *of* 297.35 feet, to a point;

thence Soutb. 48 degrees 29' 03" West, a distance of 263 .37 feet, to a point on a curve, said curve being concave to the Northeast, having a radius of 460.00 feet, a central angle of 04 degrees 44'43 ", in a clockwise direction along the arc of said curve, a distance of 38.09 feet to the Point of C u rve :

thence North 47 degrees 45'24" West, a distance of 298.55 feet to the Point and Place of Beginning,

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d::scribaj J;ErOel.

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PARCEL 2:

Being a portion of Lot 208 according to the Plat of Official Map._SewaU'.s Point Land Co. as recorded in Plat Book 3, page 7, according to the Public Records of Palm Beach (now martin) County, Florida, being more particularly described as .follows:

Commencing at a point on the North line of Lot 209 and the East right-of-way of commerce Avenue:

thence South 47 degrees 45' 24" East, along said East line, a distance of 433.15 feet, to a point 0£ curvature, said curve bei.ng concave to the northea·st having a radius of 460.00 feet, a central angle of 04 degrees 44' 40", in a Southeasterly direction, along the arc of said curve, a distance of 38 .09 feel to the point and place of beginning.

Thence continue Soutl:ieasterly along said curve, having a radius of 460.00 **feet, a** central angle of 05 degl'ees 47'44" a.narc length of 46.53 feet to a point;

Thence South 58 degrees 17'56" East a distance of 97.33 feet to a point of curvature;

thence Southeasterly along the arc of a curve, said curve being concave to the Southwest, having a radius of 540.00 teet; a central angle of 03 degrees 29' 19", an arc length of 32.88 feet to a poi.n t:

thence North 47 degrees 06' 42" East, a distance of 215.64 feet to the West right of way line of the F. E.C. Ra ilr oa d ;

thence North 41 degrees 30' 57" West, along the West right-of-way line *of* said F.E.C, Railroad a distance of 164.9?.. feet to a point;

thence South 48 degrees 29' 03" West a distance of 263.37 feet to the point and place of beginning

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SYNovus
Synows Bank, Member FDIC
64-60/611

CAPITAL SCRAP METAL LLC
OPERATING ACCOUNT
4001 S.E. COMMERCE AVE
STUART, _FL 34997

12/27/2019

6yo1i E_ CITY OF STUART $ **1,792.00

One Thousand Seven Hundred Ninety-Two and 00/100***-**********...,******r.**********

CITY OF STUART

NOT VALID AFTER 90 DAYS

Z:oo ruae

MEMO

⑈002078⑈ ⑆061100606⑆ 2044170300⑈

CAPITAL SCRAP METAL, LLC

2078

CITY OF STUART

12/27/2019

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
12/27/2019	Bill	111	1,792.00	1,792.00		1,792.00
					Check Amount	1,792.00

FCB - Operating Stuar 1,792.00

2.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:7/16/2020 **Prepared by:**Tom Reetz

Title of Item:
FUTURE LAND USE AND IPUD DESIGNATION (QUASI-JUDICIAL)

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The applicant is requesting a future land use designation of "Industrial" and a zoning designation of "Industrial Planned Unit Development (IPUD)" and annexation for a 2.01 acre parcel and .92 acre parcel, located on the west side of SE Commerce Avenue south of SE Market Place in unincorporated Martin County. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sq.ft. metal building and 8,670 sq. ft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The pervious areas of the site consist of Landscape buffers and retention areas with an open space equaling 28.16 % of the site. The facility provides a much-needed service to the community as a receiving site for various metals to be sorted and processed for recycling.

COMPREHENSIVE PLAN:
Future Land Use Element: Policy A7.5. Properties that are *annexed* into the City shall be given a City land use designation as soon as possible after the *annexation* is finalized.

Future Land Use Element: Policy B1.4. *Annexation* and redevelopment strategies for infill development and redevelopment should be formulated to produce a future viable economy for the City.

Economic Development Element: Policy A1.4. The City will encourage the designation and preservation of *industrial* land for *industrial* uses.

Economic Development Element: Policy A2.1. The City will encourage the expansion of existing business and *industry* and/or development of new business and *industry* in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure
Staff are aware that the property has recently satisfied a code violation with Martin County. However, because compliance was not achieved by the compliance date established in the Order Finding Violation, a fine in the amount of $40,000.00 has accrued.

Funding Source:
N/A
Recommended Action:
Subject to the conditions of the attached Ordinance and consideration before the board, staff offers no objection to the proposed future land use amendment to Industrial, and rezoning to an IPUD.

ATTACHMENTS:

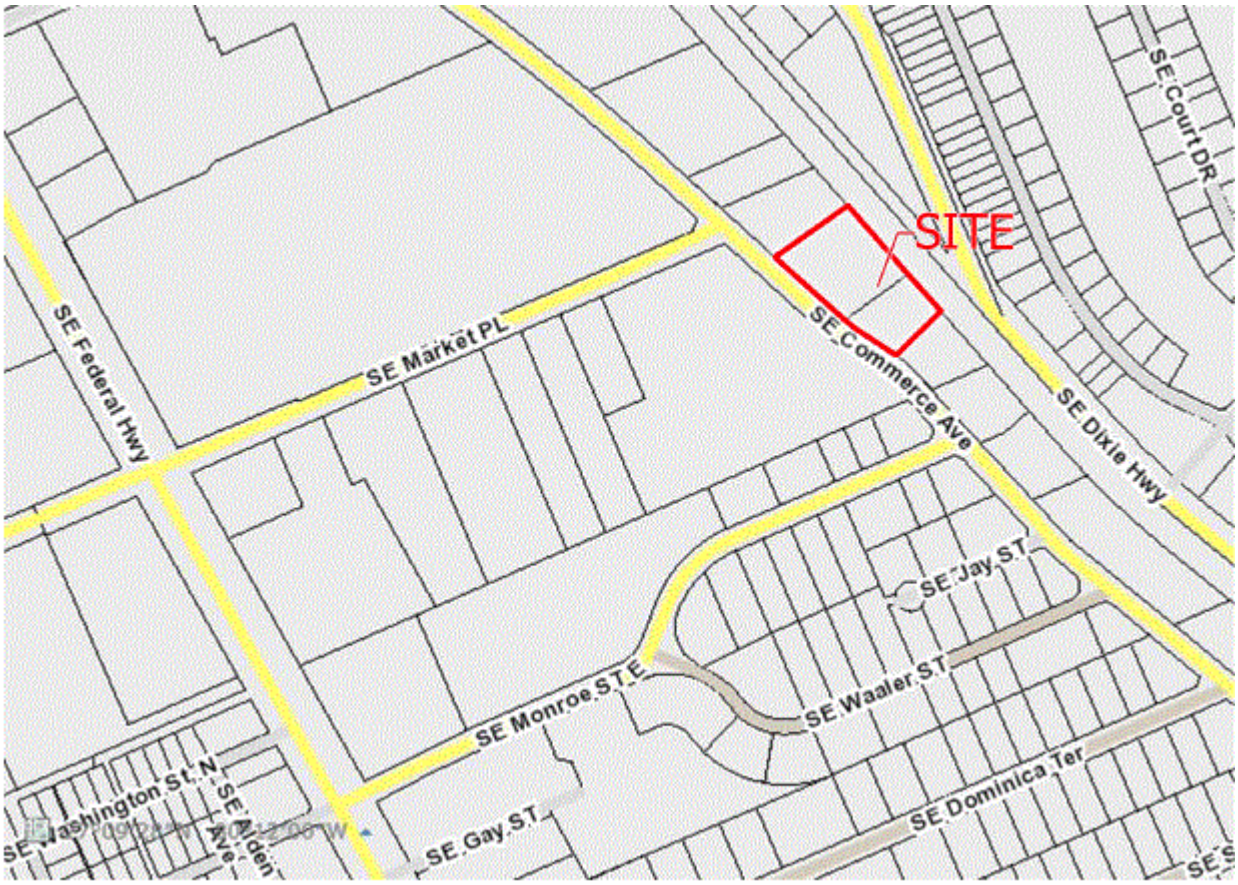
	Description	Upload Date	Type
🗋	Staff Report for Annexation FLUM and Rezoning	7/7/2020	Staff Report
🗋	Ordinance No.2444-2020	7/7/2020	Ordinance add to Y drive
🗋	Ordinance No. 2444-2020 Exhibit D	7/7/2020	Ordinance add to Y drive
🗋	Signed application	7/7/2020	Backup Material
🗋	Allicant's justification statement	7/7/2020	Backup Material
🗋	City Attorney Memo	7/7/2020	Backup Material
🗋	Martin County Stipulation	7/7/2020	Backup Material
🗋	Martin County notarized affidavit of compliance	7/7/2020	Backup Material
🗋	Existing Site pictures	7/7/2020	Backup Material

CITY OF STUART
Local Planning Agency
July 16, 2020

Project Name: Capital Scrap Metal	**Property Owner:** Barrio2Beach, LLC
Project No.: Z19120005	**Applicant/Petitioner:** Sean Harrigan
Ordinance No: 2443-2020 and 2444-2020	**Agent/Representative:** Mike McCarty
	Case Planner: Tom Reetz

Location: Parcel of land on the west side of SE Commerce Avenue and south of SE Market Place

Parcel #	Parcel ID	Address	Acreage	Current FLU	Current Zoning
1	38-38-41-002-208-0000-1	3951 SE Commerce	2.01	(MC) Ind.	(MC) M-2
2	38-38-41-002-208-00003-8	3951 SE Commerce	.92	(MC)Ind.	(MC) M-2



PROJECT SUMMARY	
Property Size (area)	Parcel 1 – 2.01 acres Parcel 2 - .92 acres TOTAL 2.93 ACRES

Present Use		Parcel 1 - Developed Parcel 2 - Undeveloped
Subject Property Land Use		Parcel 1 - Martin County - Industrial Parcel 2 - Martin County - Industrial
Adjacent FLU	*North*	Martin County- Industrial
	South	Martin County - Industrial
	East	FEC Rail system
	West	City of Stuart - Commercial
Subject Property Zoning		Parcel 1 - Martin County - M-2 Commercial Limited Parcel 2 - Martin County - M-2 Commercial Limited
Adjacent Zoning	*North*	Martin County - M-2 Commercial Limited
	South	Martin County - M-2 Commercial Limited
	East	FEC Rail system
	West	City of Stuart - CPUD
Proposed Land Use Designation & Zoning District		Industrial and Industrial Planned Unit Development (IPUD)
Proposed Use		Industrial – Existing warehouse that is 8,371 sq. ft & 8,670 sq. ft. of covered area with proposed covered Loading Dock ramp.
City Approvals		• Building Department – No comments at this time. • Fire Department – Approved with Comments • Public Works – Approved with Comments - See attached comments. • Police Department – See comments
Brief Explanation		The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.
Staff Recommendation: Subject to the attached development conditions staff offers no objection to the annexation and the Future Land Use designation to Industrial and zoning district designation to Industrial Planned Unit Development (IPUD) for the combined parcels consisting of 2.934 acres.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The applications for annexation, Future Land Use amendment to Industrial, zoning district designation to IPUD and a final site plan have been noticed in accordance with the requirements set forth in Sections 11.01.02, 11.01.09, and 11.02.00 of the Land Development Regulations, as well as applicable sections in F.S. Ch. 163, Part II and Ch. 171, Part II.

B. Site Posting Date: 6-3-20

C. Mail Notice Postmark: 6-3-20 to property owners within 300 feet

II. APPLICATION See Attachment to agenda

III. STAFF ANALYSIS

A. Site and Area Characteristics (Attachment C)

Direction	Current Use	Zoning	Future Land Use
North	Undeveloped	Martin County M-2 Commercial Limited	Martin County Industrial
South	Manufacturing/ Repair service shops/Warehouse (Martin County)	Martin County M-2 Commercial Limited	Martin County Industrial
East	FEC Rail	FEC Rail	FEC Rail
West	Upland Preserve for Walmart CPUD (City of Stuart)	CPUD	Commercial

B. Project Description

The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility

provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.

The property directly to the west, across the street, was recently annexed into the City of Stuart which provides the connectivity to the City boundary. The city has annexed properties along the US Hwy 1 and Commerce Ave corridors, thereby extending the city limits in a southward direction. The proposed IPUD site plan application is consistent with the development trends in the area and surrounding uses. Capital Scrap Metal is a job provider and employs 10 people or more.

C. Annexation

i. Reason for Request

The annexation of the subject property will further the relevant goals, objectives, and policies of the City of Stuart's Comprehensive Plan and will extend opportunities for City of Stuart to continue to attract industrial and commercial users into the municipal jurisdictional limits.

The City of Stuart recently annexed property near the subject property and the proposed annexation of the subject property will continue to provide the City of Stuart with a consistent inclusion of land. The annexation of the subject property is a logical extension of the City's municipal boundaries as the subject property is bounded on the west by property located with the municipal boundaries of the City of Stuart and bounded on the east by the FEC railway. The FEC railway acts as an easterly boundary of the City's municipal limitations for much of the land south of Monterey Road and down into this area.

The Annexation application is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-serve for utilities/facilities and compatibility with existing/planned uses. The Annexation application complies with the relevant development standards of the City of Stuart Land Development Code. The subject parcels are existing industrial sites and currently are provided all necessary services to support its needs and ensure compatibility with surrounding properties.

Building & Emergency Impact Services:

ii. Impact on Police and Emergency Services

The City's Police and Fire Departments have reviewed all plans and state the proposed annexation would not have a significant impact on police and fire services.

iii. Access, Drainage, and Utility Statement

1. Access: An ingress/egress access point exist on SE Commerce Avenue, which is a Martin County roadway.

iv. Intergovernmental Coordination

A copy of the application for annexation, Comprehensive Plan amendment and zoning designation and the final LPA packet was transmitted to Martin County Growth Management Department on July 10, 2020.

V. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Subject to the conditions contained in the attached Ordinances and consideration before the LPA, staff offers no objection to the proposed annexation, future land use amendment to Industrial, and rezoning to an IPUD.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE No. 2444-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

******

WHEREAS, Petitioner, Barrio2beach LLC, constituting the fee simple title holder to the lands north of SE Market Place and east of SE Commerce Avenue, consisting of 2.01 & .92 acres, more particularly described in **Exhibit "A"**, attached hereto and made a part thereof, has

voluntarily requested the City of Stuart annex said lands into the corporate limits of the City; and

WHEREAS, the City of Stuart has determined the need to designate the Future Land Use and Zoning District for said land; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for land use and zoning designation, and has also considered the recommendation of the Stuart Land Planning Agency and City staff.

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

Section 1. Findings. The City Commission finds the above statements are true and adopted as findings of fact and conclusions of laws.

Section 2. Land Use. The Future Land Use designation in the City's Comprehensive Land Use Plan shall be established as **"Industrial".**

Section 3. Zoning. The Zoning District on the City of Stuart Official Zoning Map shall be established as **"IPUD" Industrial Planned Unit Development.**

Section 4. The legal description of the properties, reflecting the 2.01 & .92-acre parcels, is set forth in **Exhibit "A"** attached hereto and made a part hereof by reference. A map of the Properties are attached hereto as **Exhibit "B"** and made a part hereof by reference. The conditions of development for the property are attached hereto as **Exhibit "C"** and made a part hereof by reference, and each shall constitute one of the development documents.

Section 5. The Owners' written acceptance of this Ordinance shall constitute an agreement with

the City for the purposes expressed herein, but the same shall not be construed as a "Development Agreement," as provided in Section 163.3221, Florida Statutes.

Section 6. The following "Development Documents" on file as public records of the City at the office of the City Development Department and as attached hereto as **Exhibit "D"** shall be henceforth deemed as Approved, and shall become a part of the development conditions applicable to the Subject Property, and all construction shall be in accordance therewith:

1. **Boundary and Topographic Survey by Velcon Engineering & Surveying, Sheets 1 of 2 and 2 of 2 dated 12-10-19.**
2. **Capital Scrap Metal Site Plan prepared by McCarty & Associates, Sheet S-1, dated 1.29.20.**
3. **Capital Scrap Metal Landscape Plans prepared by McCarty & Associates, Sheet L-1, and L-2 dated 2.12.20.**

Section 7. Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code. The failure of the owner to comply with the Development with any term or condition of development set forth in this ordinance, shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

SECTION 5. Following the adoption and acceptance of this ordinance by the Owner, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and

location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
b. Direct the City Development Director to initiate the process to rezone the CPUD property or any portion of the CPUD property.
c. Impose an administrative penalty of up to $1,000.00 for each violation, and up to $5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this CPUD ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 6. All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 7. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which

can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8. The provisions of the Future Land Use Amendment and Zoning Map shall be codified in the City of Stuart Comprehensive Plan, and official zoning map, respectively.

SECTION 9. This ordinance shall be effective upon its adoption. However, the Future Land Use Designation granted herein shall not be effective until thirty-one (31) days after adoption, and as otherwise provided by law F.S. 163.3187.

SECTION 10. The complete execution and recording of this ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

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

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
VACANT, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____

MICHAEL J. MORTELL
CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____day of _____, 2020, by MICHAEL J. MEIER, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY

MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Barrio2Beach, LLC,

_____

By: _____

Print Name: _____

Sean Harrigan - Owner

_____

Print Name: _____

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

Exhibit A

Legal Description

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

AND

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS

OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06'

42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST

RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

Exhibit B

Map

Exhibit "C"
Development Conditions

Approved Plans and Documents

1. **Boundary and Topographic Survey by Velcon Engineering & Surveying, Sheets 1 of 2 and 2 of 2 dated 12-10-19.**
2. **Capital Scrap Metal Site Plan prepared by McCarty & Associates, Sheet S-1, dated 1.29.20.**
3. **Capital Scrap Metal Landscape Plans prepared by McCarty & Associates, Sheet L-1, and L-2 dated 2.12.20.**

Permitted Uses

1. The project is approved as a receiving site for various metals to be sorted and processed for recycling. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sq. ft metal building and 8,670 sq. ft of covered area used for sorting metal. Outdoor storage shall be limited to material, equipment, vehicles, or supplies associated with the approved permitted use. The permitted use may be amended by a minor amendment to the PUD.

Prior to Issuance of Site Permits

2. Civil plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.

3. The applicant is responsible for obtaining all state, federal and local permits.

4. Lighting shall comply with Section 6.07.00 of the Land Development Code and reviewed by Police for CPTED/Crime Prevention recommendations.

5. Prior to final construction plan approval, the applicant shall provide South Florida Water Management District Stormwater permit.

6. Unity of Title shall be provided prior to the issuance of a Certificate of Occupancy prior to the issuance of a site permit.

7. Not less than 25% of the IPUD shall be open space as defined in the City Land Development Regulations. Required open space shall include native vegetation areas and landscape buffers between the IPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.

Traffic/Roadway Improvements

8. The applicant shall obtain the appropriate Martin County permit(s) for the driveway connection and other traffic improvements on SE Commerce Avenue that may be required prior to issuance of a site permit. The County's right-of-way shall be restored according to Martin County requirements for any necessary site improvements.

Landscaping

9. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

10. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed $1,500.00.

11. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.

12. "Hat racking" of trees is prohibited on the property.

Development and Construction

13. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.

14. To the extent possible, all on-site utilities must be buried except for any existing FPL transmission lines.

15. Backflow prevention devices and required above ground utilities shall be delineated on the landscape plans during final site plan review and shall be out of view or screened from the public right-of-way.

16. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.

17. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.

18. No loose materials such as sand, lumber, cardboard boxes, and the like which are subject to being scattered or blown about the premises by normal weather conditions shall be allowed.

19. An outdoor storage area shall be kept neat and orderly. The area shall not be permitted to take on the characteristics of a junkyard.

20. Materials stored shall not be stacked in piles higher than five feet and shall not be visible from surrounding properties or rights-of-way.

21. The applicant will ensure that if the National Weather Advisory Service identifies weather conditions which are predicted to include winds of 75 mph or greater, all materials stored as outdoor storage shall be removed from the storage bays and placed in an enclosed building at least 24 hours prior to the predicted onset of such winds or as soon as reasonably practical if less notice is provided.

22. All utility improvements constructed by the developer including all lift stations shall be constructed in a manner and form acceptable to the City of Stuart Utility Department. The developer shall grant any such utility easements necessary for this site as may be required by the City.

23. No temporary or modular buildings are permitted on the property except for permitted temporary construction trailers.

24. Any proposed signage shall comply with Section 6.11.00 of the Land Development Code. A separate permit(s) for all signs are required.

Development Timetable

25. Timetable for development shall be as follows:

- Site and Building Permit Submission – August 1, 2021
- Certificate of Occupancy – August 1, 2023

LEGAL DESCRIPTION:

PARCEL 1:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

AND

PARCEL 2:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06' 42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

ADDRESS: 3951 SE COMMERCE AVENUE
STUART, FLORIDA 34997

NOTES:

SUBJECT TO ANY APPLICABLE EASEMENTS, RIGHTS-OF-WAY, OR OTHER RESTRICTIONS OF RECORD.

A SEARCH OF THE PUBLIC RECORDS HAS NOT BEEN MADE BY THIS OFFICE.

BEARINGS SHOWN ARE RELATED TO THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE, SAID BEARING BEING S 47°45'24" E. ALL OTHER BEARING ARE RELATIVE THERETO.

LEGAL DESCRIPTION FROM WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 3076, PAGE 1599. PUBLIC RECORDS OF MARTIN COUNTY.

ELEVATIONS ARE IN FEET AND RELATED TO THE MARTIN COUNTY BENCHMARK "COM-MAR", HAVING A PUBLISHED ELEVATION= 14.15 NAVD.

PROPERTY LIES IN F.I.R.M. ZONE "X", AS SHOWN ON MAP NUMBERS 12085C0162 G & 12085C0164 G, DATED 03/16/2015. FLOOD ZONES ARE APPROXIMATE AS SCALED FROM FLOOD INSURANCE RATE MAPS.

IN ACCORDANCE WITH CHAPTER 5J-17.051, ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY, IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

UTILITIES SHOWN HEREON ARE VISIBLE ABOVE GROUND FEATURES. ADDITIONAL SUBSURFACE UTILITIES AND OR FEATURES MAY EXIST.

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY, THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PUBLIC WATER & SEWER AVAILABLE.

BOUNDARY DIMENSIONS SHOWN ARE PER PLAT AND FIELD MEASURE UNLESS OTHERWISE NOTED.

THE EXPECTED USE OF THE SURVEY AND MAP IS COMMERCIAL.

ALL DISTANCES AND ELEVATIONS SHOWN ARE IN ACCORD WITH THE UNITED STATES STANDARD USING FEET.

ALL DIRECTIONAL MEASUREMENTS SHOWN ARE IN THE FORMAT OF DEGREES, MINUTES AND SECONDS.

BOUNDARY & TOPOGRAPHICAL SURVEY FIELD DATE: 12-09-19.

COMBINED PARCELS CONTAIN 130,266 SQUARE FEET.

CERTIFIED TO: MIKE MCCARTY LAND PLANNING

ABBREVIATIONS LEGEND

A/C	AIR CONDITIONING	D/C	"D" CURB	INT	INTERSECTION	P/C	PROPERTY CORNER	SHP	SHIP SPIKE OR BOLT
AC	ACRE	D.E.	DRAINAGE EASEMENT	INV	INVERT	P/L	PROPERTY LINE	SLCR	ST LUCIE COUNTY RECORDS
AL	ALUMINUM	DI	DROP INLET	IP	IRON PIPE	P	PLAT	SLP	STREET LIGHT SUPPORT POLE
ANC	ANCHOR	DIA	DIAMETER	IP&P	IRON PIPE & PLUG	PAVE	PAVEMENT	S.S.	SANITARY SEWER
AP	ANCHOR POLE	DIP	DUCTILE IRON PIPE	IR	IRON ROD	PB	PLAT BOOK	SPC	STATE PLANE COORDINATES
APRX	APPROXIMATE	DMH	DRAINAGE MANHOLE	IRR	IRRIGATION	PC	POINT OF CURVATURE	ST	SEPTIC TANK
ASP	ASPHALT	DUE	DRAINAGE & UTILITY EASEMENT	IV	IRRIGATION VALVE	PCC	POINT OF COMPOUND CURVATURE	STD	STANDARD
BE	BUFFER EASEMENT	EC	EDGE OF CONCRETE	ICV	IRRIGATION CONTROL VALVE	PCO	PRESSURE CLEAN OUT (SANITARY)	STU	STORY
BFP	BACK FLOW PREVENTOR	ECP	ELECTRICAL CONTROL PANEL	IW	IRRIGATION WELL	PCP	PERMANENT CONTROL POINT	SV	SANITARY VALVE
BLDG	BUILDING	EL	ELEVATION	L	LENGTH	PF	PLASTIC FENCE	SWL	SWALE
BLK	BLOCK	ELEC	ELECTRIC	LB	LICENSED BUSINESS	PG	PAGE	TA	TOP OF ASPHALT
BM	BENCHMARK	ELEV	ELEVATION	LF&T	LIFT STATION	PI	POINT OF INTERSECTION	TM	TAX MAP
BOC	BACK OF CURB	EM	ELECTRIC METER	LME	LAKE MAINTENANCE EASEMENT	PKKG	PARKING	TMH	TELEPHONE MANHOLE
BP	BRICK PAVERS	ENC	ENCROACHMENT	LOC	LOCATION	PK&D	PARKER KALON NAIL AND DISK	TOB	TOP OF BANK
BOW	BACK OF WALK	EOW	EDGE OF WATER	LP	LIGHT POLE	PK/TT	PARKER KALON NAIL AND TIN TAB	TOE	TOE OF SLOPE
BRG	BEARING	EP	EDGE OF PAVEMENT	LS	LICENSED SURVEYOR	PLS	PROFESSIONAL LAND SURVEYOR	TP	TRAVERSE POINT
BW	BARBED WIRE	ESB	ELECTRIC SERVICE BOX	M	MEASURED	POB	POINT OF BEGINNING	TR	TELEPHONE RISER
C&G	CURB AND GUTTER	ESMT	EASEMENT	MAX	MAXIMUM	POC	POINT OF COMMENCEMENT	TRANS	TRANSFORMER
CAT	CULPEPPER & TERPENING	EX	EXISTING	MB	MAIL BOX	PP	POWER POLE	TS&B	TRAFFIC SIGNAL BOX
C/O	CUT OUT	EXT	EXTENDED	MEAS	MEASURED	PRC	POINT OF REVERSE CURVATURE	TT	TIN TAB
C	CALCULATED	FNC	FENCE	MES	MITERED END SECTION	PRO	PRORATED DISTANCE	TWP	TOWNSHIP
CATV	CABLE TELEVISION BOX	FC	"F" CURB	MH	MAN HOLE	PROP	PROPOSED	TYP	TYPICAL
CB	CATCH BASIN	FDC	FIRE DEPARTMENT CONNECTION	MHWL	MEAN HIGH WATER LINE	PRM	PERMANENT REFERENCE MONUMENT	U/C	UNDER CONSTRUCTION
CBS	CONCRETE BLOCK STRUCTURE	FECRR	FLORIDA EAST COAST RAILROAD	MIN	MINIMUM	PSM	PROFESSIONAL SURVEYOR & MAPPER	U.E.	UTILITY EASEMENT
CHD	CHORD	FFE	FINISHED FLOOR ELEVATION	MN	MAGNETIC NAIL	PSWL	PLASTIC SWALE	UP	UTILITY POLE
CI	CURB INLET	FH	FIRE HYDRANT	MN&D	MAGNETIC NAIL & DISK	PT	POINT OF TANGENCY	UR	UTILITY RISER
CL	CENTERLINE	FND	FOUND	MTT	METERED END	P.U.E.	PRIVATE UTILITY EASEMENT	UW	UNDER WATER
CLF	CHAIN LINK FENCE	FOC	FACE OF CURB	MW	MONITORING WELL	PVC	POLYVINYL CHLORIDE	VC	VALLEY CURB
CM	CONCRETE MONUMENT	FOW	FACE OF WALK	M&B	METES AND BOUNDS	R/C	ROD AND CAP	VLT	VAULT
CMP	CORRUGATED METAL PIPE	FPL	FLORIDA POWER & LIGHT	N&D	NAIL AND DISK	R/W	RIGHT-OF-WAY	WD	WOOD
CO	CLEAN OUT	GA	GREEN AREA	N	NAIL	R	RADIUS	WL	WATER LINE
COR	CORNER	GMH	GAS MANHOLE	NA	NON-APPLICABLE	RCP	REINFORCED CONCRETE PIPE	WM	WATER METER
CONC	CONCRETE	GND	GROUND	NAVD	NORTH AMERICAN VERTICAL DATUM	RFL	ROOF LINE	WP	WELL POINT
CONST	CONSTRUCTION	GRD	GRINDER	NGVD	NATIONAL GEODETIC VERTICAL DATUM	RGE	RANGE	WPP	WOOD POWER POLE
COV	COVERED	HC	HEADER CURB	NO	NUMBER	RLS	REGISTERED LAND SURVEYOR	WS	WATER SERVICE
CE	COVERED ENTRY	HCP	HANDI-CAP	NTS	NOT TO SCALE	RP	RADIUS POINT	WV	WATER VALVE
COVP	COVERED PORCH	HDPE	HIGH DENSITY POLYETHYLENE	O/A	OVERALL	RR	RAILROAD		
CPP	CONCRETE POWER POLE	HGW	HOG WIRE	O/S	OFF SET	RR/S	RAILROAD SPIKE		
CPPIPE	CORRUGATED PLASTIC PIPE	HW	HEADWALL	OE	OVERHEAD EASEMENT	S/W	SIDEWALK		
CS	CONCRETE SLAB	HYD	HYDRANT	OHE	OVERHEAD ELECTRIC	SMH	SANITARY SEWER MANHOLE		
Δ	DELTA ANGLE	ICV	IRRIGATION CONTROL VALVE	OHU	OVERHEAD UTILITY	SBT	SOUTHERN BELL TELEPHONE		
D/F	DRAIN FIELD	ID	IDENTIFICATION	OR	OFFICIAL RECORD	SEC	SECTION		
D	DEED INFORMATION	ILL	ILLEGIBLE	ORB	OFFICIAL RECORD BOOK	SF	SQUARE FEET		

ROBERT F. KEMERSON
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA (PSM)#6285

VELCON ENGINEERING & SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. LB 8206
590 NW PEACOCK BLVD, SUITE 8
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PHONE (772) 879-0477
Web Site: www.velconfl.com
VELCON ENGINEERING & SURVEYING

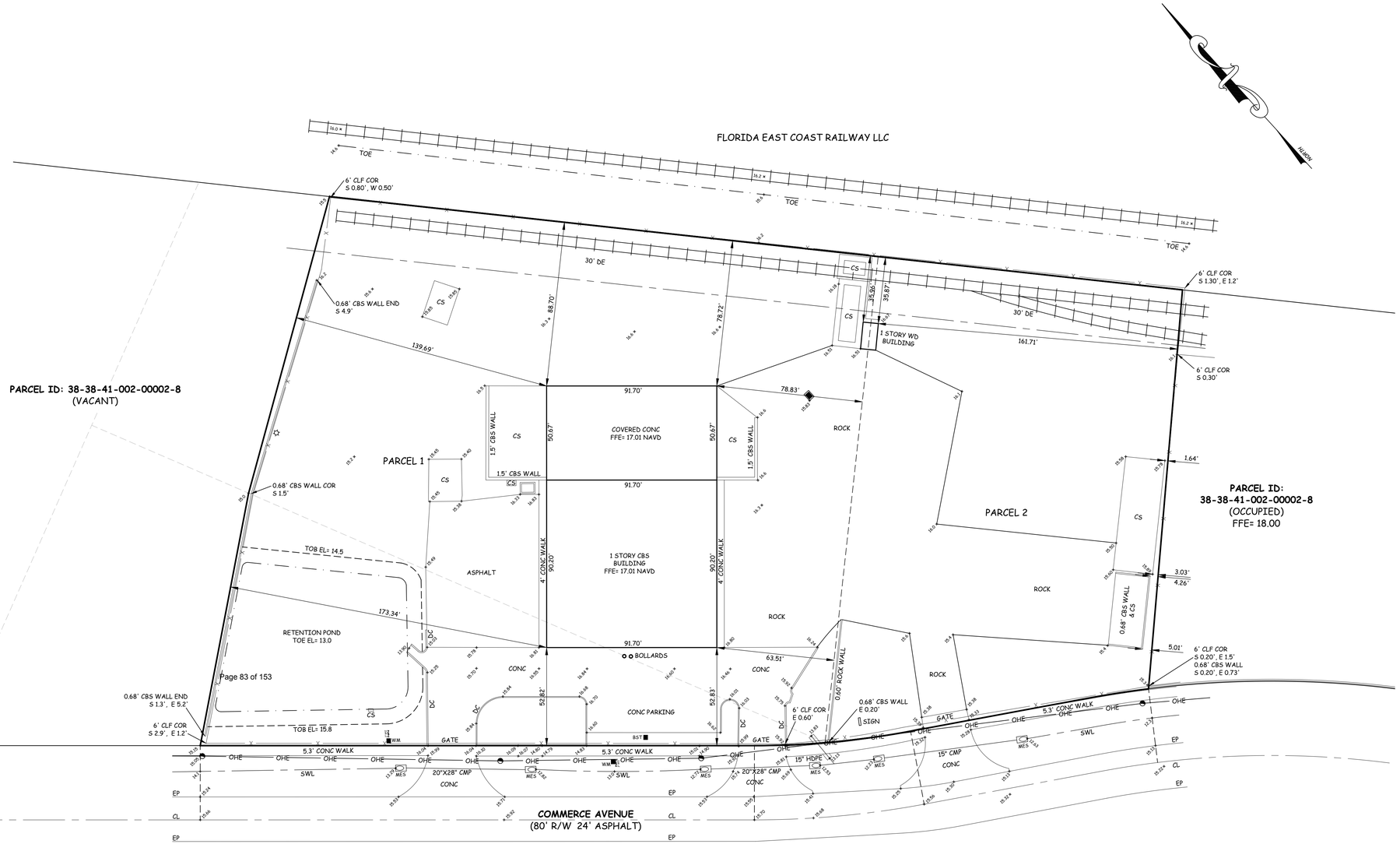
BOUNDARY & TOPOGRAPHIC SURVEY
PREPARED FOR
MIKE MCARTY & ASSOICATES

BY:	DATE:	REVISIONS

DRAWN BY: GJS
APPROVED BY: R. KEMERSON
SCALE: 1" = 30'
DATE: 12/10/19
FIELD BOOK/PAGES PLANS

JOB NUMBER: 19-2196

SHEET: 1 OF 2



ABBREVIATIONS LEGEND

A/C	AIR CONDITIONING	DC	"D" CURB	INT	INTERSECTION	P/C	PROPERTY CORNER	SHP	SHIP SPIKE OR BOLT
AC	ACRE	D.E.	DRAINAGE EASEMENT	INV	INVERT	P/L	PROPERTY LINE	SLCR	ST LUCIE COUNTY RECORDS
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ANC	ANCHOR	DIA	DIAMETER	IP&P	IRON PIPE & PLUG	PAVE	PAVEMENT	S.S.	SANITARY SEWER
AP	ANCHOR POLE	DIP	DUCTILE IRON PIPE	IR	IRON ROD	PB	PLAT BOOK	SPC	STATE PLANE COORDINATES
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BE	BUFFER EASEMENT	EC	EDGE OF CONCRETE	ICV	IRRIGATION CONTROL VALVE	PCO	PRESSURE CLEAN OUT (SANITARY)	STU	STORY
BFP	BACK FLOW PREVENTOR	ECP	ELECTRICAL CONTROL PANEL	IW	IRRIGATION WELL	PCP	PERMANENT CONTROL POINT	SV	SANITARY VALVE
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BLK	BLOCK	ELEC	ELECTRIC	LB	LICENSED BUSINESS	PG	PAGE	TA	TOP OF ASPHALT
BM	BENCHMARK	ELEV	ELEVATION	LFST	LIFT STATION	PI	POINT OF INTERSECTION	TM	TAX MAP
BOC	BACK OF CURB	EM	ELECTRIC METER	LME	LAKE MAINTENANCE EASEMENT	PRKG	PARKING	TMH	TELEPHONE MANHOLE
BP	BRICK PAVERS	ENC	ENCROACHMENT	LOC	LOCATION	PK&D	PARKER KALON NAIL AND DISK	TOB	TOP OF BANK
BOW	BACK OF WALK	EOW	EDGE OF WATER	LP	LIGHT POLE	PK/TT	PARKER KALON NAIL AND TIN TAB	TOE	TOE OF SLOPE
BRG	BEARING	EP	EDGE OF PAVEMENT	LS	LICENSED SURVEYOR	PLS	PROFESSIONAL LAND SURVEYOR	TP	TRAVERSE POINT
BW	BARBED WIRE	ESB	ELECTRIC SERVICE BOX	M	MEASURED	POB	POINT OF BEGINNING	TR	TELEPHONE RISER
C&G	CURB AND GUTTER	ESMT	EASEMENT	MAX	MAXIMUM	POC	POINT OF COMMENCEMENT	TRANS	TRANSFORMER
C&T	CULPEPPER & TERPENING	EX	EXISTING	MB	MAIL BOX	PP	POWER POLE	TSB	TRAFFIC SIGNAL BOX
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CI	CURB INLET	FH	FIRE HYDRANT	MN&D	MAGNETIC NAIL & DISK	PT	POINT OF TANGENCY	UR	UTILITY RISER
CL	CENTERLINE	FND	FOUND	MTT	MITERED END	P.U.E.	PRIVATE UTILITY EASEMENT	UW	UNDER WATER
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COVP	COVERED PORCH	HDPE	HIGH DENSITY POLYETHYLENE	O/A	OVERALL	RR	RAILROAD		
CPP	CONCRETE POWER POLE	HOG	HOG WIRE	O/S	OFFSET	RRS	RAILROAD SPIKE	15.9	SPOT ELEVATION
CPPIPE	CORRUGATED PLASTIC PIPE	HW	HEADWALL	OE	OVERHEAD EASEMENT	S/W	SIDEWALK		
CS	CONCRETE SLAB	HYD	HYDRANT	OHE	OVERHEAD ELECTRIC	SMH	SANITARY SEWER MANHOLE		CATCH BASIS
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DRAWN BY: GJS
APPROVED BY: R. KEMERSON
SCALE: 1" = 30'
DATE: 12/10/19
FIELD BOOK/PAGES PLANS

JOB NUMBER: 19-2196

SHEET: 2 OF 2

Location Map

Legal Description

PARCEL 1:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

PARCEL 2:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

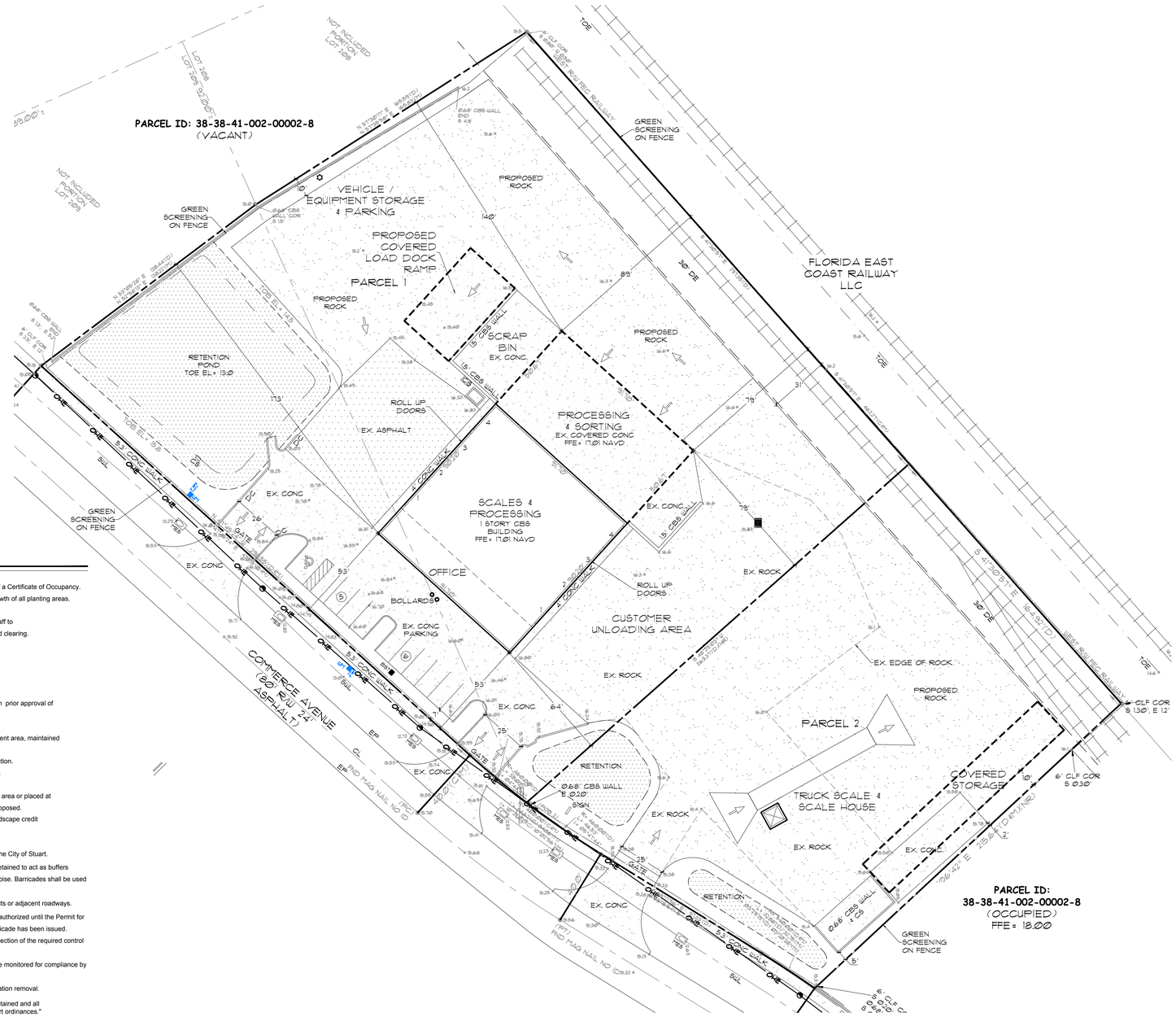
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06' 42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

Site Data

PCN	PARCEL 1	38-38-41-002-208-00000-1	
	PARCEL 2	38-38-41-002-208-00003-8	
ZONING			M-2
FUTURE LAND USE			INDUSTRIAL
EXISTING LAND USE			MANUFACTURING / SERVICE
PROPOSED USE			PROCESSING / SORTING
		SF	**AC**	**%**
TOTAL SITE AREA		130,267	2.99	100.00%
PARCEL 1		89,999	2.07	69.1%
PARCEL 2		40,268	0.92	30.9%
IMPERVIOUS AREA		**93,584**	**2.148**	**71.84%**
BUILDING		8,371	0.19	6.4%
OPEN COVERED AREAS		8,670	0.20	6.7%
STABILIZED ROCK AREA		57,217	1.31	43.9%
ASPHALT		4,840	0.11	3.7%
CONCRETE, WALKS, RAMPS, ETC…		14,486	0.33	11.1%
PERVIOUS AREA		**36,683**	**0.842**	**28.16%**
LANDSCAPE BUFFERS / OPEN SPACES		24,104	0.553	18.5%
RETENTION		12,579	0.289	9.7%
PARKING		**REQ.**	**PROVIDED**	
(1/ 1000 SF FLOOR AREA)		8	11	
ADA ACCESSIBLE SPACES		1	1	



General Notes

1. All signs shall meet City of Stuart Land Developement Regulations.
2. All Invasive exotic vegetation to be removed prior to the issuance of a Certificate of Occupancy.
3. There is to be an irrigation system installed to ensure continued growth of all planting areas. Source of irrigation water to be potable water.
4. The applicant will notify the City of Stuart for a field inspection by staff to determine if barricades have been properly placed prior to any land clearing.
5. Barricades must be constructed in the following manner:
   - Rope: 1/4" diameter min, nylon or poly, yellow or orange
     - Rope must be a minimum of four (4) feet off the ground.
     - Rope may not be attached to vegetation
     - Surveyor ribbon is not acceptable
   - Poles: 2x2 or 2x4, iron rebar, PVC pipe or other materials with prior approval of Environmental Planner.
     - Lathe strips are not acceptable.
   - Silt Fence: shall be installed along all perimeters of development area, maintained during construction.
6. All Barricades must be maintained intact for the duration of construction.
7. Storage of construction materials in preserve areas is not permitted.
8. Fill is not allowed to encroach into preserve areas.
9. Barricades must be offset at least ten (10) feet outside the preserve area or placed at the dripline of the canopy trees in any area for which clearing is proposed.
10. Individual trees or groups of vegetation that are to be saved for landscape credit requirements are to be barricaded according to the guidelines.
11. Advisory or warning signs must be provided.
12. Preserve areas are not to be altered without written permission of the City of Stuart.
13. During constructions activities, existing native vegetation shall be retained to act as buffers between adjacent land uses, and to minimize nuisance dust and noise. Barricades shall be used on site to preserve the vegetation to be retained for this purpose.
14. Any proposed lighting will be directed away from any residential units or adjacent roadways.
15. No clearing, including the installation of erosion control devices, is authorized until the Permit for the Installation of Erosion Control Devices and Preserve Area Barricade has been issued.
16. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained.
17. All contruction barricades and silt fences will remain in place and be monitored for compliance by the permit holder during the permitted development activities.
18. Soil stabilization shall be completed within thirty (30) days of vegetation removal.
19. Proposed timetable for construction: "all building permits shall be obtained and all construction completed within time frame consistent with city of stuart ordinances."
20. Contractor shall verify all existing conditions and layout dimensions in the field. report all discrepancies immediately to the landscape architect for decision before construction.
21. Refer to the architectural drawings for all building dimensions.
22. Contractor shall verify all existing grades in the field and report any discrepancies immediately to the landscape architect for decision.
23. New earthwork shall blend smoothly into existing grade.
24. All paved areas must pitch to drain at min. of 1/8" per foot. any discrepancies not allowing this to occur shall be reported to the landscape architect prior to continuing work.
25. Contractor shall provide irrigation to, and drainage from all planters.
26. Remove all road base, shellrock, marl, coral rock, and rubble 30" min. below finish grade from all new planting areas and tree pits. backfill with suitable soil as approved by landscape architect. maintain existing grade at existing trees.

Drainage Notes

1. Match all existing grades along property lines.

2. Contractor shall be responsible for providing positive site drainage away from all structures including but not limited to planters, courtyard planting areas, hardscape surfaces and architectural elements.

3. Contractor shall provide drainage from all planters.

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1-800-432-4770
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SUNSHINE STATE ONE CALL OF FLORIDA, INC.

NORTH
Scale: 1" = 30'
0' 15' 30' 60'

McCarty & Associates
LAND PLANNING AND DESIGN
STUART • FT. PIERCE
772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Capital Scrap Metal
Stuart, Florida
Site Plan

Drawn By	DMS
Checked By	MM
Scale	1"=30'
Drawing Date	1/29/2020

S-1

Location Map

Legal Description

PARCEL 1:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

PARCEL 2:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06' 42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

Site Data

PCN	PARCEL 1	38-38-41-002-208-00000-1	
	PARCEL 2	38-38-41-002-208-00003-8	
ZONING		M-2	
FUTURE LAND USE		INDUSTRIAL	
EXISTING LAND USE		MANUFACTURING / SERVICE	
PROPOSED USE		PROCESSING / SORTING	
	SF	AC	%
TOTAL SITE AREA	130,267	2.99	100.00%
PARCEL 1	89,999	2.07	69.1%
PARCEL 2	40,268	0.92	30.9%

Landscape Data

	REQ.	PROV.
NORTH PROPERTY LINE		273 LF
1 TREE / 30 LF & HEDGE	9	9 PLANTED TREES
SOUTH PROPERTY LINE		185 LF
1 TREE / 30 LF & HEDGE	6	6 PLANTED TREES
WEST PROPERTY LINE		512 LF
1 TREE / 30 LF & HEDGE	17	22 PLANTED TREES
LANDSCAPING		
LANDSCAPE AREA	20%	28%
TREES (1 TREE / 2,500 SF OF DEVELOPMENT SITE)	52	52
PLANT MATERIAL DATA		
NATIVE TREES	50%	100%
NATIVE SHRUBS	50%	100%

Landscape Notes

1. PLANT AND LANDSCAPE MATERIALS SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO. 1, AS GIVEN IN THE GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS I & II, AS PREPARED BY THE FLORIDA DEPT. OF AGRICULTURE AND CONSUMER SERVICES.

2. A 3" THICK LAYER OF ORGANIC NON-CYPRESS MULCH SHALL BE APPLIED TO ALL LANDSCAPE AND PLANTING AREAS.

3. ALL EXOTIC VEGETATION TO BE REMOVED FROM DEVELOPMENT AREA.

4. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED THAT IS CAPABLE OF PROVIDING 100% COVERAGE TO ALL LANDSCAPE AND PLANTING AREAS AND HAVE AN AUTOMATIC MOISTURE SENSOR.

5. IRRIGATION SOURCE TO BE POTABLE WATER. IRRIGATION PLANS SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.

6. EXISTING TREES THAT ARE TO REMAIN SHALL BE BARRICADED ACCORDING TO CITY OF STUART ORDINANCES.

7. THIS PLAN HAS BEEN DESIGNED TO MEET WITH THE TREE PLANTING REQUIREMENTS CONTAINED WITHIN THE FPL DOCUMENT ENTITLED "PLANT THE RIGHT TREE IN THE RIGHT PLACE."

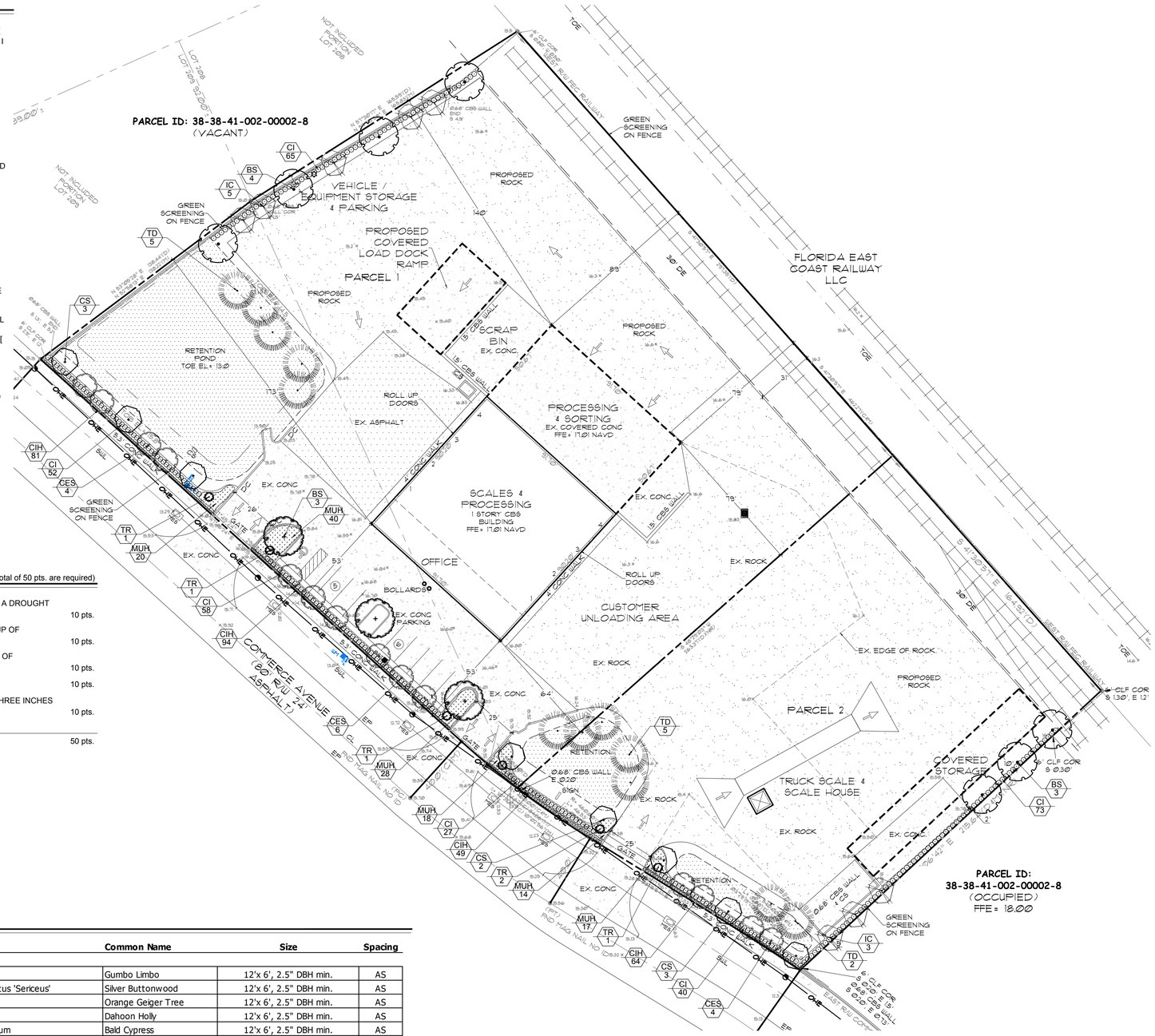
8. FOR EXISTING OR PROPOSED UTILITIES, NO TREE SHALL BE PLANTED WHERE IT COULD, AT MATURE HEIGHT, CONFLICT WITH OVERHEAD POWER LINES. LARGE TREES [HEIGHT AT MATURITY OF MORE THAN THIRTY (30) FEET] SHALL BE PLANTED NO CLOSER THAN A HORIZONTAL DISTANCE OF THIRTY (30) FEET FROM THE NEAREST OVERHEAD POWER LINE. MEDIUM HEIGHT TREE [HEIGHT AT MATURITY BETWEEN TWENTY (20) AND THIRTY (30) FEET] SHALL BE OFFSET AT LEAST TWENTY (20) FEET AND SMALL TREES [HEIGHT AT MATURITY OF LESS THAN (20) FEET] REQUIRE NO OFFSET.

9. NO TREE, SHRUBS, HEDGES OR VINES SHALL BE PLANTED WITHIN FIVE (5) FEET OF ANY EXISTING OR PROPOSED UTILITY POLE, GUY WIRE OR-PAD MOUNTED TRANSFORMER. PALMS SHOULD BE PLANTED AT A DISTANCE EQUAL TO OR GREATER THAN THE AVERAGE FRONT LENGTH PLUS TWO (2) FEET FROM POWER LINES.

Xeriscape Table

(A total of 50 pts. are required)

3. 51% OR MORE OF THE GRASS AREAS ARE MADE UP OF A DROUGHT TOLERANT SPECIES FROM THE LIST.	10 pts.
4. 51% OR MORE OF THE REQUIRED SHRUBS ARE MADE UP OF DROUGHT TOLERANT SPECIES FROM THE LIST.	10 pts.
5. 51% OR MORE OF THE REQUIRED TREES ARE MADE UP OF DROUGHT TOLERANT SPECIES FROM THE LIST.	10 pts.
7. SOD AREA LESS THAN 50% OF LANDSCAPE AREA	10 pts.
8. UTILIZATION OF COMPACTED MULCH BEDS AT LEAST THREE INCHES DEEP IN ALL PLANTED AREAS EXCEPT GROUND COVER.	10 pts.
TOTAL PROVIDED POINTS	50 pts.



Plant List

Key	Qty	Scientific Name	Common Name	Size	Spacing
TREES & PALMS					
BS*^	10	Bursera simaruba	Gumbo Limbo	12'x 6', 2.5" DBH min.	AS
CES*^	14	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'x 6', 2.5" DBH min.	AS
CS*^	8	Cordia sebestena	Orange Geiger Tree	12'x 6', 2.5" DBH min.	AS
IC*^	8	Ilex cassine	Dahoon Holly	12'x 6', 2.5" DBH min.	AS
TD*^	12	Taxodium distichum	Bald Cypress	12'x 6', 2.5" DBH min.	AS
TR*^	6	Thrinax radiata	Florida Thatch Palm	4' OA, multi trunk, full	AS
ACCENTS, SHRUBS & GROUNDCOVERS					
CI*^	316	Chrysobalanus icaco	Native Green Cocoplum	24"x 18", full	24" OC
CIH*^	288	Chrysobalanus icaco 'Horizontal'	Native Horizontal Cocoplum	3g, 16"x 16"	18" OC
MUH*^	137	Muhlenbergia capillaris	Pink Muhly Grass	24"x 24", full	30" OC

*DENOTES FLORIDA NATIVE PLANT MATERIAL
^DENOTES MODERATELY DROUGHT TOLERANT SPECIES
ALL PLANT MATERIAL SHALL BE MINIMUM FLORIDA #1 GRADE PER THE FLORIDA GRADES & STADARDS FOR NURSERY PLANTS 2015 EDITION

Misc.

SOD - Paspalum notatum - Bahia Sod - solid sod, laid tight

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1-800-432-4770
IT'S THE LAW!
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

NORTH
Scale: 1" = 30'
0' 15' 30' 60'

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STUART • FT. PIERCE
772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Capital Scrap Metal
Stuart, Florida
Landscape Plan

REGISTERED LANDSCAPE ARCHITECT DANIEL MCRAE SUGG LA 6667190 STATE OF FLORIDA

Drawn By	DMS
Checked By	MM
Scale	1"=30'
Drawing Date	2/12/2020

Plant Specifications

SPECIES AND SIZE shall conform to those indicated on the drawings. Nomenclature shall conform to STANDARDIZED PLANT NAMES, current edition. All nursery stock shall be in accordance with Grades and Standards for Nursery Plants Parts I & II, latest edition published by the Florida Department of Agriculture and Consumer Services. All plants not otherwise specified as being Florida Fancy or Specimen, shall be Florida Grade Number 1 or better as determined by the Florida Division of Plant Industry. Specimen means an exceptionally heavy, symmetrical, tightly knit plant, so trained or favored in its development that first appearance is unquestionable and outstandingly superior in form, number of branches, compactness and symmetry.

GENERAL REQUIREMENTS

All plants shall be freshly dug, sound, healthy, vigorous, well branched, and free of disease and insect eggs and larvae, and shall have adequate root systems. Trees for planting rows shall be uniform in size and shape. All materials shall be subject to approval by the Landscape Architect. Where any requirements are omitted from the plant list, the plants furnished shall be normal for the variety. Plants shall be pruned prior to delivery only upon the approval of the Landscape Architect.

CONTAINER GROWN STOCK

All container grown material shall be healthy, vigorous, well rooted plants, and established in the container in which they are sold. The plants shall have tops which are good quality and in a healthy growing condition. An established container grown plant shall be grown in that container sufficiently long enough for the new fibrous roots to have developed so that the root mass will retain its shape and hold together when removed from the container. Plant root bound in containers are unacceptable.

MEASUREMENTS

Trees: Height shall be measured from ground to the average height of canopy. Spread shall be measured to the end of branching equally around the crown from the center of the trunk. Measurements are not to include any terminal growth. Single trunk trees shall be free of "V" crotches that could be points of weak limb structure or disease infestation.

Shrubs: Heights shall be measured from the ground to the average points where mature plant growth stops. Spread shall be measured to the end of branching equally around the shrub mass. Measurements are not to include any terminal growth.

Palms: Clear Trunk (C.T.), shall be measured from the ground at the time of installation to the point where the mature aged trunk joins the immature or green portion of the trunk or the head.

Overall height (O.H.), shall be measured from the ground at the time of installation to a point three quarters the length of the unopened bud. Palms with marred or burned trunks will not be accepted.

SOIL

Planting soil for use in preparing backfill for plant pits shall be added at a rate of seventy-five (75%) percent to twenty-five (25%) percent existing soil. This soil mix shall be used in all plant pits except Sabal palms which shall be backfilled with clean sand. Planting soil shall be a fertile, friable natural topsoil or loamy character. It shall contain forty (40) to fifty (50) percent decomposed organic matter and shall be free from heavy clay, stones, lime, plants, roots or other foreign materials or noxious grasses (such as Bermuda or nut grass) and noxious weeds. It shall not contain toxic substances which may be harmful to plant growth.

COMMERCIAL FERTILIZER

Two fertilizer shall be used in all types of plantings, except palms. Granular fertilizer shall be uniform in composition, dry and free flowing. This fertilizer shall be delivered to the site in the original unopened bags, each bearing the Manufacturer's statement of analysis, and shall meet the following requirements: sixteen (16%) percent nitrogen, seven (7%) percent phosphorus, twelve (12%) percent potassium, plus iron. Tablet fertilizer ("Agriform" or equal) in 21 gram size shall meet the following requirements: twenty (20%) percent nitrogen, ten (10%) percent phosphorous, five (5%) percent potassium.

The two fertilizers will be applied at the following rates:

PLANT SIZE	16-7-12	"AGRIFORM" TABLET (21 Grams)
1 gal.	1/4 lb.	1
3 gal.	1/3 lb.	2
7-15 gal.	1/2 lb.	4
1"-6" caliper	2 lbs./1" caliper	2/1" caliper
6" and larger	3 lbs./1" caliper	2/1" caliper

"Florida East Coast Palm Special" will be applied to all palms at installation at a rate of 1/2 lb. per inch of trunk caliper unless otherwise specified.

MULCH

Mulch material shall be three (3) inches of shredded melaleuca mulch (sterilized and free of seeds) or approved equal, moistened at the time of application to prevent wind displacement.

SUBSTITUTIONS

No substitutions of plant material types or size will be allowed without written consent of the Landscape Architect. B&B material will not be accepted as substitute for container grown material unless previously approved. Alternate substitutions shall be indicated in bid.

Notes

- Prior to the installation of any plant material all existing and imported soils shall be tested and amended to meet the soil specifications and specific plant needs as shown on this plan.

- All plant material, unless specified as being Florida Fancy or Specimen, shall be Florida Grade Number 1 or better as determined by the Florida Division of Plant Industry.

- All plant materials and sod shall have an automatic irrigation system providing 100% coverage.

- Maintain positive drainage away from building.

- All plant material shall be planted, fertilized and mulched as per the Plant Details and Plant Specifications noted on this plan.

- Landscape Contractor shall research plans and contact appropriate agencies to determine location of utilities and obstructions prior to commencing work. Any utilities or unanticipated obstructions shall be reported immediately to the Landscape Architect.

- Landscape Contractor will be responsible for obtaining all necessary permits, licenses, inspections, and insurance as required by the State and local agencies.

-Quantities shown on plant list are for convenience only. If a discrepancy occurs between the plan and plant list the plan shall prevail.

Plant List

Key	Qty	Scientific Name	Common Name	Size	Spacing
TREES & PALMS					
BS*^	10	Bursera simaruba	Gumbo Limbo	12'x 6', 2.5" DBH min.	AS
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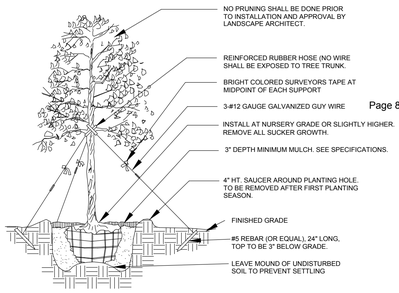
CS*^	8	Cordia sebestena	Orange Geiger Tree	12'x 6', 2.5" DBH min.	AS
IC*^	8	Ilex cassine	Dahoon Holly	12'x 6', 2.5" DBH min.	AS
TD*^	12	Taxodium distichum	Bald Cypress	12'x 6', 2.5" DBH min.	AS
TR*^	6	Thrinax radiata	Florida Thatch Palm	4' OA, multi trunk, full	AS
ACCENTS, SHRUBS & GROUNDCOVERS					
CI*^	316	Chrysobalanus icaco	Native Green Cocoplum	24"x 18", full	24" OC
CIH*^	288	Chrysobalanus icaco 'Horizontal'	Native Horizontal Cocoplum	3g, 16"x 16"	18" OC
MUH*^	137	Muhlenbergia capillaris	Pink Muhly Grass	24"x 24", full	30" OC

*DENOTES FLORIDA NATIVE PLANT MATERIAL
^DENOTES MODERATELY DROUGHT TOLERANT SPECIES
ALL PLANT MATERIAL SHALL BE MINIMUM FLORIDA #1 GRADE PER THE FLORIDA GRADES & STADARDS FOR NURSERY PLANTS 2015 EDITION

Misc.

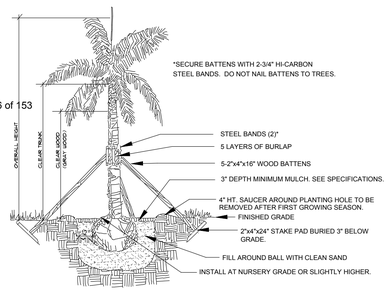
SOD - Paspalum notatum - Bahia Sod - solid sod, laid tight

Planting Details



Tree Planting

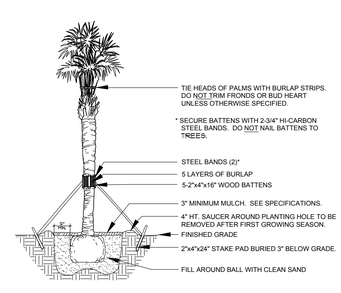
* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION
* BRACING - SPECIAL SITE CONDITIONS MAY REQUIRE MODIFICATION TO BRACING TECHINQUE. LANDSCAPE CONTRACTOR WILL ADEQUATELY BRACE (OR WIRE) ALL TREES TO PREVENT EXCESSIVE MOVEMENT & MAINTAIN A VERTICAL POSITION.



Palm Planting

APPLIES TO: ROYAL PALMS, QUEEN PALMS, ALEXANDER PALMS, MANILA PALMS.

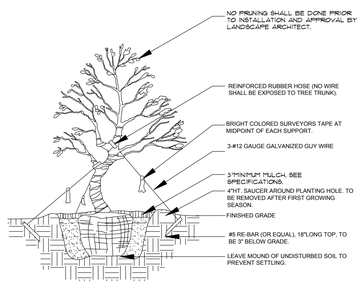
* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION
* BRACING: SPECIAL SITE CONDITIONS MAY REQUIRE MODIFICATION TO BRACING TECHNIQUE. LANDSCAPE CONTRACTOR WILL ADEQUATELY BRACE ALL PALMS TO PREVENT EXCESSIVE MOVEMENT AND MAINTAIN A VERTICAL POSITION.



Palm Planting

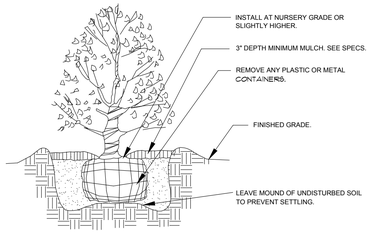
APPLIES TO: SABAL PALMS, WASHINGTON PALMS, CANARY ISLAND DATE PALMS, SENEGAL DATE PALMS

* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION



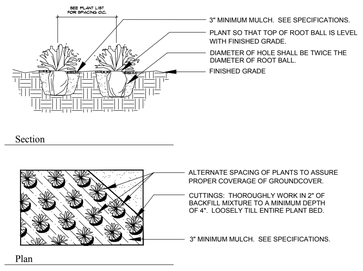
Irregular & Multi-Stem Tree Planting

FOR TREES 6'-14'HT.
NOTES:
SEE SPECIFICATIONS FOR BACKFILL MIXTURES AND FERTILIZATION.
BRACING-SPECIAL SITE CONDITIONS MAY REQUIRE MODIFICATION TO BRACING TECHNIQUE. LANDSCAPE CONTRACTOR WILL ADEQUATELY BRACE (OR WIRE) ALL TREES TO PREVENT EXCESSIVE MOVEMENT AND MAINTAIN A VERTICAL POSITION.



Shrub Planting

* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION.



Groundcover Planting

* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION.

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www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Capital Scrap Metal
Stuart, Florida
Plant List, Planting Details, & Specifications

REGISTERED LANDSCAPE ARCHITECT DANIEL MCRAE SUGG LA 6667190 STATE OF FLORIDA

Drawn By DMS
Checked By MM
Scale
Drawing Date 2/12/2020

Stuart DEVELOPMENT

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

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID#_____
(Staff Entry)

Pre-App Conference Date: TBD	Application Date:
Project Name: Capital Scrap Metal	
Parcel ID# 38-38-41-002-208-00000-1,38-38-41-002-208-00003-8	Project Address: 3951 SE COMMERCE AVE, STUART
Current Zoning: M2 (Martin County)	Current Land Use: Industrial
Proposed Zoning: IPUD	Proposed Land Use: Industrial
Present Use: Recycling facility	Site Area/Acreage: 2.9344
Fees *(check box)*: *This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees.*	
Rezoning to CPUD $3,584.00 ☐	Site space must be greater than 20,000 sq. ft.
Rezoning to RPUD $3,584.00 ☐	Site area must be greater than .5 acre
Rezoning to MXPUD $3,584.00 ☐	Site area must be greater than .5 acre
Rezoning to Industrial IPUD $3,584.00 ☒	Site area must be greater than 1 acre
Rezoning to Public Service PSPUD $3,584.00 ☐	Site area must be greater than 2.5 acres
Non-PUD District Rezoning $1,049.00 ☐	

Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) The data requirements for a site plan and a concept plan are available at the Development Department.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Written justification supporting the application and demonstrating how the application:

- Is consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses and
- Complies with the relevant development standards of the City of Stuart Land Development Code *(include additional pages if needed).*

(over)

General Information

(Please Print or Type)

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

Name: Sean Harrigan	City/State/Zip Code: Pompano Beach Fl 33069
Title: Owner	Telephone Number: 954-995-5821
Company: Barrio2beach LLC	Facsimile Number:
Company Address: 1610 N Powerline Rd	Email Address (optional): dumpsterkingfla@gmail.com

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

Name: Mike McCarty	City/State/Zip Code: Stuart FL 34994
Title: Principal	Telephone Number: 772-341-9322
Company: McCarty & Associates Land Planning and Design LLC	Facsimile Number:
Company Address: 309 SE Osceola Street	Email Address (optional): mike@mccartylandplanning.com

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

Name: Sean Harrigan	City/State/Zip Code: Pompano Beach Fl 33069
Title: Owner	Telephone Number: 954-995-5821
Company: Barrio2beach LLC	Facsimile Number:
Company Address: 1610 N Powerline Rd	Email Address (optional): dumpsterkingfla@gmail.com

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

4. Signed this 25th day of February, 2022.

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

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

(a) For an oath or affirmation:

STATE OF FLORIDA
COUNTY OF MARTIN

Sworn to (or affirmed) and subscribed before me by means of ✓ physical presence or ___online notarization, this 25 day of FEB ( )By SEAN HERRIGAN (name of person making statement).

Grace A. Warner

Personally Known OR Produced Identification Type of Identification Produced
FL. DR: License

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

GRACE A. WARNER
MY COMMISSION # GG 337659
EXPIRES: September 22, 2023
Bonded Thru Notary Public Underwriters

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ✓ physical presence or __ online notarization,
This 25th day of FEB (2021) By Sean Harrigan (name of person acknowledging).

Grace A. Warner

Personally Known OR Produced Identification Type of Identification Produced

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

GRACE A. WARNER
MY COMMISSION # GG 337659
EXPIRES: September 22, 2023
Bonded Thru Notary Public Underwriters

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of __ physical presence or ___online notarization,
This ____day of_____ ( )by_____ (name of person) as (type of authority, e.g. officer, trustee, attorney in fact} for (name of party on behalf of whom instrument was executed).

Personally Known OR Produced Identification Type of Identification Produced

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

McCarty & Associates
Land Planning and Design
www.McCartyLandPlanning.com
309 SE Osceola St. Suite 104
Stuart Fl 34994
772-341-9322

Capital Scrap Metal IPUD

Justification Statement

The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002-208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.

The property directly to the west, across the street, was recently annexed into the City of Stuart which provides the connectivity to the City boundary. The city has annexed properties along the US Hwy 1 and Commerce Ave corridors, thereby extending the city limits in a southward direction. The proposed IPUD site plan application is consistent with the development trends in the area and surrounding uses. Capital Scrap Metal is a job provider and employs 10 people or more.

As per the City of Stuart Development Department Rezone Real Property Application, the applicant must provide written justification supporting the application and demonstrating how the application complies with the following:

-Is consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/ planned uses and

> **Response: The proposed zoning change is consistent with the LDC and Comprehensive Plan of the City of Stuart. The project will not have an adverse effect on public facilities as it is a low impact use. The surrounding properties consist of uses that are compatible with the proposed use. The area in general consists of industrial uses consisting of warehouses, water blasting, manufacturing, boat building and other similar uses.**

-Complies with the relevant development standards of the City of Stuart Land Development Code

Response: The proposed IPUD significantly complies with the City of Stuart Land Development Code. Please refer to the proposed site plan and landscape plan for further details demonstrating compliance with the LDRs.

CITY OF STUART
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: TOM REETZ, DEVELOPMENT DEPARTMENT

SUBJECT: REVIEW OF APPLICATION FOR VOLUNTARY ANNEXATION OF TWO CONTIGUOUS PARCELS OF LAND CONSISTING 2.01 ACRES AND .92 ACRES EACH FOR A TOTAL OF 2.934 ACRES LOCATED ON THE WEST SIDE OF COMMERCE AVENUE SOUTH OF S.E. MARKET PLACE

CC: DAVE DYESS, CITY MANAGER

DATE: March 19, 2020

FACTS

The City of Stuart has received a voluntary annexation request for a 2.93 acre tract of land which is made up of two parcels. The larger parcel is 2.01 acres the smaller is .92 acres. Both parcels are owned by the same entity. There is a single annexation application for a total of 2.93 acres. If you review the aerial photograph attached as Exhibit "A", you can see that there is no distinction based upon parcel and therefore it can be treated as one application.

ISSUE

Does the voluntary annexation request the City to annex land comply with Florida Statute §171.043? Specifically, Is the total area to be annexed contiguous to the City's boundaries? Is the land reasonably compact? is any part of the area to be annexed included within the boundary of another incorporated municipality? If so, will the land be used or developed for urban purposes?

DISCUSSION

Florida Statutes, §171.043 discusses the character of the area to be annexed. There are separate

procedures involuntary annexations, but the City Commission adopted a policy that it will not pursue involuntary annexations. Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

> *"(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."*

The statute contains four (4) general requirements. First, a petition for voluntary annexation must be unanimously signed by all property owners in the area to be annexed. Second, the property proposed to be annexed must be contiguous and reasonably compact. Third, the proposed annexation cannot produce an enclave. Finally, county charters which provide for an exclusive method of municipal annexation override the Florida Statute. Martin County is not a Charter county and therefore, the fourth criteria does not apply to an annexation in the City of Stuart, Florida.

1. **Signed by all property owners in the geographic area being annexed**. ***In the present matter, the property request for annexation has been executed by Sean Harrigan, authorized member for Barrio2Beach LLC and therefore meets the criteria that the application was executed by the proper owner for both (all) parcels.***

2. **Contiguous to the Municipality:** Pursuant to Section 171.044(1), F.S., "the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Property is deemed to be "Contiguous" under Section 171.031 (11), F.S., where a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous (sharing a common boundary) with a part of the boundary of the municipality. "Contiguous" has also been defined as "touching or adjoining in a reasonably substantial … sense." See City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989); May v. Lee County, 483 So. 2d 481 (Fla. 2d DCA 1986). The Sanford Court found that Section 171.031(11) F.S. only requires "that a substantial part of a boundary" touch municipal property as opposed to the entire perimeter of the property.

   Section 171.031(11) provides that:

   > Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such

> division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In the current application, the proposed annexation is coterminous with the City of Stuart. Specifically, the entire western boundary of the property borders the City of Stuart separated only by SE Commerce Avenue right of way. The portion of property "touching" the City of Stuart is significant and does not constitute a finger or minimal contact. Therefore, the property meets condition one and is contiguous to the City of Stuart.

3. Reasonably Compact

"Compactness is defined under Florida Statute §171.031(12), as a concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). The court in City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989) found that our statutes do not define the term pocket but Webster's defines the term in relevant part as a small isolated area of group. *Id.* AT 115 (referencing Websters New Collegiate Dictionary, p. 879).

A review of the map and the application determines that this property is reasonably compact and meets Florida Statute §171.031(12). Annexation would not create enclaves, pockets, or finger areas in serpentine patterns as the parcels are not isolated nor do they create serpentine patterns.

4. No Enclaves

Subsection (5) of F.S. §171.044, provides that "land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". The term "enclave" is defined under Florida Statute, §171.031(13), as "any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

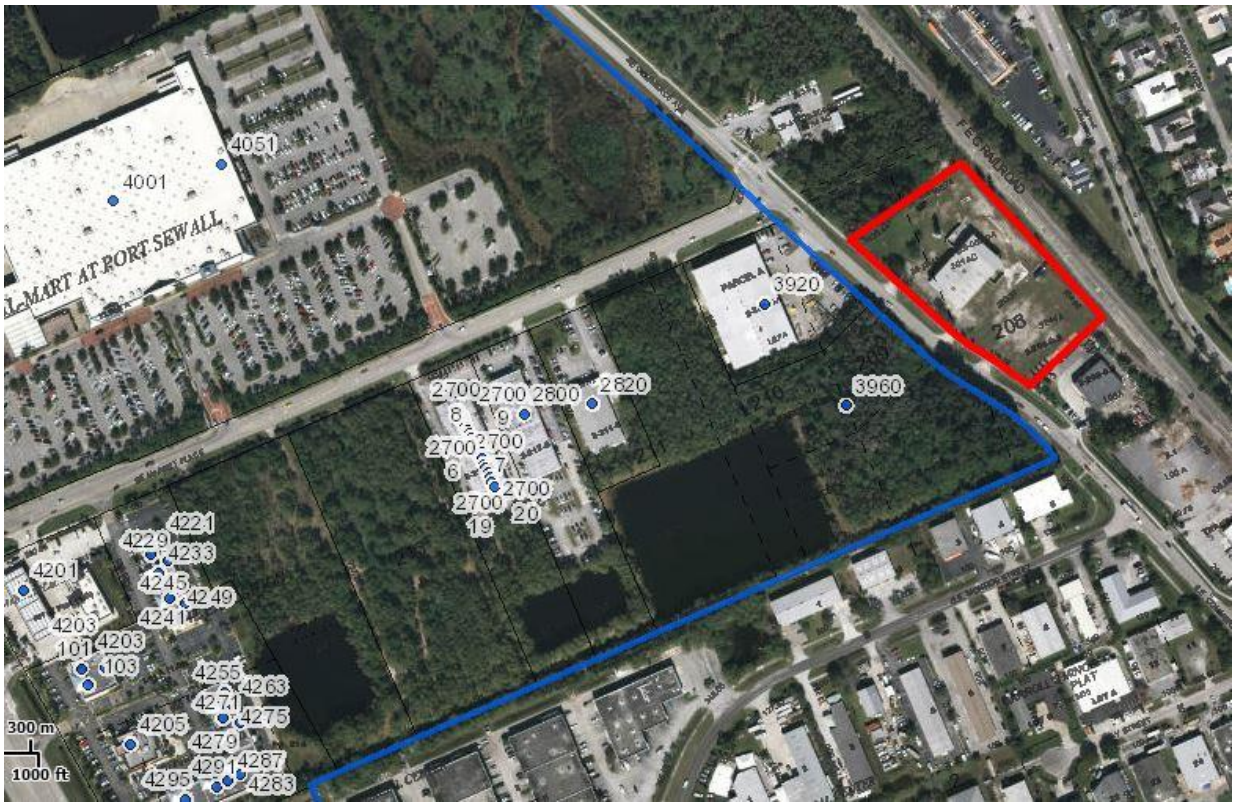
The map provided as exhibit "A" delineates the property with a red outline and shows that an annexation of this parcel would not create an unincorporated geographic area bound on all sides by a single municipality. If the City Commission determines that an annexation results in an unincorporated area being bounded on all sides and a manmade obstacle prevents vehicular traffic from accessing the unincorporated property without passing through the municipality then steps must be taken to avoid the creation of an enclave.

Conclusion

Based upon the information provided in the application and the map attached hereto as exhibit "A", the two parcels of land qualify for review by the City Commission to be considered for annexation into the City of Stuart.

See Exhibit 'A' map on next page.

Exhibit 'A'


4051
4001
MART AT PORT SEWALL
3920
208
3960
2820
2800
2700
4221
4229
4233
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4245
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MARTIN COUNTY, FLORIDA
CODE ENFORCEMENT MAGISTRATE

Case No. GMD2020010197

MARTIN COUNTY, FLORIDA
Petitioner,

v.

BARRIO2BEACH, LLC

CAPITAL SCRAP METAL, LLC
Respondents.

PCN #: 383841002208000001

STIPULATION AND AGREED FINAL ORDER

The Petitioner and the Respondents hereby freely stipulate and agree to the following:

1. The Respondent BARRIO2BEACH, LLC is the owner of the property located at 3951 SE COMMERCE AVE, STUART, FL 34997 and further described in Exhibit A attached hereto.

2. Respondent CAPITAL SCRAP METAL, LLC is the owner of the business operating on the property.

3. On January 16, 2020, an inspection of the property was performed by the Martin County Growth Management Department, and at that time, and continuing until May 20, 2020, the Respondents did maintain conditions on the property as cited in the Notice of Violation &Notice of Hearing issued in this case.

4. Respondents acknowledge the violation of the following Code:
   Land Development Regulations, Martin County, Fla. (2016)
   Section 3.421. M-2 Industrial District.

5. Respondents shall come into compliance with the cited Code section as follows:

   a. Immediately cease using the property as a salvage yard. Use of the property for scrap metal recycling is permitted which includes the receiving, packaging and shipping of scrap metal. Acceptance of vehicles for dismantling is prohibited.

   b. By June 8, 2020, all recycling materials shall:

      i. Be entirely stored within a building; or
      ii. Entirely screened from being viewed outside the real property boundary using 100% opaque fencing or walls, which may include installing opaque slats in the existing chain link fence.

   c. Equipment used in the operation of the scrap metal recycling business including, but not limited to, forklifts may remain outside of a building and does not require screening.

6. Upon compliance the Respondents shall request an inspection by contacting the County's Growth Management Department, Site Compliance Division at (772) 288-5495. A request for inspection must be made at least 1 day prior to the requested inspection.

7. If Respondents fail to comply with the requirements of this Stipulation and Agreed Order, there is hereby levied a fine in the amount of $2,000.00 per day thereafter, for each and every day of non-compliance, and administrative costs in enforcing the action. Pursuant to Chapter 162, Florida Statutes, no further hearing shall be required for the entry of such fine and costs. In addition, all fines and costs constitute a lien against the land on which the violations exist and upon any

CE Case No. GMD2020010197
Stipulation and Agreed Order

Page 2

other real or personal property owned by the Respondents. After three months from the filing of any such lien which remains unpaid, the County Attorney is hereby authorized to foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.

8. Pursuant to Chapter 162, Florida Statutes, no further hearing shall be required for the entry of a fine and costs. In addition, all fines and costs become liens on the property of the Respondents.

9. Respondents agree to pay $575.00 in administrative costs, on or before May 20, 2020.

10. The parties represent, under penalty of perjury that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; that they agree to abide by its terms; that they are signing this agreement freely and voluntarily and are under no duress to execute it; that the Respondents had the opportunity to come to a Magistrate Hearing and dispute the County's Notice of Violation and Notice of Hearing upon which this Stipulation is based, but by signing this Stipulation the Respondents irrevocably waive the right to notice, and to contest or dispute the violation charged, and that Respondents intend to be bound by its terms, and the Agreed Order, below.

RESPONDENT: BARRIO2BEACH, LLC

Respondent Signature

Printed Name: Sean Harrigan

Title: Operations Manager / Auth Rep

Date: 5/20/2020

RESPONDENT: CAPITAL SCRAP METAL, LLC

Respondent Signature

Printed Name: Sean Harri

Title: Operations Manager / Auth Rep

Date: 5/20/2020

PETITIONER: MARTIN COUNTY, FLORIDA

Jerry Mitchell
Environmental Enforcement Officer

Date: 5/20/2020

CE Case No. GMD2020010197
Stipulation and Agreed Order

Page 3

AGREED ORDER

THE ABOVE STIPULATION is found to have been properly executed and otherwise in order.

IT IS HEREBY ORDERED that the parties shall comply with the terms of the Stipulation. If the Respondent fails to comply with the above Stipulation, the County may enforce its terms by filing a copy of this Agreed Order as a lien against the property of the Respondents.

DONE AND ORDERED in Stuart, Martin County, Florida, this 20th day of May, 2020.

Paul J. Nicoletti
Magistrate

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THE CODE ENFORCEMENT MAGISTRATE IN
AND FOR MARTIN COUNTY, FLORIDA

CASE NO.: GMD2020010197

MARTIN COUNTY, a political
Subdivision of the State of Florida

Petitioner,

vs.

BARRIO2BEACH, LLC

CAPITAL SCRAP METAL, LLC

Respondents,
_____/
PCN: 383841002208000001

AFFIDAVIT OF COMPLIANCE/ACCRUED FINE AND COSTS

STATE OF FLORIDA
COUNTY OF MARTIN

BEFORE ME, the undersigned authority, personally appeared Jerry Mitchell, Environmental Enforcement Officer, for Martin County, Florida, who, after being duly sworn, deposes and says:

1. That on May 20, 2020, the Code Enforcement Magistrate held a Public Hearing and issued an Order Finding Violation in the Code Enforcement Magistrate Case No. GMD2020010197, Martin County v. BARRIO2BEACH, LLC and CAPITAL SCRAP METAL, LLC, regarding property located at 3951 SE COMMERCE AVE, STUART, FL 34997-4961, and further descripted as: A PORTION OF TRACTS 208 & 209 PLAT OF PORT SEWALL LAND COMPANY ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3 PAGE 7 PUBLIC RECORDS PALM BEACH NOW MARTIN COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED IN OR 2880/280. The Order was recorded in Official Records Book 3130, Page 2193, Martin County, Florida.

2. That based on an inspection and consideration of other evidence, the property was determined to be in compliance as of June 29, 2020.

3. However, because compliance was not achieved by the compliance date established in the Order Finding Violation, a fine in the amount of $40,000.00 has accrued. All fines and costs constitute a lien against the land on which the violation existed and upon any other real or personal property owned by Respondents.

Jerry Mitchell
Environmental Enforcement Officer

Sworn to and subscribed before me on June 20, 2020, by Jerry Mitchell

Notary Public
Personally known (X) or Produced Identification ( )

Type of Identification Produced:

MAGDALENA GIERCZAK
Notary Public-State of Florida
Commission # GG 946185
My Commission Expires
January 12, 2024

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6/22/2020

6/22/2020

6/22/2020

3951
CAPITAL
SCRAP METAL LLC
We Make Recycling Easy
MON - FRI 7:00 AM - 5:00 PM
NOTICE OF PUBLIC HEARING
PROPOSED ANNEXATION OF A 2.01 AND 0.92 ACRE PARCELS
INTO THE CITY OF STUART AND
ASSIGNING A LAND USE OF INDUSTRIAL
AND AN INDUSTRIAL PLANNED UNIT DEVELOPMENT PUD
ZONING DISTRICT
McCarty & Associates
772.341.9322
6/22/2020

WE BUY SCRAP
WE BUY SCRAP
6/22/2020

6/22/2020

6/22/2020

3.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:7/16/2020 **Prepared by:**Kev Freeman

Title of Item:
AMENDMENT TO THE LAND DEVELOPMENT CODE - PUD AMENITY CRITERIA(RC):

ORDINANCE No. 2446-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.07.00.J. ENTITLED "PUD AMENITY CRITERIA" TO CHAPTER II ENTITLED “ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY” TO ADD A METHODOLOGY FOR ATTRIBUTING QUALIFYING AMENITY CRITERIA IN RESPECT OF CONSIDERATION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
In order to allow the quantification of the benefits provided through a Planned Unit Development (PUD) application process staff are proposing the incorporation of a PUD amenity criteria table.

The table provides a 'menu' of optional but measurable items that applicants may use to meet a minimum level of public benefit. The draft amenity criteria table is attached to this item.

Funding Source:
N/A

Recommended Action:
Motion to approve and move to the City Commission for first reading.

ATTACHMENTS:

	Description	Upload Date	Type
	Ord 2446-2020 PUD Amenity Criteria	7/6/2020	Ordinance add to Y drive

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2446-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.07.00.J ENTITLED "PUD AMENITY CRITERIA" TO CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" TO ADD A METHODOLOGY FOR ATTRIBUTING QUALIFYING AMENITY CRITERIA IN RESPECT OF CONSIDERATION OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the Goals, Objectives and Policies of the City's Comprehensive Plan; and

WHEREAS, the purpose of this Land Development Code amendment is to establish a methodology for measuring and establishing a minimum level of public benefit delivered by Urban Planned Unit Development; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on _____; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter II – ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

*****

2.07.00. - DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

*****

J. PUD Amenity Criteria. All applications for new PUDs submitted [after date of adoption date of this Ordinance], shall provide at least one amenity or combination of amenities that total at least 7 points from the public amenity option table below. An applicant may petition for credit for an amenity not included in the public amenity option table that is not otherwise required.

PUD Amenity Option Table		
Points	Amenity	Standards
5	Green Roof	Installation of an integrated green roof system that covers a minimum of 50 percent of the total roof area proposed for the development.
5	Job Creation	Create at minimum 5 new jobs, new jobs are not existing jobs that are relocated from an existing use within the City
5	Attainable Housing units	If additional density is requested, then provide attainable housing. The three options of attainability are: • 5 percent of units within development are rented or sold within or less than the City's defined Very Low-Income category. • 7 percent of units within development are rented or sold within or less than the City's defined Low-Income category.

		• 10 percent of units within development are rented or sold within or less than the City's defined Workforce Income category.
4	Public open space	Contiguous ground level outdoor open space that is provided beyond the amount of open space required. The space shall preserve native landscape while providing the opportunity for members of the public to interact with the natural habitat using walkways, benches, or other mechanisms.
4	Utilization of a renewable energy source	Use of a photovoltaic or solar thermal system for at least 50 percent of the annual energy demand in new and existing buildings The applicant must demonstrate that the quantity of energy generated by the renewable energy system meets the required percentage through a whole building energy simulation.
3	Community Garden	Permanent and viable growing space in the form of a garden, which provides fencing, watering systems, soil, secured storage spaces for tools, solar access, and pedestrian access as applicable. The facility shall be designed to be architecturally compatible with the development to minimize the visibility of mechanical equipment.
3	Public recreation area	An active, safe, and secure outdoor recreation area open and visible to the public that includes equipment or natural features suitable for recreational use.
3	Public plaza	Plazas shall be open to the public during daylight hours and provide opportunities for the public to interact with the space using outdoor furniture, art, or other mechanisms.
3	Public Eco Art	The art shall be maintained in good order for the life of the principal structure. The art shall be located where it is highly visible to the public. (in addition to any required CRA art contribution).
3	Creation or preservation of significant/historic architecture	Creation, preservation, rehabilitation, or restoration of historic buildings or significant architectural features as a part of the development.
2	Recycling	Provide recycling infrastructure on site.
2	Solar	Provide solar energy system that contributes to the energy required to operate the building.

2	Emergency Generator	Provide an emergency generator together with a hurricane hardened room not otherwise required by code that is sufficient to afford a shelter and to maintain a minimum level of operations at a location.
2	Enhanced bicycle and pedestrian facilities	Eligible facilities may include a combination of the following: wayfinding signs, shaded walkway and other amenities that increase the convenience and encourage the use of public walkways and bikeways beyond what is otherwise required.
2	Land Donation	A donation of land or property to the City that contributes to public infrastructure including, but not limited to, sidewalks, parks, multi-modal infrastructure, conservation and preserve areas.
2	Enhanced Multi modal bus facilities	Eligible facilities may include the following: transit shelter and seating area and other amenities that increase the convenience and encourage the use of public transportation systems beyond what is otherwise required.

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

SECTION 3: 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 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2020.

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

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				

EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
VACANT, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL

CITY ATTORNEY

4.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:7/16/2020 **Prepared by:**Kev Freeman

Title of Item:
AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.22. TO THE LAND DEVELOPMENT CODE ENTITLED "FOOD TRUCKS" TO CHAPTER II ENTITLED “ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY” IN RESPECT OF STANDARDS FOR THE PERMITTING OF FOOD TRUCKS ON PRIVATE PROPERTY OUTSIDE OF THE OLD DOWNTOWN DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

Summary Explanation/Background Information on Agenda Request:
To allow location and regulation of food trucks outside of downtown on private property that is zoned for Retail, Restaurant or Bar uses only.

Funding Source:
N/A

Recommended Action:
Motion to approve and move to City Commission for first reading

ATTACHMENTS:

	Description	Upload Date	Type
	Ord 2447-2020 Food Trucks	7/6/2020	Ordinance add to Y drive

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2447-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.22. TO THE LAND DEVELOPMENT CODE ENTITLED "FOOD TRUCKS" TO CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" IN RESPECT OF STANDARDS FOR THE PERMITTING OF FOOD TRUCKS ON PRIVATE PROPERTY OUTSIDE OF THE OLD DOWNTOWN DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the Goals. Objectives and Policies of the City's Comprehensive Plan; and

WHEREAS, the purpose of this Land Development Code amendment is to establish minimum criteria for the permitting of Food Trucks on private property outside of the Old Downtown District on property zoned for retail, restaurant or bar uses only; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on _____; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter II – ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

*****

2.06.00. – SUPPLEMENTAL USE STANDARDS

*****

~~**Sec. 2.06.22. - Twelve-month moratorium on the placement of wireless communication facilities within public rights-of-way.**~~
~~Notwithstanding provisions elsewhere in this Code, effective September 29, 2016, there shall be a 12-month moratorium on the placement of wireless communication facilities within public rights-of-way within the city during which no permit(s), licenses or other development orders of any kind shall be issued for wireless communications facilities within public rights-of-way.~~

~~(Ord. No. 2335-2016, § 1, 11-28-2016)~~

~~**Sec. 2.06.23. - Twelve-month moratorium on uses allowed in each zoning district specifically regarding medical marijuana treatment centers, their consideration of use, desirable locations, and other development regulations.**~~
~~Notwithstanding provisions elsewhere in this Code, effective November 7, 2016, there shall be a 12-month moratorium on the placement of medical marijuana treatment centers and facilities with similar functions within the city during which no permit(s), licenses or other development orders of any kind shall be issued for medical marijuana treatment centers and facilities with similar functions.~~

Sec. 2.06.22. - Food Trucks on Private Property

A. Definitions:
"Food Truck" A mobile vehicle unit or trailer unit that allows the preparing, assembling and cooking of food items within the unit and vending such food products from the unit.

B. Location: Allowed on private property outside of the defined Old Downtown District and in zoning districts which allow retail, restaurant and bar uses.

C. *Standards:* A City issued Food Truck permit is required for each location that a food truck is to be located unless the food truck is participating in an event having a special event license issued by the City. Food Trucks may cook, prepare and assemble food items within the unit and serve a full menu subject to the following conditions:

1. *Approvals:* The food truck use shall have all applicable approvals and licenses from the State of Florida Department of Business and Professional Regulations (DBPR), Florida Department of Health, and Florida Department of Agriculture and Consumer Services and shall maintain these approvals at all times.
2. *Insurance:* The Food truck shall obtain at a minimum, the insurance as required by any local, state or federal laws and regulations.
3. *Business Tax:* The food truck use shall have a valid City of Stuart business tax receipt.
4. *Fire Inspection*: The food truck shall be available for inspection by the City of Stuart Fire Department at the property. The Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes. The food truck shall undergo inspection by the City of Stuart Fire Department prior to issuance of a Food Truck Permit and at minimum bi-annually thereafter~~.~~
5. *Trash and Garbage:* The operator shall provide a waste receptacle for public use. The area shall be kept neat and orderly at all times and garbage or trash shall be removed daily.
6. *Restroom Facility:* Food trucks operating at a site for a duration of more than three (3) hours shall have a written agreement, available upon request, which confirms that employees have access to a flushable restroom within 150 feet of the vending location during the hours of operation.
7. *Disposal.* The food trucks shall have a current written agreement, with a state licensed facility, for the proper disposal of grease and graywater.
8. *Property Owner:* food truck shall have the written permission of the owner of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.
9. *Removal:* if the food truck is not used for a period of 72 hours then the food truck shall be removed from site and stored in a properly approved location.
10. *Maximum Number*: No more than one food truck shall operate on a single property at any time, except as may be allowed by a city issued permit.
11. *Time of Operation:* Food trucks shall be allowed to operate between the hours of 7:00 a.m. to 10:00 p.m.
12. *General Maintenance:*
    a. All exterior bodywork and mechanical equipment of any food truck vendor shall be maintained in good and clean condition and free of excessive wear or damage.
    b. All exterior paintwork shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions.
    c. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions or any other conditions that may cause a hazard or reduce clarity of vision below the level specified by the manufacturer.
    d. Any other type of damage or possible public hazard deemed appropriate by the City.

D. *Revocation:* Approval for a food truck may be revoked upon a violation of any part of this section and such violation shall be subject to the City's code enforcement process and fines. The city may also issue a stop order or may suspend or revoke the permit and business license.

*****

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

SECTION 3: 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 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2020.

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

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
VACANT, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL

CITY ATTORNEY

5.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:7/16/2020 **Prepared by:**Kev Freeman

Title of Item:
ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. (QJ)(RC).

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.23. OF THE LAND DEVELOPMENT CODE ENTITLED "EV CHARGING INFRASTRUCTURE" OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" IN RESPECT OF STANDARDS FOR THE PROVISION OF ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE IN NEW COMMERCIAL AND NEW RESIDENTIAL DEVELOPMENTS GREATER THAN 50 DWELLING UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
The lack of readily available opportunities to charge Electric Vehicles (EV)'s is frequently cited by potential EV buyers and is one of the primary barriers to market adoption of EVs. Consumers need to feel confident that they can re-fuel EVs as easily as they can do with gasoline-powered vehicles.

In general this EV program is intended to:
- Benefit City residents.
- Help to overcome barriers to adoption of EV use.
- Reduce the emission of Greenhouse gases.
- Contribute to the progression of advanced mobility.

City of Stuart Comprehensive Plan
Objective 17. - [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.

The proposed Code amendment uses the following definitions based on best practice recommendations:

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

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

Electric Vehicle Charging Infrastructure (EVCI): 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, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

Electric Vehicle Charging Rate (EVCR): The rate at which an electric vehicle is charged:
Level-1 is considered slow charging. Voltage including the range up to 120v.
Level-2 is considered medium charging. Voltage is greater than 120v and includes 240v.

Level-3 is considered fast or rapid charging. Voltage is greater than 240v.

It is proposed that a minimum EVCI parking space requirement shall be required for all new commercial development and all new residential development greater than 50 dwelling units.

Funding Source:
N/A
Recommended Action:
Move to City Commission with a Motion to approve

ATTACHMENTS:

	Description	Upload Date	Type
	Ordinance 2448-2020 EV Charging Infrastructure	7/1/2020	Ordinance add to Y drive
	EV Best practice Guide	6/30/2020	Backup Material
	EVCS Guide	7/1/2020	Backup Material

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2448-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ADDING A NEW SECTION 2.06.23. OF THE LAND DEVELOPMENT CODE ENTITLED "EV CHARGING INFRASTRUCTURE" OF CHAPTER II ENTITLED "ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY" IN RESPECT OF STANDARDS FOR THE PROVISION OF ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE IN NEW COMMERCIAL AND NEW RESIDENTIAL DEVELOPMENTS GREATER THAN 50 DWELLING UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES..

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's Comprehensive Plan; and

WHEREAS, the purpose of this Land Development Code amendment is to establish minimum criteria for provision of Electric Vehicle Charging Infrastructure (EVCI) in new commercial and new residential developments greater than 50 dwelling units; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on _____; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter II – ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

*****

2.07.00. - DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

*****

2.06.00. – SUPPLEMENTAL USE STANDARDS

*****

Sec. 2.06.23. – EV Charging Infrastructure

A. *Definitions:*
Electric Vehicle (EV): 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): A parking space that is equipped to allow an EV to re-charge.

Electric Vehicle Charging Infrastructure (EVCI): 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, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

Electric Vehicle Charging Rate (EVCR): 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 and all new residential development greater than 50 dwelling units are required to provide EVCI to accommodate the future installation of EVCS(s).
   a. The ratio of EVCI equipped spaces to non-electrical vehicle parking spaces shall be 10% and will only apply to the total new non-ADA parking spaces.
   b. A minimum of 10% of required EVCI equipped spaces shall be provided at a level 2 EVCR.
   c. At minimum one (1) required EVCI equipped space shall be ADA accessible and shall be installed in compliance with the current version of the City of Stuart Guide for Accessible Electric Vehicle Charging Station (EVCS).

C. *Standards:* The EVCI shall be installed per the requirements of the current edition of the National Electrical Code.
   a. The EVCI shall include a raceway, which is continuous from the branch circuit / feeder panel location to the future EV parking space.
   b. The raceway shall be sized and installed per the National Electrical Code; however, in no case shall the EVCI raceway be less than 1" (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.
   c. 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.
   d. During construction of the electrical equipment room, all raceways installed for the EVCI shall terminate at the EV parking space.
   e. 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".
   f. The proposed placement and installation of EVCI or equipment shall not allow for any violation of the Americans with Disabilities Act of 1990.
   g. 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.

*****

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

SECTION 3: 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 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2020.

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

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
VACANT, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL

CITY ATTORNEY

GREAT PLAINS INSTITUTE | Better Energy. Better World.

Summary of Best Practices in Electric Vehicle Ordinances

BY CLAIRE COOKE AND BRIAN ROSS

JUNE 2019

This ordinance guide was developed based upon funding from the Alliance for Sustainable Energy, LLC, Managing and Operating Contractor for the National Renewable Energy Laboratory for the US Department of Energy.

About the Great Plains Institute

A nonpartisan, national, nonprofit organization, the Great Plains Institute (GPI) is transforming the energy system to benefit the economy and environment. We combine a unique consensus-building approach, expert knowledge, research and analysis, and local action to find and implement lasting solutions. Learn more at www.betterenergy.org.

For more information on this ordinance summary, please contact Brian Ross, Senior Program Director at bross@gpisd.net.

Contents

Overview 4
Electric Vehicle Charging Stations as Permitted Land Uses 6
Electric Vehicle Make-Ready Standards 7
Electric Vehicle Supply Equipment Standards 9
Electric Vehicle Parking Space Design and Location 11
Required EV Parking Capacity & Minimum Parking Requirements 13
Electric Vehicle-Designed Parking Use Standards and Protections 17
Signage, Safety, and Other Standards 19
Definition of Terms 22

Overview

This document is a summary guide to electric vehicle (EV) and electric vehicle supply equipment (EVSE) ordinances in the US.[1] The guide is sorted into best practice categories and provides a summary of typical provisions used by cities for each category. Each category includes a table with key points and text examples from actual ordinances, as well as recommendations from model codes for that topic, drawn from one of several model ordinances, or ordinance guidance documents that have been developed to inform cities on developing EV-ready zoning standards.

This summary is provided as a reference to cities seeking to develop EV zoning standards or development regulations. The summary does not address building or electric codes, only zoning ordinance language and associated tools. The examples are not intended to constitute recommendations, but rather to show the breadth of choices made by communities across the nation to integrate EVSE into development regulation.

The ordinance language in the following tables are drawn from the zoning ordinances of the following cities. To see the full context of each example, click on the links below and use the search function within the ordinance document to find the relevant example.

- Atlanta, GA
- Auburn Hills, MI
- Chelan, WA
- Des Moines, IA
- Douglas County, WA
- Duluth, MN
- Golden Valley, MN
- Howard County, MD
- Indianapolis, IN
- Kansas City, MO
- Methuen, MA
- Middletown, CT
- Montgomery County, MD
- Mountlake Terrace, WA
- New Orleans, LA
- Saint Paul, MN
- Salt Lake City, UT
- St. Louis Park, MN

The inventory of adopted ordinances also included a scan of model zoning ordinances and ordinance guidance documents for how local governments can use their zoning codes to help electrify transportation.

[1] This is not a complete inventory but rather a representative sample of ordinances from cities throughout the United States.

The guides and model ordinances are listed below, with links, along with their region of origin:

- Europe: Electric Vehicle Charging Infrastructure: Guidelines for Cities
- Georgia: Model Municipal Ordinance (click on the first hyperlink in Section II, A)
- Iowa: Leading the Charge: City Codes and Electric Vehicles
- Midwest: Principles for EV-Ready Communities
- New Jersey: Alternative Fuel Vehicle Readiness: A Guidebook for Municipalities
- New York: Literature Review Summary: Electric Vehicle Supply Equipment Signage Guidance
- New York: Promoting Electric Vehicle Charging Station Installations
- Northeast/Mid-Atlantic: Creating EV-Ready Towns and Cities: A Guide to Planning and Policy Tools
- Santa Clara County, CA: Plug-in Electric Vehicle Best Practices Compendium
- Washington: Electric Vehicle Infrastructure: A Guide for Local Governments in Washington State
- Washington: Plug-In Electric Vehicle Readiness Plan

1. Electric Vehicle Charging Station as Permitted Land Uses

Information related to where EV charging stations (or specific types of EV stations) are permitted. Charging stations are likely to be an accessory use but may also be a principal use in some instances. Ordinances clarify where these land uses are permitted to streamline the installation of infrastructure that serves a public purpose.

Typical Ordinance Includes Specification:	**Language Example** City, State:	Text:
Treats different types of EVSE as different land uses and may distinguish between where different types of charging stations are allowed. • Charging station types are typically distinguished as different "levels" contingent on charging speed (see "definitions" p11-12). • Most often, levels 1 & 2 are allowed in all zones while level 3 stations are restricted to specific zoning districts. o May provide a table to delineate use permitted zoning districts for each station type. • May also allow for all three levels in all zoning districts.	Chelan, WA	"Level 1 and 2 electric vehicle charging stations are a permitted use in all zoning districts… Level 3 electric vehicle charging stations are a permitted use in the Warehouse and Industrial (WI), Highway Service Commercial (C-HS),…, zoning districts"
	Des Moines, IA	"Levels 1, 2, and 3 electric vehicle charging stations are allowed in all zoning designations."
May require a conditional or special use permit for charging stations in specific zones.	Auburn Hills, MI	"Installation shall be subject to permit approval administered by the Community Development Department."
	Chelan, WA	"Level 3 electric vehicle charging stations…require a conditional use permit in Downtown Mixed Use (DMU), Tourist Accommodation (T-A),…zoning districts."
May place restrictions on charging stations in the right of way.	New Orleans, LA	"No property or parcel may have more than one electric vehicle charger installed in the right-of-way adjacent to such property or parcel."
	Des Moines, IA	"Electric vehicle charging stations are not permitted within the city right-of-way"

EV Guide and Model Code Recommendations

Model Code Document Name:	
Iowa Clean Cities Coalition, Leading the Charge: City Codes and Electric Vehicles	**Recommendation:** "Define what types of EVSE are allowable by land use type." **Reasoning:** "By establishing compatible charging stations according to land use types, cities can eliminate confusion about what is and isn't allowable while also affirming the desirability of EVSE within the community…"

2. Electric Vehicle Make-Ready Standards

Requirements and standards for installing the infrastructure to support EVSE (also known as "make-ready"), other than the installation of the EVSE equipment itself. Make-ready standards are to prepare, at the time of construction, for future installation of chargers. Make-ready requirements capture savings by avoiding future costly retrofits to install chargers and have minimal impacts on the construction or renovation costs for the parking facility.

Typical Ordinance Includes Specification:	**Language Example** City, State:	Text:
May require or recommend the installation of appropriate electrical capacity and conduits to support future EVSE.	Howard County, MD	"For new occupancies subject to this section: at least 1 parking space for each 25 residential units shall feature energized outlets; and a residential unit with a garage, carport, or driveway shall feature appropriate electric vehicle supply equipment consisting of conductors, connectors,[…] so that an energized outlet may be added in the future."
	St. Louis Park, MN	"Multiple-Family Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCSs for a minimum of 10% of required parking spaces."
	St. Louis Park, MN	"Non-Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 or DC

		EVCSs for a minimum of 10% of required parking spaces."
	Auburn Hills, MI	"In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station."
	Auburn Hills, MI	"it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ratio of 2% of the total parking spaces be prepared for such stations."
May delineate zoning districts where EVSE is allowed.	Mountlake Terrace, WA	"Electric vehicle infrastructure shall be permitted in zoning districts of the city as identified in …"

EV Guide and Model Code Recommendations

Model Code Document Name:	
Model City Ordinance Relating to Electric Vehicle (EV) Charging Infrastructure	**Recommendation:** "Require that [the] main electrical switchgear be installed with sufficient space and capacity to support 20% of EV spaces at 208/240V and 40A per space, with a dedicated branch circuit and overcurrent protection device, per space." **Reasoning:** "Retrofitting parking structures can be 91%+ more expensive than outfitting garages during the initial construction phase." **Recommendation:** "Require that all parking spaces in a parking structure be made "EV-Capable" i.e. conduit be

installed throughout the structure and subpanels sized to accommodate 60A or 40A breakers for each."

Reasoning: "[if] at least 20% of stalls are "EV-Ready" … the total electrical capacity is able to be shared among the remaining 80% of EV parking stalls using load sharing technology. However, this is only possible if the electrical conduit (trunk line) and subpanels are preinstalled throughout the parking garage to allow Level-2 Charging Equipment to be connected in the future."

3. Electric Vehicle Supply Equipment Standards

Minimum standards or required design of charging equipment or charging station infrastructure. These standards are often combined with minimum requirements for EV charging installations (see best practice #5).

Typical Ordinance Includes Specification:	**Language Example** City, State:	Text:
May require that EVSE meet standards found in the National Electric Code.	Atlanta, GA	"Installation of EVSE shall meet National Electric Code article 625…"
Often specifies that EVSE must be mounted. • May specify on what EVSE should be mounted. • Often specify at what height EVSE should be mounted. • Often specify that EVSE should be installed so as not to be a tripping hazard. • May require a retraction device or place to mount cords. • May specify that cords should not cross walkways.	Montgomery County, MD	"Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted."
	Chelan, WA	"Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way"
	New Orleans, LA	"Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area."
May specify other standards that EVSE should comply with.	St. Louis Park, MN	"EVCS pedestals shall be designed to minimize potential damage by accidents,

• May specify that EVSE be installed in compliance with a specific state code. • Often specify that EVSE be installed in compliance with the Americans with Disabilities Act.		vandalism and to be safe for use in inclement weather."
	St. Louis Park, MN	"Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements."
May specify the distance of the charging station from the curb.	Mountlake Terrace, WA	"Charging station equipment…shall be a minimum of 24 inches clear from the face of the curb."
May specify under what circumstances a parking space must adhere to these standards.	Des Moines, IA	"Electric vehicle charging stations utilizing parking stalls located in parking lots, or parking garages shall comply with the following requirements…"
	Douglas County, WA	"Design criteria for electric vehicle charging stations or battery exchange stations within commercial, industrial and mixed-use zoning districts…"

EV Guide and Model Code Recommendations

Model Code Name:	
Iowa Clean Cities Coalition, Leading the Charge: City Codes and Electric Vehicles	**Recommendation:** Design criteria should be created for EVSE installations. **Reasoning:** "By articulating standards for EVSE design and installation, including setbacks and pedestal height for freestanding units, a community can facilitate a smooth construction permitting process."

4. Electric Vehicle Parking Space Design and Location

Information related to EV parking space design and location. Design and location decisions will affect installation cost (length of conduit from electric source) and use (location of the space relative to the building).

Typical Ordinance Includes Specification:	**Language Example** City, State:	Text:
May specify parking space size.	Atlanta, GA	"The installation of an EVSE should not reduce the electric vehicle charging station's length to below the size and standards required under section 16-28.014"
	Methuen, MA	"Where provided, spaces should be standard size parking stalls but designed in a way that will discourage non-electric car vehicles from using them."
	Montgomery County, MD	"The minimum width for a parking space for charging electric vehicles is 9 feet."
May specify the location of parking spaces on a street or within a parking lot.	Atlanta, GA	"Criteria for electric vehicle parking and charging on private streets…For the purpose of reducing cable management issues and placing the…charging station closer to crosswalks and curb ramps, such charging stations shall be installed to use the last space on a block face in the direction of travel."
	Methuen, MA	"Parking spaces for electric vehicles must not be located in the most convenient spots because this will encourage use by non-electric vehicles."
	Salt Lake City, UT	"The electric vehicle parking space shall be located in the same lot as the principal use."
	St. Louis Park, MN	"The EVCSs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles."
	St. Louis Park, MN	"General Requirements for Single-Family Residential Zoning Districts…EVSE shall be located in a garage, or on the exterior wall

		of the home or garage adjacent to a parking space."
May provide specifications about parking space and location fit.	Methuen, MA	"Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site."
May require the parking space to have features that protect charging equipment.	Chelan, WA	"Equipment shall be protected by wheel stops or concrete filled bollards."
	Montgomery County, MD	"Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb."
May simply specify an entity with the authority to create standards for EV charging stations.	Des Moines, IA	"The city manager or designee is authorized to develop and maintain standards for the design and construction of electric vehicle charging stations."

EV Guide and Model Code Recommendations

Model Code Document Name:	
Plug-in Electric Vehicle Best Practices Compendium (County of Santa Clara, CA)	**Recommendation:** Information be given concerning "Parking configurations, including guidance on whether it is preferable to locate chargers in perpendicular, parallel, or angled parking spaces, and on the location of wheel stops, guard posts and signage."

5. Required EV Parking Capacity & Minimum Parking Requirements

Information on minimum EV parking standards and on how EV charging spaces/parking spots are accounted for as part of minimum parking space requirements (parking minimums already in place in the ordinance). Cities requiring EV parking minimums are capturing the public value in this infrastructure, like non-EV parking minimums, and to landscaping, stormwater management, accessibility, and other design elements that are routine elements of parking standards.

<table>
<tr><th>Typical Ordinance Includes
Specification:</th><th colspan="2">Language Example
City, State: Text:</th></tr>
<tr><td rowspan="4">Often recommends or requires that a proportion of parking spaces be EV charging stations, designated for EV parking, or be EVSE ready.
These are often specified as a percent or a ratio.
May also be based on land uses such as the number of residential units in a development.
May be based on land use type.
May limit the number of chargers that can be installed in the right-of-way.
May include incentives for higher level charging stations through variations in space requirements.</td><td>Montgomery County, MD</td><td>“The minimum number of electric vehicle charging stations required is 1 electric vehicle charging station per 50 parking spaces.”</td></tr>
<tr><td>Howard County, MD</td><td>“For new occupancies subject to this section: at least 1 parking space for each 25 residential units shall feature energized outlets.”</td></tr>
<tr><td>Mountlake Terrace, WA</td><td>“The first column in Table 1 shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility’s parking spaces that shall provide a connection to electric vehicle charging stations.”
<table>
<tr><th>Land Use Type</th><th>Percent Parking Spaces</th></tr>
<tr><td>Multi-household Res</td><td>10%</td></tr>
<tr><td>Lodging</td><td>3%</td></tr>
<tr><td>Retail, eating and drinking</td><td>1%</td></tr>
<tr><td>Office, medical</td><td>3%</td></tr>
<tr><td>Industrial</td><td>1%</td></tr>
<tr><td>Institutional, Municipal</td><td>3%</td></tr>
<tr><td>Recreation/Entertainment/Cultural</td><td>1%</td></tr>
<tr><td>Other</td><td>3%</td></tr>
</table></td></tr>
<tr><td>St. Louis Park, MN</td><td>“All new or reconstructed parking structures or lots with at least 50 parking spaces, or expanded parking structures or lots that result in a parking lot with 50 or more parking spaces, shall install EVSE as required below.

1. Multiple-family residential land uses shall have 10% of required parking as Level 1 stations for</td></tr>
</table>

<table>
<tr><td></td><td></td><td>resident parking, and one Level 2 station for guest parking. At least one handicapped accessible parking space shall have access to an EVCS.

2. Non-residential land uses with parking spaces available for use by the general public shall have at least 1% of required parking as Level 2 stations with a minimum of two spaces served by Level 2 charging, with at least one station adjacent to an accessible parking space. In non-residential zoned districts, DC charging stations may be installed to satisfy the EVCS requirements described above on a one-for-one basis.”</td></tr>
<tr><td></td><td>Indianapolis, IN</td><td>“Two electric vehicle charging stations shall be required for developments that provide 500 or more off-street parking spaces.”</td></tr>
<tr><td></td><td>Middletown, CT</td><td>“Any new development that requires 25 or more parking spaces, as calculated by Section 40.04 of these regulations, shall have a minimum of 1 charging space or 3% of the total number of spaces allocated to Electric Vehicles (EVs) (whichever is greater) and must have a Level 2 or 3 charging station/connection per EV parking space.”</td></tr>
<tr><td></td><td>Salt Lake City, UT</td><td>“The number of required minimum parking spaces is determined after applying any applicable reductions and exemptions. The number of required EV parking spaces shall be as follows:”
<table>
<tr><td>Required Minimum Number of Parking Spaces</td><td>Number of EV Parking Spaces</td></tr>
<tr><td>0 to 49</td><td>0</td></tr>
<tr><td>50 to 99</td><td>1</td></tr>
<tr><td>100+</td><td>2, plus 1 for each additional 100 stalls</td></tr>
</table></td></tr>
<tr><td></td><td>New Orleans, LA</td><td>“No property or parcel may have more than one (1) electric vehicle charger installed in the right-of-way adjacent to such property or parcel.”</td></tr>
</table>

	Salt Lake City, UT	"A reduction in the minimum number of required electric vehicle parking stalls may be reduced by 25% if a Level 2 station is installed or by 50% if a Fast Charge station is installed. For each additional Level 2 or Fast Charge station installed, the additional reduction will be based on the already reduced number."
May include EV parking space proportion requirements as part of optional financing or a flexible code. • May be part of a sustainability points system (Duluth, MN). • May be one of several required amenities to choose from as part of a Planned Unit Development (Golden Valley, MN). • May be tied to public funding or financial partnership by the city (Saint Paul, MN)	Duluth, MN	"A minimum of 2% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance."
	Golden Valley, MN	(include) "An electric vehicle charging station accessible to residents, employees, and/or the public."
	Saint Paul, MN	*Work in Progress* In their city code under *Chapter 81. - Sustainable Building,* Saint Paul has an "Overlay" that is required for "construction projects receiving more than $200,000 in public assistance, as well as certain rehab projects." This overlay specifies different requirements including "Electric vehicle charging capability." However, specifications regarding this requirement are yet to be worked out. - City of Saint Paul Website - Sustainable Building Policy - Sustainable Building Policy Guidebook
May include flexibility on minimum requirements to reduce cost burden.	St. Louis Park, MN	"When the cost of installing EVSE required by this Chapter would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Zoning Administrator may administratively approve a reduction the required amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost."
	Middletown, CT	"Applicants may request a waiver or reduction of electric vehicle parking requirements from the

<table>
<tr><td></td><td></td><td>Planning and Zoning Commission during site plan approval.”</td></tr>
<tr><td rowspan="2">May require that a proportion of EV charging stations also be made accessible.</td><td>Chelan, WA</td><td>“Accessible vehicle charging stations shall be provided based on the following table:”
<table>
<tr><th>Number of EV Charging Stations</th><th>Min. Accessible EV Stations</th></tr>
<tr><td>3-50</td><td>1</td></tr>
<tr><td>51-100</td><td>2</td></tr>
</table></td></tr>
<tr><td>Montgomery County, MD</td><td>“A minimum of one accessible electric vehicle charging station is required in any parking facility that is required to have one electric vehicle parking space. For parking facilities required to have 51-75 electric vehicle parking spaces the number of accessible spaces will increase to two (2). Between 76 – 100 electric vehicle parking spaces increases to three (3) and each thereafter increment of 25 electric charging station shall increase by one additional accessible electric vehicle charging space.”</td></tr>
<tr><td rowspan="4">May count electric vehicle charging stations towards meeting existing minimum parking requirements for developments (despite being simultaneously restricted to EVs only).</td><td>Kansas City, MO</td><td>Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.”</td></tr>
<tr><td>Methuen, MA</td><td>“An electric vehicle charging space may count for ½ of a space in the calculation for minimum parking spaces that are required…”</td></tr>
<tr><td>Indianapolis, IN</td><td>“For each electric vehicle charging station provided, the minimum number of required off-street parking spaces may be reduced by two. Each charging station counts toward the minimum number of required parking spaces.”</td></tr>
<tr><td>Chelan, WA</td><td>“Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required pursuant to the Development Standards…”</td></tr>
<tr><td></td><td>Middletown, CT</td><td>“Requests for reduction of general parking spaces in exchange for additional EV parking: For any development that exceeds the minimum number of EVCs as required … The reduction of parking cannot be greater than 10% of the total amount of parking for the proposed development.”</td></tr>
</table>

EV Guide and Model Code Recommendations

Model Code Name:	
Action Items for EV-Ready Communities (NYSERDA Fact Sheet, Energetics)	**Recommendation:** Require "Set numerical or percentage-based goals … for EV infrastructure in new construction."
Creating EV-Ready Towns and Cities: A Guide to Planning and Policy Tools (NYSERDA, Transportation and Climate Initiative of the Northeast and Mid-Atlantic States, 2012)	**Recommendation:** Create an "incentive zoning [that] provides a bonus, such as in the form of additional floor area, in exchange for the provision of a public amenity or community improvements…In the case of EVSE, a developer incentive would be exchanged for EVSE pre-wiring or charging station installation."

6. Electric Vehicle-Designed Parking Use Standards and Protections

Information related to parking restrictions, protections, and penalties for EV-designated spaces. Restricting use of EV charging parking stalls to EVs protects the public benefit being provided, like limiting use of accessible parking stalls.

Typical Ordinance Includes Specification:	**Language Example** City, State:	Text:
May state restrictions on what type of vehicle may park in an EV charging station parking space. May specify the ramifications for parking unauthorized vehicles in EV charging spaces.	Atlanta, GA	"Each electric vehicle charging station and parking space for which any parking incentive was granted shall be reserved for use as an electric vehicle charging station or as electric reserved parking."
	Auburn Hills, MI	"A police agency or a governmental agency…may provide for the immediate removal of a vehicle…in any of the following circumstances…When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted."

	Chelan, WA	"Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only."
	Kansas City, MO	"Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle."

EV Guide and Model Code Recommendations

Model Code Name:	
Alternative Fuel Vehicle Readiness: A Guidebook for Municipalities (North Jersey Transportation Planning Authority, 2017)	**Recommendation:** Municipalities should create enforcement policies for EV parking and charging stations that "specify towing of vehicles in violation of the restriction or impose a fine." **Reasoning:** "It is important to define how restrictions and time limits will be enforced. Without an enforcement policy, there is no incentive to follow the restrictions."

7. Signage, Safety, and Other Standards

Information related to signage, road markings, notifications, lighting, usage fees, and maintenance. Signage helps all drivers understand appropriate use of this new form of parking infrastructure, and other standards similarly attempt to protect or enhance the public value of the infrastructure and minimize risks.

Typical Ordinance Includes Specification:	**Language Example** City, State:	Text:
Often includes signage and road marking requirements. • May include photo examples of signage.	Atlanta, GA	"Way finding signs, if installed, shall be placed to effectively guide the motorists to the electric vehicle parking space and/or charging station. Private regulatory signage shall be placed in a manner that shall not interfere with any parking space, drive lane or exit."
	Douglas County, WA	"Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes."
Often includes lighting requirements.	St. Louis Park, MN	"Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only."
	Chelan, WA	"Lighting. Adequate site lighting shall be provided, which shall also comply with Chapter 17.62…"
Often includes information about charging usage fees.	Kansas City, MO	"Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station."
Often includes information about general operations and maintenance.	Atlanta, GA	"Electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be operational at all times. When an electrical vehicle parking station is not operational for 14 consecutive days, it shall be considered to have been removed from service. The failure to maintain the number of electric vehicle charging stations and parking spaces shall be cause to require the

		installation of the number of parking spaces required by the district regulations."
	Model Code – Electric Vehicle Infrastructure. Guide for Local Governments (Washington State)	"Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning, or other problems are encountered."
	St. Louis Park, MN	"The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves."
Often includes requirements for contact information for instances where a charging station is damaged or out of order.	Atlanta, GA	"A phone number or other contact information shall be provided when the station is not functioning in a manner that allows electric vehicles to be charged."
	St. Louis Park, MN	"A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it."
Often includes information about required notices.	Chelan, WA	"The following information shall be posted at all electric vehicle charging stations: 1. Voltage and amperage levels; 2. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner; 3. Usage fees; 4. Safety information; 5. Contact information for reporting when the equipment is not operating or other problems."
May include time limits and hours of operation.	Mountlake Terrace, WA	"Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging /parking. If applicable, warnings shall be posted to alert charging station users about

		hours of use and possible actions affecting electric vehicle charging stations that are not being used according to posted rules."
	St. Louis Park, MN	"The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves."
May include information on landscaping requirements.	Atlanta, GA	"Minimum landscaping requirements for surface electric vehicle parking and charging station lots…(a) All parking shall be terminated with a landscape strip a minimum width of five feet and equal to the length of the parking bay. (b) All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches…"

EV Guide and Model Code Recommendations

Model Code Document Name:	
Plug-in Electric Vehicle Best Practices Compendium (Santa Clara County)	**Recommendation:** "Local governments should …consider reducing EVSE permitting costs … by waiving or subsidizing the fees to residents and/or businesses."
Action Items For EV-Ready Communities (NYSERDA)	**Recommendation: "**Simplify and streamline permit processes."
Literature Review Summary: Electric Vehicle Supply Equipment Signage Guidance. (NYSERDA, Energetics, 2013)	**Recommendation:** All sign types should be considered when writing an EV ordinance. "There are three different types of signage applicable to EVSE: General Service or Guidance Signs, Regulatory or Enforceable Signs, and Special or Information/Trailblazer Signs."

8. Definition of Terms

Defining terms is a best practice for any ordinance, particularly when ordinance users and staff may be unfamiliar with the specifics of the land use and the policies being implemented via the ordinance requirements. Several EV or EVSE terms used in or pertinent to an EV-ready ordinance are defined below. Not all terms are used by each city. Terms used in an ordinance should be pertinent to the specific language and regulations found in each city's ordinance.

Typical Ordinance Includes Term:	**Language Example** City, State:	Text:
Accessible electric vehicle charging station	Auburn Hills, MI	"an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle."
Battery charging station	St. Louis Park, MN	"an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles."
Battery Electric Vehicle	Electric Vehicle Infrastructure: Guide for Local Governments (Washington State)	"any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating."
Battery exchange station	Des Moines, IA	"a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter …"
Charging Levels • Level 1 • Level 2 • Level 3	Auburn Hills, MI	"the standardized indicators of electrical force or voltage, at which an electric vehicle's battery is recharged. The terms 1,2, and 3 are the most common charging levels, and include the following specifications:

*This is in some instances paired with the definition for *electric vehicle charging station**		1. Level-1 is considered slow charging. Voltage including the range from 0 through 120. 2. Level-2 is considered medium charging. Voltage is greater than 120 and includes 240. 3. Level-3 is considered fast or rapid charging. Voltage is greater than 240. ”
	Chelan, WA	“Level 1 is considered slow charging and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit. Level 2 is considered medium charging and operated on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit. Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.”
	Des Moines, IA	“the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level l, 2, and 3 are the most common EV charging levels, and include the following specifications: Level l is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit. Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit. Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public

		applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.”
Electric capacity	St. Louis Park, MN	“at minimum: 1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger; 2. Conduit from an electric panel to future EVCS location(s).”
Electric vehicle	Auburn Hills, MI	“any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle”
	Des Moines, IA	“any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (a) A battery electric vehicle; (b) A plug-in hybrid electric vehicle; (c) A neighborhood electric vehicle; (d) A medium-speed electric vehicle.
	Howard County, MD	“a vehicle that uses electricity for propulsion.”
Electric vehicle, plug-in hybrid	Kansas City, MO	“an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source: (3) may additionally be able to sustain battery charge using an on-board internal

		combustion-driven generator; and (4) has the ability to travel powered by electricity.”
Electric vehicle charging station	Electric Vehicle Infrastructure: Guide for Local Governments (Washington State)	“a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.”
	Des Moines, IA	“a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.”
Electric vehicle charging station – private restricted use	Auburn Hills, MI	“an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).”
	Kansas City, MO	“an EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.”
Electric vehicle charging station – public use	Auburn Hills, MI	“an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).”
	Kansas City, MO	“an EV charging station that is accessible to and available for use by the public.”

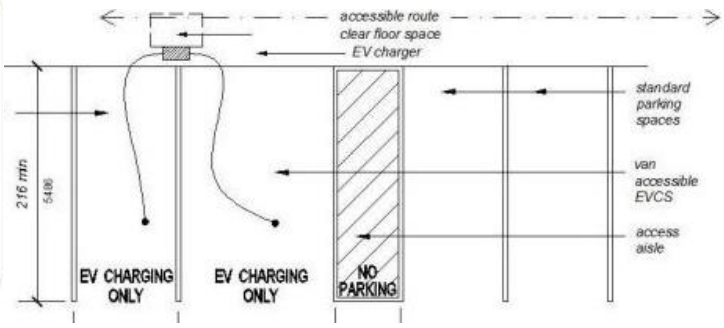
Electric vehicle supply equipment	St. Louis Park, MN	“any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.”
Electric vehicle infrastructure	Kansas City, MO	“conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.”
	Des Moines, IA	“structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.”
Electric vehicle parking space	Auburn Hills, MI	“any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.”
Energized outlet	Howard County, MD	“a connected point in an electrical wiring installation at which current is taken to charge an electric vehicle.”
Neighborhood electric vehicle	Mountlake Terrace, WA	“a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and other wise meets or exceeds the federal regulations…”
Non-electric vehicle	Auburn Hills, MI	“any motor vehicle that does not meet the definition of electric vehicle.”
Rapid charging station	Methuen, MA	“an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels…”

City of Stuart

City of Stuart Guide for Accessible EVCS

This guide applies to Electric Vehicle Charging Stations (EVCS) that will be installed in parking lots and intended for use by the general public.

EV drivers with disabilities need to have access to EVCS, but the codes are still evolving. This guide is meant to comply with the intent of the Americans with Disabilities Act.

- The first station installed needs to be an accessible space.
- Twelve feet wide with a five-foot access aisle. Eighteen feet long
- It needs to be on an accessible route.
- This space doesn't have to be for the exclusive use of a disabled person if less than five stations are installed.
- It also doesn't have to comply with being the shortest route to the facility, but the route to the facility must be fully accessible. Defined as "continuous, unobstructed way of pedestrian passage" from the EVCS to the facility
- The access aisle can be shared with another accessible space.
- Access aisle need to be provided between the EVCS space and the EV Service Equipment.
- The equipment must comply with reach requirements, turning radius, etc..
- Consideration should be taken when locating stations so that cords do not block pedestrian paths or accessible routes when plugged into a vehicle
- One to four EVCS require one to be accessible, five to twenty-five EVCS require two to be accessible. One space dedicated to accessible EVCS only.

Accessible route illustration. EVCS signage Possible Layout with 2 charging heads