



City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD JULY 18, 2019
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Michael Herbach
Vice Chair - Ryan Strom
Board Member - Larry Massing
Board Member - Bill Mathers
Board Member - Christina de la Vega
Board Member - Li Roberts
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

APPROVAL OF MINUTES

Approval of LPA Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

1. PLANTATION STORAGE OF STUART CPUD: (QUASI-JUDICIAL)(RC):
ORDINANCE NUMBER 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUDD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.
2. ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT (RC):

ORDINANCE No. 2406-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE FAMILY/DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCES

3. Amendment to the Land Development Code (RC)

This amendment to the City's Land Development Code is required in order to comply with House Bill 7103 (Application Processing Timelines).

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date:7/18/2019

Prepared by:

Title of Item:

Approval of LPA Minutes.

Summary Explanation/Background Information on Agenda Request:

Funding Source:

N/A

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
☐ LPA Minutes 6.20.19	7/11/2019	Cover Memo



MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD JUNE 20, 2019 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994**

LOCAL PLANNING AGENCY

**Chair – Michael Herbach
Vice Chair – Vacant
Board Member – Li Roberts
Board Member – Larry Massing
Board Member – Ryan Strom
Board Member – Bill Mathers
Board Member – Christina de la Vega**

ADMINISTRATIVE

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

CALL TO ORDER 5:27 PM

Present: Li Roberts, Michael Herbach, Cristina de la Vega, Ryan Strom.

Absent: William Mathers, Larry Massing.

BOARD REORGANIZATION

Motion: Appoint Ryan Strom as Vice Chair

Action: Approve

Moved by: Li Roberts

Second by: Christina de la Vega

Motion passed unanimously.

APPROVAL OF MINUTES:

Motion: Action: Approve.

Moved by: Li Roberts

Seconded by: Christina de la Vega

Motion passed unanimously.

COMMENTS FROM THE PUBLIC: None.

COMMENTS FROM THE BOARD MEMBERS:

Christina de la Vega asked about the right of way swale proposed in the project. She made recommendations for retention ponds to be more eco-friendly.

COMMENTS FROM STAFF:

Tom wanted clarification that her recommendation was not for right-of-way swales, but for private property.

Christina de la Vega said that would be great to include right-of way swales. She would like our town to make it a requirement for all new developments.

Kev Freeman said that they are continuing to work on a complete eco-friendly system. They are encouraging things such as bio swales and a more complete system. We are encouraging this when we get a PUD, but it is not in the plan development code at the moment although we are working on ways to get that formalized. We are trying to negotiate with new applicants to generate additional landscaping. We need to look at right-of-ways and the maintenance responsibilities that come with that. There are a lot of alley ways in the city that are a nightmare and could be put to better use.

Li Roberts asked about private residences in the land development code that specifies sod is needed. She questioned whether sod was the appropriate cover for these pieces of property.

Christina de la Vega requested having an award for yards in the city that do not have sod and are eco-friendly.

Li Roberts said to not have those areas sodded is illegal and would advise not to encourage someone doing something that goes against code. She recommended starting with the code before giving an award.

OTHER MATTERS BEFORE THE BOARD

1. ORDINANCE No. 2410-2019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE KINGSPOINT ESTATES RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR A 7.46 ACRE PROPERTY OWNED BY STUART DEVELOPMENT LLC, LOCATED ON THE SOUTH SIDE OF CENTRAL PARKWAY APPROXIMATELY MIDWAY BETWEEN ITS INTERSECTIONS WITH S. KANNER HIGHWAY TO THE WEST AND U.S. HIGHWAY ONE TO THE EAST, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE SEASIDE RPUD CONSISTING OF SEVENTY-FIVE (75) ATTACHED HOMES; APPROVING A MASTER 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.

PRESENTATION  **5:36 PM:** Tom Reetz, Senior Planner
Donte F., Meritage Homes
Doug Fitzwater, Lucido & Associates
Melissa Corbett, MilCor Group

BOARD COMMENT  **6:00 PM:**

Ryan Strom asked questions about parking at the pool and cabana.

Donte F. said they provided sidewalks on both sides, but looked at it as a small walkable community that was accessible for everyone.

Ryan Strom asked about mailboxes and where they plan to be located.

Donte F. said the mail kiosk will be located in the amenity center for residents to walk or ride their bike. It has been cleared with post office.

Ryan Strom asked about double dumpster enclosures.

Doug Fitzwater said they still need to discuss this with public works at the city because of the fitting issues in the small space. Parking is important and they do not want to take away parking spaces.

Donte F. said they city does not allow you do individual meters and they have to go with a master meter, therefore will not do individual sanitization pickup. They are caught between a rock and a hard place when having to meet the requirement of dumpsters. There are additional costs for the other alternatives. One is to add a sub meter, then you have to pay a company to read those meters and then they send you an invoice every month. This is an additional expense that is given to the HOA. However, that means we would not be able to have individual meters, which mean no individual pickup. These are fee simple townhomes and are not for rent. They are different from a condo or apartment complex. They have been working with staff trying to meet requirements. We would love to do individual pickup and meters, but it doesn't appear that will happen. We do not want to negatively impact residents around it.

Ryan Strom said that it would impact parking spaces because of the gates. He mentioned that he did not see a condition for boat or RV storage. He also asked what the price point was.

Doug Fitzwater said that they have those in their CCRS. They do not allow a commercial vehicle, boats, trailers, sheds, RVs, etc. The price point is \$250 to \$269 range. Our designers have put together packages to customize each base home to each resident who wants to

purchase a home. These are personalized packages, but they also offer upgrades to packages. They are excited about this project and the finishes selected for it.

Ryan Strom said the site plan proposed a 6ft. vinyl fence, but the the development commission its said aluminum. He also asked about site lighting.

Donte F. clarified the type of fencing. The lighting is part of the final plan with FPL and they have already begun discussing this with FPL and it is a process. They would like to use the standard black pole with an LED light. Each pole is about 16 feet tall and is for the internal components of the community. The entrance will have minimal up lighting to illuminate the sign as well as the pedestrian gate.

Ryan Strom said that when comparing site plans, there are questions about the dry retention areas.

Melissa Corbett explained how the swale system worked. She did not bring specific calculations, but they are making an attractive bio-swale with all of the calculations done. They have taken advantage of the entire perimeter and directing water to where the vegetation is.

Li Roberts asked staff if numbering can be clarified on the master site plan and it include everything on it. She also asked staff to clarify meter and trash pickup.

Tom Reetz said that Dave Peters from Public Works would be the best person to explain. We are not like the county, where they get one bill for trash and one bill for water. The city combines water and recycling in their billing system and one is dependent on the other. Public Works has requested that it be a master meter and if the development chooses to submeter from that they can for individual prices per unit. Trash will be billed to the HOA. The HOA will need to step in and help with rules and procedures.

Li Roberts asked if normally you contract with the city to have trash picked up. She asked why an HOA can't contract with the city to get trash picked up in front of 75 places. She was looking at old development conditions and it said the HOA will have a deed restriction for the placement of waste bins.

Kev Freeman said that the contracts are typically for commercial use. He explained that the old development conditions were at the time that individual trash pickup was going to occur, but that has changed. There are a number of issues if we are moving to that system. One of the issues is the size of the dumpster's enclosure which is designed for commercial not small residential parcels. I am hoping to work with public works to redesign them if we are forcing residents to use them.

Li Roberts said she truly did not understand why this was in the plan. She gave examples of why this does not make sense.

Kev Freeman agreed and said a single family home or townhome should not be responsible for their own trash pickup. Contracting the dumpsters out should be discussed with public works.

Melissa Corbett said she asked the opposite question and requested to not do the master meter because they want to keep homes at a specific price point. She wants to get rid of the master meter, but Public Works said this is the direction they are going in for this style community and it is mandatory.

Li Roberts said this does not make any sense and needs to be fixed by the city.

Ryan Strom said that it goes a step further. He said if you have a master meter with 75 individual owners, and one person doesn't conserve than the others are paying for him.

Kev Freeman said development agrees. It degrades the marketability of the product and it takes it into a multi-family arena, where we are trying to encourage single home ownership at a low price point.

Li Roberts asked how we can convey that as this moves though the system.

Kev Freeman said that he would take the recommendation from the LPA for the Development Department to discuss with Public Works of how we can better manage these things and resolve them in the best way possible.

Michael Herbach asked how they handle recyclables.

Li Roberts gave examples of how each resident would have to recycle.

Ryan Strom said it is three big footprints for the dumpsters that are being required.

Li Roberts mentioned she was concerned about on-street parking.

Tom Reetz said that it is not public right of way and is private property. If conditioned it has to be controlled by the HOA.

Li Roberts talked about the former development conditions. She thinks it would be appropriate to say that the HOA will incorporate a deed restriction that prohibits off street parking. The trash bin location should also be included with rv parking and waste bins. She asked if there was a slab behind the houses and what are they expected to include such as a screen.

Donte F. confirmed that they do have a deed restriction that prohibits off street parking. There will be landscaping along the buildings, but we do not prohibit additions.

Li Roberts said this language helps the HOA by putting it in the plan.

Donte F. said that there will be some type of slab that is outside the back patio, but no type of screen or roof will be done due to maintenance.

Michael Herbach asked about fencing between the townhome patios.

Donte F. said they may in the future.

Li Roberts recommended that all street lighting should be consistent in design and in the language.

Ryan Strom explained that these are fee-simple.

Li Roberts said they own the land the building sits on, but they do not own the drive way or site lighting so that needs to be put in the language.

Donte F. said there is a 10ft utility easement, typically everything is consistent.

Li Roberts assumed they fix the meters and dumpsters, but where will the mail be delivered.

Donte F. said every new community will have mail kiosk delivery. They may decide to break them up, but as of now it is a single kiosk.

Li Roberts said that she was concerned about parking to get her mail on her way home from work and there not being enough parking to accommodate her.

Donte F. said they discussed this with the post office. Before the dumpster location was discussed they had alternative options; however the kiosk was put in the amenity center to accommodate the dumpsters. The staff has been great to work with, but this was a curve ball and was not the ultimate situation.

Li Roberts said that the parking needs to be addressed if kiosk is currently in the center. She read the Master Drainage Report and Calculations referring to constraints restrictions and the first page in Appendix B.

Melissa Corbett said this was the geotechnical report and she brought it for the record. The recommendations in the report are completely valid. This was the first concept, if we had changed the plan around then you would be accurate. It's specifically referring to that lake.

Li Roberts said as long as staff is happy with that, I am happy with that. She asked questions about the walls and fences and who was maintaining them.

Donte F. confirmed the locations of the walls and fences. He said that the community will be gated and providing a transparent fence would give it a nice feel.

Li Roberts said that once with Willoughby extension comes through that whatever wall is on Central Parkway, should also be on Willoughby.

Doug Fitzwater thinks there is enough separation and landscaping and they are confident in their design and they considered everything. He said they like this community because it is pedestrian friendly with walkability and having a direct connection to the Willoughby extension is a plus.

Li Roberts asked if it would be put in the master site plan as a future gate for the Willoughby extension.

Donte F. said they have been working on where to put the sidewalk and it is still in the works, but it will be in the plan. The process to submit to the Water Management District is extensive with a maintenance section. HOA maintains it, we irrigate everything. It is covered in our CCRs.

Christina de la Vega said that parking will be very difficult. She asked if there were a family with multiple drivers, how they will be accommodated.

Donte F. said that the driveway can be used by tenants. If it is a one car garage there would be one in driveway one in garage and same for a two garage home. He explained that there is also some overflow parking. The buyer profile is a mix of residents that want to live in a gated community with amenities, but there are also some families that may have four drivers. If we were to try to accommodate everyone then there may be an empty lot with tons of spaces. Since the community is such a small parcel, all parking spaces scattered about can be used by the whole community. We would love to have more parking, but we just do not have enough room.

Christina de la Vega asked about pervious paver driveways and if they could increase the pervious area.

Melissa Corbett said there were restrictions on parking because the SFWM has restrictions on the size of the lake. This lake is the minimum size you can have.

Christina de la Vega asked about landscaping and lighting.

Donte F. said they preferred using brown mulch or pine needles to be Florida friendly. He said he can ask if the staff will provide what the light will be. At the front entrance the concept is an illuminated address with a led light. We will also have low landscape led lighting pointing down at the sidewalk.

Ryan Strom asked about the landscape maintenance.

Donte F. said it is fee-simple so they will take care of everything. The HOA will cover the cost of plant beds, grass and irrigation. The buyer profile is mixed for these types of communities.

Li Roberts asked about parking being restricted for residents.

Donte F. said there are guest spaces that can temporarily be parked in, but are not allowed for permanent resident parking.

Michael Herbach suggested a 6ft high precast wall on the south side. That road has a house keeping problem and he thinks that a high wall is needed.

Donte F. said the reason they did not end up including a 6ft wall on the north end because it is a high traffic road way and cost \$82 a foot. Due to this and trying to manage our price point, it is an additional expense that the cost would go to the end user. We want to have affordable housing.

Michael Herbach does not think a vinyl wall is sufficient.

Donte F. said there are areas that are problematic when there is no growth in that area. Our hope is that crime rates will go down due to development and more activity.

Michael Herbach said that lower income areas continue to be lower income areas. He asked about bike racks.

Donte F. said there will be bike racks and trash receptacles next to them.

Michael Herbach mentioned that they might need to use language that is a specific description of what a commercial vehicle is.

Donte F. said that they cover specific details of what commercial vehicles are.

Michael Herbach does not think the gate on Willoughby will ever happen.

Donte F. said that everything will be identified on the site plan. When Willoughby does come through everyone will know that it is on the approved site plan.

Kev Freeman confirmed that he was talking about a vehicle connection.

Donte F. confirmed that this was only a pedestrian walkway and not a roadway for the extension.

MOTION:

Action: Approval with the following additions.

First, I ask that the City work with Public Works to express this board's strong feelings about meters and trash pickup. Second, if the mailboxes are all placed in amenity area then additional parking is added or redistributed to take care of off street parking in that area. Third, the language about signage in the proposed plan needs to add the words "in common areas" after lighting. Fourth, would be to include a future gate in the master site plan at the Willoughby extension. Fifth, is another restriction that talks about maintaining the wall and fencing. Sixth, include language about the following: waste bins, restrictions on vehicles, off

street parking; maintenance of the bio mat, regulating permits for guest parking spaces, and pool fencing.

Moved by: Li Roberts

Second by: Christina de la Vega

Motion passed unanimously.

PUBLIC COMMENTS:

- 1) Barbara Grass said that she was extremely happy about this going residential. She said that Central Parkway does not have good sidewalks and this project would provide that. She recommended individual meters because she does not want to spend her money on other people that do not pay their bills. She is in favor of this project.

ADJOURNMENT **7:13 PM:**

Motion: Action: Adjourn

Moved by: Li Roberts

Seconded by: Ryan Strom

Michael Herbach, Chair

Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 7/18/2019

Prepared by: Tom Reetz

Title of Item:

PLANTATION STORAGE OF STUART CPUD: (QUASI-JUDICIAL)(RC):
ORDINANCE NUMBER 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The subject parcel is 7.01+/- acres of vacant land, and located on the east side of Commerce Avenue. At the time of this application, the property is currently vacant, originally annexed into the city in the late 1990's. Tonight, the applicant is proposing to amend the CPUD with Final Site Plan approval for a 98,000 square foot self-storage facility. The self-storage facility will have 630 storage units in five standalone single-story buildings.

The applicant is proposing a Major Amendment to the CPUD for the purpose of developing a 98,000 square foot self-storage facility known as Plantation Storage of Stuart. The self-storage facility will be limited to five single story buildings and an attached single story office. Also proposed is 4,347 square feet of outdoor boat and vehicular storage.

Landscape buffers have been provided on all sides of the property, including a 35-foot-wide landscape buffer on the eastern property line adjacent to the F.E.C. railroad right-of-way, A southern buffer that is 30 feet with a fence existing on the neighboring property and 40 foot landscape buffer between Commerce Avenue and Building no. 1 is being proposed. The property is made secure with proposed fencing between buildings. Staff has worked closely with the project architect to enhance the building elevation seen from Commerce Avenue.

Of the total site area, approximately 43% will remain pervious, which includes open space & landscape buffers. The total Trees planted on site is 189. This does not include the 16 Palm trees and 33 hardwood trees proposed to partially meet mitigation requirements. A total of \$50,754.00 will be paid into the City's tree fund.

The property will have one point of vehicular access. The circulation has met EMS vehicle turning movement requirements. The site includes internal 6' sidewalk with a connection with the existing 5' wide sidewalk along SE Commerce Ave. The applicant is providing 21 total parking spaces. The self-storage facility (with 630 storage units and 2 employees) is required to provide one parking space per 50 storage units, plus one per employee or 15 parking spaces.

If approved, the developer stands ready to obtain necessary permits with state agencies and the City 's Development Department. The developer's traffic engineer has coordinated plans with Martin County for

access/egress improvements City staff and professional consultants have reviewed and approved the project.

Funding Source:

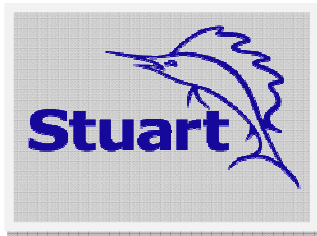
N/A

Recommended Action:

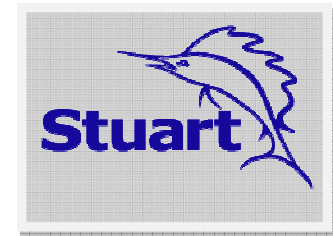
Motion to recommend approval of Ordinance No. 2411-2019 for consideration by the City Commission.

ATTACHMENTS:

Description	Upload Date	Type
▣ Staff Report - By Tom Reetz	7/10/2019	Staff Report
▣ Ordinance No.2411-2019	7/10/2019	Ordinance add to Y drive
▣ Ordinance 2411-2019 Exhibit D	7/10/2019	Ordinance add to Y drive
▣ Environmental Assessment Report	7/10/2019	Backup Material
▣ Traffic Study	7/10/2019	Backup Material
▣ Applicant's response to comments	7/10/2019	Backup Material
▣ KHA final comments	7/10/2019	Backup Material
▣ Environmental final response	7/10/2019	Backup Material

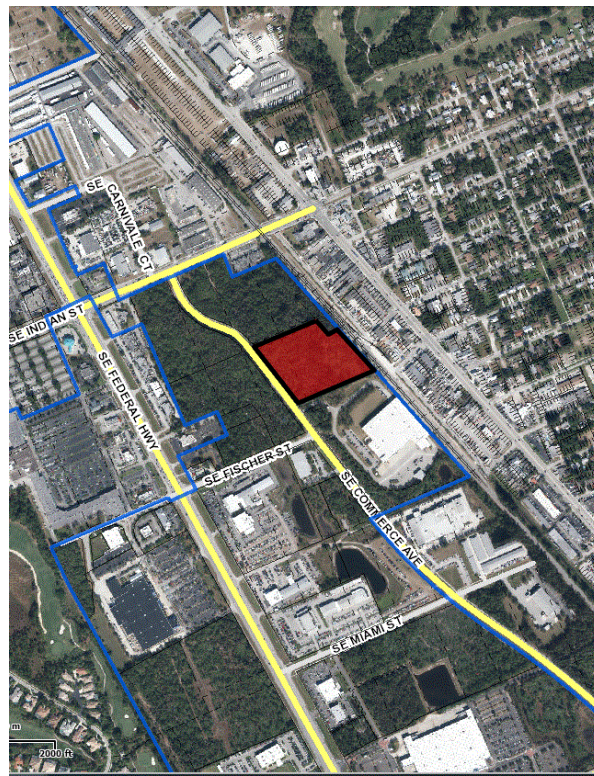


CITY OF STUART
Local Planning Agency
 July 18, 2019



Project Name: Plantation Storage of Stuart Major amendment to the CPUD & Final Site Plan Approval	Property Owners: Ted Glasrud
Project No.: Z19040003	Applicant/Petitioner: Mr. Charles Chase/Bob Raynes
Ordinance No: 2411-2019	Agent: Mathers Engineering
PCN: 38-38-41-002-105-00000-9	Case Planner: Tom Reetz
Location: SE Commerce Avenue On the Eastside of SE Commerce Avenue south of Indian Street and just north of the original site for Thies Distribution plant, now Turbocombuster Technology, Inc.	

Location Map



PROJECT SUMMARY	
Property Size (area)	7.01 Acres
Present Use	Vacant

<i>Subject Property Land Use</i>		Commercial
<i>Adjacent FLU</i>	<i>North</i>	Commercial vacant
	<i>South</i>	Commercial/Industrial
	<i>East</i>	F.E.C. Right-of-way
	<i>West</i>	Commercial vacant
<i>Subject Property Zoning</i>		B-2 (Business General)
<i>Adjacent Zoning</i>	<i>North</i>	CPUD
	<i>South</i>	Thies/Turbo Combuster CPUD
	<i>East</i>	CPUD
	<i>West</i>	F.E.C. Right-of-way
<i>Proposed Zoning District</i>		Commercial Planned Unit Development (CPUD) current
<i>Proposed Use</i>		Warehouse – Mini Storage
<i>City Approvals</i>		Building Department – No comments at this time. Fire Department – Conceptual site plan approval Public Works – Conceptual site plan approval Police Department – Conceptual site plan approval
<i>Brief Explanation</i>		The subject property is 7.01 acres. The intent of this project is to allow an approx. 98,000 square foot, one story (max 25' high) self-storage facility comprised of 5 individual building and an office building, located on the East side of Commerce Ave. south of Indian Street.
<i>Staff Recommendation:</i> Staff recommends approval of Ordinance 2411-2019, consisting of a major amendment to the CPUD (Commercial Planned Unit Development), which includes a final site plan and conditions of approval including a timetable of development.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The application for re-zoning district designation to CPUD have been noticed in accordance with the requirements set forth in Sections 11.01.06 of the Land Development Regulations.

B. Site Posting Date: 7-02-2019

C. Mail Notice Postmark: 07-02-2019 to property owners within 300 feet

D. Publication Date: 10 days prior to the adoption hearing, Section 11.01.06

II. Major Amendment and Master Site Plan Approval, Ordinance. 2411-2019

III. APPLICATION Dated March 26, 2019

IV. HISTORY OF THE SITE

The subject parcel is 7.01+/- acres of vacant land, and located on the east side of Commerce Avenue. At the time of this application, the property is currently vacant, originally annexed into the city in the late 1990's. Tonight, the applicant is proposing to amend the CPUD with Final Site Plan approval for a 98,000 square foot self-storage facility. The self-storage facility will have 630 storage units in five standalone single-story buildings.

V. STAFF ANALYSIS

A. Site and Area Characteristics

The subject property consists of two parcels together equaling 7.01+/- acres in size, located on the east side of SE Commerce Avenue. To the east of the site is the F.E.C. Railroad right-of-way. To the north is undeveloped CPUD. To the west is undeveloped CPUD.

Project Description

The applicant is proposing a major amendment to the CPUD for the purpose of developing a 98,000 square foot self-storage facility known as Plantation Storage of Stuart. The self-storage facility will be limited to five single story buildings and an attached single story office. Also proposed is 4,347 square feet of outdoor boat and vehicular storage.

Landscaping & Tree Mitigation

Landscape buffers have been provided on all sides of the property, which includes a 35-foot-wide landscape buffer without a fence on the eastern property line, adjacent to the FEC railroad right-of-way. The south buffer is 30 feet with a fence existing on the neighboring property. A 40 foot landscape buffer between Commerce Avenue and Building no. 1 is being proposed. The property is made secure with proposed fencing between buildings. Staff has worked closely with the project architect to enhance the building elevation seen from Commerce Avenue.

Of the total site area, approximately 43% will remain pervious, which includes open space & landscape buffers.

The total Trees planted on site is 189. This does not include the 16 Palm trees and 33 hardwood trees proposed to partially meet mitigation requirements. A total of \$50,754.00 will be paid into the City's tree fund.

Access and Parking

The property will have one point of vehicular access. The circulation has met EMS vehicle turning movement requirements. The site includes internal 6' sidewalk with a connection with the existing 5' wide sidewalk along SE Commerce Ave.

The applicant is providing 21 total parking spaces. The self-storage facility (with 630 storage units and 2 employees) is required to provide one parking space per 50 storage units, plus one per employee or 15 parking spaces.

B. Future Land Use Amendment and Comprehensive Plan Consistency Review

A review of the Comprehensive Plan finds that the proposed use is consistent with the existing Commercial future land use designation.

This land-use category allows commercial use and is compatible with the surrounding land uses.

C. Land Development Code Consistency Review

The application has been reviewed for consistency with the City's LDC. The CPUD zoning would allow for the construction of the 98,000 S.F. self-storage facility.

Section 11.01.02.7 major amendment to CPUD of the Land Development Code requires the Local Planning Agency to consider the following criteria prior to making an advisory recommendation to the City Commission.

1. The existing land use pattern;

The proposed land use pattern has been established as Commercial, which allows for a warehouse – mini storage.

2. *The possible creation of an isolated district unrelated to adjacent and nearby districts;*

The proposed rezoning to CPUD would not create an isolated zoning classification in regard to nearby classifications of zoning.

3. *The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;*

The intended use of the subject property as a self-storage facility would not encourage the type and intensity of development that would result in overtaxing of schools, utilities, or streets.

4. *The possible overloading of the City's sewage collection, treatment and disposal facilities;*

The type and intensity of development is not anticipated to overload the City's utility services.

5. *The possible overloading of the City's drainage system;*

The type and intensity of development that is feasible is not anticipated to overload the County's utility services.

6. *The existing district boundaries in relation to existing conditions on the subject property;*

There are no issues in this regard.

7. *The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;*

The traffic study reports that the existing roadway will handle the additional capacity.

8. *The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;*

The type and intensity of development is feasible and would not create an adverse impact to nearby neighborhoods and is consistent with the goals of development, the Commercial future land use category and the design principles of the area that will continue to surround the site.

9. *The impact of the rezoning upon the flow of light and air to adjacent areas;*

The type and intensity of development that would be feasible on the subject property would not create an adverse impact upon the flow of light and air to adjacent areas.

10. The impact of the proposed rezoning upon property values in the adjacent area;

The rezoning to CPUD would likely result in an increase in property values in the adjacent area by having a facility availability.

11. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and

The rezoning to CPUD would not impact adjacent properties to improve or develop in accordance with existing regulations.

12. The existence of other adequate sites in the City for the proposed use in districts already permitting such use.

The subject location is ideal for a self-storage facility due to the unique shape of the property and its proximity to surrounding commercial and residential uses.

Signage

All signs throughout the CPUD will have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. The development's monument sign will adhere to the design standards in the City's Land Development Code.

Architecture

Staff has worked closely with the project architect to enhance the building elevation seen from Commerce Avenue.

SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS
The purpose of these standards is to insure that all site plan development complies with the Comprehensive Plan of the City and with the Stuart Land Development Regulations and to promote harmonious and compatible development within the City.
<i>1. Harmonious and Efficient Organization</i>
The proposed development is efficiently planned and through its design and layout takes account of existing and possible development in the immediate vicinity of the site. Site improvements required for construction should not negatively impact or have any harmful effects on adjacent properties.
<i>2. Preservation of Natural Conditions</i>
The site has been surveyed including tree survey. Upland has been set aside via Ordinance 2361-2019 providing aggregate conservation areas in higher existing habitat in order to free up areas of lower ecological quality.
<i>3. Screening and Buffering</i>

The Landscape Plan for the subject site proposes to create screening, landscape buffering in locations along the front, sides, and rear portion of the subject property. The scope and extent of the screening and buffering proposed is considered to be more than adequate.
4. Enhancement of Residential Privacy
There is no residential nearby
5. Emergency Access and Access to Public and Private Ways
The proposed development provides adequate access for emergency vehicles. All elements of this proposal have been designed so as to incorporate safe and convenient access to all public and private ways throughout the site.
6. Pedestrian Circulation
The proposed 6' (foot) internal sidewalk is encouraged to connect with the existing 5 foot sidewalk along Commerce Avenue.
7. Location and Design of Access Drives
The site has one point of ingress and egress. Adequate stacking spaces are provided within the ingress driveway as well as a covered drop off area.
8. Coordination of on-site and off-site circulation
Connection is provided to Pine Avenue, Bryant Avenue and Palm City Road.
9. Location and Design of on-site ways
The on-site driveways and parking areas have been located and designed to be minimal in form and to occupy no more land than is required to provide safe and convenient vehicular and pedestrian circulation.
10. Drainage
The drainage will be addressed in full at final site plan submission. Drainage will be accommodated on site in a manner which shall not adversely affect nearby property or the public storm drainage system.
11. Exterior Lighting
The proposed development will provide decorative exterior lighting at 25ft in height in the vehicular and pedestrian use areas. The lighting does not conflict with the proposed landscaping and will not impact or produce glare on the nearby neighborhood or interfere with the aesthetics of the surrounding area or with public safety and convenience.

D. Technical Review by Other Agencies

The City Building, Public Works, Fire, and Police Departments have reviewed the applications and have offered their comments. Each department will provide specific comments at final site approval for permitting.

The applicant will be responsible to meet all federal, state and local permitting and environmental standards. Further, the applicant will also be required to demonstrate full compliance at all times.

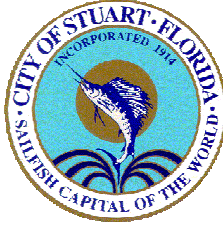
VI. LOCAL PLANNING AGENCY BOARD RECOMMENDATION

The Local Planning Agency shall make an advisory recommendation to the City Commission as to the need and justification for the zoning change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of the Land Development Code. The Local Planning Agency

shall include in its recommendation to the City Commission any information which it deems is relevant to issues relating to the proposed amendment.

VII. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Staff has determined that the rezoning to CPUD is consistent with the goals, objectives and policies of the Comprehensive Plan and the regulations in the Land Development Code. Furthermore, staff has determined that the CPUD to allowing 98,000 +- square foot self-storage facility consisting of 630 units to be developed on the site is consistent with the Land Development Code and recommends Ordinance No. 2411-2019 with conditions of approval.



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

ORDINANCE NUMBER 2411-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Mathers Engineering and Southeast

Management Company, LLC representing Ted Glasrud Associates FL, LLC (owner), for a 7.01 acre parcel of land located on the east side of Commerce Avenue south of Indian Street; and

WHEREAS, the City of Stuart has determined the need to amend the existing CPUD; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for a Major Amendment to the CPUD, and has also considered the recommendation of the City staff.

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD; and

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

WHEREAS, the CPUD development will be in harmony with surrounding properties and their anticipated development;

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

WHEREAS, the property is legally described in “**Exhibit A**” of this ordinance. A map depicting the property is attached hereto as **Exhibit “B”** and made a part hereof by reference; and development conditions including a timetable for construction attached hereto as **Exhibit “C”**;

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

SECTION 1: The following new documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit “D”**, hereinafter the

“Development Documents”, shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

- a. **The Site Plan, Sheet 1, prepared by Mathers Engineering, dated March of 2019, signed on 06.14.19**
- b. **The Chase Storage IV, LLC Land Title & Boundary and Tree Survey, Sheet 1 of 1, by Stephen J. Brown, Inc, dated 4.12.17.**
- c. **The Landscape Development Plan, the Landscape Specifications Plan and the Tree Disposition Plan Sheets LP1, LP2 and TDP-1 all prepared by Gentile Glas Holloway O’Mahoney and Associates Inc., dated 03.28.19, and last revised on 06.12.19.**
- d. **Architectural Floor Plans and Elevation for Self-Storage Warehouse, Sht. SD-1, SD-2 and SD-3 and SD-4 by Ahern and Associates, Architects, P.A. dated December 12, 2019.**

SECTION 2: The Future Land Use designation in the City's Comprehensive Land Use Plan shall remain "Commercial". The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall remain "CPUD" Commercial Planned Unit Development amended by this ordinance to allow for an approximately 98,000 square foot Self-storage facility and 4,347 square feet of outdoor boat and vehicular storage area.

SECTION 4: This ordinance becomes effective upon adoption.

SECTION 5: 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.

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: This ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 9: 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.

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Passed on first reading the 12th day of August, 2019.

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:

REBECCA S. BRUNER, MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

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 COMMERCIAL 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 COMMERCIAL 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:

Theodore G. Glasrud, President

Ted Glasrud Associates FL, LLC

By: _____

Print Name: _____

Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2019, by Theodore G. Glasrud, president.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2019, by REBECCA S. BRUNER, MAYOR , and Mary R. Kindel,
City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT A – LEGAL DESCRIPTION

The land referred to herein below is situated in the county of Martin, State of Florida, and described as follows:

Parcel I:

Tract 105 Lying East of SE Commerce Avenue and tract 106 lying west of the Florida East Coast Railway, Sewall's Point Land Company subdivision, according to the map or plat thereof, as recorded in plat book 3, page 7 of the public records of Palm Beach (now Martin) County, Florida, less and excepting the south 215 feet of tracts 105 and 106 lying east of the east right-of-way line of SE Commerce Avenue and the west of the west right-of-way line of the Florida East Coast Railways as conveyed to D&C Properties (Stuart) LLC, a Florida limited liability company recorded in official records book 2231, Page 2403.

Parcel II:

A parcel of land being a portion of lands described in official records book 441, page 2161, Martin County, Florida, public records. Being more particularly described as follows:

Commence at the intersection of the southwesterly right-of-way line of the Florida East Coast Railroad and the southeasterly right-of-way line of S.E. Indian Street: thence south $41^{\circ}59'54''$ east, along the southwesterly right-of way line of the Florida East Coast Railroad, a distance of 762.83 feet to the point of beginning; thence continue south $41^{\circ}59'54''$ east a distance of 130.35 feet; thence departing said right-of-way, south $66^{\circ}19'23''$ west a distance of 105.33 feet; thence north $41^{\circ}59'54''$ west a distance of 130.35 feet; thence north $66^{\circ}19'23''$ east a distance of 105.33 feet to the point of beginning.

Parcels I & II contain approximately 305,211.92 square feet, 7.01 acres +/-.

EXHIBIT B – LOCATION MAP

AERIAL MAP



EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents (Exhibit D)

1. The Plantation Storage of Stuart CPUD and use thereof shall comply with the following documents and drawings:
 - a. **The Site Plan, Sheet 1, prepared by Mathers Engineering, dated March of 2019, signed on 06.14.19**
 - b. **The Chase Storage IV, LLC Land Title & Boundary and Tree Survey, Sheet 1 of 1, by Stephen J. Brown, Inc, dated 4.12.17.**
 - c. **The Landscape Development Plan, the Landscape Specifications Plan and the Tree Disposition Plan Sheets LP1, LP2 and TDP-1 all prepared by Gentile Glas Holloway O'Mahoney and Associates Inc., dated 03.28.19, and last revised on 06.12.19.**
 - d. **Architectural Floor Plans and Elevation for Self-Storage Warehouse, Sht. SD-1, SD-2 and SD-3 and SD-4 by Ahern and Associates, Architects, P.A. dated December 12, 2019.**

Prior to Issuance of Site Permit

2. The applicant shall provide a digital boundary survey and civil plan prior to the issuance of any site permits.
3. Final Development plans and/or Construction Drawings and Building Plans shall be submitted, reviewed, and approved by the City prior to the issuance of any Development Permits.
4. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.

5. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.

Development and Construction

6. Except as otherwise set forth in the Plantation Storage of Stuart CPUD, development shall comply with the City Land Development Code. Any modifications to the Final Site Plan that does not exceed 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping, may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via public hearing.

7. Notwithstanding item 6 above, or the site plan attached herein, the applicant may make minor modifications to each of the building footprints, so long as each of the building area changes are 5% or less and the new elevations continue to meet the Stuart Land Development Code.

8. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

9. Development of the Subject Property as a CPUD shall include an impervious area of not more than fifty-six point two percent (56.2%) for the entire parcel within the CPUD. The maximum building height within the CPUD shall be twenty-five (25) feet, or 1 story. Height shall be measured from the lowest permissible finished first floor elevation to the surface of a flat roof and to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height.

10. The development shall use reclaimed water (Purple Pipe) for watering common areas when available.

11. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.

12. Prior to certificate of occupancy of the building, the applicant shall provide an engineer's written confirmation attesting that the CPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.
13. Construction activity shall be limited from 7:00 am to 6:00 pm Monday – Saturday.
14. 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.
15. Any existing infrastructure, sidewalk or private property that is damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy.
16. Lighting poles in the parking areas shall not exceed 25' in height. Lighting poles in the pedestrian areas shall not exceed 15' in height. Prior to issuance of a vertical building permit, a photometric plan with details shall be submitted and all site lighting shall comply with a plan acceptable to the City and reviewed by Police for CEPTED/Crime Prevention recommendations.
17. Developer agrees to provide a 10 foot easement, to Martin County Utilities, along the frontage of the Property for purposes of construction and maintenance of a water utility line.
18. Building addresses and/or numbers shall be in plain view and shown on each building plan submitted at the time of building permit application in accordance with the City Code and shall be consistent with the sign plan.
19. All on-site utilities shall be buried.

Temporary or freestanding storage units are prohibited on the property once construction is complete.

Landscaping

20. The common buffer and other common areas shall be provided with landscaping with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.
21. "Hat racking" of trees is prohibited on the property.

22. 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.
23. A landscape maintenance agreement, executed in accordance with the Land Development Regulations, shall be submitted prior to the issuance of the first Certificate of Occupancy any building shown on the Final Site Plan.

Open Space, Required Native Preserve Area, Tree Mitigation Requirements and Littoral Plantings

24. Not less than 76,303 S.F. of the CPUD shall be open space as defined in the City Land Development Regulations. The applicant has provided 133,701 S.F. of the property as open space, including the perimeter landscape buffers and interior landscape area. Required open space may include native vegetation areas and landscape buffers between the CPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.
25. In order to enhance the value of total habitat preserved, the City determined that all upland preserve areas attributable to the property located within this CPUD were better served on a nearby undeveloped parcel consisting of superior quality habitat. Accordingly, the upland preserve area requirements for the subject property located within this CPUD have been met via Ordinance 2361- 2018.
26. Prior to littoral planting at perimeter of Bio-retention pond, all invasive exotic/non-native plant species, any damaged or diseased plants, and any plants unsuited to grow in a littoral environment shall be removed. Disturbed areas shall be removed to ensure the survival and health of the replacement plant material. See landscape legend for species. The applicant shall be responsible for maintaining littoral plantings in perpetuity as prescribed on the Landscape Plan.

27. Prior to any development activities on the site, payment into the City's tree replacement fund based on the City's Tree Replacement Formula, Section 5.05.02. The following is an estimate of fees owed as of the date of this ordinance. A final fee calculation is required at the time of permitting.

Tree type	Total \$ to pay into city's tree fund
Slash Pine	\$36,354.00
All trees less Slash Pine (hardwoods)	\$14,400.00
Total Requirements	\$50,754.00

Signage

28. All signs throughout the CPUD must have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. Building facade or wall signage shall be subject to a unified signage plan specific to this development. All signage including wall signs shall comply with Section 6.11.00 of the City's Land development code.
29. The monument sign(s) shall adhere to the design shown on Sheets SD-4 of Ahern & Associates Architects attached as part of this exhibit.

Development Timetable

30. Construction of roads, utilities, drainage improvements and other common elements serving the property will be completed prior to the issuance of the certificate of occupancy for the first building.
31. Timetable for development shall be as follows:

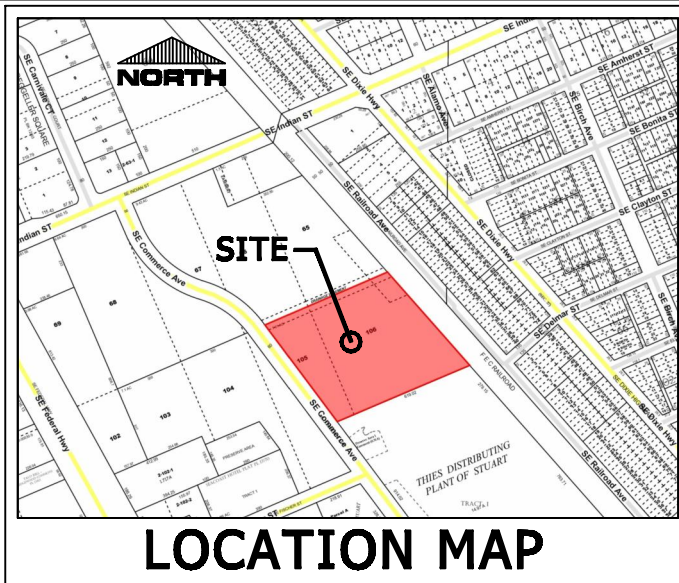
Site and Building permit applications deemed sufficient for permit review under city codes and standards.	December 31, 2020
Final Certificate of Occupancy for all site and building improvements.	December 31, 2023

Allowable Uses

32. The following uses shall be permitted:
- a. Self-Storage Facility
 - b. Outdoor boat and vehicular storage.

Prohibited

33. No temporary or modular buildings are permitted on the property except for permitted temporary construction/leasing trailers.
34. Billboards are prohibited on the property.
35. Banners and any other sign or advertising device not in accordance with the City's Land Development Regulations are prohibited.



PROPOSED USE:
WAREHOUSE, MINI-STORAGE

SITE DATA:
LAND USE - COMMERCIAL
ZONING - CPUD

TOTAL PARCEL SIZE - 305,212 SF (7.01 AC.)
TOTAL BUILDING G.F.A. - 97,160 SF
PERCENT BUILDING COVERAGE - 31.8%
MAXIMUM BUILDING HEIGHT - 25 FT

SITE AREA CALCULATIONS:
TOTAL PARCEL SIZE 305,212 SF
20% LANDSCAPE REQUIRED 61,042 SF 20%
LANDSCAPE PROVIDED 133,701 SF 43.8%
25% CPUD OPEN SPACE REQ. 76,303 SF
OPEN SPACE PROVIDED 133,701 SF

NOTE: 25% CPUD REQUIREMENT IS NOT PERMITTED TO COUNT THE REQUIRED INTERIOR LANDSCAPING WHICH IS 50% OF THE 20% REQUIREMENT. HOWEVER, IN EXCESS OVER THE REQUIRED INTERIOR MAY BE AND HAS BEEN TRANSFERRED TO THE 25% REQUIREMENT.

PARKING AREA INTERIOR LANDSCAPING REQUIRED = 30,521 SF (61,042 x 50%)
PARKING AREA INTERIOR LANDSCAPING PROVIDED = 30,521 SF (DOES NOT INCLUDE BUFFERS)

PRESERVE AREA FOR THIS SITE HAS BEEN ESTABLISHED ON AN OFF SITE LOCATION APPROVED BY CITY OF STUART.

SITE IMPERVIOUS TABLE:

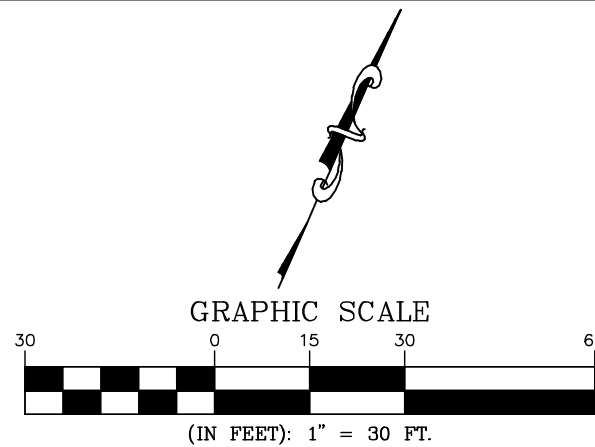
IMPERVIOUS AREAS:	
PROPOSED BUILDINGS:	97,160 SF
PROPOSED PAVEMENT:	67,269 SF
PROPOSED SIDEWALK:	1,866 SF
PROP. CURB, PADS, ETC.:	819 SF
PROP. OUTDOOR STORAGE:	4,357 SF
TOTAL IMPERVIOUS AREA:	171,511 SF 56.2%

PARKING CALCULATIONS FOR MINI-STORAGE:

1 SPACE 50 PER STORAGE UNITS PLUS 1 SPACE PER EMPLOYEE

PROPOSED UNITS: 630/50 = 13
PROPOSED EMPLOYEES: 2/1 = 2

TOTAL SPACES REQUIRED = 15
TOTAL SPACES PROVIDED = 21



THIS AREA IS A DESIGNATED CONSTRUCTION SITE AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY. FLORIDA STATUTE 810.09

NO TRESPASSING SIGN DETAIL

FINAL ENTRANCE & COMMERCE AVENUE ROAD IMPROVEMENTS ARE UNDER THE JURISDICTION OF MARTIN COUNTY, AND WILL BE REVIEWED BY MARTIN COUNTY ENGINEERING DEPARTMENT.

VACANT

SPECIAL NOTES AS PER CITY OF STUART:

- All signs will comply with the requirements of the sign regulations at the time of permitting.
- Disabled parking spaces shall comply with the Florida Accessibility Code for Building Construction. All access areas meet the required slopes of the Florida Accessibility Code.
- Landscaping shall be installed by a licensed commercial landscape contractor. There is to be an irrigation system installed to ensure continued growth of all planting areas.
- A No Trespassing Sign shall be installed for the construction phase of this project. See signage detail on this sheet.
- Dumpster Enclosure Gates shall have gate stops at the end of the open arc to lock gates open during servicing.
- All mechanical equipment associated with the building on the ground shall be located in the rear or sides and shall be screened with materials consistent with the architectural design. Roof top mechanical equipment shall be screened from view.
- Building address signage will be posted on front and rear of building and shall be at least 6" tall as per Stuart Police Department.

NOTES:

- TOP PORTION OF FTP 25 & 26 SHALL HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOL AND BORDER.
- BOTTOM PORTION SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.
- FTP 25 & 26 IS FOR USE IN AREAS WHERE SPACE IS LIMITED.
- HEIGHT SHALL BE 7 FEET MEASURED FROM THE GROUND OR SIDEWALK TO THE BOTTOM OF "PERMIT ONLY" SIGN OR 6 FEET TO THE BOTTOM OF "250 FINE" SIGN.

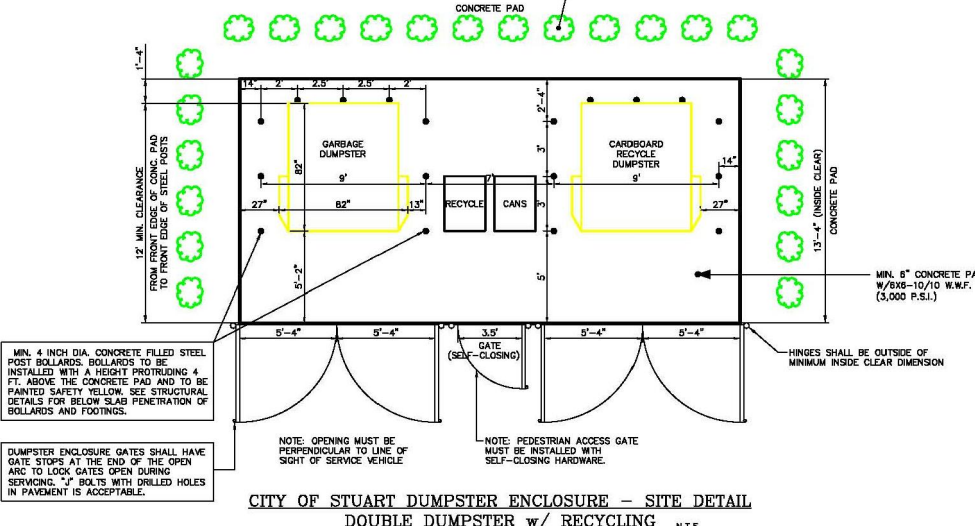


ILLUSTRATION #13

VACANT

BIO-RETENTION AREA

PROPOSED ONE STORY BLDG. #2
TOTAL BLDG. AREA - 8,000 S.F.
MAX. HEIGHT - 15 FT.

PROPOSED ONE STORY BLDG. #3
TOTAL BLDG. AREA - 18,000 S.F.
MAX. HEIGHT - 15 FT.

PROPOSED ONE STORY BLDG. #4
TOTAL BLDG. AREA - 19,000 S.F.
MAX. HEIGHT - 15 FT.

"PARADIGM PRECISION"

DATE	REVISIONS
6.07.19	PER CITY COMMENTS

PHONE: (772) 287-0525
STUART, FL 34996

2431 SE DIXIE HIGHWAY

MATHERS ENGINEERING CORPORATION

EB 0004456

PLANTATION STORAGE OF STUART WAREHOUSE, MINI-STORAGE FACILITY

SITE PLAN

WILLIAM J. MATHERS, P.E.
FL. REG. # 19656

DRAWN D.H.A.
CHECKED W.J.M.
DATE MARCH 2019
SCALE 1" = 30'
JOB NO. 3736-01
SHEET

1
OF 1 SHEETS

NUMBER	SIZE	SPECIES
1	12"	Live
2	6"	Laurel
3	5"	Live
4	12"	Slash
5	5"	Live
6	5"	Live
7	6"	Live
8	9"	Live
9	5"	Live
10		Cabbage
11	5"	Live
12	7"	Laurel
13	8"	Live
14	5"	Laurel
15	9"	Laurel
16	7"	Laurel
17	5"	Laurel
18	7"	Laurel
19	4.5"	Laurel
20	4.5"	Laurel
21		Cabbage
22	9"	Slash
23	9"	Slash
24	10"	Slash
25	10"	Slash
26	14"	Slash
27	14"	Slash
28	9"	Slash
29	11"	Slash
30	10"	Slash
31	10"	Slash
32	10"	Slash
33	10"	Slash
34		Cabbage
35		Cabbage
36		Cabbage
37	10"	Slash
38	13"	Slash
39	10"	Slash
40	14"	Slash
41	20"	Slash
42	11"	Slash
43	20"	Slash
44		Cabbage
45		Cabbage

46		Cabbage
47		Cabbage
48		Cabbage
49		Cabbage
50		Cabbage
51		Cabbage
52	5.5"	Live
53		Cabbage
54	12"	Slash
55	12"	Slash
56	10"	Slash
57	10"	Slash
58	10"	Slash
59	10"	Slash
60	10"	Slash
61	11"	Slash
62	13"	Slash
63		Cabbage
64	16"	Slash
65	4.5"	Gumbo Limbo
66	10"	Slash
67	10"	Slash
68	11"	Slash
69	10 ⁽¹⁾	Slash
70	10 ⁽¹⁾	Slash
71	10 ⁽¹⁾	Slash
72	12"	Slash
73	12"	Slash
74	11"	Slash
75	18"	Slash
76		Cabbage
77	15 ⁽¹⁾	Slash
78	10 ⁽¹⁾	Slash
79	10 ⁽¹⁾	Slash
80	10 ⁽¹⁾	Slash
81	10 ⁽¹⁾	Slash
82	11"	Slash
83	11"	Slash
84	11 ⁽¹⁾	Slash

[illegible]

PRO PROTRATED
RAD RADIUS
RAG RADIAL
RNS RAILROAD SPIKE
RNG RANGE
RSL REGISTERED LAND SURVEYOR
RST REGISTERED SURVEYOR
R/W RIGHT OF WAY
R/W SANITARY SEWER
S SECTION
SET SET
SET 1/B SET 5/8 IRON BAR & CAP #4049
SET MAG MAG NAIL & WASHER #4049
S/1 SERPIC TANK
S/2 SLASH PIPE
S/3 SOUTHERN BEL TELEPHONE BOX
S/4 SQUARE FEET
S/D SUBDIVISION
T TANGENT
TCE TEMPORARY CONSTRUCTION EASEMENT
TOB TOP OF BANK
TOP TOP OF SLOPE
TOW TOWNSHIP
TRANS TRANSFORMER
TYP TYPICAL
UDF UTILITY & DRAINAGE EASEMENT
U/E UTILITY EASEMENT
U/G UNDERGROUND
L/L UTILITY POLE
WH WATER METER
WH WATER VALVE
WMP WOOD PUMPER POLE
DIAMETER

11

GR

60 0 30

PROPERTY ADDRESS:

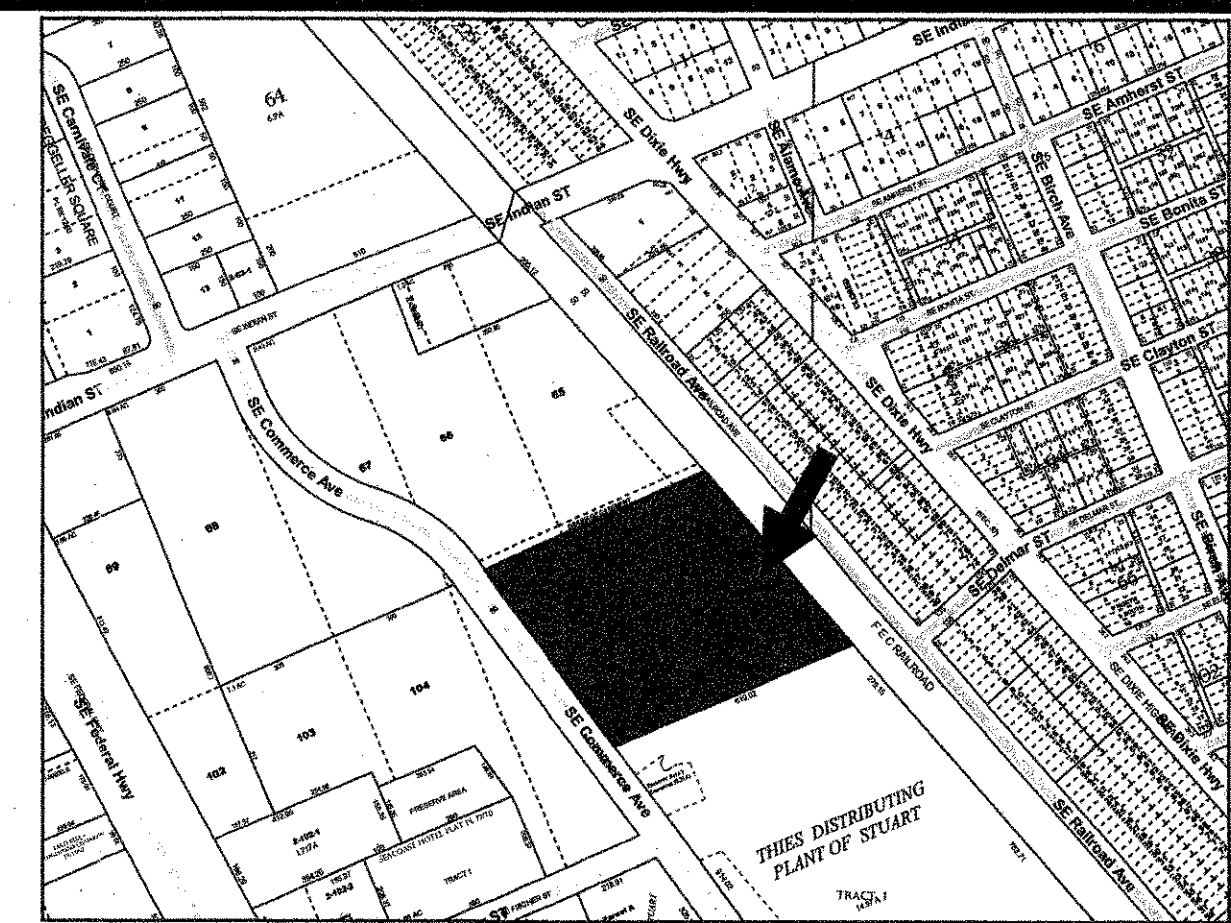
GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

SE COMMERCE AVENUE

(AFFECTS PROPERTY, NOT PLOTTABLE) (OTHER ITEMS PLOTTED AS SHOWN ON SURVEY)
ITEM #0 (P.B. 3(PALM BEACH), PG. 7)
ITEM #10 (O.R.B. 450, PG. 945) (O.R.B. 624, PG. 1191) (O.R.B. 665, PG. 397) (O.R.B. 1106, PG. 1363) (O.R.B. 2925, PG. 2706)
ITEM #11 (O.R.B. 550, PG. 2332)
ITEM #12 (O.R.B. 631, PG. 1635)
ITEM #13 (O.R.B. 1277, PG. 1707) (O.R.B. 2982, PG. 1178)
ITEM #14 (O.R.B. 2625, PG. 196) (O.R.B. 2657, PG. 13) (O.R.B. 2682, PG. 1312) (O.R.B. 2686, PG. 512)



STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

REVISIONS	BY
REVISED SURVEY 10/31/2018	S.J.B.
REVISED SURVEY 11/08/2018	S.J.B.
NEW LEGAL DESCRIPTION 12/14/2018	S.J.B.
TOPOGRAPHIC ADDED 02/14/2019	S.J.B.
REVISED TITLE 02/27/2019	S.J.B.
TREE LOCATIONS 03/05/2019	S.J.B.

PREPARED FOR: CHASE STORAGE IV, LLC

STEPHEN J. BROWN, INC. LICENSED BUSINESS NUMBER: 6484
SURVYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, SUVAT, FLORIDA 34904 EMAIL: sjbrown@bellsouth.net PHONE: (772)-288-7111

ALTA/NSPS LAND TITLE SURVEY BOUNDARY AND TREE SURVEY

DRAWN R.F.C.
CHECKED S.J.B.
DATE 04/12/2017
SCALE 1" = 60'
JOB NO. 6986-05-01
SHEET ONE

OF ONE SHEETS

07 Commerce Lane
Suite 101
Jupiter, Florida 33458
61-575-9557
61-575-5260 FAX
www.2GHO.com

Designed: _____ DSS
 Drawn: _____ DSS
 Approved: _____ GGG/EOM/MTH
 Date: _____ 3-28-19
 Job no. _____ 19-0201
 Revisions: _____ 6-12-19

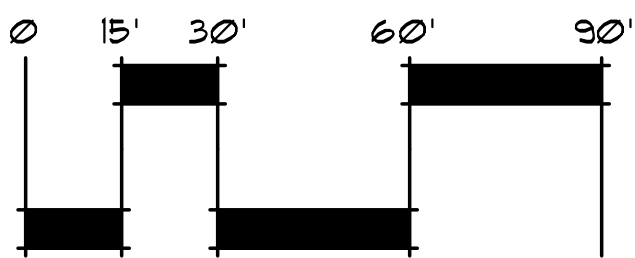
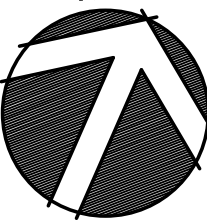
Scale: 1"=30'

LP-1

TOTAL TREES (excluding mitigation plants)	189	189
--	-----	-----

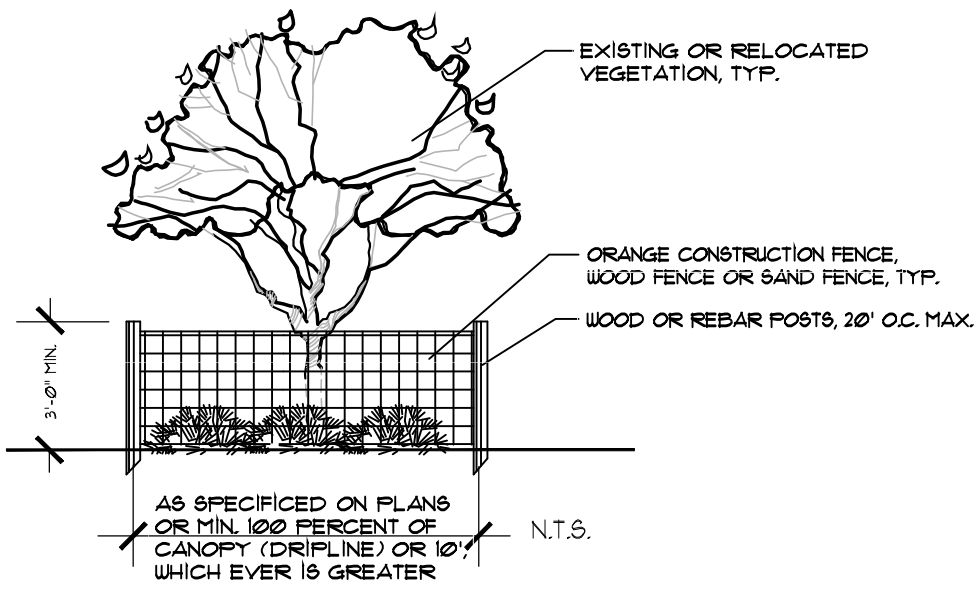
F.E.C. Railroad
(100' R.O.W.)

7. ALL TREES AND SHRUBS ARE LOW TO MODERATE WATER USAGE AREAS. (ONCE ESTABLISHED) ALL BOLD AREAS ARE HIGH WATER USAGE AREAS.
8. ALL EXISTING ON-SITE VEGETATION TO REMAIN, TO BE RELOCATED OR REMOVED. SEE SHEET TOP FOR DETAILS.
9. ALL EXISTING VEGETATION THAT IS TO REMAIN ON-SITE IS NOTED. (SEE LEGEND)
10. CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO LANDSCAPE AND IRRIGATION INSTALLATION.
11. PROPERTY OWNER IS RESPONSIBLE FOR REPLACING ANY REQUIRED LANDSCAPING IN EASEMENTS THAT MAY BE DISTURBED BY FUTURE MAINTENANCE.



Vegetation Protection Detail

NOT TO SCALE



FENCING OF UNDISTURBED AREAS:

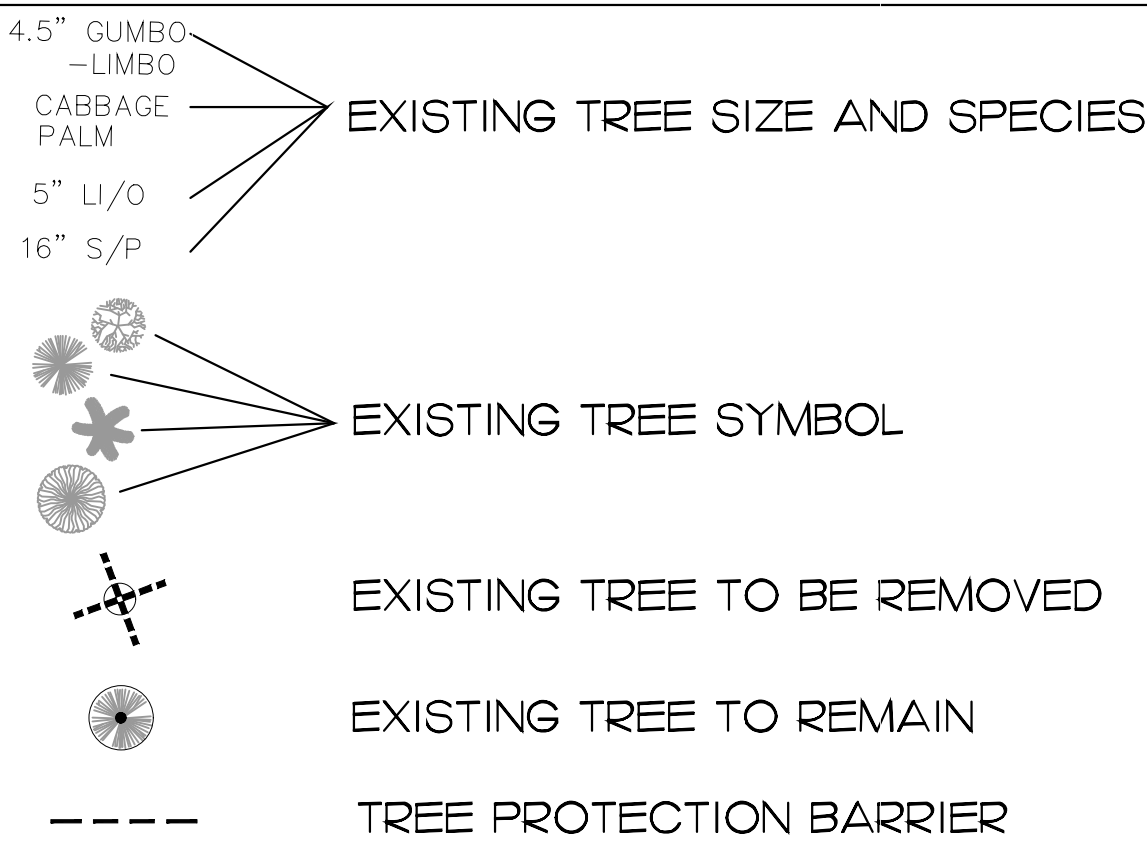
PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL ENCLOSE THE ENTIRE UNDISTURBED AREA, OR TREE, WITHIN A FENCE OR SIMILAR BARRIER AS SHOWN. WOODEN (OR EQUIVALENT) POSTS STEEL REBAR OR WOOD AT LEAST 2 X 2 INCHES SHALL BE IMPLANTED IN THE GROUND DEEP ENOUGH TO BE STABLE AND WITH AT LEAST 3 FEET VISIBLE ABOVE THE GROUND. THE PROTECTIVE POSTS SHALL BE PLACED NOT MORE THAN 20 FEET APART, AND SHALL BE LINKED TOGETHER BY ORANGE NET FENCE FABRIC, OR OTHER. NO HEAVY EQUIPMENT, VEHICLES, STORAGE OF MATERIALS, ETC. SHALL OCCUR WITHIN THE VEG. PROTECTION ZONE. EXTREME CARE SHALL BE TAKEN WHEN WORKING NEAR THE BASE OF TREES. NO FINISH GRADE FILL SHALL BE PLACED WITHIN A ZONE OF 2/3 THE DIAMETER OF THE TREE CANOPY.

FLATWORK CONSTRUCTION WITHIN CANOPY & TREE BARRICADE SHALL BE DONE WITH EXTREME CARE TO MINIMIZE DISTURBANCE TO THE ROOTS BY EXCAVATING, COMPACTING OR ADDING FILL.

UTILITY WORK (TRENCHING) WITHIN THE CANOPY & TREE BARRICADE SHALL BE DONE WITH EXTREME CARE TO MINIMIZE DISTURBANCE TO THE ROOTS BY EXCAVATING, COMPACTING OR ADDING FILL. THE TREE BARRICADE WILL BE MODIFIED TEMPORARILY TO ALLOW ONLY THE MINIMUM WORK ZONE TRESPASS INTO THE CANOPY AREA, CONTINUING TO PROTECT THE REST OF THE CANOPY AREA WITH BARRICADE. NO FILL, EVEN TEMPORARY, SHALL BE PLACED IN ANY PROTECTED ZONE. AT THE CONCLUSION OF SAID ACTIVITY, THE WORKZONE SHALL BE CLEANED UP & TREE BARRICADES REPLACED TO THEIR ORIGINAL CONFIGURATION.

PRESERVED TREES

Existing Tree Legend



Existing Tree Fate Table

Chase Storage										
June-19										
Tag #	Species	Proposed Disposition	Size (DBH for Canopy Trees) (Ft. Ht. for Palms)	In Development Area	In Preserve Area	Specimen/Historic	Pine Mitigated Inches	Oak Mitigated Inches	Replacement Palms (1:1)	Notes
1	LIVE OAK	REMOVE	12"	Y	S		12			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
2	LAUREL OAK	REMOVE	6"	Y	S		6			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
3	LIVE OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
4	SLASH PINE	REMOVE	12"	Y	S	12				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
5	LIVE OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
6	LIVE OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
7	LIVE OAK	REMOVE	6"	Y	S		6			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
8	LIVE OAK	REMOVE	9"	Y	S		9			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
9	LIVE OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
10	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
11	LIVE OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
12	LAUREL OAK	REMOVE	7"	Y	S		7			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
13	LIVE OAK	REMOVE	8"	Y	S		8			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
14	LAUREL OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
15	LAUREL OAK	REMOVE	9"	Y	S		9			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
16	LAUREL OAK	REMOVE	7"	Y	S		7			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
17	LAUREL OAK	REMOVE	5"	Y	S		5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
18	LAUREL OAK	REMOVE	7"	Y	S		7			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
19	LAUREL OAK	REMOVE	4.5"	Y	S		4.5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
20	LAUREL OAK	REMOVE	4.5"	Y	S		4.5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
21	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
22	SLASH PINE	REMOVE	9"	Y		9				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
23	SLASH PINE	REMOVE	9"	Y		9				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
24	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
25	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
26	SLASH PINE	REMOVE	14"	Y	S	14				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
27	SLASH PINE	REMOVE	14"	Y	S	14				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
28	SLASH PINE	REMOVE	9"	Y		9				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
29	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
30	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
31	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
32	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
33	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
34	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
35	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
36	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
37	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
38	SLASH PINE	REMOVE	13"	Y	S	13				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
39	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
40	SLASH PINE	REMOVE	14"	Y	S	14				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
41	SLASH PINE	REMOVE	20"	Y	S	20				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
42	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
43	SLASH PINE	REMOVE	20"	Y	S	20				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
44	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
45	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
46	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
47	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
48	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
49	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
50	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
51	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
52	LIVE OAK	REMOVE	5.5"	Y	S		5.5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
53	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
54	SLASH PINE	REMOVE	12"	Y	S	12				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
55	SLASH PINE	REMOVE	12"	Y	S	12				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
56	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
57	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
58	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
59	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
60	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
61	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
62	SLASH PINE	REMOVE	13"	Y	S	13				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
63	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
64	SLASH PINE	REMOVE	16"	Y	S	16				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
65	GUMBO LIMBO	REMOVE	4.5"	Y	S		4.5			MITIGATE/REPLACE WITH OAK TREES, MIN. 4.5"
66	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
67	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
68	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
69	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
70	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
71	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
72	SLASH PINE	REMOVE	12"	Y	S	12				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
73	SLASH PINE	REMOVE	12"	Y	S	12				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
74	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
75	SLASH PINE	REMOVE	18"	Y	S	18				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
76	CABBAGE PALM	REMOVE		Y					1	MITIGATE/REPLACE WITH 14" C.T.
77	SLASH PINE	REMOVE	15"	Y	S	15				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
78	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
79	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
80	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
81	SLASH PINE	REMOVE	10"	Y	S	10				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
82	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
83	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
84	SLASH PINE	REMOVE	11"	Y	S	11				MITIGATE/REPLACE WITH PINE TREES, MIN. 12"
TOTAL REPLACEMENTS:							552"	125"	16 palms	PER CITY FORMULA - 331 PINES AND 69 OAKS TO REPLANT OR MITIGATE (SEE BELOW)

OPTIONS:

Slash Pine Replacement Formula: 552" Total inches to remove X 1.5, divided by 2.5" = 331 total trees to replant. OR X 50% = 166 X 175% of Plant Finder cost(\$125 X 175% = \$219) = \$36,354 (total to pay into City fund)

Pine Replacement : 331 trees (2.5") OR 50% of trees (166 trees) = \$36,354 (based on a \$125 Plant Finder replacement - 12")

Oak Tree Replacement Formula: 125" Total inches to remove X 1.5, divided by 4.5" = 69 total trees to replant. OR X 50% = 35 X 175% of Plant Finder cost(\$800 X 175% = \$1,400) = \$49,000 (total to pay into City fund)

Oak Replacement : 69 trees (4.5") OR 50% of trees (35 trees) = \$49,000 (based on a \$800 Plant Finder replacement - 4.5")

PROPOSAL:

CABBAGE PALM MITIGATION: 16 PALMS ADDED TO THE PLAN WITH A MINIMUM SPECIFICATION OF 14" C.T. (see plant list RSP)

SLASH PINE MITIGATION: APPLICANT PROPOSES TO BUY OUT MITIGATION FOR PINE IMPACTS AT THE RATE SHOWN ABOVE = TOTAL \$36,354.00

OAK TREE MITIGATION: APPLICANT PROPOSES TO PLANT 33 REPLACEMENT TREES MINIMUM 4.5" DBH AND BUY OUT 50% OF THE BALANCE. 69 Replacement Trees Required - 33 Replacement Trees To be Planted On Site (see plant list ROV) = 36 Remain 50% of the remaining: 36 = 18 trees for buy out at \$800.00 per tree = \$14,400.00

FILE INCLUSE STORAGE - 19-0201DRAWINGS-CHASE STORAGE P-L-I-REV 10/19/20
PLOTTED: 6/10/19 AT 05:41PM BY DSIENGEN
XREFS

Gentile Glas Holloway O'Mahoney & Associates, Inc. Landscape Architects Planners Environmental Consultants

1901 Commerce Lane Suite 101 Jupiter, Florida 33458 561-515-9551 561-515-5260 FAX www.2GHO.com

Plantation Storage of Stuart Warehouse Mini-Storage Facility City of Stuart, Florida

Designed: DSS Drawn: DSS Approved: GGG/EOM/MTB Date: 5-28-19 Job no: 19-0201 Revisions: 6-12-19

See

LC 0000111 Sheet Title:

Tree Disposition Plan

Scale: 1"=40'

Sheet No.

TDP-1

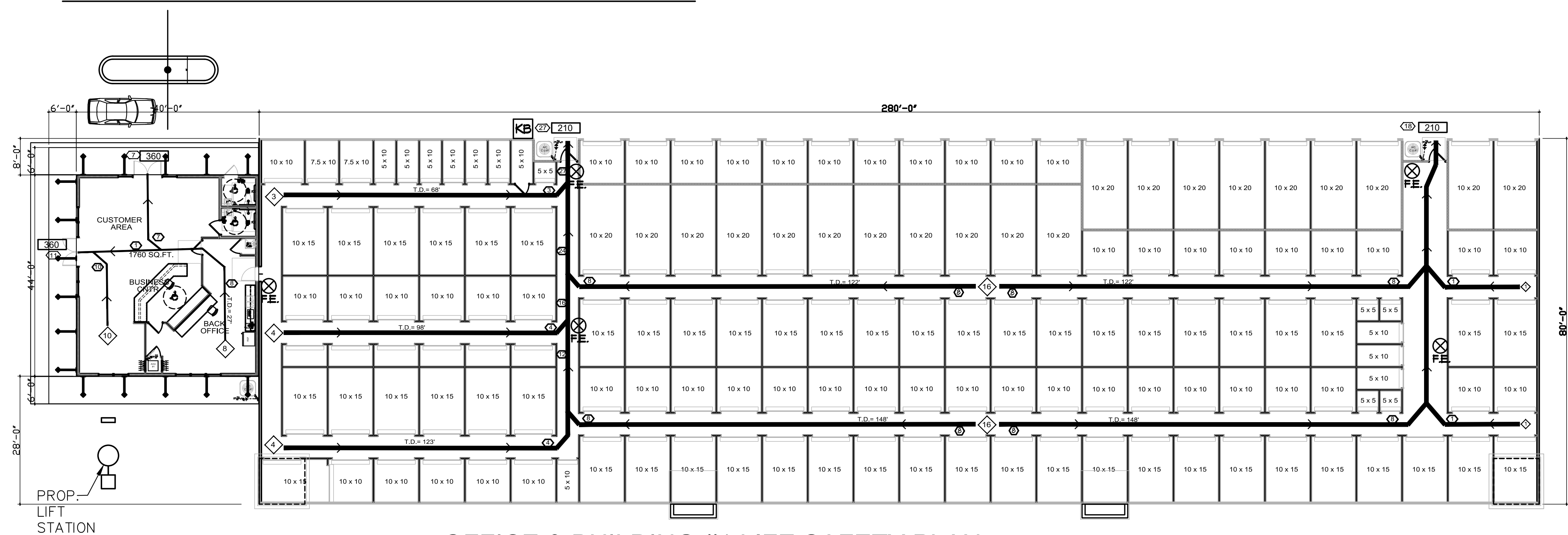
19-0201

© 2019 JOHN M. AHERN, ARCHITECT
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN
CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF THE
ARCHITECT, AND THE SAME OR ANY PART THEREOF MAY NOT
BE DUPLICATED, DISTRIBUTED, DISCLOSED, OR USED IN ANY
MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
THE USER(S) THEREOF, WITHOUT WRITTEN CONSENT, BECOME
INDIVIDUALLY AND COLLECTIVELY INCORPORATED TO THE ARCHITECT
FOR THE FULL COMMISSION PLUS DAMAGES AND ALL
LEGAL FEES & EXPENSES INCURRED.

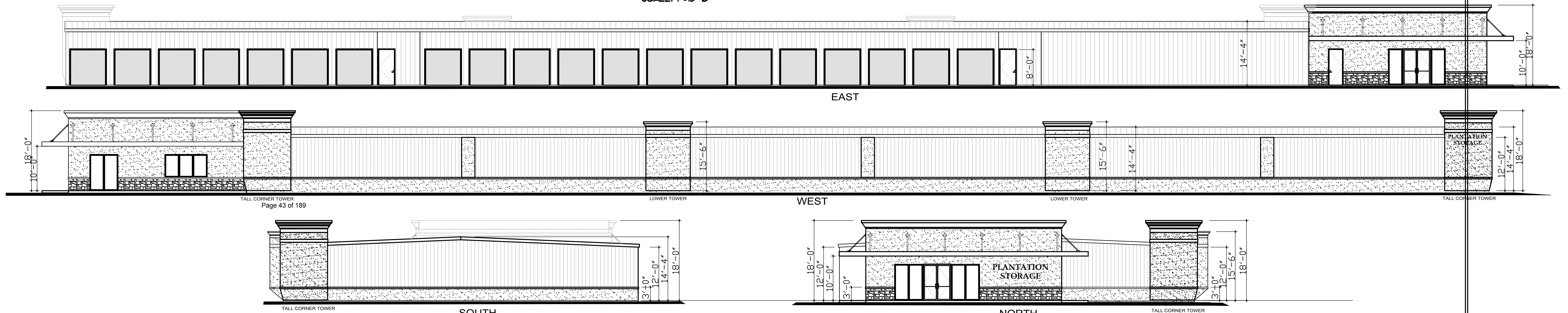
DO NOT SCALE DRAWINGS
FIELD VERIFY ALL DIMENSIONS

LIFE SAFETY PLAN LEGEND

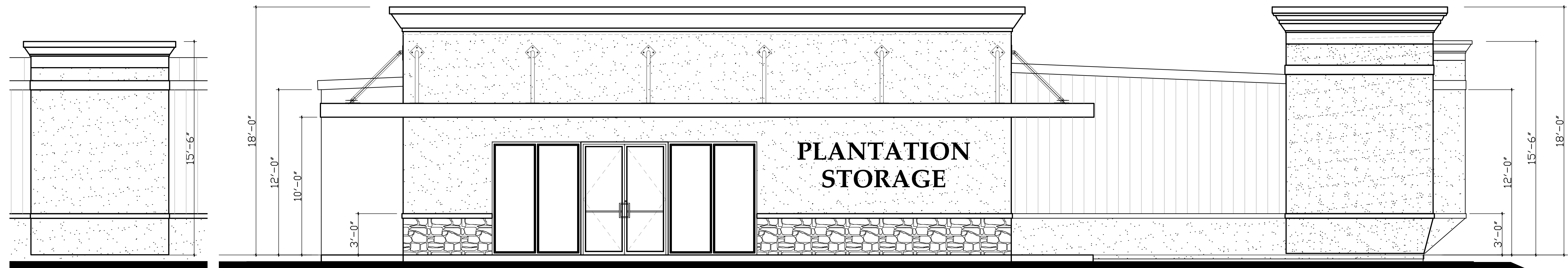
- ROOM OCCUPANT LOAD
- TRAVEL PATH AND DIRECTION TO EXIT
- SPRINT OCCUPANT LOADS ALONG PATHS OF TRAVEL
- ACCUMULATING OCCUPANT LOADS ALONG PATHS OF TRAVEL
- CUMULATIVE OCCUPANT LOAD AT EXIT
- EXIT DOOR EGRESS CAPACITY
- T.D.=14' TRAVEL DISTANCE TO EXIT ACCESS
- KNOX BOX 2 LOCATIONS: DOOR 116 -ELECT. R.M. (OR PER FIRE MARSHALL)
- F.E. FIRE EXTINGUISHERS: 2ABBC (OR FINAL LOCATIONS & TYPES PER FIRE MARSHALL)



OFFICE & BUILDING #1 LIFE SAFETY PLAN
SCALE: 1"=15'-0"



OFFICE & BUILDING #1 EXTERIOR ELEVATIONS
SCALE: 3/32"=1'-0"

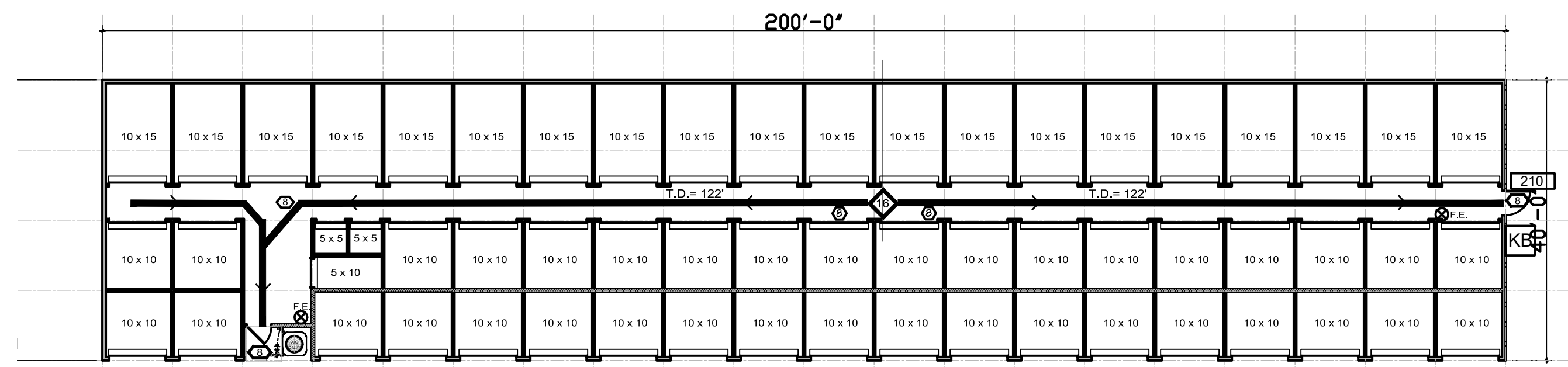


OFFICE & BUILDING #1 EXTERIOR ELEVATION
SCALE: 1/4"=1'-0"

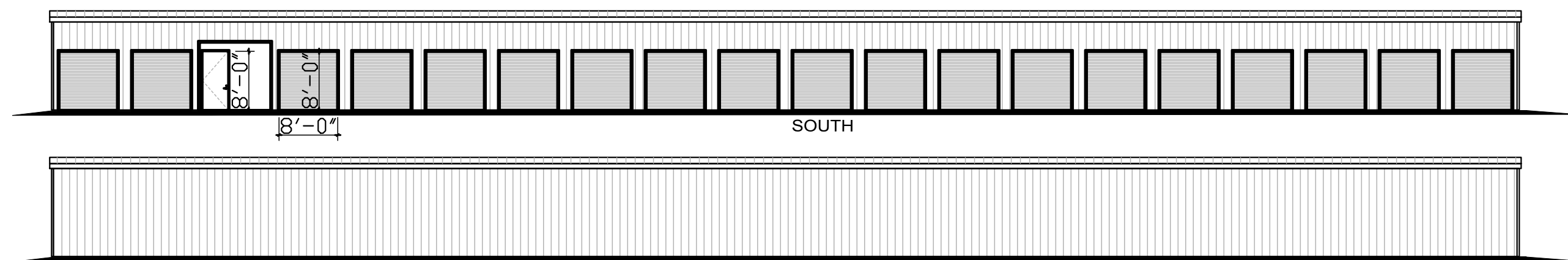
PROJECT TITLE
PLANTATION STORAGE
SELF-STORAGE WAREHOUSE
COMMERCE AVENUE
STUART, FLORIDA

REV. DATE
PROJECT 19-2123 ISSUED 12-JUNE-2019
SHEET

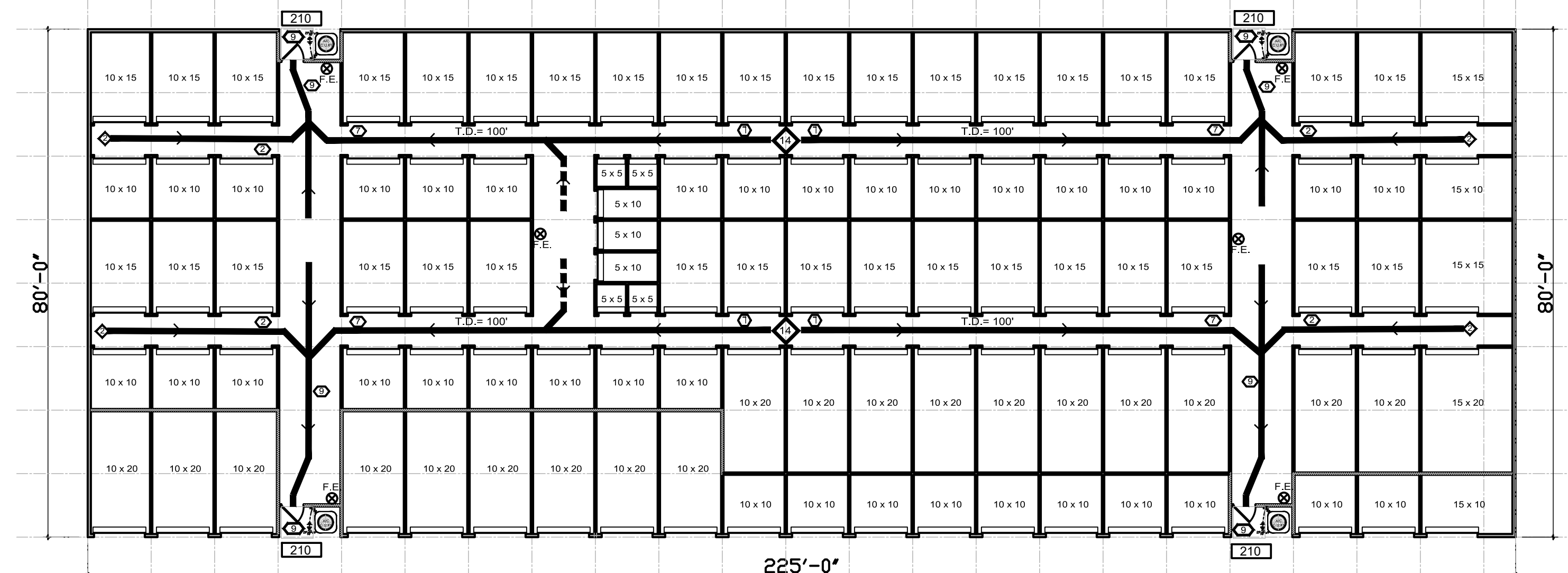
SD-1



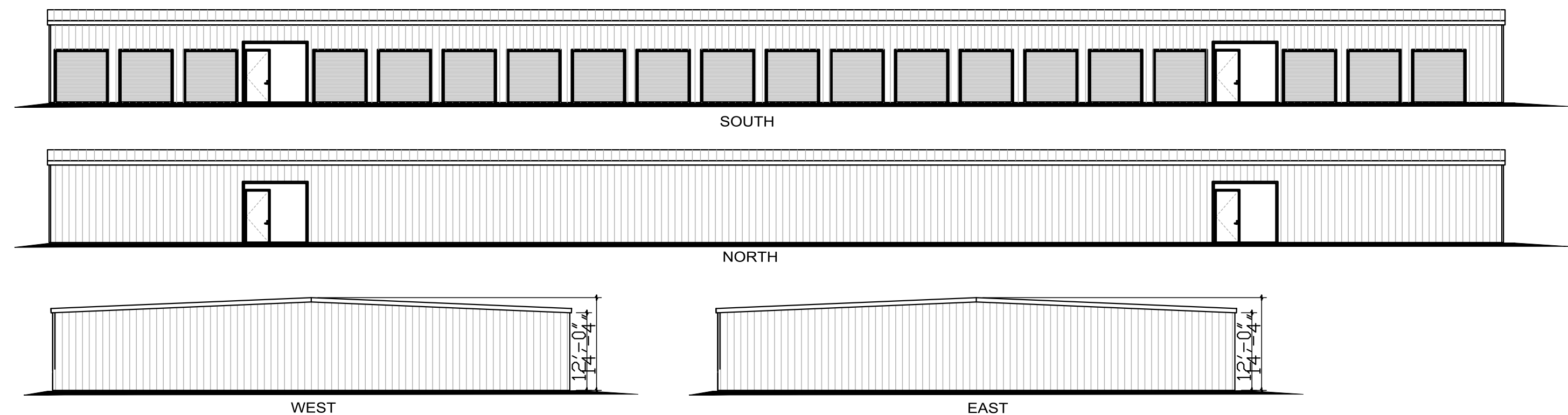
BUILDING #2 LIFE SAFETY PLAN 16 OCC.
SCALE: 1/16"=1'-0"



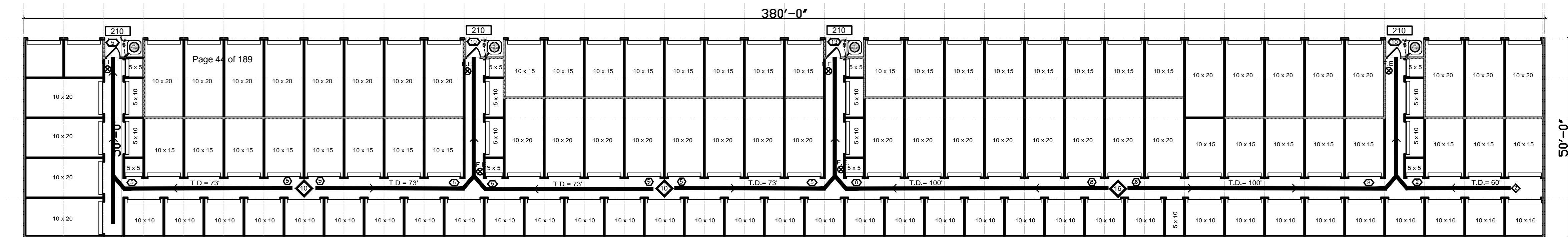
BUILDING #2 EXTERIOR ELEVATIONS
SCALE: 1/16"=1'-0"



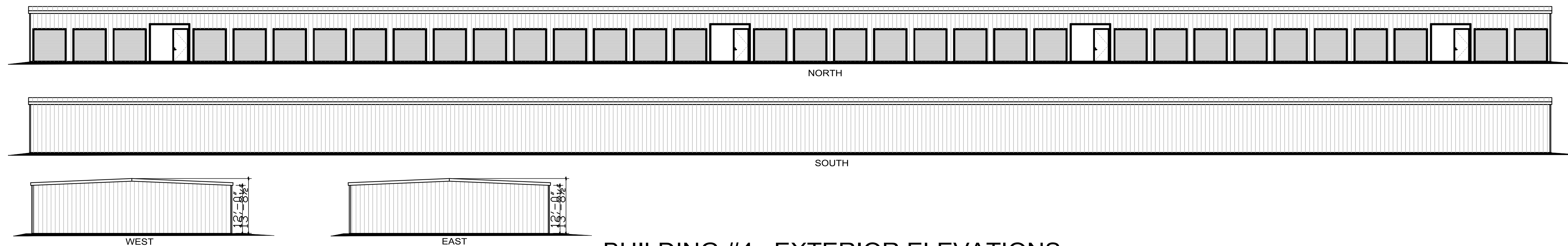
BUILDING #3 LIFE SAFETY PLAN 36 OCC.
SCALE: 1/16"=1'-0"



BUILDING #3 EXTERIOR ELEVATIONS
SCALE: 1/16"=1'-0"



BUILDING #4 LIFE SAFETY PLAN 38 OCC.
SCALE: 1/16"=1'-0"



BUILDING #4 EXTERIOR ELEVATIONS
SCALE: 1/16"=1'-0"

LIFE SAFETY PLAN LEGEND

- ROOM OCCUPANT LOAD
- TRAVEL PATH AND DIRECTION TO EXIT
- SPLIT OCCUPANT LOADS ALONG PATHS OF TRAVEL
- ACCUMULATING OCCUPANT LOADS ALONG PATHS OF TRAVEL
- CUMULATIVE OCCUPANT LOAD AT EXIT
- EXIT DOOR EGRESS CAPACITY
- T.D.=14' TRAVEL DISTANCE TO EXIT ACCESS
- KNOCK BOX, 2 LOCATIONS; DOOR 116 -ELECT. RM. (OR PER FIRE MARSHALL)
- FIRE EXTINGUISHERS: 2ABBC (OR FINAL LOCATIONS & TYPES PER FIRE MARSHALL)

PROJECT TITLE
PLANTATION STORAGE

SELF-STORAGE WAREHOUSE

COMMERCE AVENUE
STUART, FLORIDA

REV. DATE

PROJECT 19-2123 ISSUED 12-JUNE-2019

SHEET
SD-2

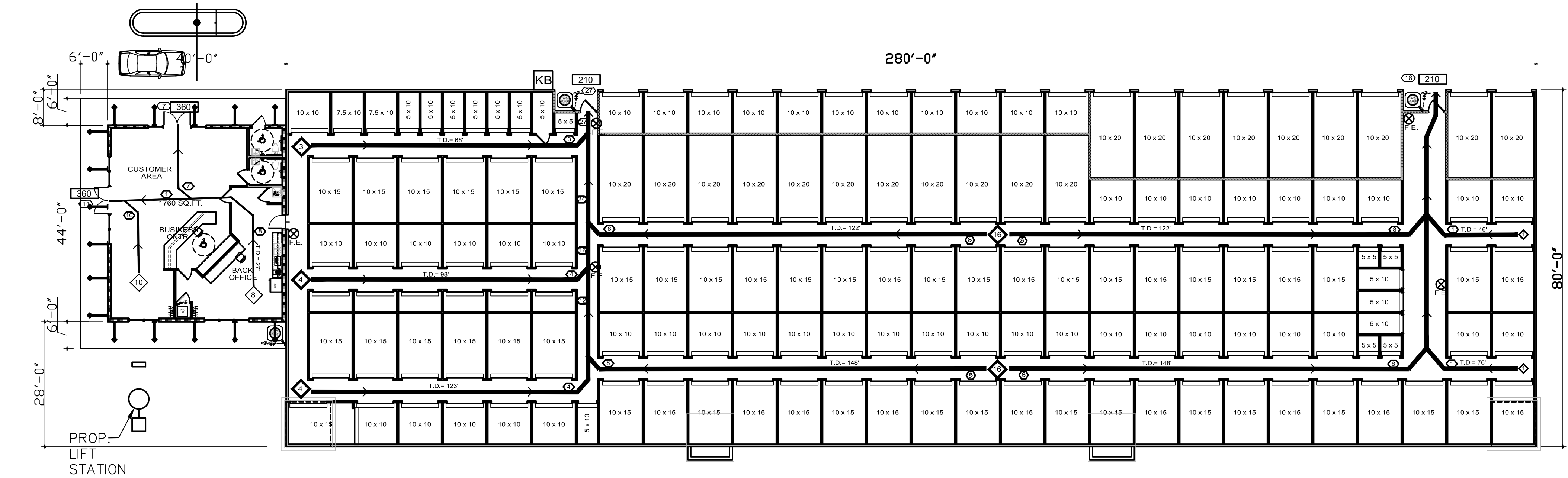
LIFE SAFETY PLAN LEGEND

- ROOM OCCUPANT LOAD
TRAVEL PATH AND DIRECTION TO EXIT
SPLIT OCCUPANT LOADS ALONG PATHS OF TRAVEL
ACCUMULATING OCCUPANT LOADS ALONG PATHS OF TRAVEL
CUMULATIVE OCCUPANT LOAD AT EXIT
EXIT DOOR EGRESS CAPACITY

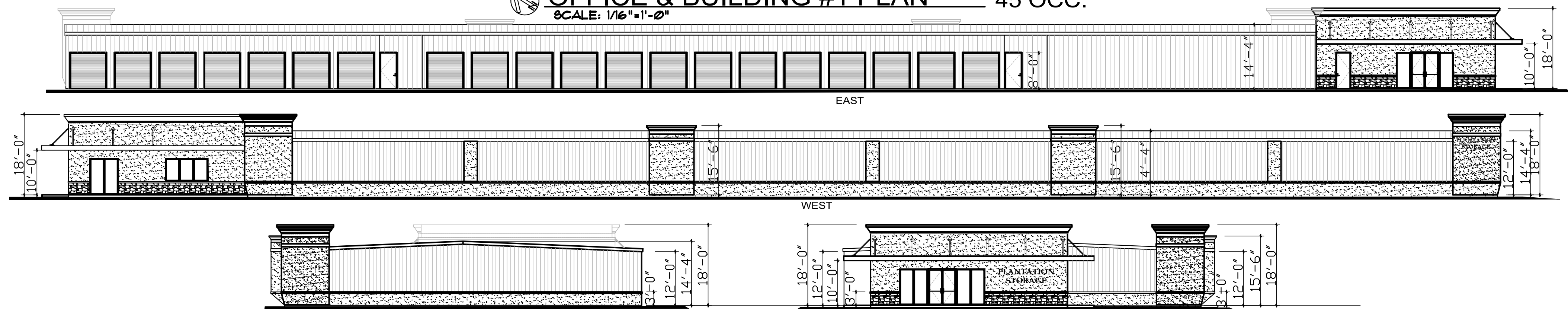
T.D.=14' TRAVEL DISTANCE TO EXIT ACCESS

KB KNOCK BOX 2 LOCATIONS: DOOR 116 - ELEC. Rm. (OR PER FIRE MARSHALL)

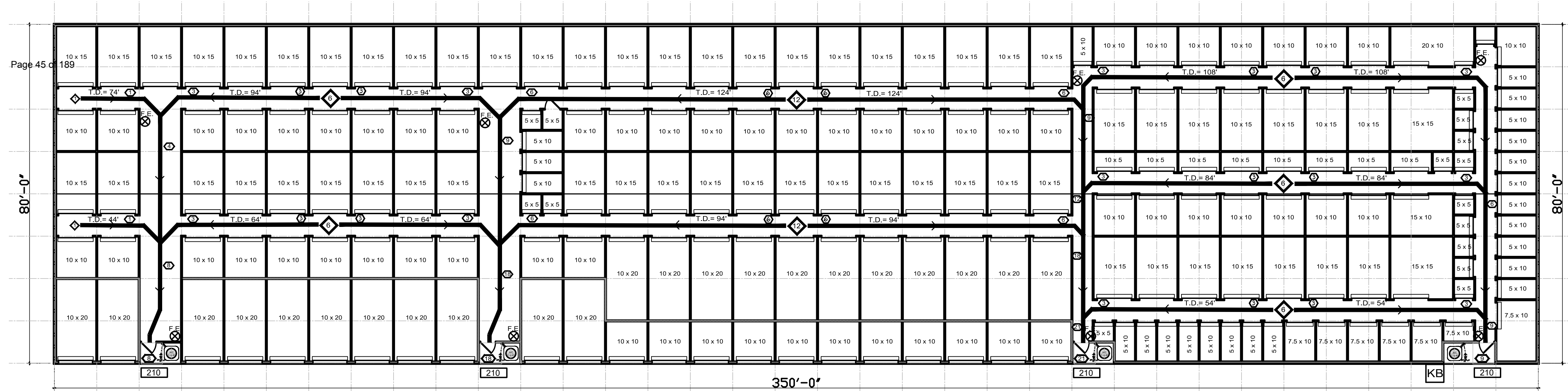
F.E. FIRE EXTINGUISHERS: 2ABBC (OR FINAL LOCATIONS & TYPES PER FIRE MARSHALL)



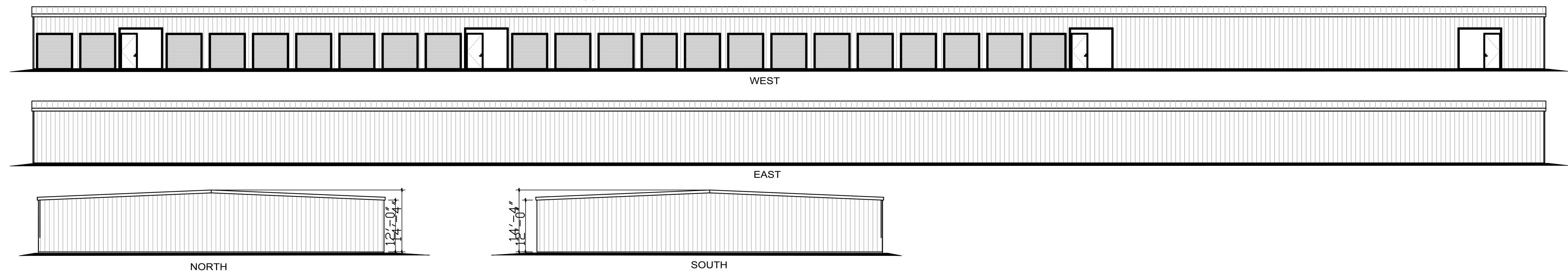
OFFICE & BUILDING #1 PLAN 45 OCC.
SCALE: 1/16"=1'-0"



BUILDING #1 EXTERIOR ELEVATION
SCALE: 1/16"=1'-0"



BUILDING #5 LIFE SAFETY PLAN 56 OCC.
SCALE: 1/16"=1'-0"



BUILDING #5 EXTERIOR ELEVATION
SCALE: 1/16"=1'-0"

PROJECT TITLE

PLANTATION STORAGE

SELF-STORAGE WAREHOUSE

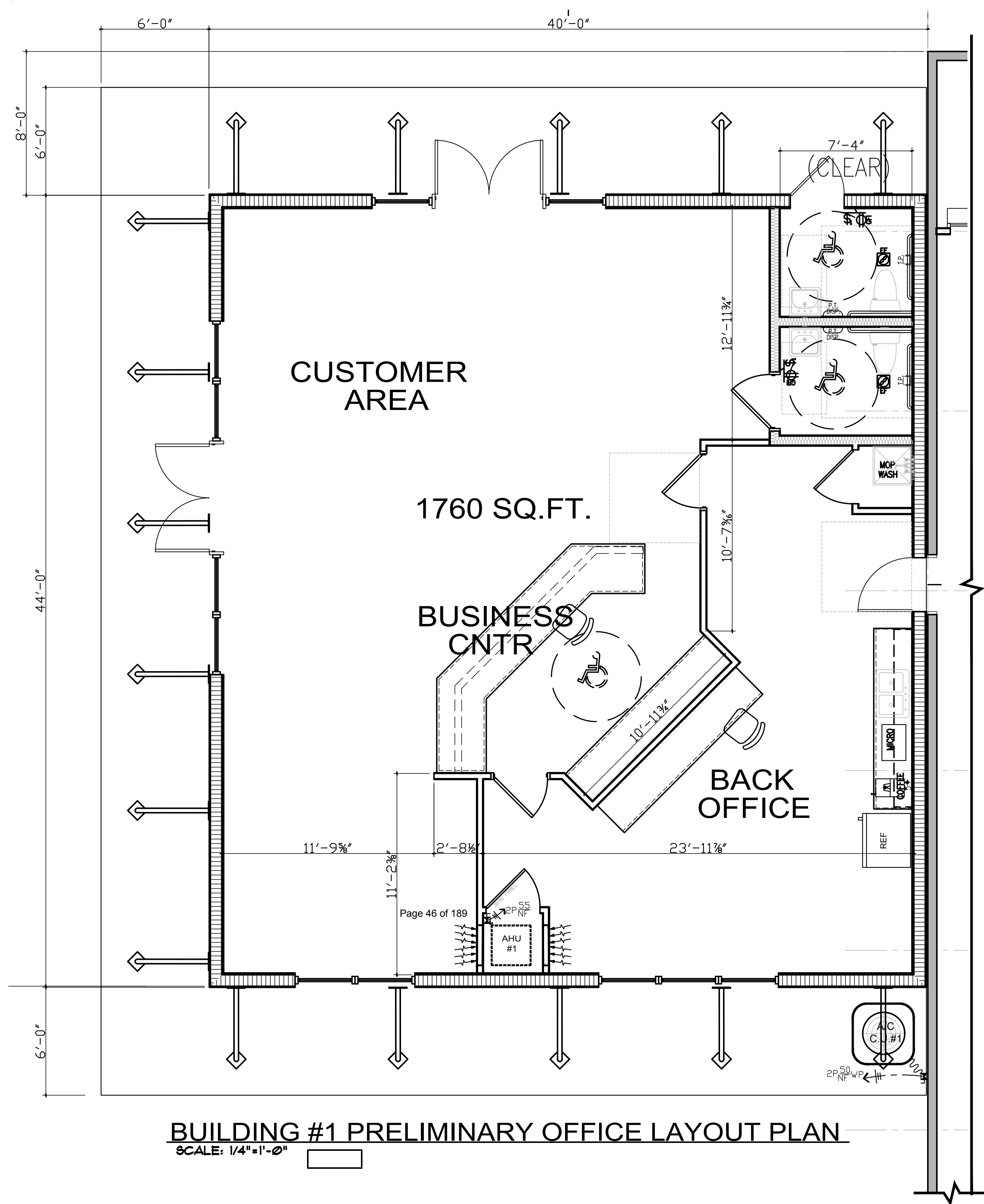
COMMERCE AVENUE
STUART, FLORIDA

REV. DATE

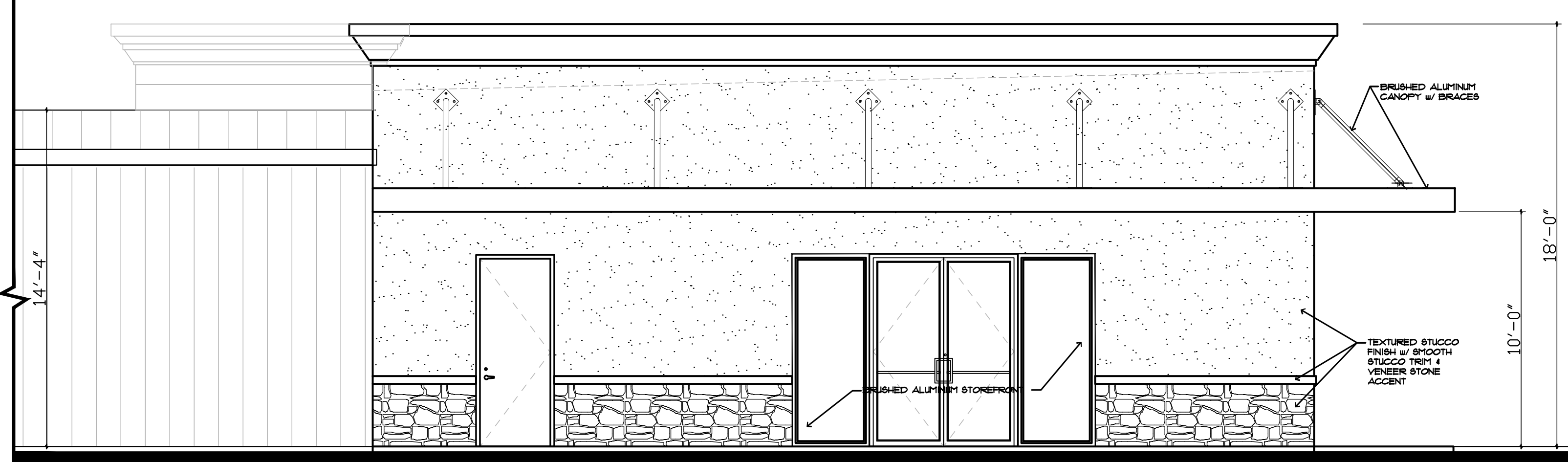
PROJECT 19-2123 ISSUED 12-JUNE-2019

SHEET

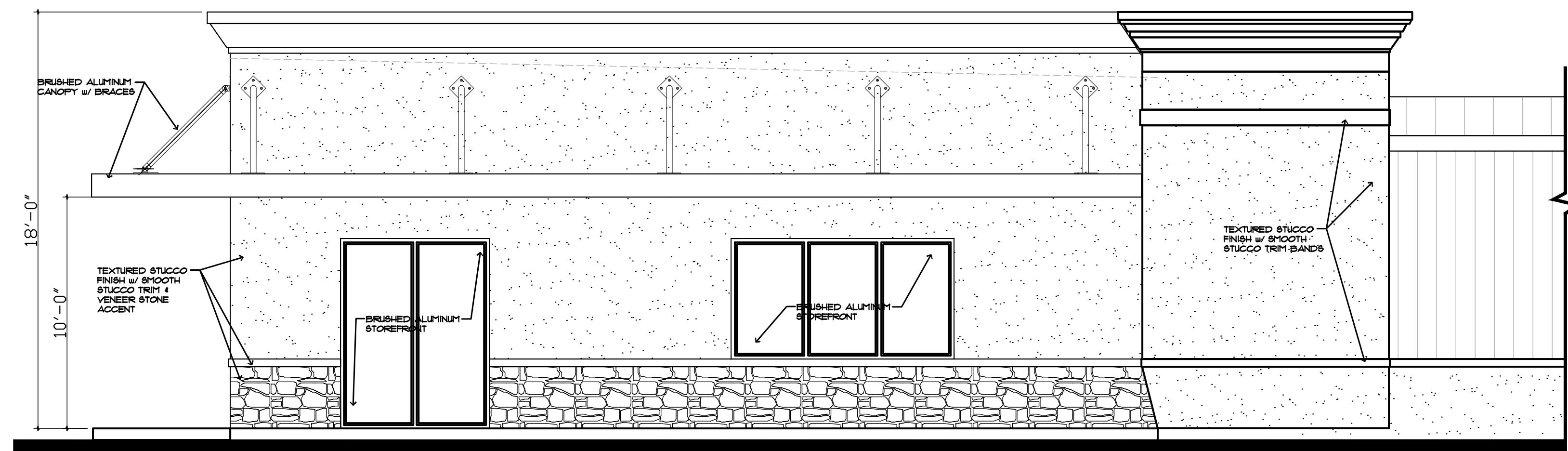
SD-3



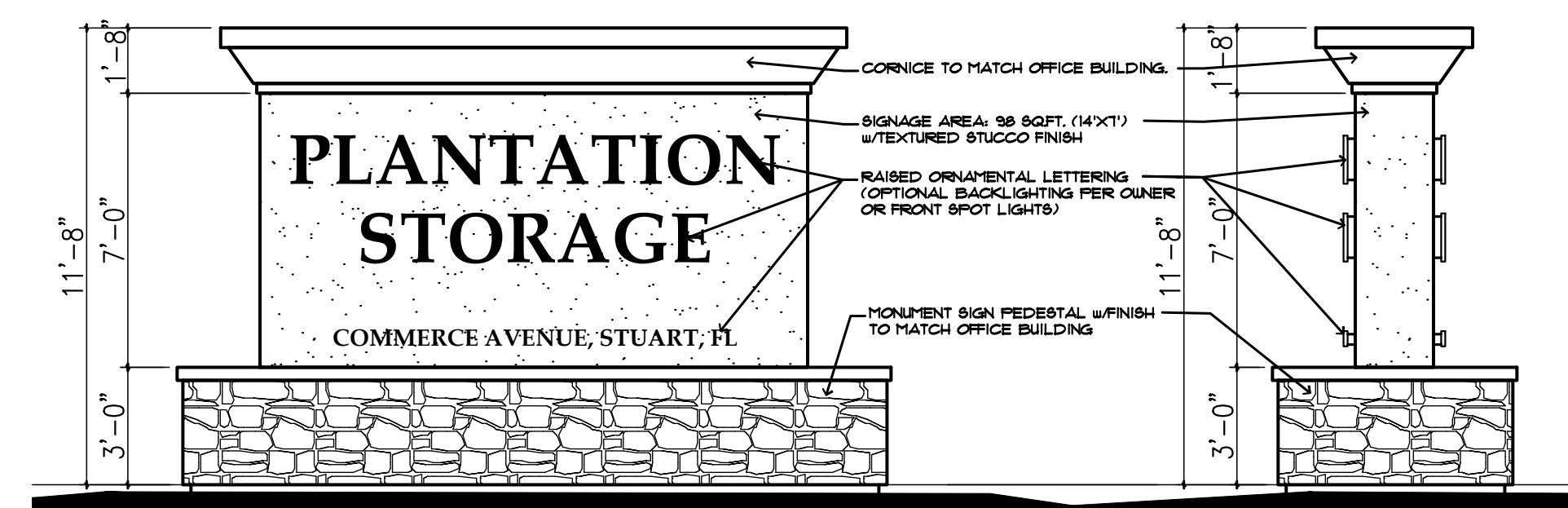
BUILDING #1 PRELIMINARY OFFICE LAYOUT PLAN
SCALE: 1/4"=1'-0"



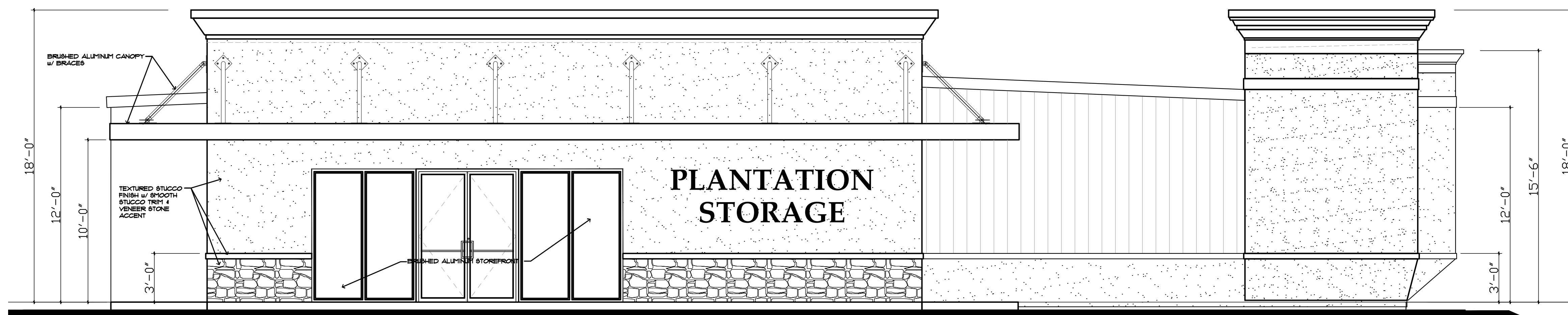
OFFICE & BUILDING #1 EXTERIOR ELEVATION EAST SIDE
SCALE: 1/4"=1'-0"



OFFICE & BUILDING #1 EXTERIOR ELEVATION WEST SIDE
SCALE: 1/4"=1'-0"



PROPERTY MONUMENT SIGN
SCALE: 1/4"=1'-0"



OFFICE & BUILDING #1 EXTERIOR ELEVATION NORTH FRONT
SCALE: 1/4"=1'-0"



ENGINEERS • SURVEYORS • ENVIRONMENTAL

February 20, 2019

Charles Chase II
Chase Storage IV, LLC, a Virginia Limited Liability Company
94 North Main Street
Kilmamuck, VA 22482

VIA Email: Charles@southeastmanagementcompany.com

Reference: **Environmental Assessment**
Chase Storage
SE Commerce Ave, Stuart, Martin County, FL
Parcel ID # 38-38-41-002-105-00000-9

Dear Mr. Chase,

EDC, Inc. (EDC) has completed this Environmental Assessment (EA) for the above referenced property. The purpose of this evaluation was to conduct a review of the above listed parcel by means of site visit, review of available aerial photography, listed species review, and review of soil resources, and environmental regulation pertaining to this parcel.

The following report details the findings of our on-site and desktop investigations of the properties as they pertain to the City of Stuart regulations.

Please contact the undersigned if you have any questions regarding this report.

Respectfully submitted,
EDC, Inc.

A handwritten signature in black ink, reading 'Madison Quinones'.

Madison Quinones
Field Biologist

10250 SW Village Parkway
Port St Lucie, FL 34987
772.223.5200
772.223.5103 fax
www.edc-inc.com



ENVIRONMENTAL ASSESSMENT

Parcel ID 38-38-41-002-105-00000-9
Chase Storage
Stuart, Florida

Project No. 19-213
Date: February 20, 2019

Prepared For:
Charles Chase II
Chase Storage IV, LLC, a Virginia Limited Liability Company
94 North Main Street
Kilmamuck, VA 22482

Prepared By:
EDC, Inc.
10250 SW Village Parkway
Port St Lucie, Florida 34987
(772) 223-5200

The subject property evaluated as part of this Environmental Assessment consists of an approximately 7 acre parcel (ID # 38-38-41-002-105-00000-9), located at SE Commerce Avenue in Stuart, Florida. The parcel is currently a vacant lot.

This environmental assessment was completed as a precursor to permitting and review by a governmental agency as an applicable document for the supporting information associated with a building permit or land development application. EDC, Inc. staff visited the property on January 17, 2019 in order to ascertain the status and composition of any critical habitats, such as wetlands and native uplands that may be onsite.

VEGETATION:

It is the opinion of EDC that there is native upland habitat located on the western portion of the subject property. The vegetation consists of the following; slash pine (*Pinus densa*), cabbage palm (*Sabal palmetto*), laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), saw palmetto (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). The eastern portion of the subject property consists of exotic hardwoods made up of Australian pines (*Casuarina equisetifolia*).

WETLAND DELINEATION:

According to aerial photographs and site visit, it appears that there are no wetlands on site. Based on the State definition, a wetland consists of three components: 1). Hydric soils. 2). Wetland plants. 3). Hydrologic patterns. None of these components were found during the field reconnaissance on the property.

WILDLIFE EVALUATION:

EDC, Inc. conducted a pedestrian survey throughout the property to investigate for the presence of any plant or animal listed species. Gopher Tortoises were not found on the site nor, were any other state or federally listed species during the site visit.

SOIL COMPOSITION:

Based on a review of the USDA Web Soil the site is composed of:

Waveland sand- This is a nearly level, poorly drained soil found in broad open areas of the flatwoods. The natural vegetation associated with this soil type is slash pine and an understory of saw palmetto, gallberry, fetterbush, running oak, and dwarf huckleberry. Grasses are pineland threeawn, bluestem and panicum. Typically, the surface layer is dark gray sand with a light gray and grayish brown subsurface layer. Under natural conditions, this soil is not suited to cultivate crops or for pasture because of ponding. However, if intensive management, soil improving measures and a good water control system are implemented, the soil is suitable for vegetable crops and pasture.

Immokalee Fine sand- is poorly drained soil is found in broad areas of flatwoods. Typically the surface layer is very dark gray fine sand about 6 inches thick. The subsurface layer extends to a depth of 35 inches and is fine sand. The seasonal high water table in Immokalee soil is at a depth of 6 to 8 inches from June through September. During the remainder of the year it is typically at a depth of 18 to 40 inches. Natural vegetation consists of slash pine and scattered oak with an understory of saw palmetto, gallberry, fetterbush, pineland threeawn, chalky bluestem, and Indian grass. This soil is poorly suited for crops and citrus. Water control measures are needed to overcome excessive wetness.

Lawnwood Fine sand, depressional- This poorly drained soil is in the depressions of flatwoods. The typical surficial layer is fine gray sand followed by light gray and white fine sand below. The soil is typically ponded for six months of a normal year. The soil is only suited for pasture under intense management.

MARTIN COUNTY REGULATIONS

According to the Martin County Property Appraiser's Report, the subject property has a land use code of 1000 Vacant Commercial.

SUMMARY:

It is the professional opinion of EDC that native upland habitat was found on site and no gopher tortoises or any other state or federally listed species were found on the site. A tree survey has been conducted on this site and any impact to the trees that meet the City of Stuart's requirements will require mitigation.



ENGINEERS SURVEYORS ENVIRONMENTAL

Environmental Site Assessment

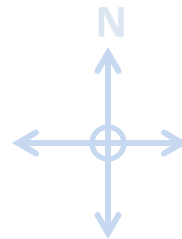
SE Commerce Avenue
Stuart, Martin County, FL

Location Map

Project: 19-213

Chase Storage

2/20/2019





ENGINEERS • SURVEYORS • ENVIRONMENTAL

Environmental Site Assessment

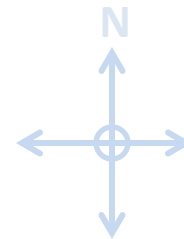
SE Commerce Avenue
Stuart, Martin County, FL

Property Appraiser Map

Project: 19-213

Chase Storage

2/20/2019





ENGINEERS SURVEYORS ENVIRONMENTAL

Environmental Site Assessment

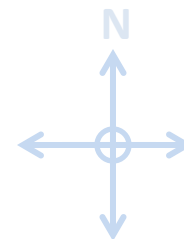
SE Commerce Avenue
Stuart, Martin County, FL

Soil Map

Project: 19-213

Chase Storage

2/20/2019



Martin County, Florida (FL085)

Martin County, Florida (FL085)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4	Waveland and Immokalee fine sands	5	70.4%
5	Waveland and Lawnwood fine sands, depressional	2	29.6%
Totals for Area of Interest		7	100.0%





ENGINEERS • SURVEYORS • ENVIRONMENTAL

Environmental Site Assessment

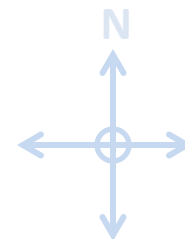
SE Commerce Avenue
Stuart, Martin County, FL

FLUCCS Map

Project: 19-213

Chase Storage

2/20/2019



FLUCCS

411: Pine Flatwoods

437: Australian Pines





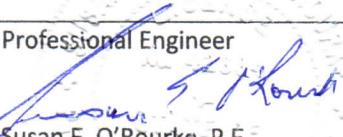
TRAFFIC ANALYSIS
FOR
PLANTATION STORAGE OF STUART

Prepared for:
Ted Glasrud Associates, Inc
759 SW Federal Highway
Stuart, FL 34994

Prepared by:
O'Rourke Engineering & Planning
969 SE Federal Highway, Suite 402
Stuart, FL 34994
(772) 781-7918

March 20, 2019

MR19011.0

Prepared by: O'Rourke Engineering & Planning Certificate of Authorization: #26869 969 SE Federal Highway, Suite 402 Stuart, Florida 34994 772-781-7918	Professional Engineer  Susan E. O'Rourke, P.E. Date signed and sealed: 3/20/19 License #: 42684
---	---



March 20, 2019

Ms. Kristen Brown
Ted Glasrud Associates, Inc
759 SW Federal Highway
Stuart, FL 34994

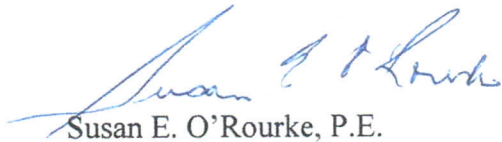
Re: Plantation Storage of Stuart

Dear Ms. Brown:

O'Rourke Engineering and Planning has completed the analysis of the mini-warehouse/self storage development to be located east of Commerce Avenue and south of Indian Street in the City of Stuart. The steps in the analysis and the ensuing results are presented herein.

It has been a pleasure working with you. If you have any questions or comments, please give me a call.

Respectfully submitted,
O'Rourke Engineering & Planning



Susan E. O'Rourke, P.E.
President

C6 – Report – Glasrud Parcel 5

TABLE OF CONTENTS

INTRODUCTION	1
PROJECT DESCRIPTION	1
ROADWAY CONDITIONS	3
PROJECT TRAFFIC	3
PROJECT DISTRIBUTION / ASSIGNMENT / IMPACT	3
FUTURE TRAFFIC / CONCURRENCY REVIEW	7
DRIVEWAY VOLUMES	7
CONCLUSION	7

TABLES

TABLE 1: Project Trip Generation	4
TABLE 2: Project Percent Impact	6
TABLE 3: Link Analysis	8

FIGURES

FIGURE 1: Project Location/Site Plan	2
FIGURE 2: Project Traffic Assignment	5
FIGURE 3: Driveway Lanes/Volumes	9

APPENDICES

APPENDIX A: Site Plan

APPENDIX B: Martin County 2018 Roadway Level of Service Inventory Report

INTRODUCTION

O'Rourke Engineering & Planning was retained to prepare a traffic analysis for the proposed mini-warehouse development to be located east of Commerce Avenue and south of Indian Street in the City of Stuart, Florida. The project will have access to Commerce Avenue via a shared driveway. **Appendix A** includes the site plan. The purpose of this report is to determine the project's impact on the surrounding roadway system. This report follows the procedures outlined in the County Ordinance Article 5.

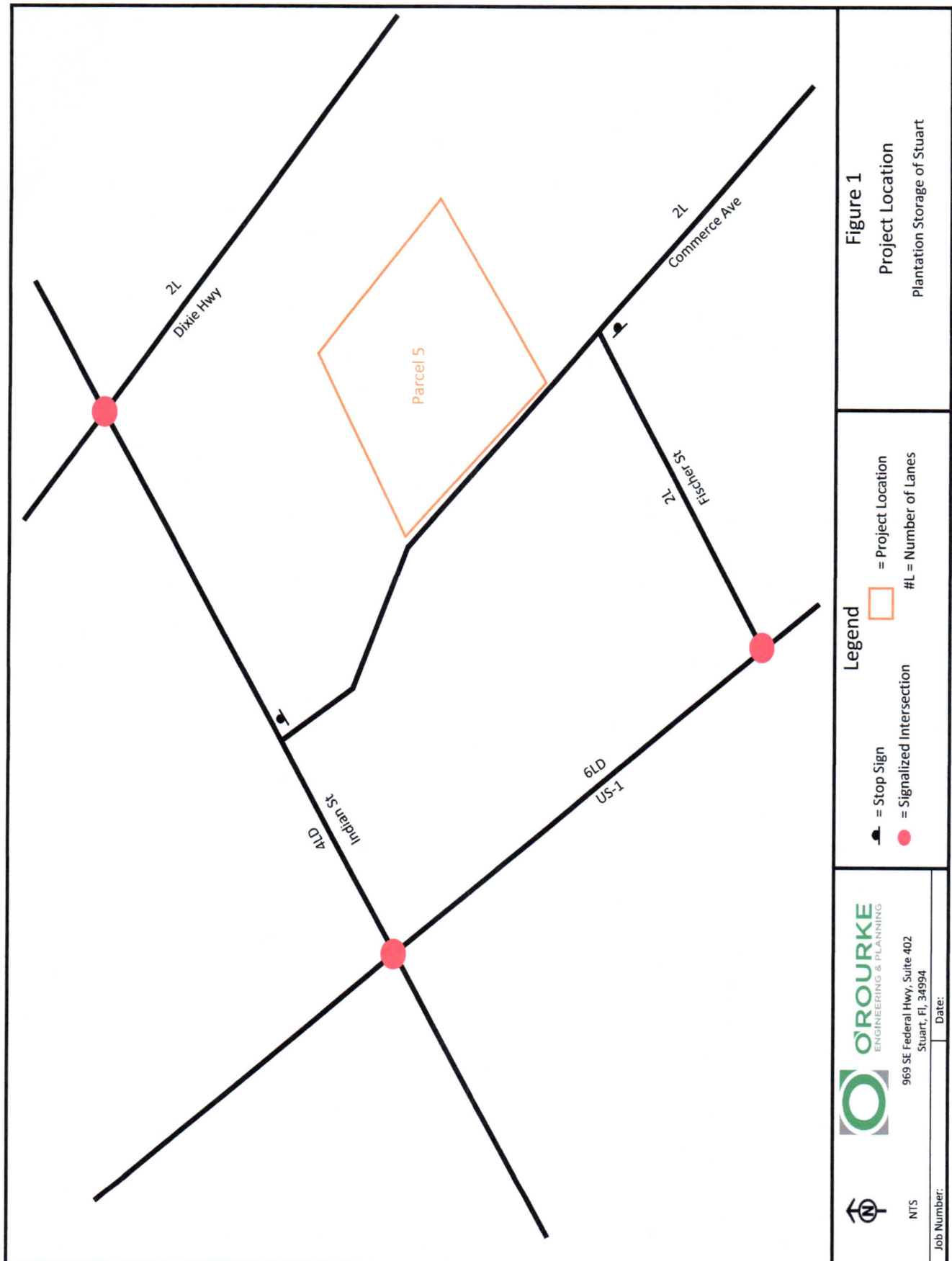
In order to make the determination that the project complies with City of Stuart concurrency guidelines, the following analytical steps were taken:

- ◆ summary of the project,
- ◆ summary of existing lane geometrics,
- ◆ summary of maximum allowable service volumes,
- ◆ assessment of project traffic,
- ◆ determination of study area
- ◆ summary of cumulative traffic volumes
- ◆ comparison of volumes to allowable levels of service

Each of these steps is outlined herein.

PROJECT DESCRIPTION

The proposed development will consist of 95,400 square feet of mini-warehouse and 1,760 square feet of office. The project site is located east of Commerce Avenue and south of Indian Street and will provide access to Commerce Avenue via a shared driveway connection. A project buildout of 2020 was applied to the analysis. The project location is shown in **Figure 1**.



ROADWAY CONDITIONS

The study area is defined as the roadways upon which the project has an impact of 5% of the level of service capacity of the roadway. Once the project traffic was assigned, the study area was refined based on the impact percentages.

The study area roadways were defined in terms of existing lane geometrics and existing traffic volumes.

Existing Lane Geometrics

The study area was reviewed to determine the existing number and type of lanes and the traffic control along the roadway. Each roadway is described below.

Commerce Avenue is a two-lane collector with a north/south alignment.

Fischer Road is a two-lane roadway with an east/west alignment.

Indian Street is a four-lane divided arterial roadway with an east/west alignment in this location.

PROJECT TRAFFIC

To estimate traffic generated by the project, the ITE Trip Generation, 10th Edition warehouse trip rates and general office were applied to the proposed square footages. These calculations provide an estimate of the typical generation. The trip generation for the proposed project at buildout is shown in **Table 1**.

As shown, the project will generate 13 net new AM peak hour trips with 7 trips entering the project and 5 trips exiting the project. The PM peak hour will have 18 trips with 9 trips entering and 9 trips exiting.

PROJECT DISTRIBUTION / ASSIGNMENT/ IMPACT

The project traffic was distributed by general geographic direction and then assigned to the roadway network.

Assignment -- This general distribution led to an assignment of trips based on the anticipated ultimate destinations and the roadway paths used to reach those destinations. The project assignment is shown in **Figure 2** for the buildout.

Project Impact -- **Table 2** summarizes the project impact as it related to the percent of the service volume capacity or maximum allowable service volume for the project. As shown, there are no links with a 5% or greater impact.

Table 1 - Trip Generation

Table 1a: Daily

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips (Driveaway Volumes)			Pass-by Trips			Net New Trips		
					In	Out	In	Out	Total	In	Out	Total	In	Out	Total
Small Office Building	712	1,760	Sft	T = 16.19(X)	50%	50%	14	14	28	2	1	3	12	13	25
Mini-Warehouse	151	95,400	Sft	T = 1.51(X)	50%	50%	72	72	144	7	7	14	65	65	130
TOTALS							86	86	172	9	8	17	77	78	155

Source: ITE 10th Edition Trip Generation Rates

Table 1b: AM Peak Hour

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips (Driveaway Volumes)			Pass-by Trips			Net New Trips		
					In	Out	In	Out	Total	In	Out	Total	In	Out	Total
Small Office Building	712	1,760	Sft	T = 1.92(X)	83%	17%	2	1	3	-	-	-	2	1	3
Mini-Warehouse	151	95,400	Sft	T = 0.10(X)	60%	40%	6	4	10	1	-	1	5	4	9
TOTALS							8	5	13	1	-	1	7	5	12

Source: ITE 10th Edition Trip Generation Rates

Table 1c: PM Peak Hour

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips (Driveaway Volumes)			Pass-by Trips			Net New Trips		
					In	Out	In	Out	Total	In	Out	Total	In	Out	Total
Small Office Building	712	1,760	Sft	T = 2.45(X)	32%	68%	1	3	4	-	-	-	1	3	4
Mini-Warehouse	151	95,400	Sft	T = 0.17(X)	47%	53%	8	8	16	-	2	2	8	6	14
TOTALS							9	11	20	-	2	2	9	9	18

Source: ITE 10th Edition Trip Generation Rates

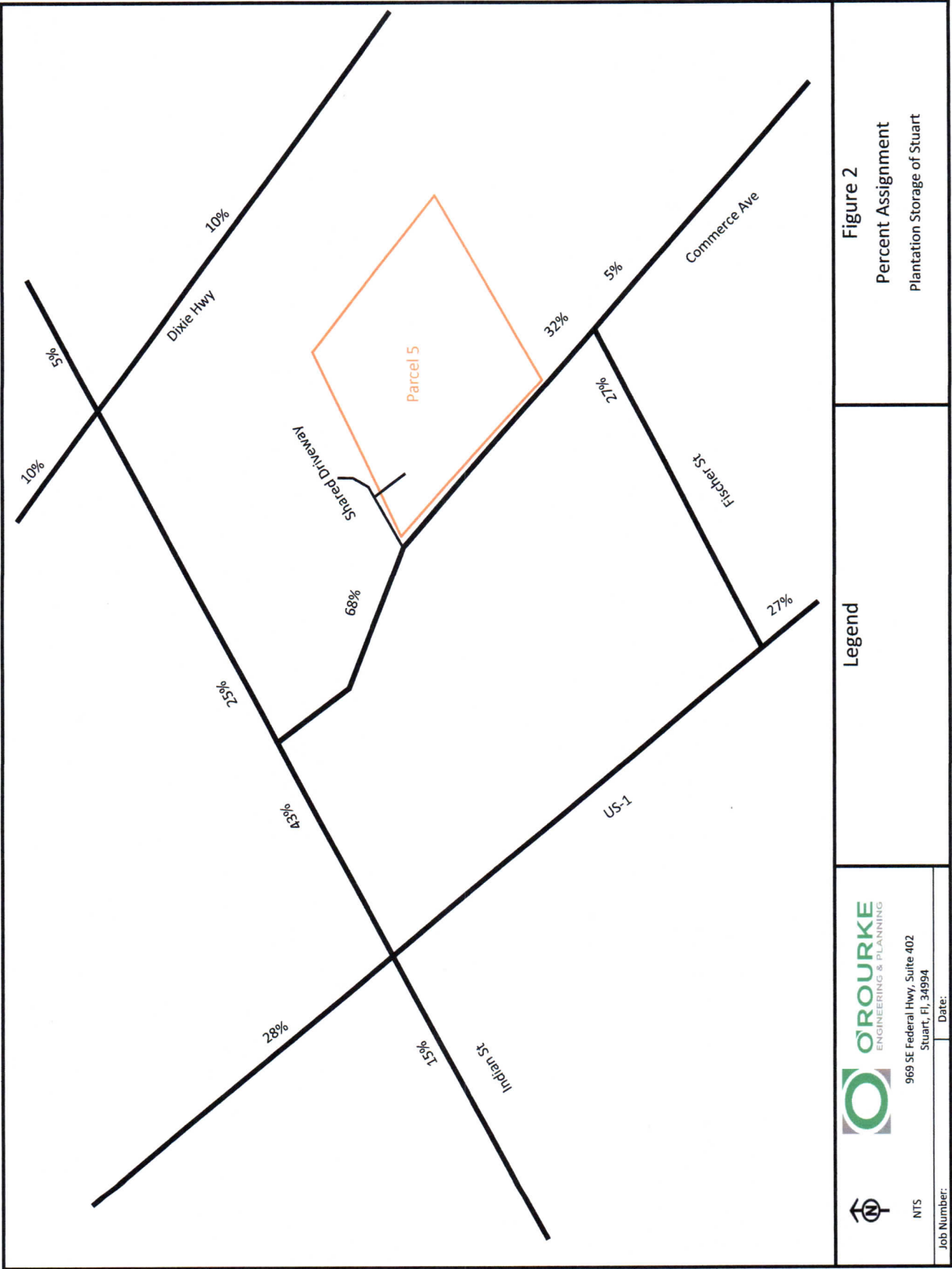


Table 2a: Percent Impact - AM Peak Hour

Segment	From	To	Direction		Lanes	Is Project Traffic 5% or More of Capacity?	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity
Indian St	Willoughby Blvd	SR-5 (US-1)	EB	IN	4LD	no	2000	1	15%	0.05%
	Willoughby Blvd	SR-5 (US-1)	WB	OUT	4LD	no	2000	1	15%	0.05%
	SR-5 (US-1)	Commerce Ave	EB	IN	4LD	no	2000	3	43%	0.15%
	SR-5 (US-1)	Commerce Ave	WB	OUT	4LD	no	2000	2	43%	0.10%
	Commerce Ave	CR-A1A	EB	OUT	4LD	no	2000	1	25%	0.05%
SR-5 (US-1)	Commerce Ave	CR-A1A	WB	IN	4LD	no	2000	2	25%	0.10%
	Monroe St	Fisher St	NB	IN	6LD	no	3020	2	27%	0.07%
	Monroe St	Fisher St	SB	OUT	6LD	no	3020	1	27%	0.03%
	Indian St	SR-714	NB	OUT	6LD	no	3020	1	28%	0.03%
	Indian St	SR-714	SB	IN	6LD	no	3020	2	28%	0.07%
Commerce Ave	Fisher St	Project Entrance	NB	IN	2L	no	750	2	32%	0.27%
	Fisher St	Project Entrance	SB	OUT	2L	no	750	2	32%	0.27%
	Project Entrance	Indian St	NB	OUT	2L	no	750	3	68%	0.40%
	Project Entrance	Indian St	SB	IN	2L	no	750	5	68%	0.67%
Fisher St	SR-5 (US-1)	Commerce Ave	EB	IN	2L	no	750	2	27%	0.27%
	SR-5 (US-1)	Commerce Ave	WB	OUT	2L	no	750	1	27%	0.13%
Dixie Hwy	Jefferson St	Indian St	NB	IN	4LD	no	1630	1	10%	0.06%
	Jefferson St	Indian St	SB	OUT	4LD	no	1630	1	10%	0.06%
	Indian St	SR-714	NB	OUT	4LD	no	2000	1	10%	0.05%
	Indian St	SR-714	SB	IN	4LD	no	2000	1	10%	0.05%

In: 7
Out: 5

Table 2b: Percent Impact - PM Peak Hour

Segment	From	To	Direction		Lanes	Is Project Traffic 5% or More of Capacity?	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity
Indian St	Willoughby Blvd	SR-5 (US-1)	EB	IN	4LD	no	2000	1	15%	0.05%
	Willoughby Blvd	SR-5 (US-1)	WB	OUT	4LD	no	2000	1	15%	0.05%
	SR-5 (US-1)	Commerce Ave	EB	IN	4LD	no	2000	4	43%	0.20%
	SR-5 (US-1)	Commerce Ave	WB	OUT	4LD	no	2000	4	43%	0.20%
	Commerce Ave	CR-A1A	EB	OUT	4LD	no	2000	2	25%	0.10%
SR-5 (US-1)	Commerce Ave	CR-A1A	WB	IN	4LD	no	2000	2	25%	0.10%
	Monroe St	Fisher St	NB	IN	6LD	no	3020	2	27%	0.07%
	Monroe St	Fisher St	SB	OUT	6LD	no	3020	2	27%	0.07%
	Indian St	SR-714	NB	OUT	6LD	no	3020	3	28%	0.10%
	Indian St	SR-714	SB	IN	6LD	no	3020	3	28%	0.10%
Commerce Ave	Fisher St	Project Entrance	NB	IN	2L	no	750	3	32%	0.40%
	Fisher St	Project Entrance	SB	OUT	2L	no	750	3	32%	0.40%
	Project Entrance	Indian St	NB	OUT	2L	no	750	6	68%	0.80%
	Project Entrance	Indian St	SB	IN	2L	no	750	6	68%	0.80%
Fisher St	SR-5 (US-1)	Commerce Ave	EB	IN	2L	no	750	2	27%	0.27%
	SR-5 (US-1)	Commerce Ave	WB	OUT	2L	no	750	2	27%	0.27%
Dixie Hwy	Jefferson St	Indian St	NB	IN	4LD	no	1630	1	10%	0.06%
	Jefferson St	Indian St	SB	OUT	4LD	no	1630	1	10%	0.06%
	Indian St	SR-714	NB	OUT	4LD	no	2000	1	10%	0.05%
	Indian St	SR-714	SB	IN	4LD	no	2000	1	10%	0.05%

In: 9
Out: 9

FUTURE TRAFFIC / CONCURRENCY REVIEW

Since no links have a 5% or greater impact, the first directly accessed link of Commerce Avenue was analyzed. Glasrud Commerce Park Parcel 5 is estimated to be completed by 2020. To estimate 2020 volumes, 2018 peak hour volumes from the Martin County 2018 Roadway Level of Service Inventory Report were used. Growth rates from that same report were used to grow the traffic to 2020. The project traffic was then added to the grown volumes to estimate the 2020 future Total Traffic volumes. **Table 3** summarizes the results. As shown, Commerce Avenue will operate at an acceptable Level of Service at project buildout.

Appendix B provides the Martin County 2018 Roadway Level of Service Inventory Report.

DRIVEWAY VOLUMES

The project traffic volumes are illustrated in **Figure 3**. As shown, the project volumes are very low and will not meet industry thresholds to require turn lanes.

CONCLUSION

Glasrud Commerce Park Parcel 5 will have a traffic impact of 18 net PM peak hour trips. These trips will not cause levels of service to fall below acceptable levels in the future. Based on the data and calculations presented herein, the project does not require additional analysis and is deemed to be consistent with transportation concurrency requirements.

Table 3a: Link Analysis - AM Peak Hour

Segment	From	To	Direction	Lanes	Is Project Traffic 5% or More of Capacity?	2018 AADT	K Factor	D Factor	2018 Volume Peak Hour Peak Direction	Growth Rate	2020 Volume Peak Hour Peak Direction	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity	Total Traffic (Peak Direction)	Does Project Meet Concurrency?
Commerce Ave	Fisher St	Project Entrance	NB	2L	no	6,726	0.11	0.400	296	1.012	303	750	2	32%	0.27%	305	Yes
	Fisher St	Project Entrance	SB	2L	no	6,726	0.11	0.600	432	1.012	442	750	2	32%	0.27%	444	Yes
	Project Entrance	Indian St	NB	2L	no	6,726	0.11	0.400	296	1.012	303	750	3	68%	0.40%	306	Yes
	Project Entrance	Indian St	SB	2L	no	6,726	0.11	0.600	432	1.012	442	750	5	68%	0.67%	447	Yes

Source: Martin County 2018 Roadway Level of Service Inventory Report

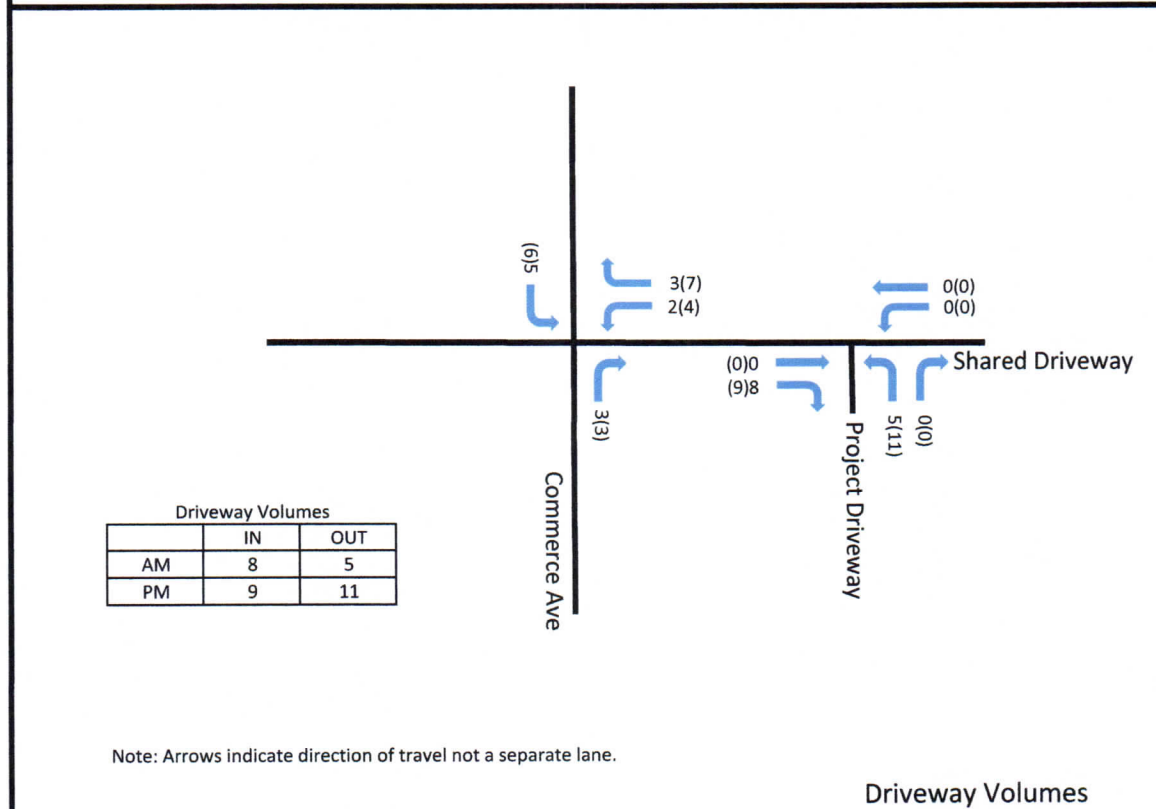
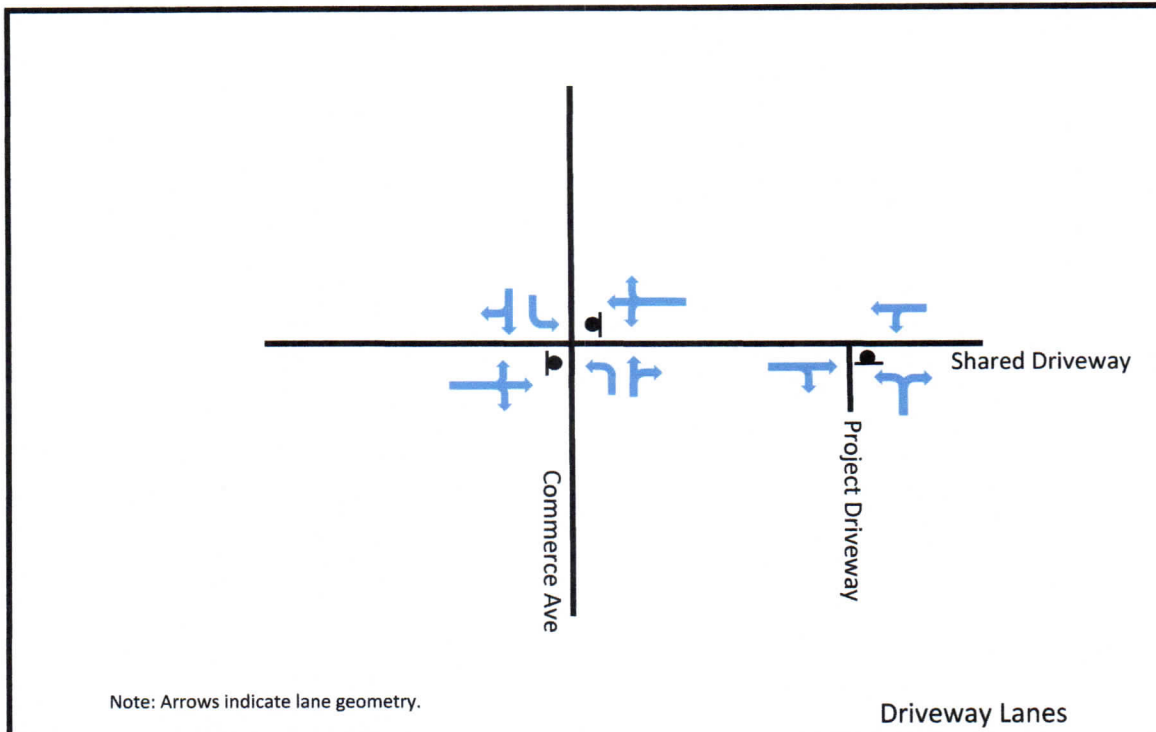
In: 7
Out: 5
Years Grown: 2

Table 3b: Link Analysis - PM Peak Hour

Segment	From	To	Direction	Lanes	Is Project Traffic 5% or More of Capacity?	2018 AADT	K Factor	D Factor	2018 Volume Peak Hour Peak Direction	Growth Rate	2020 Volume Peak Hour Peak Direction	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity	Total Traffic (Peak Direction)	Does Project Meet Concurrency?
Commerce Ave	Fisher St	Project Entrance	NB	2L	no	6,726	0.11	0.400	296	1.012	303	750	3	32%	0.40%	306	Yes
	Fisher St	Project Entrance	SB	2L	no	6,726	0.11	0.600	432	1.012	442	750	3	32%	0.40%	445	Yes
	Project Entrance	Indian St	NB	2L	no	6,726	0.11	0.400	296	1.012	303	750	6	68%	0.80%	309	Yes
	Project Entrance	Indian St	SB	2L	no	6,726	0.11	0.600	432	1.012	442	750	6	68%	0.80%	448	Yes

Source: Martin County 2018 Roadway Level of Service Inventory Report

In: 9
Out: 9
Years Grown: 2



NTS 969 SE Federal Hwy, Suite 402
Stuart, FL 34994

Job #:
Date:

Legend

XX(XX) = AM(PM) Project Volume

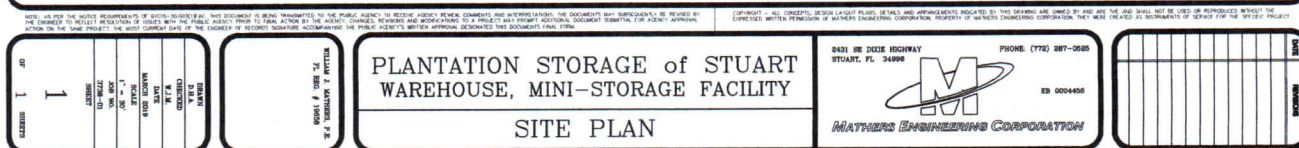
= Stop Sign

Figure 3

Driveway Lanes/Volumes
Plantation Storage of Stuart

APPENDIX A

SITE PLAN



APPENDIX B

**MARTIN COUNTY 2018 ROADWAY LEVEL OF SERVICE
INVENTORY REPORT**

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₅₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
Baker Rd	SR-5	CR-723	750	5,134	0.09	0.51	230	C	2.2%
Berry Ave	Golden Bear Wy	CR-714	750	3,496	0.09	0.50	157	C	0.9%
Berry Ave	CR-714	Sunset Tr	750	1,917	0.09	0.53	91	C	1.0%
Britt Rd	Pine Lake Dr	SR-5	750	4,538	0.08	0.58	208	C	0.5%
Citrus Blvd.	CR-714 (Martin Hwy)	Port St. Lucie Blvd.	1200	5,145	0.12	0.81	479	C	6.3%
Commerce Ave	Salerno Rd	Monroe St	750	6,810	0.10	0.60	413	D	2.5%
Commerce Ave	Monroe St	Indian St	750	6,726	0.11	0.60	432	D	1.2%
Country Club Dr	Palm Beach County	Island Way	750	2,978	0.08	0.53	120	C	4.2%
Country Club Dr	Island Way	Little Club Dr	750	3,665	0.08	0.59	164	C	4.4%
County Line Rd	Little Club Dr	SR-5	750	2,517	0.08	0.53	105	C	0.5%
Cove Rd	SR-76	Willoughby Blvd	880	13,912	0.10	0.51	681	C	3.3%
Cove Rd	Willoughby Blvd	SR-5	880	14,894	0.09	0.54	732	C	2.1%
Cove Rd	SR-5	CR-A1A	750	12,683	0.08	0.52	547	D	4.2%
Cove Rd	CR-A1A	End	675	5,547	0.09	0.57	285	C	0.5%
CR-609 (Allapattah Rd)	SR-710	CR-714	740	1,793	0.09	0.53	85	A/B	5.3%
CR-609 (Allapattah Rd)	CR-714	St Lucie County	740	1,812	0.09	0.65	106	A/B	6.0%
CR-707 (Beach Rd)	Palm Beach County	CR-708	675	1,928	0.09	0.63	111	C	5.3%
CR-707 (Dixie Hwy)	CR-723/CR-707	CR-707 (Indian River Dr)	750	5,401	0.09	0.51	237	C	0.5%
CR-707 (Indian River Dr)	CR-707 (Dixie Hwy)	CR-707A (Jensen Beach Blvd.)	675	10,488	0.10	0.54	578	D	2.2%
CR-707 (Indian River Dr)	CR-707A	SR-732	675	5,683	0.08	0.53	241	C	0.5%
CR-707 (Indian River Dr)	SR-732	St. Lucie County	675	6,216	0.09	0.61	334	C	3.1%

Segments with shaded LOS require additional analysis.

The peaks are: CR-A1A (PM/SB); CR-713 (PM/SB); Murphy Rd (PM/NB); SR-5 (AM/SB); SR-714 [Palm City Bridge] (PM/WB) and SR-714 (PM/WB).

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
CR-714 (Veteran's Memorial Bridge)	Mapp Rd	SR-76	2000	23,323	0.11	0.59	1,500	C	8.0%
CR-723 (Savanna Rd)	CR-707	NE 24th St	880	9,023	0.09	0.50	393	C	2.4%
CR-723 (Savanna Rd)	NE 24th St	CR-707A (Jensen Beach Blvd.)	880	10,500	0.09	0.53	473	C	1.6%
CR-726 (Citrus Blvd)	SR-710	Greenridge Ln	740	2,779	0.08	0.58	132	A/B	4.7%
CR-726 (Citrus Blvd)	Greenridge Ln	CR-76A	740	2,553	0.09	0.57	131	A/B	5.3%
CR-76A (Citrus Blvd.)	CR-726	SR-714	1200	4,204	0.09	0.55	215	A/B	5.6%
CR-76A (SW 96th St)	CR-726	Pennsylvania Ave	1200	3,768	0.09	0.56	190	A/B	4.7%
CR-76A (SW 96th St)	Pennsylvania Ave	SR-76	800	8,115	0.09	0.63	435	C	4.5%
CR-A1A (Dixie Hwy)	SR-5	CR-708	750	3,233	0.09	0.50	147	C	4.6%
CR-A1A (Dixie Hwy)	CR-708	Osprey St	880	7,508	0.11	0.53	454	C	3.6%
CR-A1A (Dixie Hwy)	Osprey St	Heritage Blvd	1190	6,641	0.08	0.55	292	A/B	4.1%
CR-A1A (Dixie Hwy)	Heritage Blvd	Cove Rd	1190	7,348	0.09	0.54	341	A/B	4.7%
CR-A1A (Dixie Hwy)	Cove Rd	Salerno Rd	790	12,223	0.09	0.53	602	D	3.6%
CR-A1A (Dixie Hwy)	Salerno Rd	St. Lucie Blvd	750	16,587	0.09	0.51	753	E	3.1%
CR-A1A (Dixie Hwy)	St. Lucie Blvd	Jefferson St	750	13,991	0.10	0.50	700	D	2.5%
CR-A1A (Dixie Hwy)	Jefferson St	Indian St	1630	18,643	0.08	0.52	756	D	4.0%
CR-A1A (Dixie Hwy)	Indian St	SR-714	2000	16,285	0.10	0.50	790	C	0.9%
CR-A1A (Dixie Hwy)	SR-714	SE Fifth St	675	6,585	0.09	0.55	340	D	2.0%
Dr Martin Luther King Jr Blvd	Farm Rd	SR-710	675	2,169	0.07	0.53	83	C	4.0%
Farm Rd	Dr Martin Luther King Jr Dr	Palm Wy	750	2,588	0.06	0.59	93	C	2.0%
Fox Brown Rd	SR-710	CR-714	740	333	0.08	0.60	16	A/B	0.0%

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
Goldenrod Rd	Britt Rd	SR-732	1630	4,838	0.08	0.61	242	C	0.5%
Goldenrod Rd	SR-732	SR-5	750	6,933	0.09	0.56	357	C	2.1%
Goldenrod Rd	SR-5	Westmoreland Blvd	750	4,350	0.09	0.73	273	C	4.6%
Gomez Ave	CR-708	Crossrip St	750	3,616	0.09	0.64	199	C	0.5%
Gomez Ave	Crossrip St	Osprey St	750	1,079	0.08	0.58	49	C	0.5%
Green River Parkway	Dixie Hwy	Baker Rd	750	6,728	0.10	0.64	444	D	5.2%
Green River Parkway	Baker Rd	SR-732	880	8,203	0.12	0.65	635	C	6.1%
Green River Parkway	SR-732	St. Lucie County	1190	8,395	0.10	0.63	513	C	4.2%
Horseshoe Point Rd	CR-A1A	Kubin Ave	675	5,725	0.08	0.53	252	C	0.5%
Indian St	SR-76	Willoughby Blvd	2000	28,668	0.10	0.58	1,679	C	7.0%
Indian St	Willoughby Blvd	SR-5	2000	28,304	0.08	0.50	1,189	C	3.9%
Indian St	SR-5	Commerce Ave	2000	22,456	0.09	0.54	1,031	C	0.5%
Indian St	Commerce Ave	CR-A1A	2000	24,848	0.09	0.50	1,068	C	1.0%
Indian St	CR-A1A	St Lucie Blvd	675	7,214	0.09	0.53	359	D	0.5%
Indian River Dr	Palmer St	CR-707	750	7,243	0.09	0.57	363	C	0.5%
Island Way	Palm Beach County	Jupiter Road	1200	4,326	0.10	0.58	261	A/B	2.6%
Island Way	Jupiter Road	Country Club Dr	750	5,230	0.08	0.52	204	C	3.1%
Jack James Rd	SR-76	Blue Water Wy	750	2,999	0.13	0.66	255	C	4.2%
Lares St	CR-708	CR-A1A	675	3,430	0.09	0.69	206	C	2.8%
Little Club Wy	Country Club Dr	Wooden Bridge Wy	675	2,382	0.08	0.55	103	C	1.2%
Locks Rd	Canal St	SR-76	675	3,722	0.08	0.53	154	C	1.1%

Segments with shaded LOS require additional analysis.

The peaks are: CR-A1A (PM/SB); CR-713 (PM/NB); Murphy Rd (PM/NB); SR-5 (AM/SB); SR-714 [Palm City Bridge] (PM/WB) and SR-714 (PM/WB).

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
Salerno Rd	Willoughby Blvd	SR-5	790	9,765	0.12	0.62	727	D	1.8%
Salerno Rd	SR-5	Commerce Ave	750	9,439	0.08	0.55	431	D	0.5%
Salerno Rd	Commerce Ave	CR-A1A	750	7,502	0.09	0.51	337	C	0.5%
Seabranh Blvd	Doubletree Dr	SR-5	2000	6,403	0.09	0.55	310	C	0.5%
Sewalls Pt Rd	SR-A1A	Palmer St	675	9,542	0.09	0.52	461	D	1.0%
Skyline Dr	CR-707A	CR-707	675	2,064	0.08	0.55	87	C	3.0%
SR-5 (US-1)	Palm Beach County	CR-A1A	3110	21,690	0.09	0.56	1,032	A/B	3.8%
SR-5 (US-1)	CR-A1A	CR-708	2000	17,113	0.09	0.68	1,094	C	3.1%
SR-5 (US-1)	CR-708	Osprey St	2000	24,451	0.10	0.65	1,589	C	2.0%
SR-5 (US-1)	Osprey St	Seabranh Blvd	2000	24,010	0.08	0.61	1,128	C	1.2%
SR-5 (US-1)	Seabranh Blvd	Cove Rd	3020	30,639	0.08	0.51	1,313	C	0.5%
SR-5 (US-1)	Cove Rd	Salerno Rd	3020	34,682	0.08	0.54	1,461	C	0.5%
SR-5 (US-1)	Salerno Rd	Monroe St	3020	42,146	0.08	0.52	1,775	C	0.9%
SR-5 (US-1)	Monroe St	Indian St	3020	45,627	0.08	0.52	1,922	C	1.3%
SR-5 (US-1)	Indian St	SR-714	3020	45,758	0.09	0.51	2,194	C	0.9%
SR-5 (US-1)	SR-714	SR-5A	3020	38,109	0.09	0.54	1,934	C	0.7%
SR-5 (US-1)	SR-5A(Cut-off Rd)	SR-76	3020	36,130	0.09	0.51	1,640	C	0.5%
SR-5 (US-1)	SR-76	Palm City Rd	2520	49,890	0.08	0.57	2,247	D	1.4%
SR-5 (US-1)	Palm City Rd	Joan Jefferson Wy	2520	55,868	0.08	0.64	2,860	F	0.8%
SR-5 (US-1)	Joan Jefferson Wy	Wright Blvd	3020	59,857	0.08	0.60	2,892	C	1.4%
SR-5 (US-1)	Wright Blvd	Baker Rd	3020	54,975	0.08	0.50	2,172	C	1.1%

June 14, 2019

City of Stuart Development Department
Attn: Tom Reetz, Senior Planner
121 SW Flagler Avenue
Stuart, FL 34994
Via Hand Delivery

Referenced Project: Plantation Storage CPUD Amendment: Project # Z19040003.

Dear Mr. Tom Reetz:

The following are the responses to City of Stuart Plan Review Comments 1st Re-submittal 5/28/2019 for the above referenced project:

City Comm 1ST Reading - Planner Tom Reetz

Comment dated 05/28/2019: See attached revised Architectural Elevation facing SE Commerce Avenue for building 1.

MEC Response: See attached revised Architectural Elevation Plans and separate correspondence from Architect John Ahern.

City Comm 2nd Reading - Planner Tom Reetz

MEC Response: No response required.

City of Stuart / Fire Protection Systems Comments

Comments dated 05/16/2019: Submit Autoturn using Stuart Fire Rescue Truck specifications. Submit Life Safety Plan.

MEC Response: See attached Autoturn Exhibit Plan Sheets EX-1 and EX-2 for Fire Truck. Also enclosed are the Architect's Life Safety Plans for each storage building and office space.

City of Stuart / Local Planning Authority

MEC Response: No response required.

City of Stuart / Police Department

MEC Response: No response required.

City of Stuart / Public Works Comments –Marc Rogolino:

Comments dated 05/14/2019: Proposed site requires an additional approved double dumpster enclosure. Please insure that all turning radius are adequate for sanitation truck to service dumpsters.

MEC Response: A second double dumpster located between buildings 4 and 5 has been added. Also, see attached Autoturn Garbage Truck Exhibit (EX-3) which has been added per Kimley-Horn comments.

City of Stuart / Traffic

MEC Response: No response required.

City of Stuart / Zoning

MEC Response: See Revised Architectural Elevation Plans.

Kimley-Horn and Associates:

Plantation Storage of Stuart – City of Stuart, Florida Review of Traffic Impact Analysis (Dated May 10, 2019):

MEC Response: Complete. No response required as per traffic consultant.

Kimley-Horn Engineering Review of Commercial Planned Unit Development (CPUD) Amendment Application in Chapter V. Resource Protection Related to Development Standards. The following is a summary of our findings (Dated May 17, 2019):

Section 5.01.00 –

MEC Response: Complete – No response required.

Section 5.02.00 –

MEC Response: See attached revised Environmental Assessment and other documents.

Section 5.03.00 –

MEC Response: No response required.

Section 5.04.00-

MEC Response: No response required.

Section 5.05.00-

MEC Response: See Revised Landscape Plans.

Section 5.06.00-

MEC Response: N/A, no response required.

Section 5.07.00-

MEC Response: N/A, no response required.

Section 5.09.00-

MEC Response: N/A, no response required.

Kimley-Horn and Associates:

Plantation Storage of Stuart – City of Stuart, Florida

CPUD Amendment Application Review – Engineering and Landscape (Date May 20, 2019):

CPUD Document Comments:

- 1.
1. **MEC Response:** See Revised Page 3 of CPUD documents.
2. **MEC Response:** See Revised Page 4 of CPUD documents. An error has been corrected with minor changes to the Outdoor Vehicle Storage Area which has been changed to 4,357 sf.
3. **MEC Response:** See Revised Page 18 of CPUD document which has removed references to Indian Street.
4. **MEC Response:** See Revised Page 22 of CPUD documents have been revised to 25 sf. to match Site Plan.

Site Plan Comments:

1. **MEC Response:** There is no code requirement to show truck paths. These are private drives and property owners will determine what size to allow in project.
2. **MEC Response:** See attached Autoturn Exhibits (EX-1, EX-2 and EX-3) for Fire Truck and Garbage Truck.
3. **MEC Response:** A “Knox Box” has been added to the Site Plan just in front of lift arm gate by office.
4. **MEC Response:** Not required. Ted Glasrud Associates has already finalized deal and established Preserve Areas on south side of S.E. Miami Street. Site is existing with signage.
5. **MEC Response:** Agreed, error in calculation has been revised.
6. **MEC Response:** There were some incorrect values listed in Site Data, also some unnecessary sidewalks have been eliminated and Site Data has been completely revised.
7. **MEC Response:** There are no stand alone light fixtures. All lights will be wall packs on buildings and are shown on the Revised Architectural Building Elevations. There is no lighting plan required.

Landscape Comments:

1. **MEC Response:** Due to the inability to prepare and stage relocated material on site during construction activities, particularly as it relates to the regrading of the entire site, relocation of existing trees can not be successfully accomplished. The plans have tabulated and proposed the mitigation solutions on the Tree Disposition Plan (TDP-1) provided.
2. **MEC Response:** As noted above, tree mitigation proposal is shown on the Tree Disposition Plan provided. Any proposed replacement trees are indicated on the Landscape Plans (LP-1 & LP-2) and meet the minimum size requirements of the code.
3. **MEC Response:** Tree calculations have been updated on the Landscape Plans within the Landscape Data table. They include both overall trees required and parking area interior landscape trees.
4. **MEC Response:** Sod specification was provided in the General Notes section of the Landscape Specification & Details plan (LP-2); however a note has been added below the Plant List to direct the reviewer to the notes section for clarification.

5. **MEC Response:** Plans have been reviewed for conflicts with fencing, light poles (N/A). Adjustments were made if necessary.
6. **MEC Response:** All utilities/easements provided from the Civil Engineer are depicted on the Landscape Plans (LP-1).

Please call if you have any questions.

Sincerely,



William J. Mathers, P.E.

WJM/hmm
enclosures



To: Tom Reetz
Senior Planner
City of Stuart Development Department

From: Kevin Roberson, P.E.
Kimley-Horn and Associates, Inc.

Date: June 28, 2019

Re: **Plantation Storage CPUD – Stuart, Florida**
CPUD Amendment Application Review – Engineering and Landscape

Dear Mr. Reetz,

Kimley-Horn has reviewed the submittal of the CPUD Amendment Application and the associated documents, that were provided on June 19, 2019 prepared by Master Engineering Corporation for the above referenced project. Please find below our review comments pertaining to the following items listed within the application:

CPUD Document

1. All Items have been addressed

Site Plan

1. Provided the City is accepting the offsite preserve area, all plan review comments have been addressed.

Landscape Comments

1. All Items have been addressed



Page 2

Thank you for the opportunity to assist the City of Stuart in reviewing the noted project. Please contact us if you have any questions or need additional information.

Sincerely,

Kimley-Horn and Associates, Inc.

A handwritten signature in blue ink, appearing to read "Kevin M. Roberson".

Kevin M. Roberson, P.E.
Vice President



ENGINEERS • SURVEYORS • ENVIRONMENTAL

February 20, 2019

Charles Chase II
Chase Storage IV, LLC, a Virginia Limited Liability Company
94 North Main Street
Kilmamuck, VA 22482

VIA Email: Charles@southeastmanagementcompany.com

Reference: **Environmental Assessment**
Chase Storage
SE Commerce Ave, Stuart, Martin County, FL
Parcel ID # 38-38-41-002-105-00000-9

Dear Mr. Chase,

EDC, Inc. (EDC) has completed this Environmental Assessment (EA) for the above referenced property. The purpose of this evaluation was to conduct a review of the above listed parcel by means of site visit, review of available aerial photography, listed species review, and review of soil resources, and environmental regulation pertaining to this parcel.

The following report details the findings of our on-site and desktop investigations of the properties as they pertain to the City of Stuart regulations.

Please contact the undersigned if you have any questions regarding this report.

Respectfully submitted,
EDC, Inc.

Madison Quinones
Field Biologist

10250 SW Village Parkway
Port St Lucie, FL 34987
772.223.5200
772.223.5103 fax
www.edc-inc.com



ENVIRONMENTAL ASSESSMENT

Parcel ID 38-38-41-002-105-00000-9
Chase Storage
Stuart, Florida

Project No. 19-213
Date: February 20, 2019

Prepared For:
Charles Chase II
Chase Storage IV, LLC, a Virginia Limited Liability Company
94 North Main Street
Kilmamuck, VA 22482

Prepared By:
EDC, Inc.
10250 SW Village Parkway
Port St Lucie, Florida 34987
(772) 223-5200

The subject property evaluated as part of this Environmental Assessment consists of an approximately 7 acre parcel (ID # 38-38-41-002-105-00000-9), located at SE Commerce Avenue in Stuart, Florida. The parcel is currently a vacant lot.

This environmental assessment was completed as a precursor to permitting and review by a governmental agency as an applicable document for the supporting information associated with a building permit or land development application. EDC, Inc. staff visited the property on January 17, 2019 in order to ascertain the status and composition of any critical habitats, such as wetlands and native uplands that may be onsite.

VEGETATION:

It is the opinion of EDC that there is native upland habitat located on the western portion of the subject property. The vegetation consists of the following; slash pine (*Pinus densa*), cabbage palm (*Sabal palmetto*), punk tree, (*Melaluca* sp) laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), saw palmetto (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). The eastern portion of the subject property consists of exotic hardwoods made up of Australian pines (*Casuarina equisetifolia*).

WETLAND DELINEATION:

According to aerial photographs and site visit, it appears that there are no wetlands on site. Based on the State definition, a wetland consists of three components: 1). Hydric soils. 2). Wetland plants. 3). Hydrologic patterns. None of these components were found during the field reconnaissance on the property.

WILDLIFE EVALUATION:

EDC, Inc. conducted a pedestrian survey throughout the property to investigate for the presence of any plant or animal listed species. Gopher Tortoises were not found on the site nor, were any other state or federally listed species during the site visit. FWC approved gopher tortoise survey methods were used and a transect map is included with this report. The site's dense exotic content and heavy use by transients makes it undesirable for use by wildlife. An IPAC has been included to show the current range of listed species however none were found, nor are any perceived to use this site due to the above mentioned factors.

SOIL COMPOSITION:

Based on a review of the USDA Web Soil the site is composed of:

Waveland sand- This is a nearly level, poorly drained soil found in broad open areas of the flatwoods. The natural vegetation associated with this soil type is slash pine and an understory of saw palmetto, gallberry, fetterbush, running oak, and dwarf huckleberry. Grasses are pineland threeawn, bluestem and panicum. Typically, the surface layer is dark gray sand with a light gray and grayish brown subsurface layer. Under natural conditions, this soil is not suited to cultivate crops or for pasture because of ponding. However, if intensive management, soil improving measures and a good water control system are implemented, the soil is suitable for vegetable crops and pasture.

Immokalee Fine sand- is poorly drained soil is found in broad areas of flatwoods. Typically the surface layer is very dark gray fine sand about 6 inches thick. The subsurface layer extends to a depth of 35 inches and is fine sand. The seasonal high water table in Immokalee soil is at a depth of 6 to 8 inches from June through September. During the remainder of the year it is typically at a depth of 18 to 40 inches. Natural vegetation consists of slash pine and scattered oak with an understory of saw palmetto, gallberry, fetterbush,

pineland threeawn, chalky bluestem, and Indian grass. This soil is poorly suited for crops and citrus. Water control measures are needed to overcome excessive wetness.

Lawnwood Fine sand, depressional- This poorly drained soil is in the depressions of flatwoods. The typical surficial layer is fine gray sand followed by light gray and white fine sand below. The soil is typically ponded for six months of a normal year. The soil is only suited for pasture under intense management.

MARTIN COUNTY REGULATIONS

According to the Martin County Property Appraiser's Report, the subject property has a land use code of 1000 Vacant Commercial.

SUMMARY:

It is the professional opinion of EDC that native upland habitat was found on site and no gopher tortoises or any other state or federally listed species were found on the site. A tree survey has been conducted on this site and any impact to the trees that meet the City of Stuart's requirements will require mitigation.



ENGINEERS SURVEYORS ENVIRONMENTAL

Environmental Site Assessment

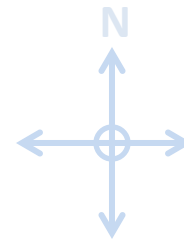
SE Commerce Avenue
Stuart, Martin County, FL

Location Map

Project: 19-213

Chase Storage

2/20/2019





ENGINEERS • SURVEYORS • ENVIRONMENTAL

Environmental Site Assessment

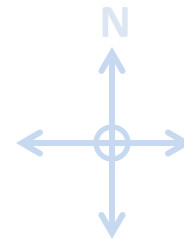
SE Commerce Avenue
Stuart, Martin County, FL

Property Appraiser Map

Project: 19-213

Chase Storage

2/20/2019





ENGINEERS • SURVEYORS • ENVIRONMENTAL

Environmental Site Assessment

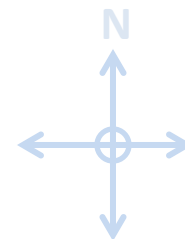
SE Commerce Avenue
Stuart, Martin County, FL

Soil Map

Project: 19-213

Chase Storage

2/20/2019



Martin County, Florida (FL085)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4	Waveland and Immokalee fine sands	5	70.4%
5	Waveland and Lawnwood fine sands, depressional	2	29.6%
Totals for Area of Interest		7	100.0%





Environmental Site Assessment

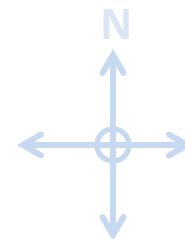
SE Commerce Avenue
Stuart, Martin County, FL

FLUCCS Map

Project: 19-213

Chase Storage

2/20/2019

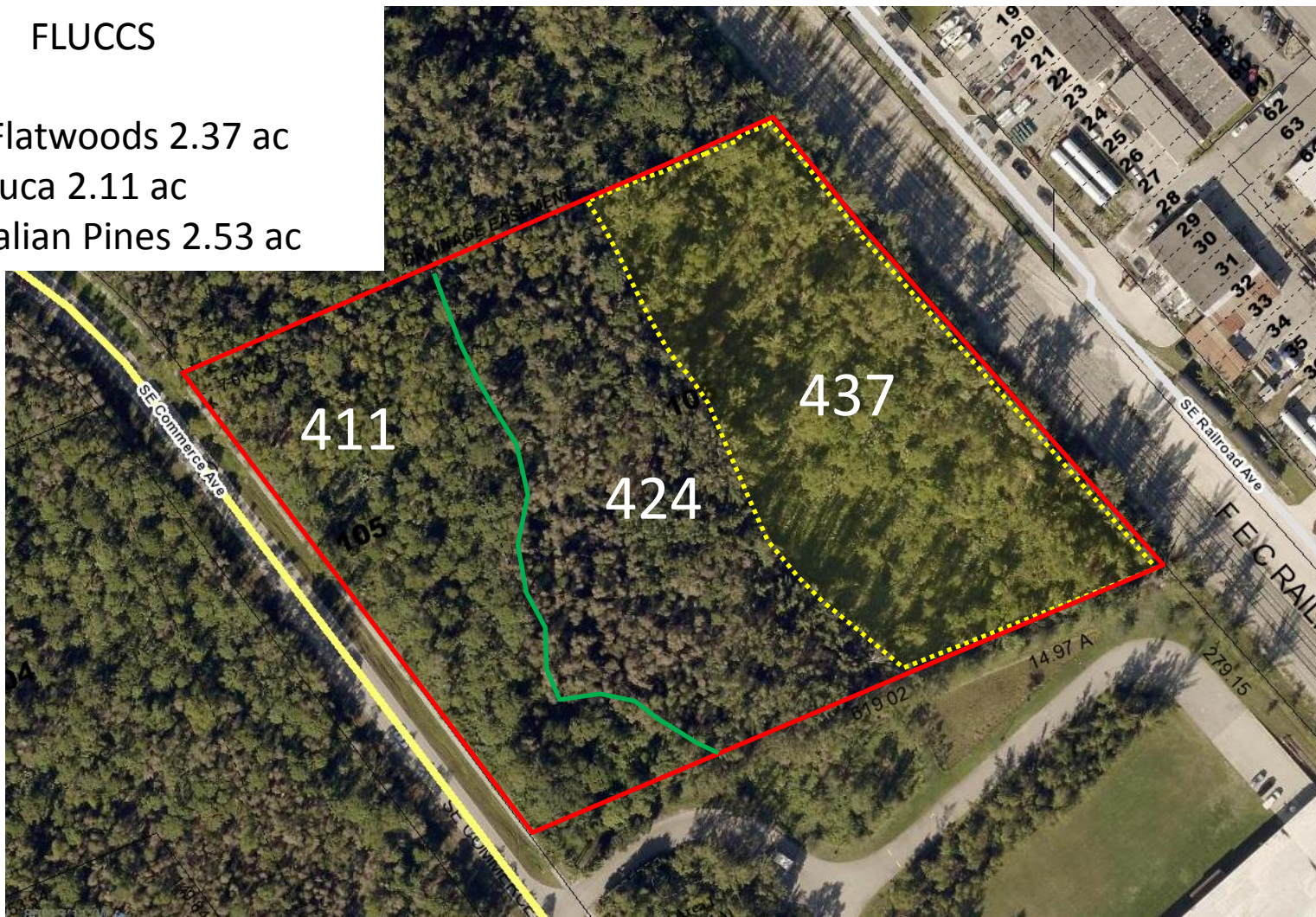


FLUCCS

411: Pine Flatwoods 2.37 ac

424: Melaluca 2.11 ac

437: Australian Pines 2.53 ac





ENGINEERS • SURVEYORS • ENVIRONMENTAL

Environmental Site Assessment

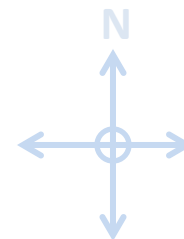
SE Commerce Avenue
Stuart, Martin County, FL

FLUCCS Map

Project: 19-213

Chase Storage

2/20/2019



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 7/18/2019

Prepared by: S. Mayer

Title of Item:

ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT (RC):

ORDINANCE No. 2406-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE FAMILY/DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

In a 4 to 1 vote, with Commissioner Kelli Glass Leighton dissenting, the City Commission directed staff to amend the City's Land Development Code to ensure that future opaque fences, over 4' in height, would not be permitted to be constructed in the front of residential structures within the R-2 zoning district. Also, staff was encouraged to reduce the number of potential nonconformities created by such an amendment. Upon review, staff noted to potential exceptions when opaque fences should be allowed in the front yard, while over 4' in height. The first exception is common throughout the city. Opaque fences along the side property line, typically to add privacy to the front of the house or driveway. These fences typically stop short of reaching the front property line. Staff therefore added an exception that opaque fences may be 6' high along the side property line up to a line that is 10 feet from the front property line, or sidewalk, whichever is closest. This ensures that driveways will not be screened from view, providing safety for pedestrians utilizing the sidewalk and approaching automobiles. The second exception was noted in particular in the R-2 zoning district. An opaque fence commonly shields the front door from the right away, and is typically runs across both front doors at a length of approximately 8 feet. Similarly, short spans of opaque fences are used to shield mechanical equipment, or stored items in the front yard, and adjacent to the house. Therefore, staff also made an exception to allow small, 8 foot spans of opaque fences to run parallel to the right of way, so long as the house is not completely shielded from view from the right of way. It is important to note that staff does not make an exception for the 10' clearance area from the front property line as it pertains to 6 foot opaque fences.

Within the City's 314 R-2 zoned properties, staff notes that the proposed text amendment will create three nonconforming fences (less than 1%). One each on: Fini Dr., 5th Street and Stypmann Blvd.

Funding Source:

N/A

Recommended Action:

Move approval

ATTACHMENTS:

Description	Upload Date	Type
☐ Ordinance 2409-2019	7/5/2019	DRAFT ORDINANCE
☐ Existing Land Development Regulations - Fences	3/29/2019	Backup Material

Return to:

City Attorney's Office
City of Stuart
121 SW Flagler Street
Stuart, FL 34994

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

ORDINANCE NO: 2406-2019

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE-FAMILY/ DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the effective regulation of fences and other enclosures is vital to the Public's health safety and welfare, and

WHEREAS, the City's Comprehensive Plan establishes Policy A.5.2 of the Future Land Use Element, which establishes the Policy of neighborhood sustainability and compatibility, and

WHEREAS, Policy B.3.2 of the Future Land Use Element of the City's Comprehensive Plan establishes the compatibility with surrounding land uses and neighborhood design, and

WHEREAS, on April 22, 2019, the Local Planning Agency met for the purpose of transmitting its recommended amendment to the Land Development Code, and

WHEREAS, the Stuart City Commission held duly noticed public hearings on May 13,

2019 and May 27, 2019 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 City of Stuart Land Development Code Chapter 6, Section 6.09.05., "Fences, Walls, Hedges and Enclosures" is hereby amended as follows:

Sec. 6.09.05. Fences, walls, hedges, and enclosures.

- A. *General requirements for all walls and fences.* The regulations set forth in this section 6.09.05 shall apply to any existing or new development for residential, business, public, or industrial property for which a fence or accessory structure permit application has been submitted to the city development department. (Ord. No. 1742, 7-10-00)
1. The requirements of this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of fences or walls.
 2. Any fence or wall over six feet in height must be designed and sealed by a licensed professional engineer or licensed architect.
 3. Wooden fences shall be of the woven or staggered type, with at least 30 percent of their area open to permit the flow of air. Only within the R-1A, R-1, and R-2 zoning districts shall a stockade type fence be permitted. (Ord. No. 1741-00, 7-10-00)
 4. Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the city development director. Concrete or cement block walls shall be stucco or provided with a textured finish. (Ord. No. 1742, 7-10-00)
 5. Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.
 6. Ornamental iron fences shall meet the requirements of section 6.09.05.A.17 of this Code.
 7. Fences or walls should be generally in harmony and compatible with their surroundings, including, but not limited to the following factors of compatibility: maximum height, materials, fence or wall type and use of landscaping.
 8. All fences and walls shall be maintained in good repair on both sides, so as to be structurally sound.

9. All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.
10. All new and existing fences and walls shall be finished on the exterior side (all framing facing the interior) and shall be maintained in an attractive condition.
11. No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.
12. The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration. (Ord. No. 1453-96, 6-1-96)
13. An entryway bower, arbor, or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.
14. A fence or wall shall only be located on a developed parcel of land - unless the owner or contractor can clearly demonstrate that an extenuating circumstance exists creating a situation that compromises the safety, health, and general welfare of surrounding residents.
15. No fences, walls, or hedges may be located within the intersection sight-triangle as set forth in section 6.04.03.B.8., Visibility triangles. (Ord. No. 1742, 7-10-00)
16. *Electrical fences prohibited.* Electrically charged fences are prohibited, except in prisons or jails.
17. *Barbed wire or razor wire fences.* Barbed wire fences are hereby prohibited, except at the top of fences or walls erected in industrial, business, commercial or public use zoning districts. Razor wire fences shall only be permitted to be used in jails or prisons.
18. *Dangerous materials prohibited.* Unless specifically permitted in this article, no fence, wall, or other enclosures shall include materials or devices, such as broken glass, spikes, razors, nails or similar materials intended or designed to maim, mutilate or cause other bodily injury to any person or animal.
19. *Construction design for wind pressure and other stresses.* All fences and walls shall be adequately secured and designed to withstand wind pressure of at least 50 pounds per square foot and any additional stresses to which they would normally be subjected, unless the Building Code calls for higher standards or more restrictive construction.
20. *Obstruction of water drainage.* In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches, etc.

21. All non-residential and multi-family development projects shall also install a construction fence with a temporary six-foot chain link fence with obscure green or black fabric of uniform color or other visual barrier material approved by the Development Director around the site prior to the initiation of the construction phase.

B. *Specific requirements, including type, material, and design for fences or walls--in single-family or duplex residential districts.* In single-family and duplex residential zoning districts, all fences and walls constructed shall comply with the following requirements:

1. For Single Family and Duplex lots on R-2 zoned property, fences and walls may be erected or maintained along or adjacent to a lot line to a height not exceeding six feet in the side and rear yards. Opaque fences and walls erected within the front yard shall not exceed a height of four feet, unless otherwise allowed in this chapter. Open fences, such as chain link, picket, lattice, rail or similar fences and are not otherwise opaque, shall not exceed a height of six feet. Opaque fences and walls may be raised to six feet along the side lot line, if at least 10 feet from the front yard property line or sidewalk, whichever is closest. Opaque fences within the front yard may not completely enclose and obscure the house from view of the public right of way, unless they are less than 4 feet high. Such fences and walls may be raised to six feet in height for a total length of 8 feet per property. For all other residential zoning districts, the maximum height of walls or fences along the rear and side yards shall be six feet. All heights are measured from the base of the fence.
2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family or duplex residential, then the single-family owner or occupancy may elect to comply with the requirements of such abutting zoning district.

F. *Height of fences or walls at intersections.*

1. Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall which is located within 20 feet of the following intersections, unless protected by a traffic-control device:
 - a. The right-of-way lines of two streets;
 - b. The right-of-way line of a street and the right-of-way line of an alley;
 - c. The right-of-way line of a street and the right-of-way line of a railroad.
2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:
 - a. The centerline of a driveway and the abutting right-of-way line.

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 provisions of this ordinance shall be codified.

SECTION 5: This ordinance shall become effective immediately upon adoption.

Passed on first reading the ____ day of _____, 2019.

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:

REBECCA S. BRUNER, MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

1. In addition to the safety requirements of F.S. 515.27, a fence shall be installed that meet the requirements of this subsection, unless a barrier meeting the specific requirements of F.S. 515.29 is installed.
2. All new swimming pools must have a fence at least four feet high, with a spring lock gate, or be otherwise completely enclosed; provided, however, that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal.
3. A building permit final inspection will not be conducted for a new swimming pool, unless the proper building permit for a fence receives a final inspection simultaneously.
4. It shall be unlawful for any person, firm or corporation to build or cause to be built a new swimming pool, unless such pool is properly fenced in accordance with paragraph 6.09.04.C.1 above.
5. All spas shall be secured with a locked cover or must have a fence at least four feet in height, with a spring lock gate, or be otherwise completely enclosed; provided, however that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal. (Ord. No. 1720-00, 3-27-00)

Sec. 6.09.05. Fences, walls, hedges, and enclosures.

- A. *General requirements for all walls and fences.* The regulations set forth in this section 6.09.05 shall apply to any existing or new development for residential, business, public, or industrial property for which a fence or accessory structure permit application has been submitted to the city development department. (Ord. No. 1742, 7-10-00)
 1. The requirements of this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of fences or walls.
 2. Any fence or wall over six feet in height must be designed and sealed by a licensed professional engineer or licensed architect.
 3. Wooden fences shall be of the woven or staggered type, with at least 30 percent of their area open to permit the flow of air. Only within the R-1A, R-1, and R-2 zoning districts shall a stockade type fence be permitted. (Ord. No. 1741-00, 7-10-00)
 4. Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the city development director. Concrete or cement block walls shall be stucco or provided with a textured finish. (Ord. No. 1742, 7-10-00)
 5. Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.
 6. Ornamental iron fences shall meet the requirements of section 6.09.05.A.17 of this Code.

7. Fences or walls should be generally in harmony and compatible with their surroundings.
8. All fences shall be maintained in good repair on both sides, so as to be structurally sound.
9. All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.
10. All new and existing fences and walls shall be finished on the exterior side (all framing facing the interior) and shall be maintained in an attractive condition.
11. No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.
12. The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration. (Ord. No. 1453-96, 6-1-96)
13. An entryway bower, arbor, or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.
14. A fence or wall shall only be located on a developed parcel of land - unless the owner or contractor can clearly demonstrate that an extenuating circumstance exists creating a situation that compromises the safety, health, and general welfare of surrounding residents.
15. No fences, walls, or hedges may be located within the intersection sight-triangle as set forth in section 6.04.03.B.8., Visibility triangles. (Ord. No. 1742, 7-10-00)
16. *Electrical fences prohibited.* Electrically charged fences are prohibited, except in prisons or jails.
17. *Barbed wire or razor wire fences.* Barbed wire fences are hereby prohibited, except at the top of fences or walls erected in industrial, business, commercial or public use zoning districts. Razor wire fences shall only be permitted to be used in jails or prisons.
18. *Dangerous materials prohibited.* Unless specifically permitted in this article, no fence or wall shall include materials or devices intended or designed to maim, mutilate or cause other bodily injury.
19. *Construction design for wind pressure and other stresses.* All fences and walls shall be adequately secured and designed to withstand wind pressure of at least 50 pounds per square foot and any additional stresses to which they would normally be subjected, unless the Building Code calls for higher standards or more restrictive construction.
20. *Obstruction of water drainage.* In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches, etc.

21. All non-residential and multi-family development projects shall also install a construction fence with a temporary six-foot chain link fence with obscure green or black fabric of uniform color or other visual barrier material approved by the Development Director around the site prior to the initiation of the construction phase.
- B. *Specific requirements, including type, material, and design for fences or walls--in single-family or duplex residential districts.* In single-family and duplex residential zoning districts, all fences and walls constructed shall comply with the following requirements:
1. The maximum height of walls or fences shall be six feet;
 2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family or duplex residential, then the single-family owner or occupancy may elect to comply with the requirements of such abutting zoning district.
- C. *Same--In multiple-family residential districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In multiple-family residential zoning districts, all fences and walls constructed shall comply with the following requirements:
1. The maximum height of walls or fences shall be six feet;
 2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family, duplex or multiple-family residential, then the multiple-family owner or occupant may elect to comply with the requirements of such abutting zoning district.
 3. Fences and walls shall be setback a minimum of three feet from any abutting right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.
 4. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.
 5. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:
 - Ornamental stone mountings
 - Peaked cap along ridge of wall
 - Ornamental ironwork
 - Buttresses

- Built-in planter
6. One of the above must be built by the occupant or owner of the multiple-family property, but the owner or occupant of the single-family or duplex property may build it, if desired.
 7. Plans for either of the above shall be included as a part of the development permit application for such multiple-family property and shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.
 8. Any such buffer or wall previously built must be maintained.
- D. *Same--In business and public districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In business zoning districts, all fences and walls constructed shall comply with the following requirements:
1. Fences or walls erected in the B-1 zoning district shall be no higher than six feet. Fences or walls shall be setback a minimum of three feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.
 2. Fences or walls erected in the B-2 or B-4 zoning districts shall be no higher than eight feet. Fences or walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of one flowering or accent tree for every 30 linear feet, planted singly or in clusters; a hedge and groundcover or other grounded landscape treatment.
 3. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.
 4. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:
 - Ornamental stone mountings
 - Peaked cap along ridge of wall
 - Ornamental ironwork
 - Buttresses
 - Built-in planter

5. Such wall must be built by the occupant or owner of the business, or commercial property, but the owner or occupant of the residential property may build it, if desired.
6. Plans for such wall shall be included as a part of the development permit application on such business or commercial property and shall be erected during or immediately after the erection of the principal building thereon, and in any event, before the certificate of occupancy of the principal building is issued.
7. Any such wall previously built must be maintained.

E. *Same--Separating industrial zoning districts from other districts.*

1. Fences or walls erected in the I (Industrial) zoning district shall be no higher than ten feet. Fences and walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification.
2. Whenever any industrial zoning district, which is not vacant, abuts (disregarding intervening easements or unopened rights-of-way) any other non-residential zoning district, there shall be a masonry dividing wall erected, to a minimum height of six feet (eight foot minimum within 300 feet of a residential zoning district) with a maximum of ten feet, the full length of the property line adjoining such other district or a landscaped buffer of not less than six feet in width accompanied by a six foot high structure. Such landscaped buffer shall be designed and planted so as to be 80 percent opaque when viewed horizontally between two and six feet above ground level.
3. Such wall must be built by the occupant or owner of the industrial property, but the owner or occupant of the other zoned property may build it, if desired.
4. Plans for such wall shall be included as a part of the development permit application for such industrial property and such wall shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.
5. Any such wall previously built must be maintained.

F. *Height of fences or walls at intersections.*

1. Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall which is located within 20 feet of the following intersections, unless protected by a traffic-control device:
 - a. The right-of-way lines of two streets;
 - b. The right-of-way line of a street and the right-of-way line of an alley;
 - c. The right-of-way line of a street and the right-of-way line of a railroad.

2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:

- a. The centerline of a driveway and the abutting right-of-way line.

Sec. 6.09.06. Awnings, canopies, and cabanas.

- A. *Number of cabana rooms and carports per trailer or structure; master plans for cabana rooms, detached rigid canopies.* Only one cabana room and one carport shall be permitted as an adjunct to any one mobile home, trailer or structure. Typical drawings for cabana rooms or detached rigid canopies shall be approved by the building official when prefabricated under controlled factory conditions and such typical drawings together with its roof, walls, panels, beams, columns, connections, and principal members in compression, tension or flexure shall have been analyzed by a Florida registered professional engineer and design calculations, details, plans and specifications have been provided bearing his seal, signature, and affidavit as set forth in the Florida Building Code. To be so approved, each such typical drawing must meet the minimum design loads required by the Florida Building Code, for foundation, floor and walls. The roof may be as described in 6-490(b). In the event an application for an installation or construction permit is based on a previously approved typical drawing, unrevised reprints of the typical drawing shall accompany each application for a permit for the purpose of providing the building official with a means for comparison and as an aid to identification.

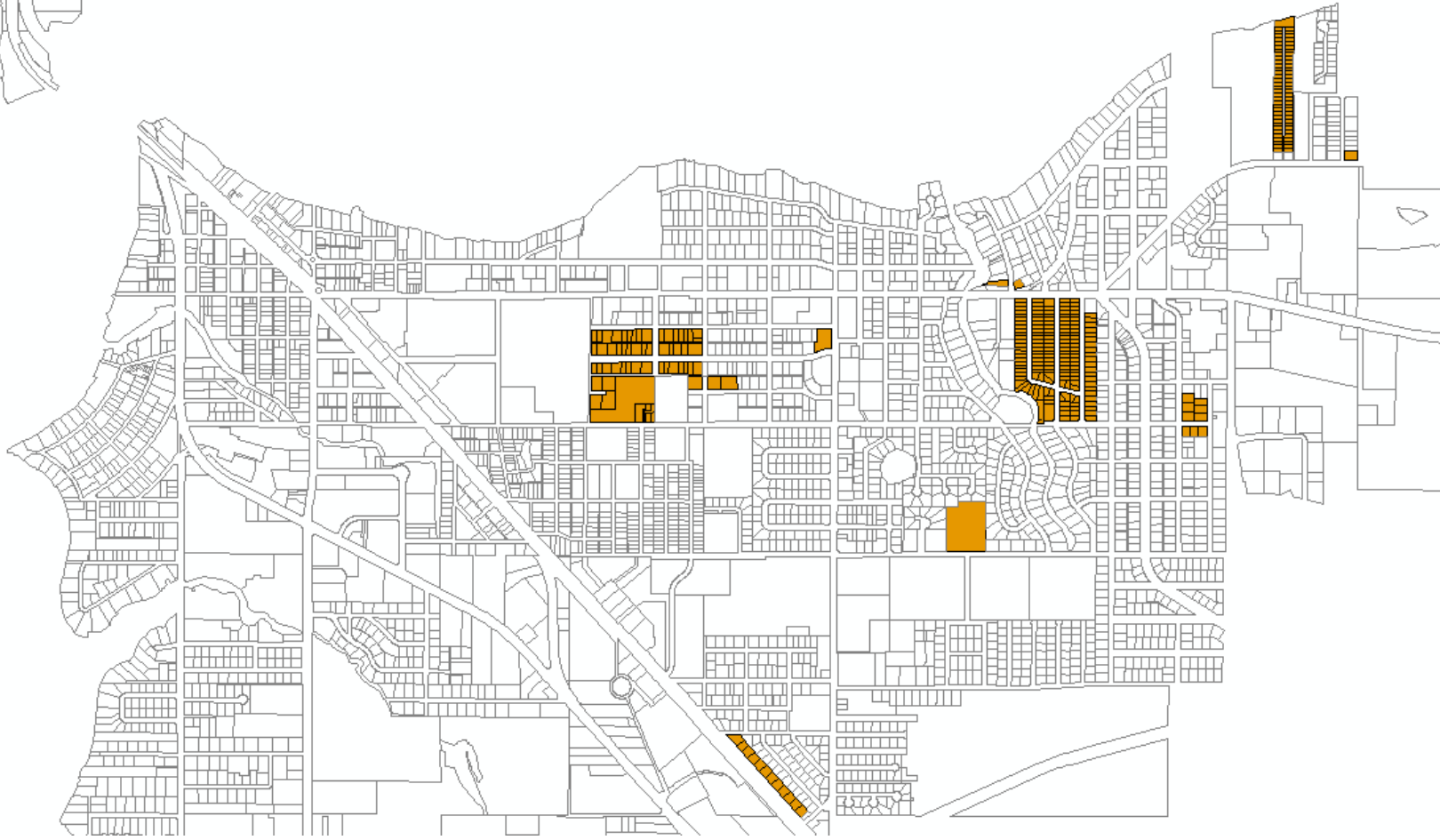
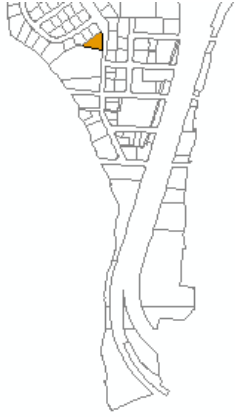
6.10.00. OUTDOOR STORAGE

- A. *Applicability.* All businesses and services shall be conducted within completely enclosed buildings in the B-1, B-2, and B-4 business zoning districts. If in the discretion of the city development director a demonstrated necessity exists for an outdoor storage area in the B-1, B-2, or B-4 zoning districts due to the economic hardship of enclosing the area, an outdoor storage area may be allowed subject to the following standards.
- B. *Standards for outdoor storage areas.*
 1. *Location and maintenance.*
 - a. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.
 - b. 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.
 - c. An outdoor storage area shall be kept neat and orderly. The area shall not be permitted to take on the characteristics of a junkyard.
 - d. Materials stored shall not be stacked in piles higher than five feet and shall not be visible from surrounding properties or rights-of-way.

Table									
sde.STUART.Zoning									
	OBJECTID *	PCN	CITY	ZONING	ZONING_SUB	SHAPE *	ZoningChgDate	ZoningChgOrdinance	
	315	3237410020000004090000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	887	0338410000000021040000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	893	0338410110110015000000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	894	0338410020000022190000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	895	0338410020000015130000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	897	0338410020000023080000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	898	0338410020000014070000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	900	0338410020000023170000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	901	0338410020000014160000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	902	0338410020000024060000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	903	0338410020000013090000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	904	0338410020000024150000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	905	0338410020000013180000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	907	0338410020000025030000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	908	0338410020000012010000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1
	909	0338410020000025120000	0	R-2	<Null>	Polygon	<Null>	<Null>	<1

1 (314 out of *2000 Selected)

sde.STUART.Zoning



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 7/18/2019

Prepared by: Kev Freeman

Title of Item:

Amendment to the Land Development Code (RC)

This amendment to the City's Land Development Code is required in order to comply with House Bill 7103 (Application Processing Timelines).

Summary Explanation/Background Information on Agenda Request:

Amongst other provisions, HB7103 imposes requirements and time limits for a county or municipality to review an application for a development permit or development order and provides procedures for addressing deficiencies. The bill requires a local government to review an application for completeness and notify the applicant within 30 days that either the application is complete or contains deficiencies. If deficiencies are identified, the applicant has 30 days to submit the required additional information. Within 120 days after an application is deemed complete, or 180 days for applications that require a quasi-judicial hearing or public hearing, a local government must approve, approve with conditions, or deny the application.

Funding Source:

N/A

Recommended Action:

Motion to approve the amendment of the Land Development Code and forward the item to the City Commission for final action.

ATTACHMENTS:

Description	Upload Date	Type
▣ Ord 2409-2019 Processing of Plan Applications	7/1/2019	Ordinance add to Y drive
▣ Appendix A - Ord #2409-2019	7/1/2019	Ordinance add to Y drive
▣ HB 7103	6/4/2019	Backup Material



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

ORDINANCE NUMBER 2409-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 11.00.00, CHAPTER XI – PROCESSING OF PLAN APPLICATIONS, OF THE LAND DEVELOPMENT CODE TO INCORPORATE REVISED REVIEW AND COMPLIANCE PROCEDURES WITHIN CITY OF STUART. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the purpose of this Land Development Code amendment is to comply with the requirements of House Bill 7103 in respect of plan application review and compliance procedures; and

WHEREAS, the Local Planning Agency 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.

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.

**BE IT ORDERED BY THE CITY COMMISSION NOW THEREFORE, BE IT
RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA**

that:

SECTION 1: The City Land Development Code, as amended, is hereby further amended as described in Appendix A, attached hereto:

SECTION 2: 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 provisions of this Ordinance shall be codified.

SECTION 5: This Ordinance shall take effect upon adoption.

Passed on first reading the ____ day of _____, 2019.

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:

REBECCA S. BRUNER, MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

Chapter XI - PROCESSING OF PLAN APPLICATIONS

11.00.00. - GENERALLY

Sec. 11.00.01. - Purpose.

This chapter sets forth the application and review procedures associated with filing, reviewing, and processing ~~eleven~~ different plan applications as follows:

- A. Major development plan application.
- B. Minor development plan application.
- C. Residential development plan application.
- D. Plat application.
- E. Large scale comprehensive plan amendment application.
- F. Small scale comprehensive plan amendment application.
- G. Land Development Code text amendment application.
- H. Zoning map change application including planned unit development (PUD).
- I. Planned unit development (PUD) amendment application.
- J. Major and minor conditional use approval application.
- K. Annexation application.

Sec. 11.00.02. - Prerequisites to issuance of development permit.

No development may be undertaken unless it is authorized by a development permit, as defined in this Code, unless the development is exempt.

Sec. 11.00.03. - Exemptions.

A development permit may be issued for the following development activities in the absence of a development review.

- A. Development activity necessary to implement a valid site plan/planned unit development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of one duplex or one single-family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site. The applicant may seek to change a use of an existing building or structure by applying for issuance of an occupational license so long as it does not adversely impact the following, including, but not limited to, parking and the level of service.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

Sec. 11.00.04. - Withdrawal.

Appendix A: Ord#: 2409 - 2019

An application for development review may be withdrawn at any time. There shall be no refund of any applicable fees unless such refund is approved by the city manager.

Sec. 11.00.05. - Post-approval changes.

After an approval has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the approval without first obtaining a modification of the approval. A modification may be applied for in the same manner as the original application. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

Sec. 11.00.06. - Expiration of approvals.

Expiration of approvals, if any, shall be noted in the adopting ordinance/resolution or with the conditions of development accompanying the ordinance/resolution.

11.01.00. - PROCESSING OF PLAN APPLICATIONS

Sec 11.01.01 – Review and Compliance Procedures.

A. Review timelines.

1. The city development department will, within 30 days of receiving an application for a development permit or development order, review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient.
2. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.
3. Once the application is deemed complete, the city has 120 days, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.
4. The city development department shall route the application to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall submit written comments to the city development department within 20 working days after receipt.
5. At any time during the application review process, the applicant and the city may agree to a reasonable extension of time, particularly in the event of a force majeure or other extraordinary circumstance.

B. Compliance Procedure.

1. Once deemed complete, the city development department shall commence a compliance review of the application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code, and/or the Comprehensive Plan, and/or State Statute.
2. The department shall determine if the application is either in compliance or not in compliance.
3. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant in writing. The applicant may submit an amended application to address the non-compliance issue(s). The applicant and the city may agree to a reasonable extension of time beyond the time limits set in Sec 11.01.01. If an application does not achieve compliance within the appropriate time period, the entire application shall be void.

Sec. 11.01.02~~1~~. - Major development plan application.

Appendix A: Ord#: 2409 - 2019

- A. *General.* A major development plan is one which is:
1. A residential project which exceeds 35 total dwelling units.
 2. A non-residential development over 50,000 square feet in area.
 3. A mixed-use development over 50,000 square feet in area.
 4. A public or private institutional development exceeding one acre in land area.
 5. Pursuant to section 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a major development plan may be applied for to consider the removal and replacement of a historic tree.
- B. *Pre-application conference required.* Prior to filing for major development review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed major development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for major development plan review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the city development director. A concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.
- D. —Compliance review procedures. After receipt of the application, the department shall follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If the major development plan application is in compliance, the director shall set a time and place for a city commission public hearing to consider whether the major development plan application complies with the requirements of the Code. have five working days to:
- 1.—Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within 45 working days, to proceed with the review.
 - 2.—Once complete, the city development department shall then route the application within two working days to each reviewing Department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.
 - 3.—The city development department shall then commence final review of the major development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The department shall have five working days to complete this compliance review.
 - 4.—The department shall determine if the major development plan application is either in compliance or not in compliance.
- A.—If in compliance, the director shall set a time and place for a city commission public hearing to consider whether the application complies with the requirements of the Code.
- B.—If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the

~~requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~

- E. ~~Report to the city commission.~~ The development director will prepare a staff report and recommendation for consideration by the city commission concerning whether the application complies with the requirements of the Code.
- F. *City commission public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *City commission public hearing.*
1. At the public hearing, the city commission shall hear from all interested parties regarding whether the major development plan application complies with the requirements of this Code. The city commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the development department, and the comments presented to the city commission during the course of the public hearing.
 2. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
 3. At the conclusion of the public hearing or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code. The city commission shall adopt a resolution setting forth its determination.
 4. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised major development plan with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
- H. *Recordation.* Upon approval of a resolution for a major development plan, the resolution together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.032. - Minor development plan application.

- A. *General.* A minor development plan is one which is:
1. A single-family, multi-family or duplex residential project of between three and 35 units, inclusive.
 2. A non-residential development under 50,000 square feet in area.
 3. A mixed-use development under 50,000 square feet in area.
 4. A public or private institutional development less than one acre in land area.
 5. Commercial tenant finishes.

Appendix A: Ord#: 2409 - 2019

- B. *Pre-application conference required.* Prior to filing for minor development plan review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed minor development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. (NOTE: The development director may have the option to waive the pre-application conference for minor development plan application).
- C. *Application submittal requirements.* Application forms for minor development plan review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the city development director.

~~D. D. Compliance review procedures. After receipt of the application, the development department shall follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the minor development plan shall be deemed approved.~~

- ~~1. The development department shall have five working days to determine whether the application is complete or not upon submittal of the application. If the application is incomplete, the application will not be accepted and the applicant will be informed of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
- ~~2. If the application is determined to be complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within ten working days after receipt.~~
- ~~3. The city development department shall then commence final review of the minor development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The department shall have five working days to complete this compliance review.~~
- ~~4. The Department shall determine if the minor development plan application is either in compliance or not in compliance.~~
 - ~~a. If in compliance, the plan shall be deemed approved.~~
 - ~~b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance the applicant may submit amended applications to comply with the requirements. In this event the compliance review recommendation(s) of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.~~

- E. *Recordation.* Upon approval of a minor development plan, the development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.043. - Residential development plan application.

- A. *General.* A residential development plan is one which is:
1. A single-family, duplex or residential tenant finish project of not more than two units. No development of more than two units shall be disaggregated at any time in order to qualify

portions of it for "residential development" designation. Subdivisions are specifically excluded from being designated "residential development."

- B. *Pre-application conference required.* Prior to filing for residential development review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed residential development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. (Note: The development director may have the option to waive the pre-application conference for residential development plan application.)
- C. *Application submittal requirements.* Application forms for residential development plan review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the city development director.
- D. *Compliance review procedures.* After receipt of the application, the development department shall follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the residential development plan shall be deemed approved.
 - ~~1. The development department shall have five working days to determine whether the application is complete or not upon submittal of the application. If the application is incomplete, the application will not be accepted and the applicant will be informed of the deficiencies.~~
 - ~~2. If the application is determined to be complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within ten working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the minor development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The Department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the minor development plan application is either in compliance or not in compliance.~~
 - ~~a. If in compliance, the plan shall be deemed approved.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance, the applicant may submit amended applications to comply with the requirements. In this event the compliance review recommendation(s) of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.~~
- E. *Recordation.* Upon approval of a residential development plan, the development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.054. - Plat application.

Appendix A: Ord#: 2409 - 2019

- A. *Generally.* Where a plan document includes the subdivision of land, any future issuance of a development permit shall be made contingent upon approval by the city commission of a plat conforming to the approved application.
- B. *Pre-application conference required.* Prior to filing for plat review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed plat application, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for plat review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a plat conforming to the requirements of F.S. ch. 177, and by any other information required by the city development director.
- D. *Compliance review procedures.* After receipt of the application, the development department shall ~~have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the Director shall set a time and place for a city commission public hearing to consider whether the application complies with the requirements of the Code, F.S. ch. 177, and the approved plan document upon which the plat is based. The staff report shall include a recommendation from the public works department.~~
- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the plat application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the plat application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If in compliance, the Director shall set a time and place for a city commission public hearing to consider whether the application complies with the requirements of the Code, F.S. ch. 177, and the approved plan document upon which the plat is based. The staff report shall include a recommendation from the public works department.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the city commission concerning whether the plat application complies with the requirements of the Code and F. S. ch. 177.

Appendix A: Ord#: 2409 - 2019

F. *City commission public hearing.*

1. At the public hearing, the city commission shall hear from all interested parties regarding whether the plat application complies with the requirements of this Code, F.S. ch. 177, and the approved plan document upon which the plat is based. The city commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the development department, and the comments presented to the city commission during the course of the public hearing.
2. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
3. At the conclusion of the public hearing or within 30 days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code, F.S. ch. 177, and the approved residential, minor development or, major development plan. The city commission shall adopt a resolution setting forth its determination.
4. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the application shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code, F.S. ch. 177, and the approved residential, minor development or, major development plan.

- G. *Recordation.* Subdivision plats approved by the city commission shall be submitted to the city clerk along with the filing fee within 45 working days for recordation in the public records of Martin County, Florida. If the applicant fails to comply, the plat approval is rendered invalid.

Sec. 11.01.065. - "Large scale" comprehensive plan amendment application.

A. *Generally.*

1. As used in this section, the phrase "large scale Comprehensive Plan amendment" means a proposed amendment to the City Comprehensive Plan that:
 - a. Is not a "small scale Comprehensive Plan amendment" as defined by F.S. § 163.3187; or
 - b. Changes the text of the Comprehensive Plan including the list of land uses within any land use classification or the goals, policies, and objectives of the plan.

As provided in F.S. ch. 163, Comprehensive Plan amendments may be considered at any time by the city without any limit on frequency.
2. A large scale Comprehensive Plan application shall not be filed if the city commission has denied the same application within the previous two years.

- B. ~~Pre-application conference required.~~ Prior to filing for a large scale Comprehensive Plan amendment, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed large scale

comprehensive plan amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

- C. Application submittal requirements. Application forms for a large scale Comprehensive Plan amendment shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, or by the applicant and shall be notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, justifications for the proposed change and by any other information required by the city development director.
- D. Compliance review procedures. After receipt of the application, the development department shall have five working days to: follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the plan amendment application.
 - ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the plan amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application is, on balance, consistent with other relevant components of the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
 - ~~b. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the application.~~
- E. Report to the local planning agency. The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- F. Local planning agency public hearing notice.
 - 1. Change to the future land use designation.
 - a. Mailing.
 - i. Notice of a proposed Comprehensive Plan amendment shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such

property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.

- ii. Notice shall be mailed not less than 15 days prior to the local planning agency meeting which is the subject matter of the notice. If the proposed amendment was initiated by the city and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.
- iii. The mailed notice shall advise of:
 - a) The substance of the proposed amendment generally describing the land use classification being proposed including the title of the amending ordinance;
 - b) The time, date and place of the meeting of the local planning agency at which the proposed amendment will be considered;
 - c) The right of the public to be heard by the local planning agency regarding the proposed amendment at the meeting;
 - d) The times and places for public inspection of the proposed ordinance; and
 - e) A map depicting the subject real property.

b. *Posting.*

- i. Notice of the proposed Comprehensive Plan amendment shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.
- ii. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the development department in advance of installation.
- iii. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
- iv. The sign shall have a uniform "city blue" background.
- v. The sign shall have white lettering of a font size that is legible.
- vi. The sign shall be double-sided and waterproof.
- vii. The duration of sign posting shall be done in accordance with section 11.02.02.F.
- viii. Evidence of posting shall be done in accordance with section 11.02.02.G.
- ix. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20____
 _____ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

c. *Publication.*

- i. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the local planning agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the city.

2. Change to the text of the Comprehensive Plan.

a. *Notice.*

- i. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the local planning agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the city.

G. *Local planning agency public hearing.*

1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. If the application is for an amendment to the future land use map, the local planning agency shall consider the following:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
 - h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood;
 - i. The impact of the amendment upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed amendment upon property values in the adjacent area;
 - k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed use in land use classifications already permitting such use.
2. The local planning agency shall review a proposed Comprehensive Plan amendment and shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code. The local planning agency shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.

- H. —*Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the city commission concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code and include the recommendation of the local planning agency.
- I. *City commission transmittal stage and adoption stage public hearing notice.*
1. *Change to the future land use map.* Before the transmittal stage public hearing and the adoption stage public hearing, the city shall provide notice as follows:
 - a. *Publication.* The city shall cause notice of each hearing to be published in a newspaper of general paid circulation in the city, at least seven days prior to the transmittal public hearing and at least five days prior to adoption public hearing.
 - i. The advertisement shall be not less than two columns wide by ten inches long and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
 - ii. Published notice shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN AMENDMENT

The City of Stuart, Florida, proposes to adopt the following ordinance:

_____ (title of the ordinance). A Public Hearing on the ordinance will be held on _____ (date and time) at _____ (meeting place) by the Stuart City Commission. All interested parties will be permitted to speak to and be heard by the City Commission at the Public Hearing.
 - iii. The published notice shall also advise of the place where the proposed ordinance may be inspected, that any person who decides to appeal the determination of the city commission may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based, and that necessary arrangements will be made by the city for any handicapped person to attend the public hearing provided notice of the need to do so is provided to the city not less than 48 hours prior to the Public Hearing.
 - iv. The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.
 - b. *Mailing.* Before each hearing, the city shall cause notice thereof to be mailed.
 - i. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.
 - ii. Notice to be mailed not less than 15 days prior to the hearing or public hearing which is the subject matter of the notice. If the proposed amendment was initiated by the city and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.
 - iii. The mailed notice shall advise of:
 - a) The substance of the proposed amendment generally describing the land use classification being proposed including the title of the amending ordinance.
 - b) The time, date and place of the meeting of the city commission at which the proposed ordinance will be considered;

- c) The right of the public to be heard by the city commission regarding the proposed amendment at the meeting;
 - d) The times and places for public inspection of the proposed ordinance; and
 - e) A map depicting the subject real property.
- c. *Posting.* Before each hearing the city shall cause notice thereof to be posted.
- i. Notice of the proposed Comprehensive Plan amendment shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.
 - ii. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the development department in advance of installation.
 - iii. —The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
 - iv. —The sign shall have a uniform "city blue" background.
 - v. —The sign shall have white lettering of a font size that is legible.
 - vi. —The sign shall be double-sided and waterproof.
 - vii. —The duration of sign posting shall be done in accordance with section 11.02.02.F.
 - viii. —Evidence of posting shall be done in accordance with section 11.02.02.G.
 - ix. —The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____
_____ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

2. *Change to the text of the Comprehensive Plan.* Before the transmittal stage public hearing and the adoption stage public hearing, the city shall provide notice as follows:
- a. *Publication.*
 - i. The advertisement shall be not less than two columns wide by ten inches long and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
 - ii. Published notice shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN AMENDMENT

The City of Stuart, Florida, proposes to adopt the following ordinance: (title of the ordinance) . . . A Public Hearing on the ordinance will be held on . . . (date and time) . . . at . . . (meeting place) . . . by the Stuart City Commission. All interested parties will be permitted to speak to and be heard by the City Commission at the Public Hearing.

- iii. The published notice shall also advise of the place where the proposed ordinance may be inspected, that any person who decides to appeal the determination of the city commission may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based, and that necessary arrangements will be made by the city for any handicapped person to attend the public hearing provided notice of the need to do so is provided to the city not less than 48 hours prior to the public hearing.

J. *City commission public hearing.*1. *Transmittal stage public hearing.*

- a. The city commission shall conduct a "transmittal stage" public hearing on a weekday to consider the proposed Comprehensive Plan amendment. The public hearing may be scheduled on an agenda of a regular city commission meeting.
- b. The "transmittal stage" public hearing shall be held not less than seven days after an advertisement of the public hearing is published in a newspaper of paid circulation in the city.
- c. At the hearing, evidence will be presented to the city commission that all publication, mailed and posted notices as required in this Code have been provided.
- d. At the public hearing the city commission may adopt the proposed ordinance on first reading.

2. *Transmittal of copy of proposed amendment.* If adopted on first reading, the city commission shall transmit within ten days a copy of the proposed amendment to the State Land Planning Agency, the Treasure Coast Regional Planning Council, the South Florida Water Management District, the Department of Environmental Protection, Department of State, the Department of Education (amendments relating to public schools), the Department of Transportation, and Martin County. The city commission shall also transmit a copy of the proposed amendment to any other unit of local government or government agency in the state that has filed a written request with the city commission to receive copies of proposed Comprehensive Plan amendments. The city commission shall follow the statutory procedures relating to Comprehensive Plan amendments at F.S. § 163.3184, as the same may be amended from time to time by the Florida Legislature.

3. *Review of comments, recommendations and objections.* The city development director shall review the comments, recommendations and objections submitted to the city by the review agencies and shall provide copies thereof, or a summary of its content, to the city commission.

4. *Adoption stage public hearing by the city commission.*

- a. The city commission shall conduct an "adoption stage" public hearing on a weekday within 180 days of its receipt of the Objection, Recommendation and Comment report (ORC) to again consider the proposed Comprehensive Plan amendment. The public hearing may be scheduled on an agenda of a regular city commission meeting.
- b. The "adoption stage" public hearing shall be held not less than five days after an advertisement of the public hearing is published in a newspaper of paid circulation in the city.
- c. At the hearing evidence will be presented to the city commission that all publication, mailed and posted notices as required in this Code have been provided.

- d. The decision to adopt the proposed amendment with or without changes or to not adopt the proposed amendment shall be made by the city commission during the course of the "adoption stage" public hearing.
 - e. At the "adoption stage" public hearing the city commission may adopt the proposed ordinance on second and final reading.
- K. *Recordation.* Upon approval of an ordinance for a large scale Comprehensive Plan amendment, the ordinance together with any conditions, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.076. - "Small scale" Comprehensive Plan amendment application.

A. *Generally.*

- 1. As used in this section, the phrase "Small Scale Comprehensive Plan Amendment" means a proposed amendment to the future land use map of the city's Comprehensive Plan and which meets the definition of a small scale comprehensive plan amendment as defined in F.S. § 163.3187.
- 2. A Small Scale Future Land Use Map Amendment Application may be considered at any time by the city without any limit on frequency.

B. *Pre-application conference required.* Prior to filing for a small scale Comprehensive Plan amendment, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed small scale comprehensive plan amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. *Application submittal requirements.* Application forms for a small scale Comprehensive Plan amendment shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, or by the applicant and shall be notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, justifications for the proposed change and by any other information required by the city development director.

D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the plan amendment application.

~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~

~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~

~~3. The city development department shall then commence final review of the plan amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application is, on balance, consistent with other relevant components of the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~

~~4. The department shall determine if the application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~

~~a. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~

~~b. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the application.~~

- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- F. *Local planning agency public hearing notice.* Notice of consideration of a proposed small scale future land use map amendment by the local planning agency shall be provided in accordance with the provisions of this section.
 - 1. *Mailing.*
 - a. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.
 - b. Notice shall be mailed not less than 15 days prior to the local planning agency meeting which is the subject matter of the notice. If the small scale future land use amendment was initiated by the city and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.
 - c. The mailed notice shall advise of:
 - i. The substance of the proposed small scale future land use map amendment generally describing the land use classification being proposed including the title of the amending ordinance;
 - ii. The time, date and place of the meeting of the local planning agency at which the proposed small scale future land use map amendment will be considered;
 - iii. The right of the public to be heard by the local planning agency regarding the proposed small scale future land use map amendment at the meeting;
 - iv. The times and places for public inspection of the proposed ordinance; and
 - v. A map depicting the subject real property.
 - 2. *Posting.*
 - a. Notice shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.
 - b. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the development department in advance of installation.
 - c. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
 - d. The sign shall have a uniform "city blue" background.
 - e. The sign shall have white lettering of a font size that is legible.

- f. The sign shall be double-sided and waterproof.
- g. The duration of sign posting shall be done in accordance with section 11.02.02.F.
- h. Evidence of posting shall be done in accordance with section 11.02.02.G.
- i. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____ AT
5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

3. *Publication.*

- a. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the local planning agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the city.

G. *Local planning agency public hearing.*

- 1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. Specifically, the local planning agency shall consider the following criteria:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing classification boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
 - h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood;

Appendix A: Ord#: 2409 - 2019

- i. The impact of the amendment upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed amendment upon property values in the adjacent area;
 - k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.
- 2. The local planning agency shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code. The local planning agency shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.
- H. *Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- I. *City commission public hearing notice.* Notice of consideration of a small scale future land use map amendment by the city commission shall be provided in accordance with the provisions of this section.
 - 1. *Mailing.*
 - a. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.
 - b. Notice shall be mailed not less than 15 days prior to the hearing or public hearing which is the subject matter of the notice. If the small scale future land use map amendment was initiated by the city and not owner(s) of the subject property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.
 - c. The mailed notice shall advise of:
 - i. The substance of the proposed small scale future land use map amendment generally describing the land use classification being proposed including the title of the amending ordinance;
 - ii. The time, date and place of the meeting of the city commission at which the proposed small scale future land use map amendment will be considered;
 - iii. The right of the public to be heard by the city commission regarding the proposed small scale future land use map amendment at the meeting;
 - iv. The times and places for public inspection of the proposed ordinance; and
 - v. A map depicting the subject real property.
 - 2. *Posting.*
 - a. Notice shall be posted on the subject real property not less than 15 days prior to the hearing or public hearing which is the subject matter of the notice.
 - b. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street, in a location approved by the development department in advance of installation.
 - c. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.

- d. The sign shall have a uniform "city blue" background.
- e. The sign shall have white lettering of a font size that is legible.
- f. The sign shall be double-sided and waterproof.
- g. The duration of sign posting shall be done in accordance with section 11.02.02.F.
- h. Evidence of posting shall be done in accordance with section 11.02.02.G.
- i. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____ AT
5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

3. *Publication.*

- i. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the city commission shall be published once, not less than five days prior to the adoption hearing, in a newspaper of general circulation in the city.

J. *City commission public hearing.*

- 1. Using legislative or quasi-judicial procedures, as appropriate, a proposal for a small scale future land use plan map amendment shall be reviewed and considered by the city commission.
- 2. A single hearing shall be conducted by the city commission to consider a proposed small scale future land use map amendment on a weekday after 5:00 p.m. Such hearing may be scheduled on the agenda of a regular city commission meeting.
- 3. At the hearing evidence will be presented to the city commission that all publication, mailed and posted notices as required in this Code have been provided.
- 4. The ordinance shall be read by title or in full on two separate days and shall become effective as provided in the ordinance, but not less than 31 days following the date of adoption.
- 5. Immediately following adoption, the city commission shall transmit a copy of an adopted small scale future land use map amendment to the state land planning agency, the Treasure Coast Regional Planning Council, and to any other person or entity requesting a copy.

- K. *Recordation.* Upon approval of an ordinance for a small scale future land use map amendment, the ordinance together with any conditions, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.087. - Land Development Code text amendment application.

Appendix A: Ord#: 2409 - 2019

- A. *General.* A proposal to amend the text of this Code, including changes to the actual list of permitted, conditional or prohibited uses within a zoning category may be initiated by the city or by the owner of land affected by the proposed amendment.
- B. *Pre-application conference required.* Prior to filing a text amendment, the applicant shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed text amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a text amendment shall be available from the city development department. A completed application shall be signed by the applicant. The completed application form shall be accompanied by appropriate review fees, statements justifying the proposed changes, and by any other information required by the city development director.
- D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to: follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider whether the text amendment application complies with the requirements of the Code.
 - ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the text amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the text amendment application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider whether the application complies with the requirements of the Code.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.
- F. *Local planning agency public hearing notice.* Notice of the public hearing shall be provided by publication. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *Local planning agency public hearing.*

Appendix A: Ord#: 2409 - 2019

1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
 2. The local planning agency shall make an advisory recommendation to the city commission as to the need and justification for the change considering the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the local planning agency, and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by publication. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
1. The date of first publication shall be not less than ten days prior to the second public hearing which is the subject matter of the notice.
- J. *City commission public hearing.*
1. Two hearings shall be conducted by the city commission to consider a proposed text amendment. Such hearings shall be scheduled on the agenda of a regular city commission meeting but shall be held after 5:00 p.m.
 2. At the Public Hearing the city commission shall hear from all interested parties regarding whether text amendment application complies with the requirements of this Code and the Comprehensive Plan. The city commission shall consider the application, the written comments of each responding Department, consultant, and agency, the compliance recommendation of the development department, the recommendation of the local planning agency.
 3. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the application shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
 4. In the event of a determination of in compliance, the adopting ordinance shall be read by title or in full on two separate days and shall become effective as provided in the ordinance.
- K. *Recordation.* Upon approval of an ordinance to be amended the Land Development Code, the ordinance, maps and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.098. - Zoning map change application including planned unit development (PUD).

- A. *General.* The term "rezoning" refers to a change in the zoning district designation for a parcel or parcels as reflected by the city zoning map. Designated zoning districts within the city are:
1. R-1A Residential.
 2. R-1 Residential.
 3. R-2 Residential.

Appendix A: Ord#: 2409 - 2019

4. R-3 Residential.
5. B-1 Business.
6. B-2 Business.
7. B-3 Business.
8. B-4 Limited Business/Manufacturing.
9. P Public Service.
10. I Industrial.
11. H Hospital.
12. PUD Planned Unit Development:
 - a. Residential (RPUD);
 - b. Commercial (CPUD);
 - c. Public Service (PSPUD);
 - d. Industrial (IPUD);
 - e. Mixed Use (MXPUD).
13. Urban Code District:
 - a. Urban General (UG);
 - b. Urban Center (UC);
 - c. Urban Neighborhood (UN);
 - d. Urban Highway (UH);
 - e. Urban Waterfront (UW).
14. East Stuart District:
 - a. Business and Mixed Use (BMU);
 - b. General Residential and Office (GRO);
 - c. Single-family and Duplex (SFD).
15. S.E. Ocean Boulevard Overlay.

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

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

- B. *Pre-application conference required.* Prior to filing for a rezoning, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed rezoning, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a rezoning shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized

signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. Only for a rezoning to a planned unit development (PUD), a concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.

- D. *Compliance review procedures.* After receipt of the application, the development department shall ~~have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the rezoning application complies with the requirements of the Code.~~
- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the rezoning application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the rezoning application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the rezoning application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.
- F. *Local planning agency public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *Local planning agency public hearing.*
1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the rezoning application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
 2. In formulating its recommendation to the city commission, the local planning agency shall consider the following criteria:
 - a. The existing land use pattern;

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

6. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the rezoning shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised rezoning application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.

K. *Recordation.* Upon approval of an ordinance rezoning property, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.109. - Planned unit development amendment application.

A. *General.*

Any major amendment to a previously adopted planned unit development zoning ordinance, including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application (see section 11.01.02).

Any minor amendment to a previously adopted planned unit development zoning ordinance including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application with the exception that review by the local planning agency is not required. However, any modifications to the PUD final site plan, due to final engineering, that is less than five percent of the approved plan documents shall be processed administratively by the development department.

B. *Major amendment definition.*

1. A major amendment shall include:
 - a. A change of two percent or more in the area of any land use designations shown on the site plan;
 - b. Any change in the list of proposed uses;
 - c. An increase in residential density of five percent or more;
 - d. An increase in nonresidential building square footage of ten percent or more;
 - e. A change in the boundary of the PUD district;
 - f. A change in the site plan or approval regarding any area(s) set aside and designated for future development;
 - g. Any other change determined by the city development director to have a potentially significant impact on city services or the surrounding neighborhood;
 - h. Any modifications to the PUD final site plan, due to final engineering, that exceeds five percent of the approved plan documents for items, including, but not limited to, those affecting building footprint, building setbacks; density; building location; parking size, location and number; signage; drainage areas; and location of landscaping shall require further approval by the LPA and city commission via a public hearing process. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

C. *Minor amendment definition.*

Appendix A: Ord#: 2409 - 2019

A minor amendment is any amendment that is not a major amendment as defined above.

Any minor changes in or amendments to a PUD master development plan, a PUD final development plan or PUD agreement approved as part of a rezoning to a PUD district shall be processed as a new application for a PUD district zoning. Minor changes or amendments shall include:

- a. A change of two percent or less in the area of any land use designations shown on the final development plan;
 - b. An increase in residential density of less than five percent;
 - c. An increase in nonresidential building square footage of less than ten percent;
 - d. An amendment to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the city commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A one-time timetable extension of 180 days may be granted by administrative variance in accordance with section 8.05.08 and does not require a new traffic concurrency review in accordance with section 4.02.03 of this Code.
- D. *Recordation.* Upon approval of an ordinance amending a planned unit development, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.1~~10~~¹⁹. - Major and minor conditional use approval application.

- A. *Generally.* A major conditional use approval is a specific authorization granted by the city commission to permit certain uses of property, which are unique due to the nature of the use, size, location, or various characteristics particular to the zoning district. The issuance of a major conditional use approval is required for the use or occupancy of a structure specifically designated as a conditional use in the "zone district" chapter of this Code and is subject to the limitations and conditions specified therein. A major conditional use approval application may not be filed if the city commission has denied an application for a conditional use for the subject property within the previous two years. A minor condition use approval is required for a minor Urban Code conditional use. Issuance of a minor conditional use approval is granted by the city community redevelopment board.
- B. *Pre-application conference required.* Prior to filing for a major or minor conditional use approval, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed conditional use, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a major or minor conditional use approval shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. A concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.
- D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance with the code and the comprehensive plan, the director shall set a time and place for a city commission public hearing for major conditional use approval, or the city community redevelopment board for minor conditional use approval, to consider whether the major or minor conditional use application complies with the requirements of the Code.

- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the major or minor conditional use approval application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the major or minor conditional use approval application is either in compliance or not in compliance with this Code and the Comprehensive Plan.

 - ~~a. If in compliance, the director shall set a time and place for a city commission public hearing for major conditional use approvals, or the city community redevelopment board for minor conditional use approvals to consider whether the application complies with the requirements of the Code.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~~~
- E. *Report to the city commission or community redevelopment board.* The development director will prepare a staff report and recommendation for consideration by the city commission for major conditional use approvals or community redevelopment board for minor conditional use approvals concerning whether the application complies with the requirements of the Code.
- F. *City commission or community redevelopment board public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of Public Hearings can be found in section 11.02.00 of this Code.
- G. *City commission or community redevelopment board public hearing.*
1. A hearing conducted to consider a proposed major conditional use approval shall be scheduled on the agenda of a regular city commission meeting or city community redevelopment board for minor conditional use approval, but shall be held after 4:00 p.m.
 2. The hearing shall be quasi-judicial and the applicant shall have the burden of proof. The hearing shall be conducted in accordance with the procedures for quasi-judicial hearings set forth in this Code.
 3. At the public hearing the city commission or community redevelopment board shall hear from all interested parties regarding whether the major or minor conditional use approval application complies with the requirements of this Code and the Comprehensive Plan. The city commission or community redevelopment board shall consider the application, the written comments of each responding department, consultant, and agency, and the compliance recommendation of the development department.
 4. During the public hearing the city commission or community redevelopment board may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working

days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.

5. At the conclusion of the public hearing or within 30 working days thereafter, the city commission or community redevelopment board shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The factors that the city commission or community redevelopment board shall consider when making its determination are as follows:
 - a. The proposed use is not contrary to the established land uses in the immediate area.
 - b. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.
 - c. The proposed use will not be contrary to the future land use designation and will not have an adverse effect on the goals, policies and objectives of the Comprehensive Plan.
 - d. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
 - e. The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.
 - f. The proposed use will not create drainage or a storm water quality problem.
 - g. The proposed use will not significantly reduce light or air to adjacent areas.
 - h. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.
 - i. The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.
 - j. There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.
6. In applying the above standards, the decision-maker will consider each of the following factors:
 - a. Ingress and egress to the property and the proposed structures to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.
 - b. Off-street parking and loading areas including consideration of the economic impact thereof on adjacent properties and of any noise and glare created by the location of off-street parking and loading areas on adjacent and nearby properties.
 - c. Refuse and service areas including consideration of the economic impact thereof on adjacent properties and of any noise and odor created by the location of refuse and service areas on adjacent and nearby properties.
 - d. Utilities including consideration of hook-up locations and availability and compatibility of utilities for the proposed uses.
 - e. Screening and buffering including consideration of the type, dimensions, and character thereof to preserve and improve compatibility and harmony among the proposed uses and structures specially permitted and the uses and structures of adjacent and nearby properties.
 - f. Signage and exterior lighting including consideration of glare, traffic safety, and economic effects thereof on adjacent and nearby properties.
 - g. Required yards and open spaces.

Appendix A: Ord#: 2409 - 2019

- h. Height of proposed structures including consideration of the effects thereof on adjacent and nearby properties.
- 7. The determination of the city commission or community redevelopment board shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
- 8. A major conditional use approval shall be granted by the city commission, with or without conditions, by resolution. The resolution shall state the findings of facts and the conclusions of law which indicate that the applicant has satisfied the requirements of this Code for issuance of the major conditional use approval. A major conditional use approval may include reasonable conditions to protect surrounding properties and to insure the continuing compliance of the approved use with the provisions of this Code. A minor conditional use approval shall be granted by the city community redevelopment board, with or without conditions. The minor conditional use approval shall contain the findings of facts and the conclusions of law which indicate that the applicant has satisfied the requirements of this Code for issuance of the minor conditional use approval.
- H. *Recordation.* Upon approval of a resolution, or minor conditional use approval approving the major or minor conditional use approval, the resolution, or minor conditional use approval, together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.121. - Annexation application.

- A. *General.* Voluntary annexations shall occur in a manner consistent with F.S. ch. 171.
- B. *Pre-application conference required.* Prior to filing for a voluntary annexation, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed voluntary annexation, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a voluntary annexation shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a concept plan, a survey, and by any other information required by the city development director, including:
 - 1. An estimate of the direct public costs to provide capital facilities for city utilities and other municipal services required by the development;
 - 2. An estimate of the ad valorem taxation revenues to be generated by the subject property at the then current millage rate both prior to and after development; and

3. An estimate of the residential population increase of the city after development.
- D. *Compliance review procedures.* After receipt of the application, the development department shall ~~have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the Director shall set a time and place for a public hearing before the local planning agency to consider whether the annexation application complies with the requirements of this Code and the Comprehensive Plan.~~
- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the annexation application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the annexation application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If in compliance, the Director shall set a time and place for a public hearing before the local planning agency to consider whether the annexation application complies with the requirements of this Code and the Comprehensive Plan;~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the annexation application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.
- F. *Local planning agency public hearing notice.* Notice of the public hearing shall be provided by publication and by posting. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *Local planning agency public hearing.* At the public hearing the local planning agency shall hear from all interested parties regarding whether the annexation application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department when making its recommendation to the city commission.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the local planning agency and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by publication and by posting. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- J. *City commission public hearing.*

Appendix A: Ord#: 2409 - 2019

1. A public hearing shall be conducted by the city commission to consider a proposed annexation. Such hearings may be scheduled on the agenda of a regular city commission meeting, but shall be held after 5:00 p.m.
2. The annexation ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The annexation ordinance may be adopted at the conclusion of the quasi-judicial hearing.
3. At the public hearing, the city commission shall hear from all interested parties regarding whether annexation application complies with the requirements of this Code and the Comprehensive Plan. The city commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the development department, and the recommendation of the local planning agency.
4. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
5. At the conclusion of the public hearing or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The city commission shall adopt an ordinance setting forth its determination.
6. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the adopting ordinance shall be read by title or in full on two separate days and shall become effective as provided in the ordinance. The adopting ordinance may include conditions, agreements, covenants, maps, and illustrations as may be appropriate;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the application for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance with the Code and the Comprehensive Plan, the application shall be rejected.
- K. *Recordation.* Upon approval of an ordinance approving the annexation, the ordinance together with any conditions, agreements, covenants, maps, and illustrations shall be recorded in the Public Records of Martin County, Florida, at the expense of the applicant.

11.02.00. - PUBLIC NOTICE REQUIREMENTS

Sec. 11.02.01. - Notice by mail.

- A. Where notice of a hearing or of a public hearing is required to be provided by mail, such notice shall be mailed by regular U.S. mail. Notice shall be deemed complete upon mailing regardless of whether or not the notice was actually received by the addressee.
- B. Notice shall be mailed to property owners whose names and addresses appear on the latest ad valorem tax rolls maintained by the Martin County property appraiser. Notice shall be mailed to all real property owners whose property is located within 300 lineal feet of the boundary of the subject property. The applicant shall provide to the City the names and addresses of the owners of property entitled to mailed notice. It shall be the responsibility of the applicant or petitioner to mail the required notice and provide proof thereof to the city. For property in condominium ownership, both the property owners association and the owners of condominium dwelling units located within the prescribed distance shall be notified.

Appendix A: Ord#: 2409 - 2019

- C. The notice shall advise the addressee of the time, place and purpose of the hearing or public hearing and shall state the substance of the proposed action as it affects the addressee.
- D. At the commencement of the public hearing or the hearing which is the subject of the mailed notice, the applicant or petitioner shall present evidence that the notice was mailed in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the affidavit of someone with personal knowledge. The evidence shall include a copy of the mailed notice, the date of mailing, and the list of the addressees and their addresses.

Sec. 11.02.02. - Notice by posting.

- A. Where notice of a hearing or of a public hearing is required to be provided by posting, the applicant or petitioner shall cause the subject property to be posted with a sign or signs upon which the word "NOTICE OF PUBLIC HEARING" is clearly visible from each nearest public street frontage. The sign or signs shall be installed perpendicular to each street in a location approved by the development department in advance of installation. The sign or signs shall be not less than 36 by 48 inches in dimension for arterial roads and 24 by 36 inches in dimension for non-arterial roads.
- B. The sign or signs shall have a uniform "city blue" background.
- C. The sign or signs shall have white lettering of a font size that is legible.
- D. The sign or signs shall be double-sided and waterproof.
- E. The sign or signs shall advise of the time, place and purpose of the hearing or public hearing, the substance of the proposed action and the address, telephone number and business hours of the city development department to which questions regarding the subject matter of the hearing or public hearing may be addressed. Posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PROJECT TYPE

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____ AT 5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

- F. Failure to provide posted notice continuously from the time posted notice is to commence until the public hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this Code and action taken by the city subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the city. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.
- G. At the commencement of the public hearing or the hearing which is the subject of the posted notice, the applicant or petitioner shall present evidence that the notice was posted in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the affidavit of someone with personal knowledge. The evidence may include a photograph of the posted notice and the date the posted notice commenced.
- H. Notice by publication.

Appendix A: Ord#: 2409 - 2019

1. Where notice of a hearing or public hearing is required to be provided by publication, the applicant or petitioner shall cause an advertisement to be published in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The City of Stuart, Florida, proposes to adopt the following ordinance: _____ (title of the ordinance). A Public Hearing on the ordinance will be held on _____ / _____ / _____ (date and time) at _____ (meeting place) by the (Stuart Community Redevelopment Board, Stuart Local Planning Agency, or Stuart City Commission). All interested parties will be permitted to speak to and be heard by the (Stuart Community Redevelopment Board, Stuart Local Planning Agency, or Stuart City Commission) at the Public Hearing.

2. At the commencement of the public hearing or the hearing which is the subject of the published notice, the applicant or petitioner shall present evidence that the notice was published in accordance with the provisions of this Code. The affidavit of the publisher is appropriate for this purpose. Alternatively, the evidence may take the form of live testimony or the affidavit of someone with personal knowledge. The evidence shall include a copy of the published notice and the date the notice was published.

Sec. 11.02.04. - Costs.

- A. All costs of publication shall be paid by the applicant or petitioner, and any costs so incurred by the city shall be reimbursed on or before the hearing or public hearing.

Sec. 11.02.05. - Public notice schedule.

The following table provides minimum noticing requirement timeframes for most of the applications included in this chapter. Noticing procedures for Comprehensive Plan amendments can be found in sections 11.01.05 and 11.01.06.

Application	Mailed Notices	Posting	Publications	Hearing
Major development plan (sec. 11.01.01)	15 days prior to public hearing	15 days prior to public hearing	N/A	City commission - resolution
Minor development plan (sec. 11.01.02)	N/A	N/A	N/A	N/A
Residential development plan (sec. 11.01.03)	N/A	N/A	N/A	N/A
Plat application (sec. 11.01.04)	N/A	N/A	N/A	City commission - resolution

Appendix A: Ord#: 2409 - 2019

Large-scale comprehensive plan amendment (sec. 11.01.05)	Refer to section 11.01.05			
Small-scale comprehensive plan amendment (sec. 11.01.06)	Refer to section 11.01.06			
Land Development Code text amendment (sec. 11.01.07)	N/A	N/A	5 days prior to LPA hearing; 10 days prior to SCC hearings	Local planning agency and city commission - ordinance
Zoning map change (sec. 11.01.08)	15 days prior to public hearings	15 days prior to public hearings	10 days prior to 2nd reading at city commission	Local planning agency and city commission - ordinance
PUD amendment, major (sec. 11.01.09)	15 days prior to public hearings	15 days prior to public hearings	10 days prior to 2nd reading at city commission	Local planning agency and city commission - ordinance
PUD amendment, minor (sec. 11.01.09)	15 days prior to public hearings	15 days prior to public hearings	N/A	City commission - resolution
Conditional use (sec. 11.01.10)	15 days prior to public hearings	15 days prior to public hearings	N/A	City commission - resolution
Annexation (sec. 11.01.11) Note: refer to F.S. ch. 171 for involuntary annexations	N/A	15 days prior to public hearings	5 days prior to LPA hearing; 1 * and 2 weeks prior to 2nd reading at city commission. * 10 days prior to publishing, provide a copy of notice, via certified mail, to Martin County	Local planning agency and city commission - ordinance

			Board of County Commissioners	
--	--	--	-------------------------------	--

11.03.00. - QUASI-JUDICIAL PROCEEDINGS

Sec. 11.03.01. - Intent.

The intent of this section is to provide an efficient and equitable procedure for the consideration by the city commission, the board of adjustment and the local planning agency of quasi-judicial matters in the course of quasi-judicial proceedings.

Sec. 11.03.02. - Ex-parte communications.

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any city official the merits of any quasi-judicial matter on which action may be taken by a city board on which the city official is a member. Further, a city official may conduct investigations and site visits and may receive expert opinions regarding a quasi-judicial matter pending before the board on which the city official is a member.

The written ex-parte communication shall be a public record of the city and shall be made a part of the record of the pending quasi-judicial proceeding. An ex-parte communication, investigation, site visit or expert opinion shall be disclosed by the city official who is a party thereto at the commencement of the hearing and shall include the substance of the communication, investigation, site visit or expert opinion as well as the identity of the person, group, or entity with whom any communication took place. Persons with opinions contrary thereto shall be given a reasonable opportunity to refute or otherwise respond to the information acquired by the communication, investigation, site visit or expert opinion.

(Ord. No. 1423-95, 9-25-95)

Sec. 11.03.03. - Notice of quasi-judicial hearings.

Notice of the date, time and place of a quasi-judicial hearing shall be given as required by this Code for the type of quasi-judicial proceeding being commenced.

Mailed notice and published notice shall also advise that any affected person may become a party to such proceeding entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the secretary of the appropriate board not less than five days prior to the hearing.

(Ord. No. 1941-03, § 1, 6-9-03)

Sec. 11.03.04. - Quasi-judicial hearings, generally.

A party in any quasi-judicial proceeding may be represented by legal counsel. Statements of counsel presented as argument during a quasi-judicial hearing shall not be considered as evidence. Counsel for a party shall not be subject to cross-examination.

The city attorney shall act as attorney to the board. Any motions or objections made by a party may be referred to the city attorney for advisory ruling. The presiding officer shall act on behalf of the board and shall respond to motions and other matters with the assistance of the city attorney.

Appendix A: Ord#: 2409 - 2019

All testimony presented to the board shall be under oath administered by the city attorney or other person authorized to administer oaths. All parties shall have the opportunity to present evidence to the board and to call and cross-examine witnesses. A member of the board may question a witness at any time during the testimony of that witness.

Any person may present personal testimony to the board. Evidence relied upon by reasonably prudent persons in the conduct of their daily affairs shall be admissible in a court of law. Irrelevant or unduly repetitious evidence may be excluded by the presiding officer.

Sec. 11.03.05. - Commencement of quasi-judicial proceedings.

A quasi-judicial proceeding shall commence at such time as the city development department certifies that it has received a complete petition. A complete petition shall include the appropriate filing fee, data submittal requirements, and shall be date stamped by the department when properly filed. Each proceeding shall be given a case number and each case file shall be separately maintained by the department as a public record of the city.

The petition shall identify the subject property by legal description and by street address, if available. The petition shall also identify the owner of the subject property, and all known residents and other occupants thereof at the time of application, by name, address and telephone number.

The petitioner shall be identified by name, address and telephone number. If the petitioner is not an individual, the petition shall contain the name, address and telephone number of the corporation or other entity in whose behalf the petition is filed and of the authorized representative of the petitioner.

If the petitioner is not the sole owner of the subject property, the petition shall be accompanied by a letter or other written notarized authorization from each owner that the applicant is authorized to file the specific petition.

Sec. 11.03.06. - Parties.

The parties to a quasi-judicial proceeding shall be the petitioner, the city, and any affected person who files a notice of intent to be a party with the city development department not less than five days prior to commencement of the hearing. Forms for a notice of intent shall be provided by the department upon request. A notice of intent to act as a party in a quasi-judicial proceeding shall be accompanied by the payment of a fee of \$400.00.

A party shall be entitled to participate at the hearing and may present evidence to the board. A party may call witnesses, present relevant exhibits and other documentary evidence, cross-examine witnesses, make motions and objections, and present a summary statement to the board at the conclusion of the evidence.

Any person who files a notice of intent to be a party shall be presumed to be an affected person unless the status of that person is challenged by another party. In this event, the board shall determine whether or not the person who claims to be an affected person is an affected person as defined herein.

Sec. 11.03.07. - Order of presentation.

A quasi-judicial hearing shall begin with a statement by the city attorney which shall include a summary of the petition, the standards to be applied to the evidence by the board, the burden of proof, and the identity of all parties and the order of their presentations. The city attorney also shall read any ex-parte communication reports filed with the secretary of the board into the record of the hearing.

The first party to present evidence to the board shall be the city. The city shall begin the hearing with an analysis of the petition which includes a consistency determination with regard to the City Comprehensive Plan and a determination of compliance with the procedural requirements of law. The city shall advise the board specifically as to whether the petition meets all applicable standards of local law and any conditions which should be imposed in order to meet those standards. The city shall conclude its presentation with a specific recommendation to the board to approve, to approve with conditions, or to deny the petition.

Appendix A: Ord#: 2409 - 2019

Following the presentation of the city, the petitioner shall make a presentation to include evidence relating to the applicable standards for review of the petition. The petitioner may include a description of the nature of the petition if there is additional information that has not been previously provided.

Other parties shall follow the petitioner in the order of their filed notices. Thereafter, persons who are not parties may testify. Last, the city and the petitioner shall be permitted to provide additional evidence to rebut the evidence presented by any other party or person. At the conclusion of the evidence, each party shall be permitted to make a brief summary statement in the order of their appearance. Considering the complexity of the issues presented, the presiding officer may limit the time of summary statements.

Sec. 11.03.08. - Burden of proof; conditions; re-zonings.

The petitioner shall have the burden of proof at the hearing to show by the greater weight of the evidence that the petition is consistent with the City Comprehensive Plan and complies with all procedural requirements of law. Conditions may be suggested by the petitioner, the city or any party, or may be imposed by the board, which are intended to assure consistency and compliance.

If the quasi-judicial matter petitioned is a rezoning of land, once the petitioner satisfies the burden of proof at the hearing, the burden shall shift to the city or other party to show by the greater weight of the evidence that maintaining the existing zoning classification accomplishes a legitimate public purpose. In such event, the rezoning petition shall be denied.

Sec. 11.03.09. - Cross examination.

After each witness testifies directly, each party shall be permitted to question the witness on cross-examination. The order of cross-examination shall be the same as the order of presentation established for the hearing. Cross-examination may include matters and issues which are not related to the direct testimony of the witness.

Sec. 11.03.10. - Deliberation by the commission.

The board shall publicly deliberate on the evidence and shall limit its deliberation to the evidence presented at the hearing. During deliberation, no further testimony shall be taken and the commission members shall not ask for additional information of parties or witnesses.

The board shall determine whether the petitioner has met the burden of proof by a showing that the petition is consistent with the City Comprehensive Plan and complies with all other applicable standards of review and procedural requirements of law. The board shall also consider any lawful conditions which may be imposed necessary to meet the applicable standards of review. Deliberations shall conclude with a determination by the city commission to approve, to approve with conditions, or to deny the petition.

Sec. 11.03.11. - Continuances.

A continuance of a quasi-judicial proceeding may be requested by any party at any time prior to the conclusion of the hearing. Such request may be granted by the board in the interests of justice and fairness. If granted, the hearing shall be continued by the board to a specific date and time considering the reason for the continuance.

Sec. 11.03.12. - Order.

The determination of the board shall be reduced to a written order in the form of an ordinance, resolution or other appropriate document. At the discretion of the board, the order may be recorded in the public records of Martin County, Florida. The costs of recording shall be paid by the petitioner.

The order shall be prepared by the city attorney to conform exactly to the evidence presented at the hearing and to the determination of the board. The order shall contain a clear statement of approval or denial, and shall include any and all conditions of approval necessary to assure consistency with the City Comprehensive Plan and compliance with other applicable standards of review and all procedural requirements of law.

Appendix A: Ord#: 2409 - 2019

Sec. 11.03.13. - Record of proceedings.

A quasi-judicial hearing shall be tape recorded by the secretary of the board. The tape recording shall be preserved by the secretary as a public record of the city. All evidence presented at the hearing in the form of documents, photographs, maps and other written documents shall be preserved with the tape of the hearing. Large exhibits may be preserved by the city in a place and manner convenient for preservation of the document.

Sec. 11.03.14. - Judicial review.

A final determination of the city commission is subject to judicial review in the Circuit Court of the Nineteenth Judicial Circuit of the State of Florida according to established rules of law as provided at F.S. § 163.3215. The record of the quasi-judicial proceedings conducted by the city shall be available to any person who seeks review of a final decision of a board until the expiration of the appeal period.

The time for appeal shall commence on the date the written order of the board which sets forth its final determination is filed with the clerk.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1
2 An act relating to community development and housing;
3 amending s. 125.01055, F.S.; authorizing an
4 inclusionary housing ordinance to require a developer
5 to provide a specified number or percentage of
6 affordable housing units to be included in a
7 development or allow a developer to contribute to a
8 housing fund or other alternatives; requiring a county
9 to provide certain incentives to fully offset all
10 costs to the developer of its affordable housing
11 contribution; providing applicability; amending s.
12 125.022, F.S.; requiring that a county review the
13 application for completeness and issue a certain
14 letter within a specified period after receiving an
15 application for approval of a development permit or
16 development order; providing procedures for addressing
17 deficiencies in, and for approving or denying, the
18 application; providing applicability of certain
19 timeframes; conforming provisions to changes made by
20 the act; defining the term "development order";
21 amending s. 163.3167, F.S.; providing requirements for
22 a comprehensive plan adopted after a specified date
23 and all land development regulations adopted to
24 implement the comprehensive plan; amending s.
25 163.3180, F.S.; revising compliance requirements for a

Page 1 of 43

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7103-06-er

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; adding minimum conditions that certain impact fees must satisfy; requiring a local government to credit against the collection of an impact fee any contribution related to public education facilities, subject to certain requirements; requiring the holder of certain impact fee credits to be entitled to a certain benefit if a local government increases its impact fee rates; providing applicability; providing that the government, in certain actions, has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements; prohibiting the court from using a deferential standard for the benefit of the government; authorizing a county, municipality, or special district to provide an exception or waiver for an impact fee for the development or construction of housing that is affordable; providing that if a

Page 2 of 43

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7103-06-er

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

51 county, municipality, or special district provides
52 such exception or waiver, it is not required to use
53 any revenues to offset the impact; providing
54 applicability; amending s. 163.3202, F.S.; requiring
55 local land development regulations to incorporate
56 certain preexisting development orders; amending s.
57 163.3215, F.S.; providing that either party is
58 entitled to a certain summary procedure in certain
59 proceedings; requiring the court to advance such cause
60 on the calendar, subject to certain requirements;
61 providing that the prevailing party in a certain
62 challenge to a development order is entitled to
63 certain attorney fees and costs; amending s. 166.033,
64 F.S.; requiring that a municipality review the
65 application for completeness and issue a certain
66 letter within a specified period after receiving an
67 application for approval of a development permit or
68 development order; providing procedures for addressing
69 deficiencies in, and for approving or denying, the
70 application; providing applicability of certain
71 timeframes; conforming provisions to changes made by
72 the act; defining the term "development order";
73 amending s. 166.04151, F.S.; authorizing an
74 inclusionary housing ordinance to require a developer
75 to provide a specified number or percentage of

Page 3 of 43

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7103-06-er

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

76 | affordable housing units to be included in a
77 | development or allow a developer to contribute to a
78 | housing fund or other alternatives; requiring a
79 | municipality to provide certain incentives to fully
80 | offset all costs to the developer of its affordable
81 | housing contribution; providing applicability;
82 | amending s. 420.502, F.S.; revising legislative
83 | findings for a certain state housing finance strategy;
84 | amending s. 420.503, F.S.; conforming cross-
85 | references; defining the term "essential services
86 | personnel"; amending s. 420.5095, F.S.; deleting the
87 | definition of the term "essential services personnel";
88 | amending s. 252.363, F.S.; providing that the
89 | declaration of a state of emergency issued by the
90 | Governor for a natural emergency tolls the period
91 | remaining to exercise the rights under a permit or
92 | other authorization for the duration of the emergency
93 | declaration; amending s. 553.791, F.S.; providing and
94 | revising definitions; revising legislative intent;
95 | prohibiting a local jurisdiction from charging fees
96 | for building inspections if the fee owner or
97 | contractor hires a private provider; authorizing the
98 | local jurisdiction to charge a reasonable
99 | administrative fee; revising the timeframe within
100 | which an owner or contractor must notify the building

Page 4 of 43

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7103-06-er

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

official that he or she is using a certain private provider; revising the type of affidavit form to be used by certain private providers under certain circumstances; revising the timeframe within which a building official must approve or deny a permit application; specifying the timeframe within which the local building official must issue a certain permit or notice of noncompliance if the permit applicant submits revisions; limiting a building official's review of a resubmitted permit application to previously identified deficiencies; limiting the number of times a building official may audit a private provider, with exceptions; amending s. 718.112, F.S.; requiring condominium associations to ensure compliance with the Florida Fire Prevention Code; requiring associations to retrofit certain high-rise buildings with either a fire sprinkler system or an engineered life safety system as specified in the code; deleting a requirement for association bylaws to include a provision relating to certain certificates of compliance; extending and specifying the date before which local authorities having jurisdiction may not require completion of retrofitting a fire sprinkler system or a engineered life safety system, respectively; deleting an obsolete provision;

Page 5 of 43

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7103-06-er

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

providing applicability; amending s. 718.1085, F.S.;
revising the definition of the term "common areas" to
exclude individual balconies; extending the year
before which the local authority having jurisdiction
may not require retrofitting of common areas with
handrails and guardrails; requiring the State Fire
Marshal, by a certain date, to issue a data call to
all local fire officials to collect data on certain
high-rise condominiums; specifying data that local
fire officials must submit; requiring that all data be
received and compiled into a certain report by a
certain date; requiring that the report be sent to the
Governor and the Legislature by a certain date;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 125.01055, Florida Statutes, is amended
to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county
may adopt and maintain in effect any law, ordinance, rule, or
other measure that is adopted for the purpose of increasing the
supply of affordable housing using land use mechanisms such as
inclusionary housing ordinances.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

151 (2) An inclusionary housing ordinance may require a
152 developer to provide a specified number or percentage of
153 affordable housing units to be included in a development or
154 allow a developer to contribute to a housing fund or other
155 alternatives in lieu of building the affordable housing units.
156 However, in exchange, a county must provide incentives to fully
157 offset all costs to the developer of its affordable housing
158 contribution. Such incentives may include, but are not limited
159 to:

160 (a) Allowing the developer density or intensity bonus
161 incentives or more floor space than allowed under the current or
162 proposed future land use designation or zoning;

163 (b) Reducing or waiving fees, such as impact fees or water
164 and sewer charges; or

165 (c) Granting other incentives.

166 (3) Subsection (2) does not apply in an area of critical
167 state concern, as designated in s. 380.0552.

168 Section 2. Section 125.022, Florida Statutes, is amended
169 to read:

170 125.022 Development permits and orders.—

171 (1) Within 30 days after receiving an application for
172 approval of a development permit or development order, a county
173 must review the application for completeness and issue a letter
174 indicating that all required information is submitted or
175 specifying with particularity any areas that are deficient. If

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

176 the application is deficient, the applicant has 30 days to
177 address the deficiencies by submitting the required additional
178 information. Within 120 days after the county has deemed the
179 application complete, or 180 days for applications that require
180 final action through a quasi-judicial hearing or a public
181 hearing, the county must approve, approve with conditions, or
182 deny the application for a development permit or development
183 order. Both parties may agree to a reasonable request for an
184 extension of time, particularly in the event of a force majeure
185 or other extraordinary circumstance. An approval, approval with
186 conditions, or denial of the application for a development
187 permit or development order must include written findings
188 supporting the county's decision. The timeframes contained in
189 this subsection do not apply in an area of critical state
190 concern, as designated in s. 380.0552.

191 (2)~~(1)~~ When reviewing an application for a development
192 permit or development order that is certified by a professional
193 listed in s. 403.0877, a county may not request additional
194 information from the applicant more than three times, unless the
195 applicant waives the limitation in writing. Before a third
196 request for additional information, the applicant must be
197 offered a meeting to attempt to resolve outstanding issues.
198 Except as provided in subsection (5)~~(4)~~, if the applicant
199 believes the request for additional information is not
200 authorized by ordinance, rule, statute, or other legal

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

201 authority, the county, at the applicant's request, shall proceed
202 to process the application for approval or denial.

203 (3)~~(2)~~ When a county denies an application for a
204 development permit or development order, the county shall give
205 written notice to the applicant. The notice must include a
206 citation to the applicable portions of an ordinance, rule,
207 statute, or other legal authority for the denial of the permit
208 or order.

209 (4)~~(3)~~ As used in this section, the terms ~~term~~
210 "development permit" and "development order" have ~~has~~ the same
211 meaning as in s. 163.3164, but do ~~does~~ not include building
212 permits.

213 (5)~~(4)~~ For any development permit application filed with
214 the county after July 1, 2012, a county may not require as a
215 condition of processing or issuing a development permit or
216 development order that an applicant obtain a permit or approval
217 from any state or federal agency unless the agency has issued a
218 final agency action that denies the federal or state permit
219 before the county action on the local development permit.

220 (6)~~(5)~~ Issuance of a development permit or development
221 order by a county does not in any way create any rights on the
222 part of the applicant to obtain a permit from a state or federal
223 agency and does not create any liability on the part of the
224 county for issuance of the permit if the applicant fails to
225 obtain requisite approvals or fulfill the obligations imposed by

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

~~(7)-(6)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 3. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan ~~is shall be deemed~~ controlling until the municipality adopts a comprehensive plan in accordance ~~accord~~ with this act. A comprehensive plan adopted after January 1, 2019, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

vest the density and intensity approved by such development
order existing on the effective date of the comprehensive plan
without limitation or modification.

Section 4. Paragraph (i) of subsection (5) and paragraph
(h) of subsection (6) of section 163.3180, Florida Statutes, are
amended to read:

163.3180 Concurrency.—

(5)

(i) If a local government elects to repeal transportation
concurrency, it is encouraged to adopt an alternative mobility
funding system that uses one or more of the tools and techniques
identified in paragraph (f). Any alternative mobility funding
system adopted may not be used to deny, time, or phase an
application for site plan approval, plat approval, final
subdivision approval, building permits, or the functional
equivalent of such approvals provided that the developer agrees
to pay for the development's identified transportation impacts
via the funding mechanism implemented by the local government.
The revenue from the funding mechanism used in the alternative
system must be used to implement the needs of the local
government's plan which serves as the basis for the fee imposed.
A mobility fee-based funding system must comply with s.
163.31801 governing ~~the dual rational nexus test applicable to~~
impact fees. An alternative system that is not mobility fee-
based shall not be applied in a manner that imposes upon new

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

development any responsibility for funding an existing
transportation deficiency as defined in paragraph (h).

(6)

(h)1. In order to limit the liability of local
governments, a local government may allow a landowner to proceed
with development of a specific parcel of land notwithstanding a
failure of the development to satisfy school concurrency, if all
the following factors are shown to exist:

a. The proposed development would be consistent with the
future land use designation for the specific property and with
pertinent portions of the adopted local plan, as determined by
the local government.

b. The local government's capital improvements element and
the school board's educational facilities plan provide for
school facilities adequate to serve the proposed development,
and the local government or school board has not implemented
that element or the project includes a plan that demonstrates
that the capital facilities needed as a result of the project
can be reasonably provided.

c. The local government and school board have provided a
means by which the landowner will be assessed a proportionate
share of the cost of providing the school facilities necessary
to serve the proposed development.

2. If a local government applies school concurrency, it
may not deny an application for site plan, final subdivision

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

301 approval, or the functional equivalent for a development or
302 phase of a development authorizing residential development for
303 failure to achieve and maintain the level-of-service standard
304 for public school capacity in a local school concurrency
305 management system where adequate school facilities will be in
306 place or under actual construction within 3 years after the
307 issuance of final subdivision or site plan approval, or the
308 functional equivalent. School concurrency is satisfied if the
309 developer executes a legally binding commitment to provide
310 mitigation proportionate to the demand for public school
311 facilities to be created by actual development of the property,
312 including, but not limited to, the options described in sub-
313 subparagraph a. Options for proportionate-share mitigation of
314 impacts on public school facilities must be established in the
315 comprehensive plan and the interlocal agreement pursuant to s.
316 163.31777.

317 a. Appropriate mitigation options include the contribution
318 of land; the construction, expansion, or payment for land
319 acquisition or construction of a public school facility; the
320 construction of a charter school that complies with the
321 requirements of s. 1002.33(18); or the creation of mitigation
322 banking based on the construction of a public school facility in
323 exchange for the right to sell capacity credits. Such options
324 must include execution by the applicant and the local government
325 of a development agreement that constitutes a legally binding

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

326 | commitment to pay proportionate-share mitigation for the
327 | additional residential units approved by the local government in
328 | a development order and actually developed on the property,
329 | taking into account residential density allowed on the property
330 | prior to the plan amendment that increased the overall
331 | residential density. The district school board must be a party
332 | to such an agreement. As a condition of its entry into such a
333 | development agreement, the local government may require the
334 | landowner to agree to continuing renewal of the agreement upon
335 | its expiration.

336 | b. If the interlocal agreement and the local government
337 | comprehensive plan authorize a contribution of land; the
338 | construction, expansion, or payment for land acquisition; the
339 | construction or expansion of a public school facility, or a
340 | portion thereof; or the construction of a charter school that
341 | complies with the requirements of s. 1002.33(18), as
342 | proportionate-share mitigation, the local government shall
343 | credit such a contribution, construction, expansion, or payment
344 | toward any other impact fee or exaction imposed by local
345 | ordinance for public educational facilities ~~the same need~~, on a
346 | dollar-for-dollar basis at fair market value. The credit must be
347 | based on the total impact fee assessed and not on the impact fee
348 | for any particular type of school.

349 | c. Any proportionate-share mitigation must be directed by
350 | the school board toward a school capacity improvement identified

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

in the 5-year school board educational facilities plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

3. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

Section 5. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges ~~definitions; ordinances levying impact fees.~~

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

376 (3) At a minimum, an impact fee adopted by ordinance of a
377 county or municipality or by resolution of a special district
378 must satisfy all of the following conditions,~~at minimum:~~

379 (a) ~~Require that~~ The calculation of the impact fee must be
380 based on the most recent and localized data.

381 (b) The local government must provide for accounting and
382 reporting of impact fee collections and expenditures. If a local
383 governmental entity imposes an impact fee to address its
384 infrastructure needs, the entity must ~~shall~~ account for the
385 revenues and expenditures of such impact fee in a separate
386 accounting fund.

387 (c) ~~Limit~~ Administrative charges for the collection of
388 impact fees must be limited to actual costs.

389 (d) The local government must provide ~~Require that~~ notice
390 not be provided~~no~~ less than 90 days before the effective date
391 of an ordinance or resolution imposing a new or increased impact
392 fee. A county or municipality is not required to wait 90 days to
393 decrease, suspend, or eliminate an impact fee.

394 (e) Collection of the impact fee may not be required to
395 occur earlier than the date of issuance of the building permit
396 for the property that is subject to the fee.

397 (f) The impact fee must be proportional and reasonably
398 connected to, or have a rational nexus with, the need for
399 additional capital facilities and the increased impact generated
400 by the new residential or commercial construction.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

401 (g) The impact fee must be proportional and reasonably
402 connected to, or have a rational nexus with, the expenditures of
403 the funds collected and the benefits accruing to the new
404 residential or nonresidential construction.

405 (h) The local government must specifically earmark funds
406 collected under the impact fee for use in acquiring,
407 constructing, or improving capital facilities to benefit new
408 users.

409 (i) Revenues generated by the impact fee may not be used,
410 in whole or in part, to pay existing debt or for previously
411 approved projects unless the expenditure is reasonably connected
412 to, or has a rational nexus with, the increased impact generated
413 by the new residential or nonresidential construction.

414 (4) The local government must credit against the
415 collection of the impact fee any contribution, whether
416 identified in a proportionate share agreement or other form of
417 exaction, related to public education facilities, including land
418 dedication, site planning and design, or construction. Any
419 contribution must be applied to reduce any education-based
420 impact fees on a dollar-for-dollar basis at fair market value.

421 (5) If a local government increases its impact fee rates,
422 the holder of any impact fee credits, whether such credits are
423 granted under s. 163.3180, s. 380.06, or otherwise, which were
424 in existence before the increase, is entitled to the full
425 benefit of the intensity or density prepaid by the credit

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.

(6)-(4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(7)-(5) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and ~~or~~ this section. The court may not use a deferential standard for the benefit of the government.

(8) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(9) This section does not apply to water and sewer

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

451 connection fees.

452 Section 6. Paragraph (j) is added to subsection (2) of
453 section 163.3202, Florida Statutes, to read:

454 163.3202 Land development regulations.—

455 (2) Local land development regulations shall contain
456 specific and detailed provisions necessary or desirable to
457 implement the adopted comprehensive plan and shall at a minimum:

458 (j) Incorporate preexisting development orders identified
459 pursuant to s. 163.3167(3).

460 Section 7. Subsection (8) of section 163.3215, Florida
461 Statutes, is amended to read:

462 163.3215 Standing to enforce local comprehensive plans
463 through development orders.—

464 (8)(a) In any proceeding under subsection (3), either
465 party is entitled to the summary procedure provided in s.
466 51.011, and the court shall advance the cause on the calendar,
467 subject to paragraph (b) or subsection (4), the Department of
468 Legal Affairs may intervene to represent the interests of the
469 state.

470 (b) Upon a showing by either party by clear and convincing
471 evidence that summary procedure is inappropriate, the court may
472 determine that summary procedure does not apply.

473 (c) The prevailing party in a challenge to a development
474 order filed under subsection (3) is entitled to recover
475 reasonable attorney fees and costs incurred in challenging or

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

476 defending the order, including reasonable appellate attorney
477 fees and costs.

478 Section 8. Section 166.033, Florida Statutes, is amended
479 to read:

480 166.033 Development permits and orders.—

481 (1) Within 30 days after receiving an application for
482 approval of a development permit or development order, a
483 municipality must review the application for completeness and
484 issue a letter indicating that all required information is
485 submitted or specifying with particularity any areas that are
486 deficient. If the application is deficient, the applicant has 30
487 days to address the deficiencies by submitting the required
488 additional information. Within 120 days after the municipality
489 has deemed the application complete, or 180 days for
490 applications that require final action through a quasi-judicial
491 hearing or a public hearing, the municipality must approve,
492 approve with conditions, or deny the application for a
493 development permit or development order. Both parties may agree
494 to a reasonable request for an extension of time, particularly
495 in the event of a force majeure or other extraordinary
496 circumstance. An approval, approval with conditions, or denial
497 of the application for a development permit or development order
498 must include written findings supporting the municipality's
499 decision. The timeframes contained in this subsection do not
500 apply in an area of critical state concern, as designated in s.

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

380.0552 or chapter 28-36, Florida Administrative Code.

(2)~~(1)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection (5) ~~(4)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(3)~~(2)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(4)~~(3)~~ As used in this section, the terms ~~term~~ "development permit" and "development order" have ~~has~~ the same meaning as in s. 163.3164, but do ~~does~~ not include building permits.

(5)~~(4)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(6)~~(5)~~ Issuance of a development permit or development order by a municipality does not ~~in any way~~ create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7)~~(6)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 9. Section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

municipality may adopt and maintain in effect any law,
ordinance, rule, or other measure that is adopted for the
purpose of increasing the supply of affordable housing using
land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a
developer to provide a specified number or percentage of
affordable housing units to be included in a development or
allow a developer to contribute to a housing fund or other
alternatives in lieu of building the affordable housing units.
However, in exchange, a municipality must provide incentives to
fully offset all costs to the developer of its affordable
housing contribution. Such incentives may include, but are not
limited to:

(a) Allowing the developer density or intensity bonus
incentives or more floor space than allowed under the current or
proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water
and sewer charges; or

(c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical
state concern, as designated by s. 380.0552 or chapter 28-36,
Florida Administrative Code.

Section 10. Subsection (8) of section 420.502, Florida
Statutes, is amended to read:

420.502 Legislative findings.—It is hereby found and

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

declared as follows:

(8)(a) It is necessary to create new programs to stimulate the construction and substantial rehabilitation of rental housing for eligible persons and families.

(b) It is necessary to create a state housing finance strategy to provide affordable workforce housing opportunities to essential services personnel in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years before removal of the designation. The lack of affordable workforce housing has been exacerbated by the dwindling availability of developable land, environmental constraints, rising construction and insurance costs, and the shortage of lower-cost housing units. As this state's population continues to grow, essential services personnel vital to the economies of areas of critical state concern are unable to live in the communities where they work, creating transportation congestion and hindering their quality of life and community engagement.

Section 11. Present subsections (18) through (42) of section 420.503, Florida Statutes, are redesignated as subsections (19) through (43), respectively, a new subsection (18) is added to that section, and subsection (15) of that section is amended, to read:

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

420.503 Definitions.—As used in this part, the term:

(15) "Elderly" means persons 62 years of age or older; however, this definition does not prohibit housing from being deemed housing for the elderly as defined in subsection (20) ~~(19)~~ if such housing otherwise meets the requirements of subsection (20) ~~(19)~~.

(18) "Essential services personnel" means natural persons or families whose total annual household income is at or below 120 percent of the area median income, adjusted for household size, and at least one of whom is employed as police or fire personnel, a child care worker, a teacher or other education personnel, health care personnel, a public employee, or a service worker.

Section 12. Subsection (3) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(3) For purposes of this section, the term:

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) ~~"Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a).~~

~~(c)~~ "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

Section 13. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

Section 14. Subsection (1), paragraph (b) of subsection (2), and subsections (4) through (7) and (18) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

(1) As used in this section, the term:

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and affixed to the

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

676 permit documents and that the minimum mandatory inspections
677 required under the building code have been performed and
678 properly recorded. The ~~term does not mean that the~~ local
679 building official may not ~~is required to~~ replicate the plan
680 review or inspection being performed by the private provider,
681 unless expressly authorized by this section.

682 (c) "Building" means any construction, erection,
683 alteration, demolition, or improvement of, or addition to, any
684 structure or site work for which permitting by a local
685 enforcement agency is required.

686 (d) "Building code inspection services" means those
687 services described in s. 468.603(5) and (8) involving the review
688 of building plans as well as those services involving the review
689 of site plans and site work engineering plans or their
690 functional equivalent, to determine compliance with applicable
691 codes and those inspections required by law of each phase of
692 construction for which permitting by a local enforcement agency
693 is required to determine compliance with applicable codes.

694 (e) "Duly authorized representative" means an agent of the
695 private provider identified in the permit application who
696 reviews plans or performs inspections as provided by this
697 section and who is licensed as an engineer under chapter 471 or
698 as an architect under chapter 481 or who holds a standard
699 certificate under part XII of chapter 468.

700 (f) "Immediate threat to public safety and welfare" means

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

701 a building code violation that, if allowed to persist,
702 constitutes an immediate hazard that could result in death,
703 serious bodily injury, or significant property damage. This
704 paragraph does not limit the authority of the local building
705 official to issue a Notice of Corrective Action at any time
706 during the construction of a building project or any portion of
707 such project if the official determines that a condition of the
708 building or portion thereof may constitute a hazard when the
709 building is put into use following completion as long as the
710 condition cited is shown to be in violation of the building code
711 or approved plans.

712 (g) "Local building official" means the individual within
713 the governing jurisdiction responsible for direct regulatory
714 administration or supervision of plans review, enforcement, and
715 inspection of any construction, erection, alteration,
716 demolition, or substantial improvement of, or addition to, any
717 structure for which permitting is required to indicate
718 compliance with applicable codes and includes any duly
719 authorized designee of such person.

720 (h) "Permit application" means a properly completed and
721 submitted application for the requested building or construction
722 permit, including:

- 723 1. The plans reviewed by the private provider.
- 724 2. The affidavit from the private provider required under
725 subsection (6).

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(i) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(j)~~(i)~~ "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(k)~~(j)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (11).

3. Any applicable fees.

4. Any documents required by the local building official

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

751 to determine that the fee owner has secured all other government
752 approvals required by law.

753 (1) "Site work" means the portion of a construction
754 project that is not part of the building structure, including,
755 but not limited to, grading, excavation, landscape irrigation,
756 and installation of driveways.

757 (m) ~~(k)~~ "Stop-work order" means the issuance of any written
758 statement, written directive, or written order which states the
759 reason for the order and the conditions under which the cited
760 work will be permitted to resume.

761 (2)

762 (b) It is the intent of the Legislature that owners and
763 contractors pay reduced fees ~~not be required to pay extra costs~~
764 related to building permitting requirements when hiring a
765 private provider for plans review and building inspections. A
766 local jurisdiction must calculate the cost savings to the local
767 enforcement agency, based on a fee owner or contractor hiring a
768 private provider to perform plans reviews and building
769 inspections in lieu of the local building official, and reduce
770 the permit fees accordingly. The local jurisdiction may not
771 charge fees for building inspections if the fee owner or
772 contractor hires a private provider; however, the local
773 jurisdiction may charge a reasonable administrative fee.

774 (4) A fee owner or the fee owner's contractor using a
775 private provider to provide building code inspection services

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

776 shall notify the local building official at the time of permit
777 application, or by 2 p.m. local time, 2 ~~no less than 7~~ business
778 days before ~~prior to~~ the first scheduled inspection by the local
779 building official or building code enforcement agency for a
780 private provider performing required inspections of construction
781 under this section, on a form to be adopted by the commission.
782 This notice shall include the following information:

783 (a) The services to be performed by the private provider.

784 (b) The name, firm, address, telephone number, and
785 facsimile number of each private provider who is performing or
786 will perform such services, his or her professional license or
787 certification number, qualification statements or resumes, and,
788 if required by the local building official, a certificate of
789 insurance demonstrating that professional liability insurance
790 coverage is in place for the private provider's firm, the
791 private provider, and any duly authorized representative in the
792 amounts required by this section.

793 (c) An acknowledgment from the fee owner in substantially
794 the following form:

795
796 I have elected to use one or more private providers to
797 provide building code plans review and/or inspection
798 services on the building or structure that is the
799 subject of the enclosed permit application, as
800 authorized by s. 553.791, Florida Statutes. I

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

801 understand that the local building official may not
802 review the plans submitted or perform the required
803 building inspections to determine compliance with the
804 applicable codes, except to the extent specified in
805 said law. Instead, plans review and/or required
806 building inspections will be performed by licensed or
807 certified personnel identified in the application. The
808 law requires minimum insurance requirements for such
809 personnel, but I understand that I may require more
810 insurance to protect my interests. By executing this
811 form, I acknowledge that I have made inquiry regarding
812 the competence of the licensed or certified personnel
813 and the level of their insurance and am satisfied that
814 my interests are adequately protected. I agree to
815 indemnify, defend, and hold harmless the local
816 government, the local building official, and their
817 building code enforcement personnel from any and all
818 claims arising from my use of these licensed or
819 certified personnel to perform building code
820 inspection services with respect to the building or
821 structure that is the subject of the enclosed permit
822 application.

823
824 If the fee owner or the fee owner's contractor makes any changes
825 to the listed private providers or the services to be provided

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

826 by those private providers, the fee owner or the fee owner's
827 contractor shall, within 1 business day after any change, update
828 the notice to reflect such changes. A change of a duly
829 authorized representative named in the permit application does
830 not require a revision of the permit, and the building code
831 enforcement agency shall not charge a fee for making the change.
832 In addition, the fee owner or the fee owner's contractor shall
833 post at the project site, before ~~prior to~~ the commencement of
834 construction and updated within 1 business day after any change,
835 on a form to be adopted by the commission, the name, firm,
836 address, telephone number, and facsimile number of each private
837 provider who is performing or will perform building code
838 inspection services, the type of service being performed, and
839 similar information for the primary contact of the private
840 provider on the project.

841 (5) After construction has commenced and if the local
842 building official is unable to provide inspection services in a
843 timely manner, the fee owner or the fee owner's contractor may
844 elect to use a private provider to provide inspection services
845 by notifying the local building official of the owner's or
846 contractor's intention to do so by 2 p.m. local time, 2 ~~no less~~
847 ~~than 7~~ business days before ~~prior to~~ the next scheduled
848 inspection using the notice provided for in paragraphs (4)(a)-
849 (c).

850 (6) A private provider performing plans review under this

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

section shall review the ~~construction~~ plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits on a form reasonably acceptable to ~~adopted by~~ the commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

(7) (a) No more than 20 ~~30~~ business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day ~~30-day~~ period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

876 | be tolled pending resolution of the matter. To resolve the plan
877 | deficiencies, the permit applicant may elect to dispute the
878 | deficiencies pursuant to subsection (13) or to submit revisions
879 | to correct the deficiencies.

880 | (c) If the permit applicant submits revisions, the local
881 | building official has the remainder of the tolled 20-day ~~30-day~~
882 | period plus 5 business days from the date of resubmittal to
883 | issue the requested permit or to provide a second written notice
884 | to the permit applicant stating which of the previously
885 | identified plan features remain in noncompliance with the
886 | applicable codes, with specific reference to the relevant code
887 | chapters and sections. Any subsequent review by the local
888 | building official is limited to the deficiencies cited in the
889 | written notice. If the local building official does not provide
890 | the second written notice within the prescribed time period, the
891 | permit shall be deemed approved as a matter of law, and ~~issued~~
892 | ~~by~~ the local building official must issue the permit on the next
893 | business day.

894 | (d) If the local building official provides a second
895 | written notice of plan deficiencies to the permit applicant
896 | within the prescribed time period, the permit applicant may
897 | elect to dispute the deficiencies pursuant to subsection (13) or
898 | to submit additional revisions to correct the deficiencies. For
899 | all revisions submitted after the first revision, the local
900 | building official has an additional 5 business days from the

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(18) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. However, the same private provider may not be audited more than four times in a calendar year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by the local building code enforcement agency.

Section 15. Paragraph (1) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(1) Firesafety.—An association must ensure compliance with the Florida Fire Prevention Code. As to a residential

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

926 condominium building that is a high-rise building as defined
 927 under the Florida Fire Prevention Code, the association must
 928 retrofit either a fire sprinkler system or an engineered life
 929 safety system as specified in the Florida Fire Prevention Code
 930 ~~Certificate of compliance. A provision that a certificate of~~
 931 ~~compliance from a licensed electrical contractor or electrician~~
 932 ~~may be accepted by the association's board as evidence of~~
 933 ~~compliance of the condominium units with the applicable fire and~~
 934 ~~life safety code must be included.~~ Notwithstanding chapter 633
 935 or of any other code, statute, ordinance, administrative rule,
 936 or regulation, or any interpretation of the foregoing, an
 937 association, residential condominium, or unit owner is not
 938 obligated to retrofit the common elements, association property,
 939 or units of a residential condominium with a fire sprinkler
 940 system in a building that has been certified for occupancy by
 941 the applicable governmental entity if the unit owners have voted
 942 to forego such retrofitting by the affirmative vote of a
 943 majority of all voting interests in the affected condominium.
 944 The local authority having jurisdiction may not require
 945 completion of retrofitting with a fire sprinkler system or an
 946 engineered life safety system before January 1, 2024 ~~2020~~. ~~By~~
 947 ~~December 31, 2016, a residential condominium association that is~~
 948 ~~not in compliance with the requirements for a fire sprinkler~~
 949 ~~system and has not voted to forego retrofitting of such a system~~
 950 ~~must initiate an application for a building permit for the~~

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

~~required installation with the local government having jurisdiction demonstrating that the association will become compliant by December 31, 2019.~~

1. A vote to forego retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, or by execution of a written consent by the member, and is effective upon recording a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall mail or hand deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's opt-out vote, notice of the results of the opt-out vote must be mailed or hand delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the association. After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.

2. If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of at least 10 percent of the voting interests. Such a vote may only be called once every 3 years. Notice shall be provided as

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

976 required for any regularly called meeting of the unit owners,
977 and must state the purpose of the meeting. Electronic
978 transmission may not be used to provide notice of a meeting
979 called in whole or in part for this purpose.

980 3. As part of the information collected annually from
981 condominiums, the division shall require condominium
982 associations to report the membership vote and recording of a
983 certificate under this subsection and, if retrofitting has been
984 undertaken, the per-unit cost of such work. The division shall
985 annually report to the Division of State Fire Marshal of the
986 Department of Financial Services the number of condominiums that
987 have elected to forego retrofitting.

988 4. Notwithstanding s. 553.509, a residential association
989 may not be obligated to, and may forego the retrofitting of, any
990 improvements required by s. 553.509(2) upon an affirmative vote
991 of a majority of the voting interests in the affected
992 condominium.

993 5. This paragraph does not apply to timeshare condominium
994 associations, which shall be governed by s. 721.24.

995 Section 16. Section 718.1085, Florida Statutes, is amended
996 to read:

997 718.1085 Certain regulations not to be retroactively
998 applied.—Notwithstanding the provisions of chapter 633 or of any
999 other code, statute, ordinance, administrative rule, or
1000 regulation, or any interpretation thereof, an association,

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium that meets the definition of "housing for older persons" in s. 760.29(4)(b)3. to comply with requirements relating to handrails and guardrails if the unit owners have voted to forego such retrofitting by the affirmative vote of two-thirds of all voting interests in the affected condominium. However, a condominium association may not vote to forego the retrofitting in common areas in a high-rise building. For the purposes of this section, the term "high-rise building" means a building that is greater than 75 feet in height where the building height is measured from the lowest level of fire department access to the floor of the highest occupiable level. For the purposes of this section, the term "common areas" means stairwells and exposed, outdoor walkways and corridors, but does not include individual balconies. In no event shall the local authority having jurisdiction require retrofitting of common areas with handrails and guardrails before the end of 2024 ~~2014~~.

(1) A vote to forego retrofitting may not be obtained by general proxy or limited proxy, but shall be obtained by a vote personally cast at a duly called membership meeting, or by execution of a written consent by the member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall provide each unit owner

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1026 written notice of the vote to forego retrofitting of the
1027 required handrails or guardrails, or both, in at least 16-point
1028 bold type, by certified mail, within 20 days after the
1029 association's vote. After such notice is provided to each owner,
1030 a copy of such notice shall be provided by the current owner to
1031 a new owner prior to closing and shall be provided by a unit
1032 owner to a renter prior to signing a lease.

1033 (2) As part of the information collected annually from
1034 condominiums, the division shall require condominium
1035 associations to report the membership vote and recording of a
1036 certificate under this subsection and, if retrofitting has been
1037 undertaken, the per-unit cost of such work. The division shall
1038 annually report to the Division of State Fire Marshal of the
1039 Department of Financial Services the number of condominiums that
1040 have elected to forego retrofitting.

1041 Section 17. By July 1, 2019, the State Fire Marshal shall
1042 issue a data call to all local fire officials to collect data
1043 regarding high-rise condominiums greater than 75 feet in height
1044 which have not retrofitted with a fire sprinkler system or an
1045 engineered life safety system in accordance with ss. 633.208(5)
1046 and 718.112(2)(1), Florida Statutes. Local fire officials shall
1047 submit such data to the State Fire Marshal and shall include,
1048 for each individual building, the address, the number of units,
1049 and the number of stories. By July 1, 2020, all data must be
1050 received and compiled into a report by city and county. By

ENROLLED

CS/CS/HB 7103, Engrossed 3

2019 Legislature

1051 September 1, 2020, the report must be sent to the Governor, the
 1052 President of the Senate, and the Speaker of the House of
 1053 Representatives.

1054 Section 18. This act shall take effect upon becoming a
 1055 law.