



City of Stuart

**A G E N D A**  
**STUART BOARD OF ADJUSTMENT**  
**TO BE HELD MARCH 25, 2021**  
**AT 5:30 PM**

**121 SW FLAGLER AVENUE, STUART FL 34994**  
**121 S.W. FLAGLER AVE.**  
**STUART, FLORIDA 34994**

**BOARD MEMBERS**

**CHAIR - KRISTIN STANLEY**  
**VICE CHAIR - ANTONE FREITAS**  
**BOARD MEMBER - ALEX GILLEN**  
**BOARD MEMBER - CLAIRE Y. NASH**  
**BOARD MEMBER - CHRISTINA VOGL**

**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**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

1. Approval of February 25, 2021 Minutes

**COMMENTS FROM THE PUBLIC (5 min. max)**

**COMMENTS FROM THE BOARD MEMBERS**

**OTHER MATTERS BEFORE THE BOARD**

2. VARIANCE TO REDUCE THE UPLAND BUFFER DISTANCE TO SIGNIFICANT WETLAND RESOURCES AND FRONT YARD SETBACK. (RC)

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE, SECTION 5.03.02.C.1 AND 4, FOR A REDUCED MINIMUM UPLAND BUFFER DISTANCE FROM OUTSTANDING WETLAND RESOURCES, REDUCED AVERAGE UPLAND BUFFER, REDUCED CONSTRUCTION SETBACK FROM WETLANDS, AND FROM SECTION 2.04.01, REDUCED FRONT SETBACK FOR A LOT ON INDIAN GROVE IN ORDER TO ACCOMMODATE A DUPLEX.

**STAFF UPDATE**

**ADJOURNMENT**

**UPCOMING MEETINGS and EVENTS**

**CITY OF STUART, FLORIDA  
AGENDA ITEM REQUEST  
Board of Adjustment**

**Meeting Date:**3/25/2021

**Prepared by:**Jordan Pinkston

**Title of Item:**  
Approval of February 25, 2021 Minutes

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

**Funding Source:**  
N/A.

**Recommended Action:**  
Approve.

| <b><u>ATTACHMENTS:</u></b> |                    |             |
|----------------------------|--------------------|-------------|
| <b>Description</b>         | <b>Upload Date</b> | <b>Type</b> |
| BOA Minutes_2.25.2021      | 3/16/2021          | Cover Memo  |



## MINUTES

**BOARD OF ADJUSTMENT MEETING  
FEBRUARY 25, 2021 AT 5:30 PM  
CITY COMMISSION CHAMBERS  
121 S.W. FLAGLER AVE.  
STUART, FLORIDA 34994**

**BOARD OF ADJUSTMENT MEMBERS  
Chair – Kristin Stanley  
Vice Chair – Antone (TJ) Freitas  
Board Member – Claire Nash  
Board Member – Alex Gillen  
Board Member – Christina Vogl**

**ADMINISTRATIVE  
Development Director, Kev Freeman  
Board Secretary, Jordan Pinkston**

### CALL TO ORDER

### ROLL CALL

**Present:** Antone Freitas, Kristin Stanley, Claire Nash, Christina Vogl

**Absent:** Alex Gillen

### PLEDGE

### APPROVAL OF MINUTES

**Motion:** Approval of January 28, 2021 Minutes

**Action:** Approve.

**Moved by:** TJ Freitas

**Seconded by:** Claire Nash

Motion passed unanimously.

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

**COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS (3-minute max):** None.

### OTHER MATTERS BEFORE THE BOARD

1. Final Order of Variance Approval, requested by Dale Alexander for real property at 823 SE St. Lucie Crescent, PCN #05-38-41-001-000-00791-5, granting approval of a request to split

the lot into two single family lots, with a lot width of 50 feet, lot area of 6,160 square feet and 10,172 square feet and minimum side setbacks of 5 feet.

**PRESENTATION:** Stephen Mayer, Senior Planner

Bob Burson, Attorney



5:47 PM

**PUBLIC COMMENT:**  6:17 PM

1. Mary Hutchinson (St. Lucie Crescent) – Discussed original lot split approval. She shared photos with the board and explained why she opposes the proposal. Believes there is no hardship for his request
2. Anne Burford (SW Cleveland Avenue) – Explained that there are only single-family homes in the neighborhood and why developers want to build. Opposes the proposal.
3. Dick Guiles (SW Cleveland Avenue) – Lives adjacent to the property and explained why the lot sizes are what they are. He does not believe a lot split should happen for various reasons. Provided the board with a petition.

**BOARD COMMENT:**

Claire Nash asked for clarification on the location the petition signatures came from.

**PUBLIC COMMENT:**

4. Mike Sedar (SW Overlook Drive) – opposes the proposal due to density and said that the applicant knew what he was buying when he purchased the property.
5. Joann Leshner (SW Saint Lucie Crescent) – Explained that she understood why the applicant wants to build on the property but does not believe in the lot split.
6. Debra Determan (SW Bryant Avenue) – Explained that the variance being requested is too close to her property and concerned about density. Provided a letter from her nephew that lives with her.
7. Leon Moore (SW St. Lucie Crescent) – Explained why the old home on the property was torn down. Concerned on what will happen to the lot that does not have a plan and gave examples of his concerns. Prefers a single family home on the single lot.

**BOARD COMMENT:**

Christina Vogl asked if they could do a lot split without the variance and explained what the applicant is requesting.

Staff explained what options the applicant would have as far as setbacks.

Claire Nash asked for the Board Secretary to read the letter of opposition into the record and the number of signatures on the petition.

Jordan Pinkston read the public comment letter and confirmed that there were about 33 signatures on the petition.

TJ Freitas discussed lot variances and setbacks with staff.

Mike Mortell explained what options the board has to make a motion.

The applicant, Dale Alexander, explained why he chose this particular lot to build on. He explained that his hardship is that he could not find a smaller lot to purchase at the time.

Kristin Stanley asked about the applicant's future intentions of the second lot once it is split.

Christina Vogl asked for clarification for denial.

Mike Mortell said that he believed that the applicant could not come back for a year.

The board and applicant discussed where the proposed driveway and garage would be.

Claire Nash asked for confirmation on the presented architectural plans for the home.

Mike Mortell explained that if the variance was granted that it would create two lots today.

Staff clarified the application process and future permitting.

Christina Vogl said that she would have preferred a better architectural presentation. She does not see a hardship for the applicant.

**Motion:**

**Action:** Deny.

**Moved by:** Christina Vogl

**Seconded by:** Claire Nash

Motion passed unanimously.

**STAFF UPDATE:** None.

**ADJOURN**



6:57PM

---

Kristin Stanley, Chair

---

Jordan Pinkston, Board Secretary

## CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Board of Adjustment

**Meeting Date:** 3/25/2021

**Prepared by:** S. Mayer

**Title of Item:**

VARIANCE TO REDUCE THE UPLAND BUFFER DISTANCE TO SIGNIFICANT WETLAND RESOURCES AND FRONT YARD SETBACK. (RC)

REQUEST FOR A VARIANCE TO THE CITY'S LAND DEVELOPMENT CODE, SECTION 5.03.02.C.1 AND 4, FOR A REDUCED MINIMUM UPLAND BUFFER DISTANCE FROM OUTSTANDING WETLAND RESOURCES, REDUCED AVERAGE UPLAND BUFFER, REDUCED CONSTRUCTION SETBACK FROM WETLANDS, AND FROM SECTION 2.04.01, REDUCED FRONT SETBACK FOR A LOT ON INDIAN GROVE IN ORDER TO ACCOMMODATE A DUPLEX.

**Summary Explanation/Background Information on Agenda Request:**

The applicant, Douglas Bournique, owner of the lot (4) on the north side of Indian Groves Drive, is requesting 4 related variances to the Land Development Code, in order to develop the property. The owner has a set of proposed plans for a two story duplex, and an alternative set for a single story. The variance requests are necessary due to requirements in Section 5.03.02 C1 and 4, which require an upland buffer from wetlands and a construction setback from the upland buffer. The buffer requirements to an outstanding wetland resource, such as the wetlands along Poppleton Creek, are 75 feet minimum average, no less than 50 feet, with a construction setback of 10 feet from the buffer. If applied to this property, which is 102 feet deep on the east property line and 182 feet deep on the west property line, a majority of the property would be made unbuildable. Therefore, the applicant is requesting relief from the Land Development Code.

A fourth variance request is to vary the front setback, in order to move the building as far from the wetlands as possible. A 15 foot overhead utility line easement is shown on the survey, meaning that the applicant may not be able to move the proposed duplex any closer than 15 feet. The applicant is requesting the front setback be reduced from 25 feet to 15 feet, without the provision of including a front porch.

The applicant has provided architectural rendering and footprint of a proposed two-story duplex, which is the primary request. The applicant has also provided an alternative request for a single story duplex, should the Board of Adjustment desire to accommodate a smaller duplex.

The applicant has also provided a memo from Atlantic Environmental, dated February 3, 2021. This memo states that the buffer reduction, if issued, should have no environmental harm associated with that action. Staff notes that variances to neighboring property to the west of the subject property was granted, reducing the required upland buffer setback from 75 feet to 5 feet, and the construction buffer from 10 to 5, or a total of 10 feet. The applicant is requesting a total of 25 feet.

Any development on this lot will need to comply with recent Land Development Code amendments relating to storm water treatment on infill residential lots at 6.03.01.G (code attached).

**Funding Source:**

N/A

**Recommended Action:**

Consider approval of the Final Order to grant relief from the minimum upland buffer distance from outstanding wetlands and front yard setback distance in order to build a duplex conditioned upon the restrictions herein.

**ATTACHMENTS:**

|   | <b>Description</b>                                           | <b>Upload Date</b> | <b>Type</b>     |
|---|--------------------------------------------------------------|--------------------|-----------------|
| ▢ | A1. Final Order                                              | 3/15/2021          | Exhibit         |
| ▢ | A2. Exhibit 1 - Survey                                       | 3/15/2021          | Exhibit         |
| ▢ | A2. Exhibit 1 - Survey showing buffer distances and setbacks | 3/15/2021          | Exhibit         |
| ▢ | A3. Exhibit 2. Proposed Plan - Architecture                  | 3/15/2021          | Exhibit         |
| ▢ | A3. Exhibit 2. Proposed Plan - Floor Plan                    | 3/15/2021          | Exhibit         |
| ▢ | A3. Exhibit 2. Proposed Plan - Floor Plan 2                  | 3/15/2021          | Exhibit         |
| ▢ | A3. Exhibit 2. Alternative Plan showing single story         | 3/15/2021          | Exhibit         |
| ▢ | A4. Exhibit 3 - Environmental Memo                           | 3/15/2021          | Exhibit         |
| ▢ | D1. Extract from LDC - Variances                             | 3/15/2021          | Backup Material |
| ▢ | D2. Extract from LDC - Infill Stormwater Code                | 3/15/2021          | Backup Material |

**BEFORE THE BOARD OF ADJUSTMENT  
CITY OF STUART, FLORIDA**

Case #Z21030002

In re: The Code Variance Application of  
**Bournique Residence**  
**08-38-41-007-006-00011-0**

**FINAL ORDER OF VARIANCE APPROVAL**

THIS CAUSE came for hearing before the Board of Adjustment for the City of Stuart, Florida, at a regular set hearing at **5:30 PM on March 25, 2021**, at the City Commission Chambers, 121 S.W. Flagler Avenue, Stuart, Florida; and the Board, having considered the sworn testimony and other evidence presented by the City staff, the Petitioner, and any Interveners, finds as follows:

1. Notice of the hearing was provided as required by the Stuart Land Development Code (LDC). Notice was not challenged by any party at the hearing, and the Board of Adjustment has jurisdiction over this case as provided in the Sec. 8.05.01, LDC.

2. The City was represented by **Stephen Mayer**, Senior Planner, and the applicant was represented by **Douglas C. Bournique**, Petitioner, all in attendance.

3. **Stephen Mayer**, of the City Development Department, testified on behalf of the City that the Petitioner, Douglas C. Bournique, the title owner of the real property having **PCN #08-38-41-007-006-00011-0**, (hereinafter the "Subject Property"), who has provided a sketch and legal description as found within and attached as '**Exhibit 1**', in order to receive relief from the rear setback to an enclosed pool structure.

4. **Stephen Mayer** indicated the Subject Property is located on **Lot 4 of Indian Groves Drive**, and is zoned **R-3 (Residential, Multi-Family/Office)**, with a Future Land Use designation of Residential/Office. The Future Land Use and Zoning categories were not challenged by any party at the hearing.

5. The existing vacant lot is currently in compliance with zoning code. The Petitioner desires to develop the Subject Property in substantial conformance with the proposed plans and attached as "**Exhibit 2**" of this document.

6. The Petitioner gave verbal testimony indicating a desire to request the minimum variance required to create a buildable lot, thereby building a proposed duplex. The Petitioner has submitted a memo from Atlantic Environmental stating that the request

**FINAL ORDER OF VARIANCE APPROVAL – Bournique Residence – Indian Groves Drive**

of relief from hardship shows no environmental harm, as **“Exhibit 3”**.

7. The Petitioners requested in writing the following reductions to the minimum code requirements at the hearing to allow the development of the lot as a duplex:

- The minimum front setback shall be reduced from required 25 feet to 15 feet.
- The minimum average upland buffer distance from outstanding wetland resources shall be reduced from 75 feet to 25 feet
- The minimum upland buffer distance from outstanding wetland resources shall be reduced from 50 feet to 25 feet.
- The construction setback from all upland buffers, which is 10 feet, shall be included within the 25 foot buffer.

8. **Stephen Mayer** gave testimony and analyzed the case, and indicated the petition is consistent with the City's Comprehensive Plan, meets the procedural requirements of the law. The testimony concluded by recommending that the board of adjustments consider the Final Order to allow for the variance, subject to the following conditions:

- a. The lot shall be developed in conformity to the Proposed Plan, as depicted in **“Exhibit 2”**.
- b. The Subject Property is granted a relief from the Land Development Code as demonstrated in the table below:

| <b>Land Development Regulations vs Variance Request</b> |                                                                                                             |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>R-3 Requirements</b>                                 | <b>Proposed Development Standards</b>                                                                       |
| Front Setback – 25 feet                                 | Front Setback – 15 feet                                                                                     |
| Minimum Average width of upland buffer = 75 feet        | Minimum Average width of upland buffer = 25 feet                                                            |
| Upland buffer at no point less than = 50 feet           | Upland buffer at no point less than = 25 feet                                                               |
| Construction setback = 10 feet                          | Construction setback = 10 feet *<br>*to be included within the 25-foot buffer (or shall be reduced to zero) |

9. Construction in substantial conformance with the Proposed Plan, attached as **“Exhibit 2”** of this document, along with all other required documents for permitting, shall be submitted for Building Permit review. The building permit documents shall ensure there is no storm water run-off on adjacent properties.

10. If the final inspection of the proposed residence is not performed by **April 1, 2023**, the variance relief granted in this **Final Order shall be void**.

11. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development

**FINAL ORDER OF VARIANCE APPROVAL – Bournique Residence – Indian Groves Drive**

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.

12. All subsequent Lessees and Owners shall be bound to the terms of this Variance, and this Variance shall carry forward and “run with the land” unless later released by the City Development Director, or as otherwise provided by law.

15. At the conclusion of the evidence and any follow up questioning by the Board Members, brief summaries were made by the Petitioner. The Board then entered into deliberation, and discussed the following:

Board Member \_\_\_\_\_ offered a motion to approve the variance(s). The motion was seconded by Board Member \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

**KRISTIN STANLEY, CHAIR**  
**ANTONE (TJ) FREITAS, VICE CHAIR**  
**ALEX GILLEN, MEMBER**  
**CHRISTINA VOGL, MEMBER**  
**CLAIRE Y NASH, MEMBER**

| YES | NO | ABSENT |
|-----|----|--------|
|     |    |        |
|     |    |        |
|     |    |        |
|     |    |        |
|     |    |        |

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

By: \_\_\_\_\_  
 JORDAN PINKSTON, BOARD SECRETARY

\_\_\_\_\_  
 KRISTIN STANLEY, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
 MIKE MORTELL  
 CITY ATTORNEY

**FINAL ORDER OF VARIANCE APPROVAL – Bournique Residence – Indian Groves Drive**

**ACCEPTANCE AND AGREEMENT**

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING FINAL ORDER, AND 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 FOREGOING FINAL ORDER. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Witness #1:

Print Name: \_\_\_\_\_

DOUGLAS C. BOURNIQUE,

Owner

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness #2:

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**OWNERS ACKNOWLEDGMENT**

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

Personally Known OR Produced Identification

Type of Identification Produced \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Commission Expires:

Notary Seal:

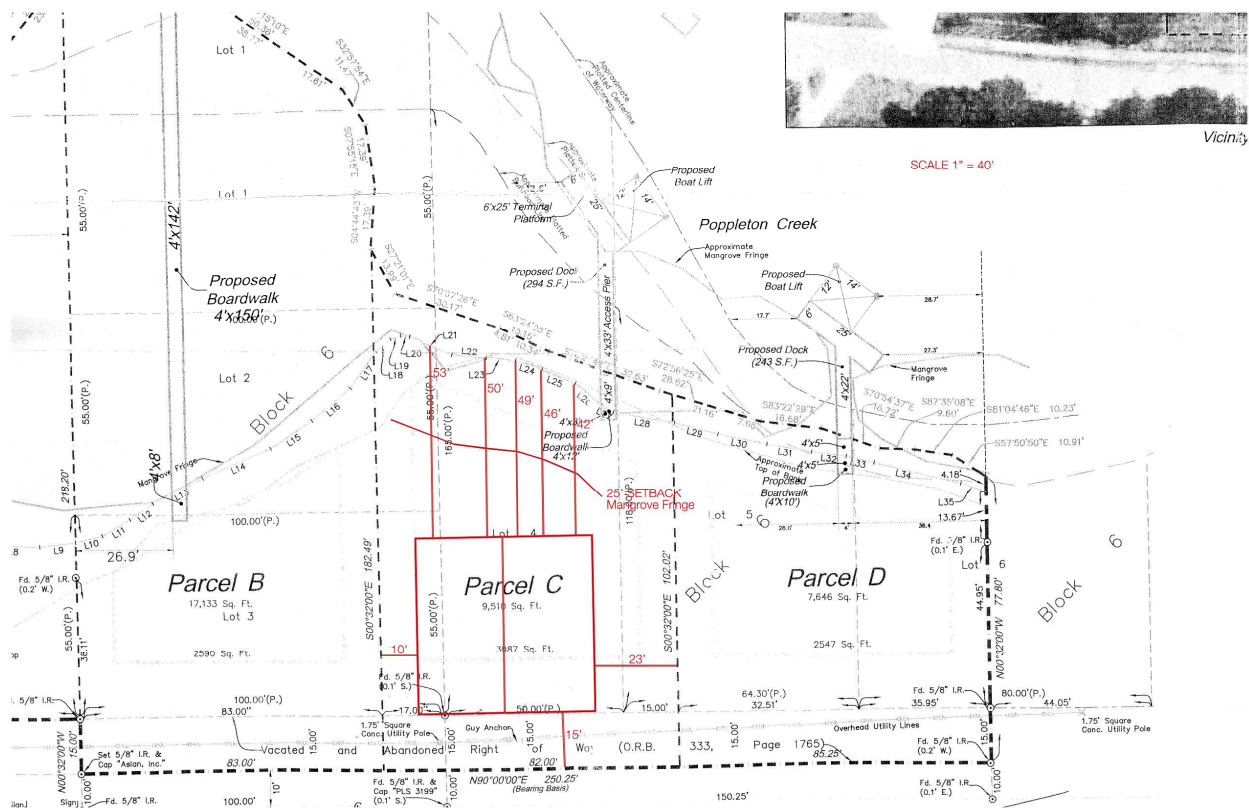
# FINAL ORDER OF VARIANCE APPROVAL – Bournique Residence – Indian Groves Drive

## ‘Exhibit 1’ Sketch and Legal

The East 45 feet of Lots 11, 26, and 27, Block 3 and Lots 1 through 5, Block 6 and the Westerly 35.95 feet of Lot 6, Block 6, INDIAN GROVES SUBDIVISION, Plat Book 1, page 37, Public Records of Martin County, Florida.

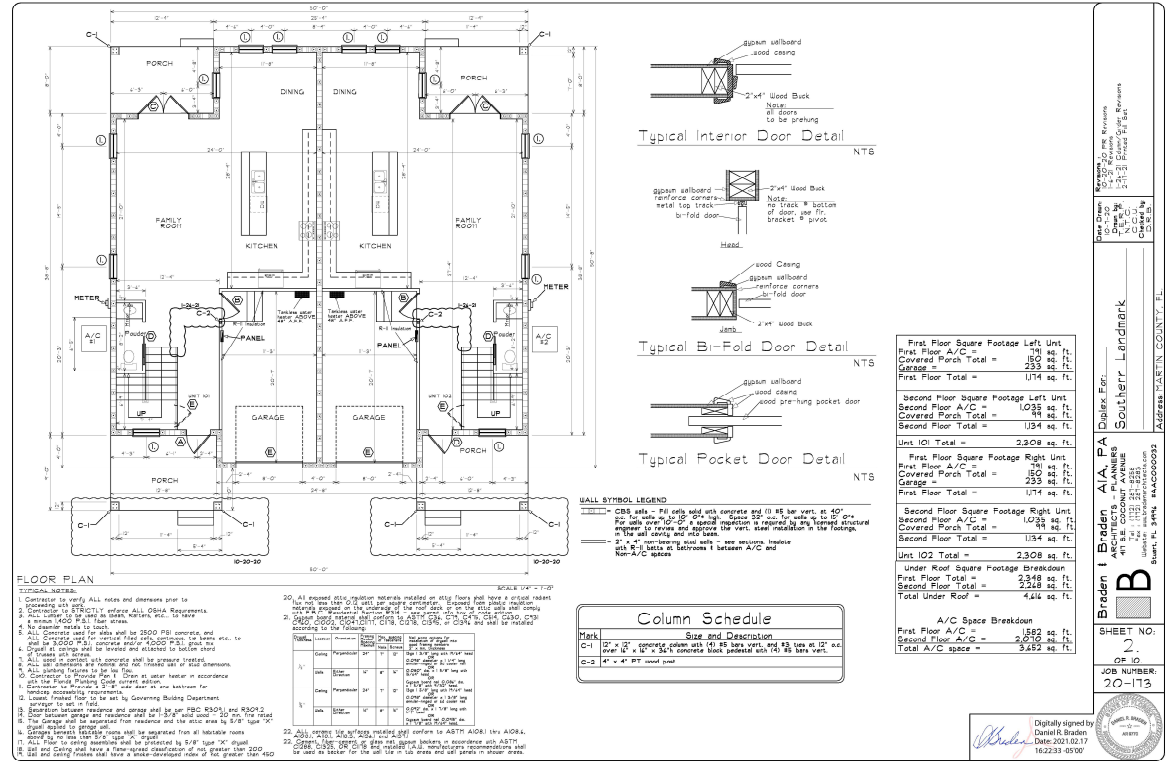
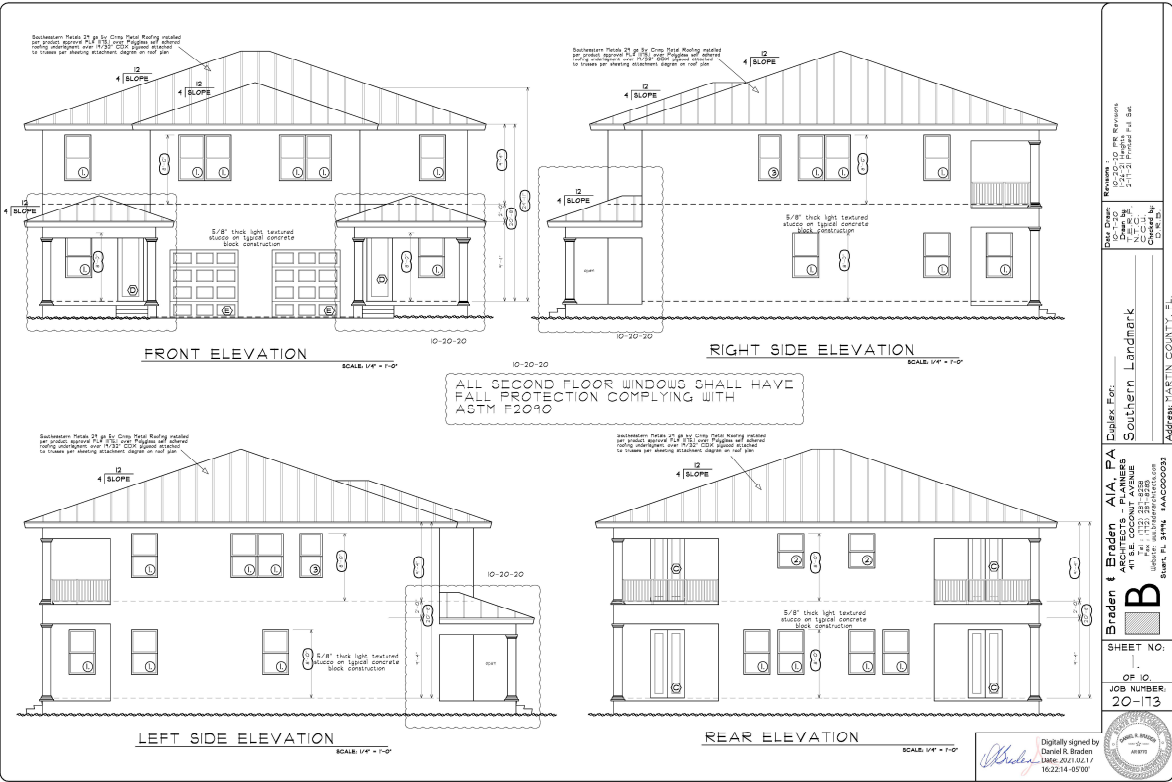
TOGETHER WITH that vacated and abandoned right-of-way as described in City of Stuart Ordinance No. 497, Official Records Book 333, page 1735, Public Records of Martin County, Florida, said right-of-way being 15.00 feet in width and lying South of and abutting the South line of Lots 3, 4, 5 and the Westerly 35.95 feet of Lot 6, Block 6, INDIAN GROVES SUBDIVISION, Plat Book 1, page 37, Public Records of Martin County, Florida.

TOGETHER WITH all of "Avenue E", a 60.00 foot right-of-way lying between Block 3 and 6, as vacated and abandoned in City of Stuart Ordinance No. 487, Official Records Book 512, page 434, Public Records of Martin County, Florida. INDIAN GROVES SUBDIVISION, Plat Book 1, page 37, Public Records of Martin County, Florida.



FINAL ORDER OF VARIANCE APPROVAL – Bournique Residence – Indian Groves Drive

‘Exhibit 2’ Proposed Conceptual Plans



**FINAL ORDER OF VARIANCE APPROVAL – Bournique Residence – Indian Groves Drive**

**‘Exhibit 3’ Environmental Memo**



657 Montreal Avenue • Melbourne, FL 32935  
ph 321.676.1505 • fax 321.676.1730

**Memorandum**

To: Mr. Andy Kirbach, PE  
Morgan & Associates, Inc.

From: Jon Shepherd

Date: February 3, 2021

Re: Parcel 083841007006000110  
Douglas Bournique  
Indian Grove Variance Request

Per Mr. Bournique's request to obtain a variance on the above-referenced parcel from the City of Stuart's Land Development Regulations (LDR) – Resource Protection Standards and Hardship Relief, as well as the Comp Plan, we offer the following:

Section 10.02.00, Variance Setback Requirement Variances, defined in Section 6.01.03 (Building Setback Requirements) default to Section 5.04.04 for all waterfront properties.

Pursuant to the City of Stuart LDR Section 5.04.02.C, an on-average 75-foot upland buffer, minimum 50 feet, shall be provided and preserved around the on-site wetland connected to Poppleton Creek, an Outstanding Resource Wetland, and the upland buffer shall be provided a 10-foot construction setback. The provision for reduced upland buffer and compensation has been eliminated by Ordinance 2165-08.

Despite the fact that FDEP does not require an upland buffer between proposed development and a wetland such as the one located on the subject property, the City of Stuart is within its rights to require upland buffers and construction set-backs.

Our preliminary review of this project and discussions held with City of Stuart staff suggests that the above-referenced site should qualify for a setback variance. Should this setback variance be issued, Atlantic Environmental sees no environmental harm associated with this action.

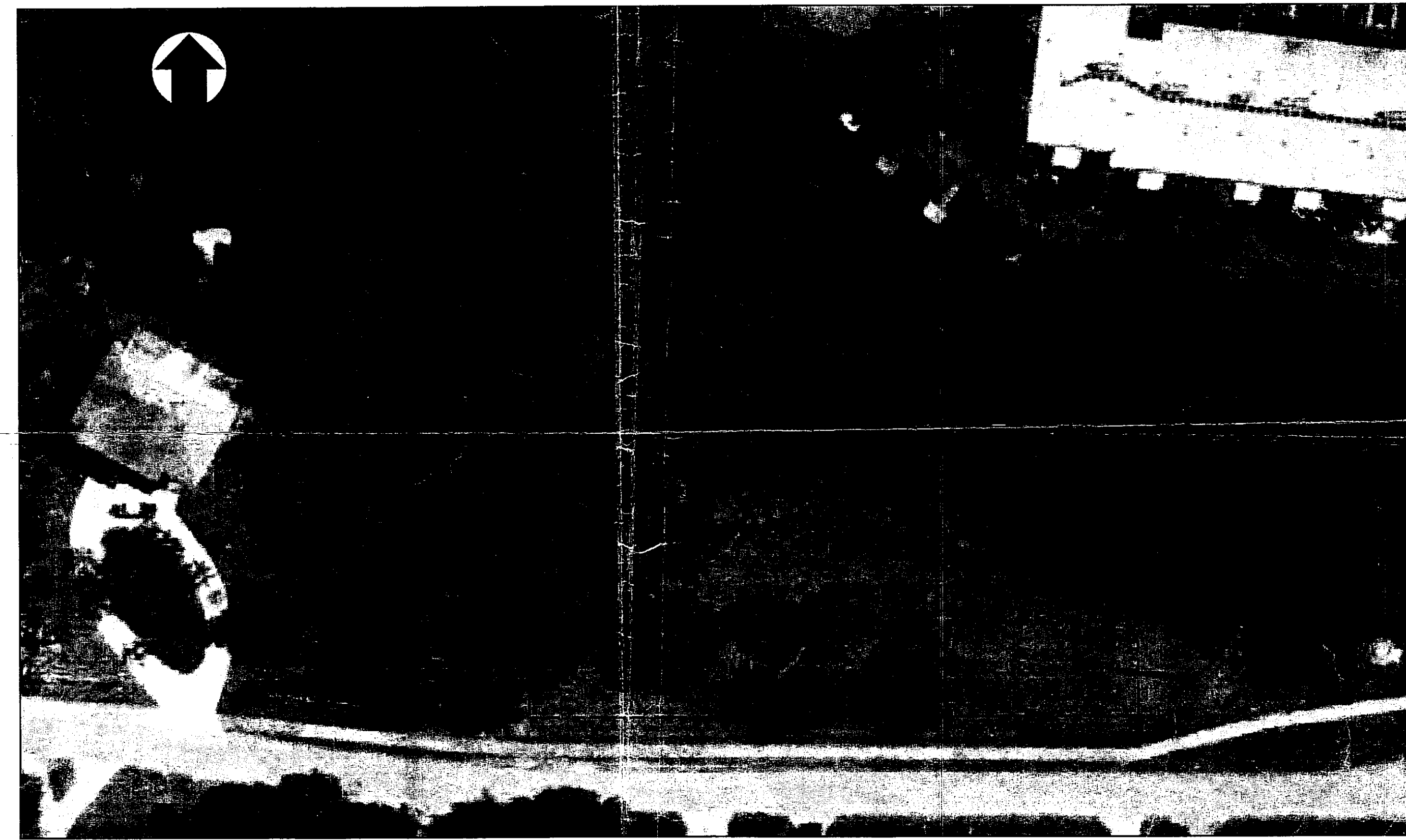
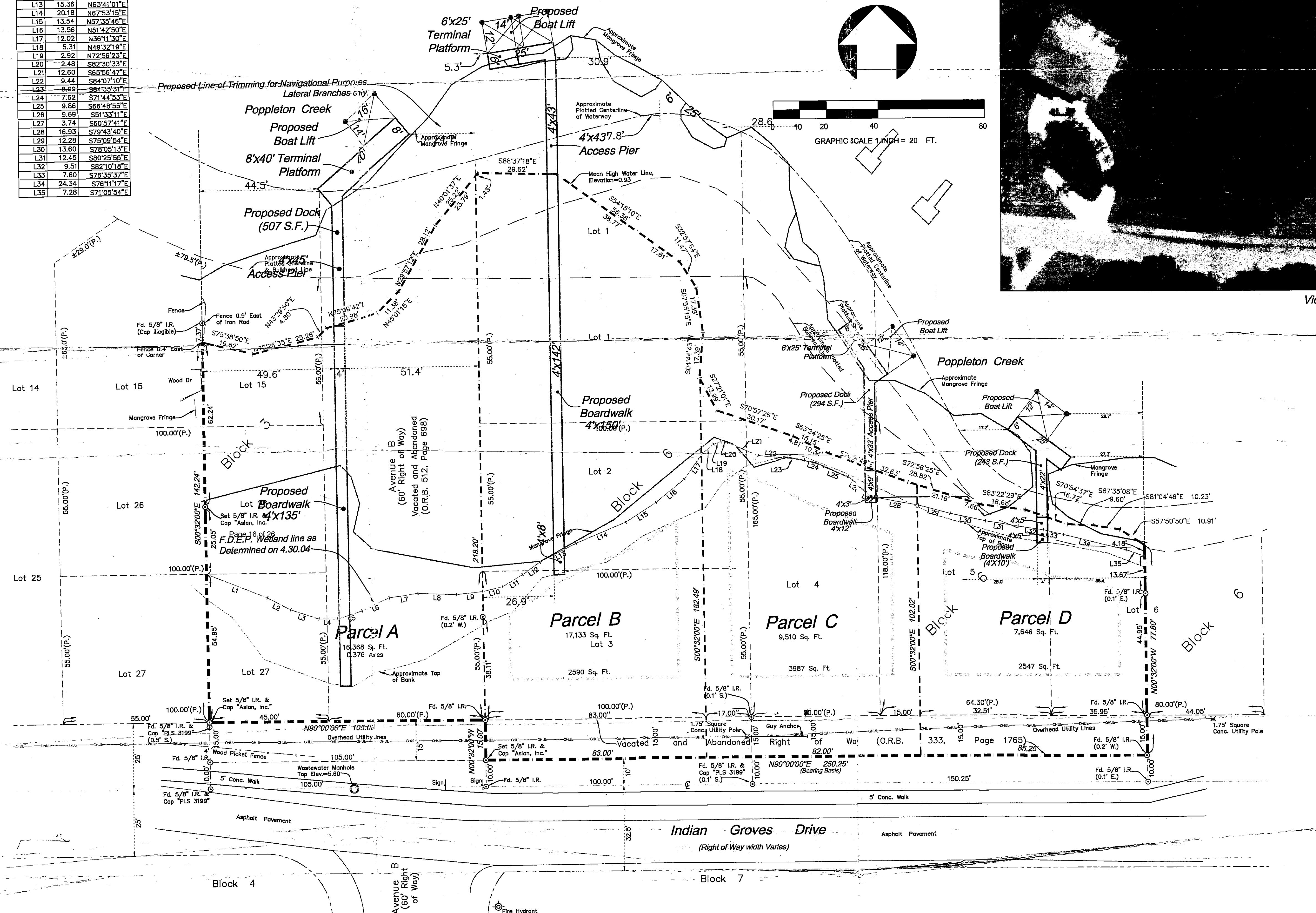
# Specific Purpose Survey

The East 45 feet of Lots 15, 26, and 27, Block 3 and Lots 1 through 5, Block 6 and the Westerly 35.95 feet of Lot 6, Block 6, INDIAN GROVES SUBDIVISION, Plat Book 1, page 37, Public Records of Martin County, Florida.

TOGETHER WITH that vacated and abandoned right-of-way as described in City of Stuart Ordinance No. 497, Official Records Book 333, page 1765, Public Records of Martin County, Florida, said right-of-way being 15.00 feet in width and lying South of and abutting the South line of Lots 3, 4, 5 and the Westerly 35.95 feet of Lot 6, Block 6, INDIAN GROVES SUBDIVISION, Plat Book 1, page 37, Public Records of Martin County, Florida.

TOGETHER WITH all of "Avenue B", a 60.00 foot right-of-way lying between Block 3 and 6, as vacated and abandoned in City of Stuart Ordinance No. 487, Official Records Book 512, page 698, Public Records of Martin County, Florida, INDIAN GROVES SUBDIVISION, Plat Book 1, page 37, Public Records of Martin County, Florida.

| Wetland Line Table |        |             |
|--------------------|--------|-------------|
| Line               | Length | Direction   |
| L1                 | 24.51  | S68°44'08"E |
| L2                 | 9.80   | S62°09'22"E |
| L3                 | 11.24  | S71°35'54"E |
| L4                 | 7.03   | S89°12'17"E |
| L5                 | 9.73   | N72°29'07"E |
| L6                 | 12.40  | N67°21'06"E |
| L7                 | 10.89  | N81°43'46"E |
| L8                 | 14.51  | S87°40'48"E |
| L9                 | 9.93   | N84°01'11"E |
| L10                | 7.50   | N77°01'19"E |
| L11                | 8.78   | N60°20'59"E |
| L12                | 7.87   | N54°42'52"E |
| L13                | 15.36  | N63°41'01"E |
| L14                | 20.18  | N67°53'15"E |
| L15                | 13.54  | N57°35'48"E |
| L16                | 13.56  | N51°42'50"E |
| L17                | 12.02  | N38°11'30"E |
| L18                | 5.31   | N49°32'19"E |
| L19                | 2.92   | N72°56'23"E |
| L20                | 2.48   | S82°30'33"E |
| L21                | 12.60  | S65°56'47"E |
| L22                | 8.44   | S84°07'10"E |
| L23                | 8.99   | S84°33'51"E |
| L24                | 7.62   | S71°44'53"E |
| L25                | 9.86   | S66°48'55"E |
| L26                | 9.69   | S51°33'11"E |
| L27                | 3.74   | S60°57'41"E |
| L28                | 16.33  | S79°43'40"E |
| L29                | 12.28  | S78°09'54"E |
| L30                | 13.60  | S78°09'13"E |
| L31                | 12.45  | S80°28'55"E |
| L32                | 9.51   | S82°10'18"E |
| L33                | 7.80   | S76°35'37"E |
| L34                | 24.34  | S76°11'17"E |
| L35                | 7.28   | S71°05'54"E |



Vicinity Map & Aerial Photograph  
1" = 40'

Prepared For:

**South Beach Cottages and Lots, Inc.**  
**Indian Groves Subdivision**

City of Stuart, Martin County

Florida



**ALAN, inc.**

CONSULTANTS • PLANNERS • SURVEYORS  
MARINE ENVIRONMENTAL PERMITTING  
2440 S.E. Federal Highway - Suite 700  
Stuart, FL 34994 (772) 288-4880 Fax 288-0128

#### VERIFY SCALE

Bar is equal to One Inch on Original Drawing

0 1

Adjust all Scaled Dimensions Accordingly

Sheet Title:

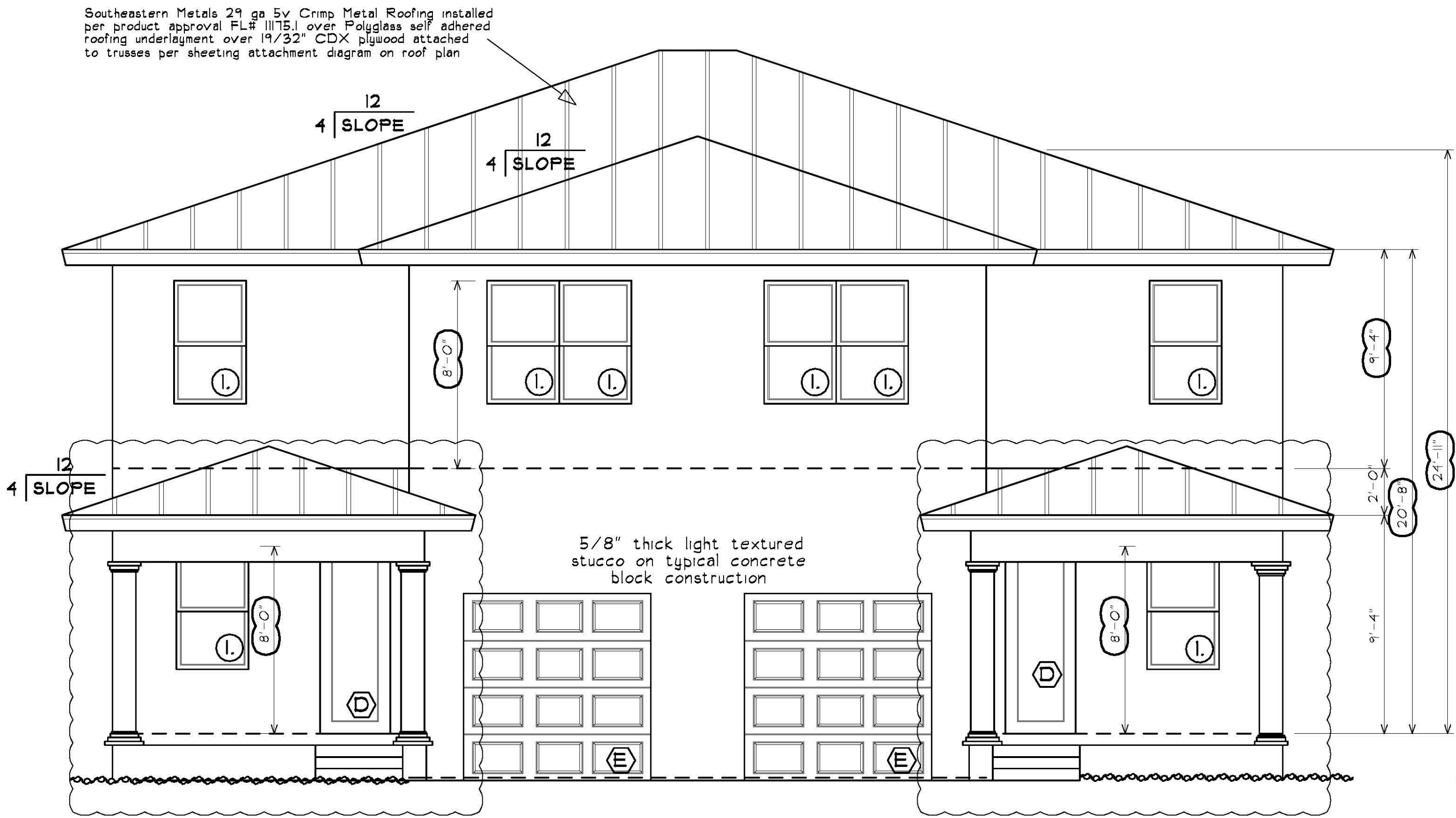
Wetland Line

| Date: | By: | Revision | Description: |
|-------|-----|----------|--------------|
|       |     |          |              |
|       |     |          |              |
|       |     |          |              |

|                        |                     |                                   |
|------------------------|---------------------|-----------------------------------|
| Scale:<br>1" = 20'     | Date:<br>05.19.2004 | Sheet Number:<br>1 of 1           |
| Drawn By:<br>codd vi   | Field Book:         | CADD File:<br>pop-crk_SP_JWA1.dwg |
| Job No.:<br>1047.31.04 |                     |                                   |

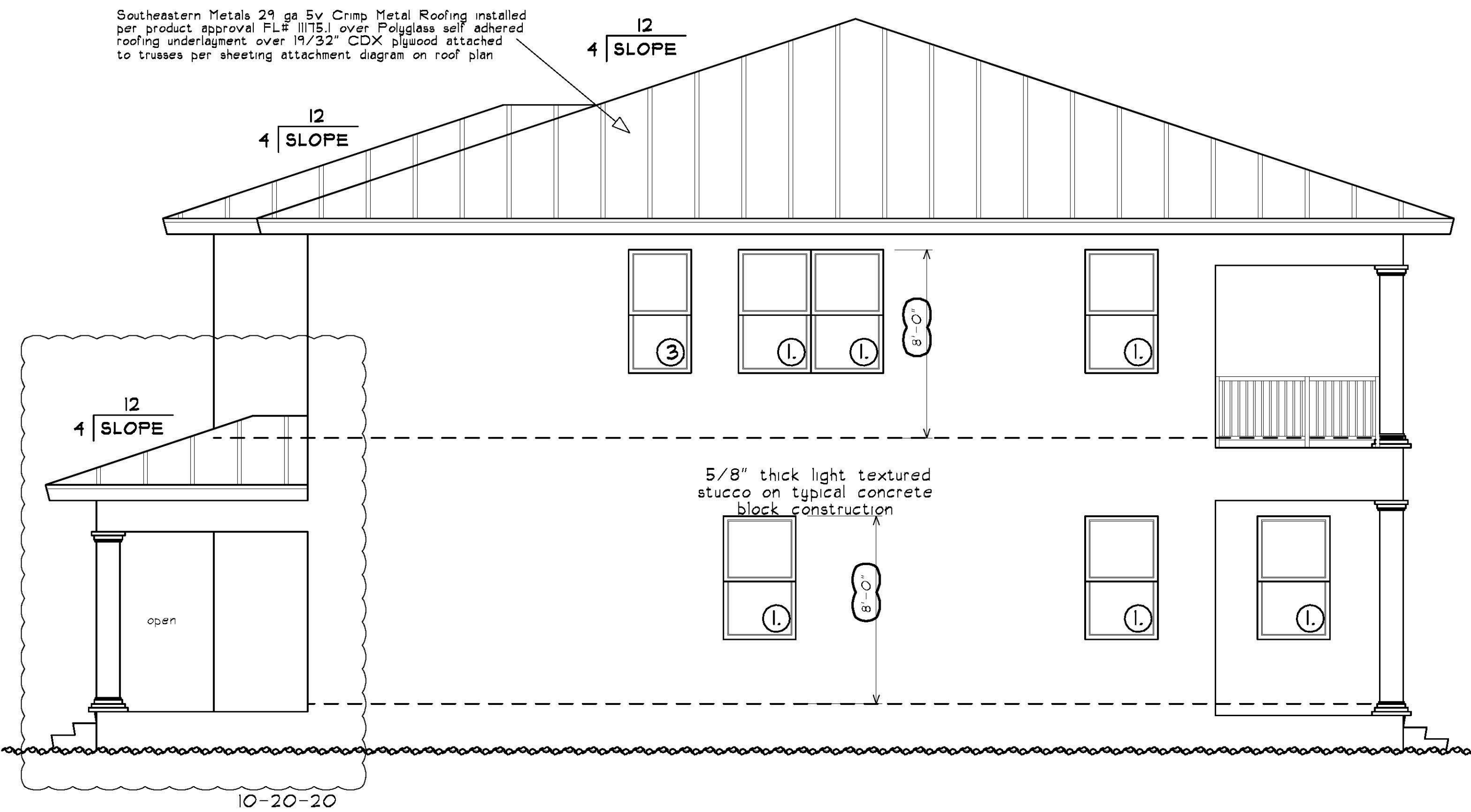
The Survey Map is not full and complete without the attached Survey Report. See attached Survey Report for the Description, Notes and Certification.

[illegible]



FRONT ELEVATION

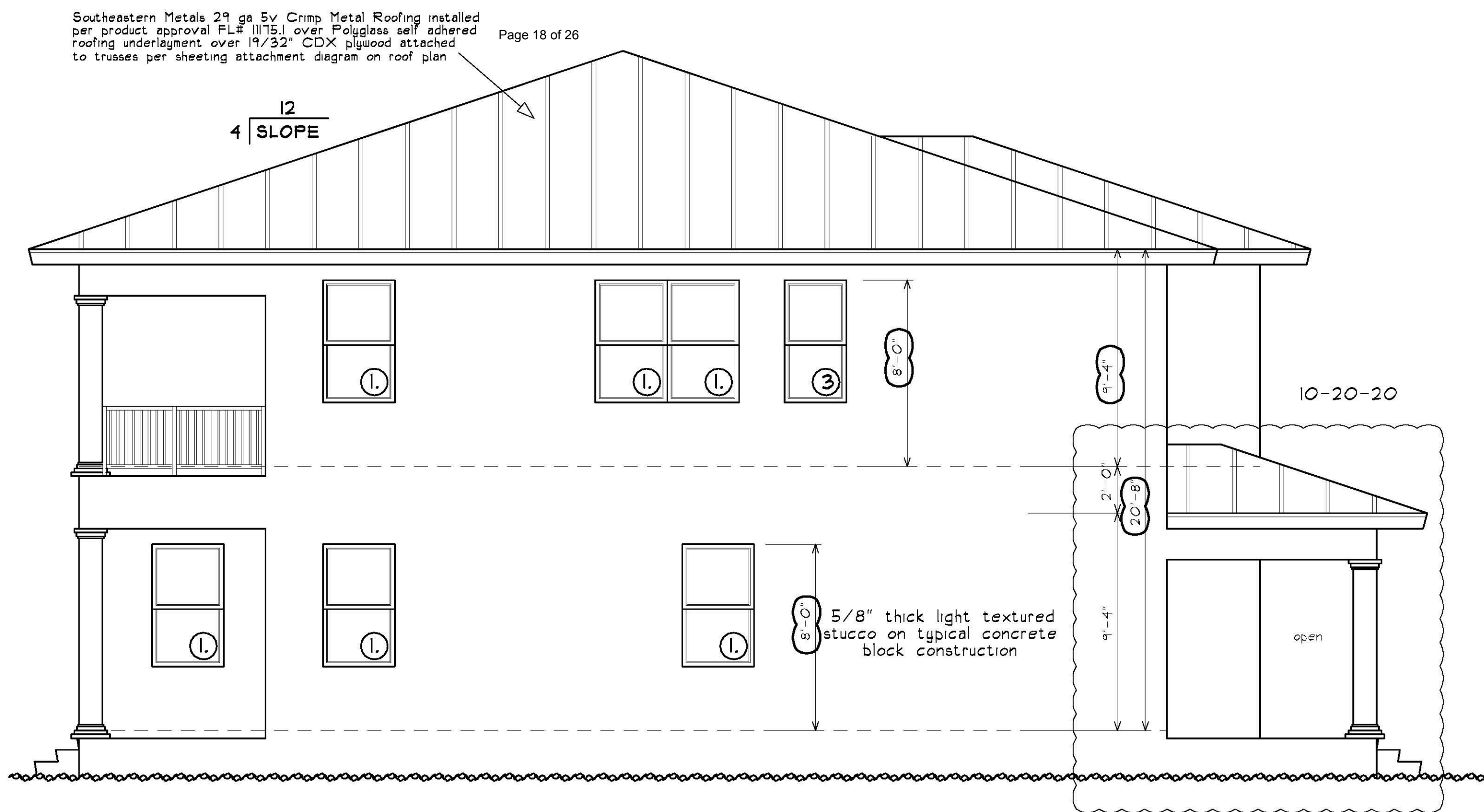
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

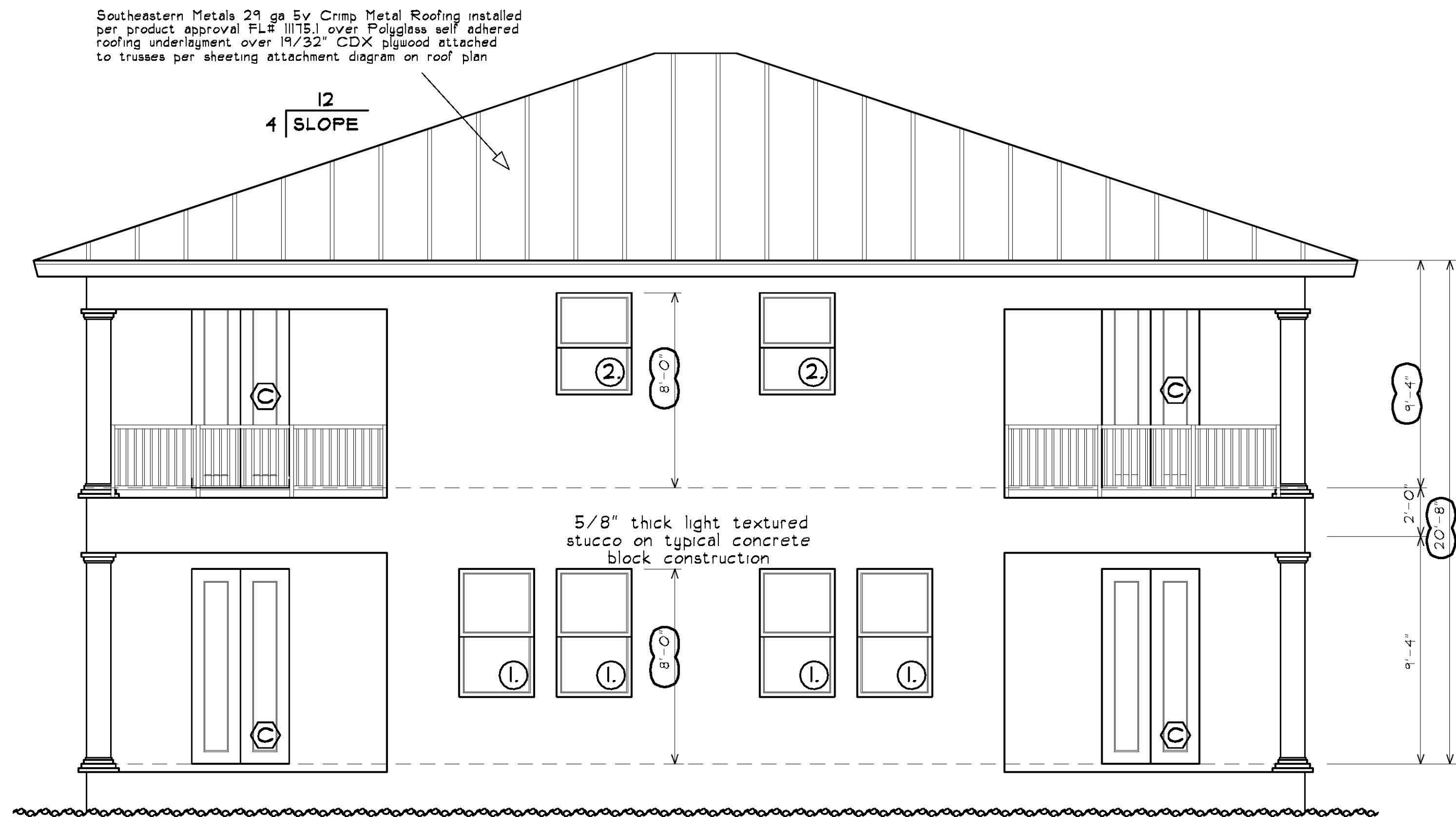
SCALE: 1/4" = 1'-0"

ALL SECOND FLOOR WINDOWS SHALL HAVE FALL PROTECTION COMPLYING WITH ASTM F2090



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

Revisions :  
10-20-20 PR Revisions  
1-24-21 Heights  
2-11-21 Printed Full Set

Date Drawn:  
10-1-20  
Drawn by:  
T.E.R.P.  
Checked by:  
D.R.B.

Duplex For:  
Southern Landmark

Braden & Braden AIA, PA  
ARCHITECTS - PLANNERS  
417 S.E. COCONUT AVENUE  
Tel : (112) 281-8258  
Fax : (112) 281-8283  
Website: www.bradenarchitects.com  
Stuart, FL 34996 #AAC000032

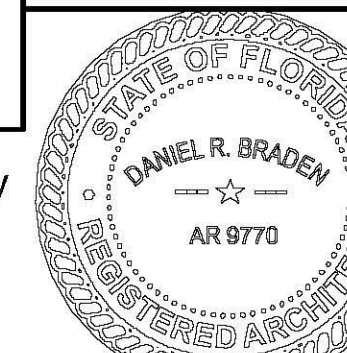
SHEET NO:

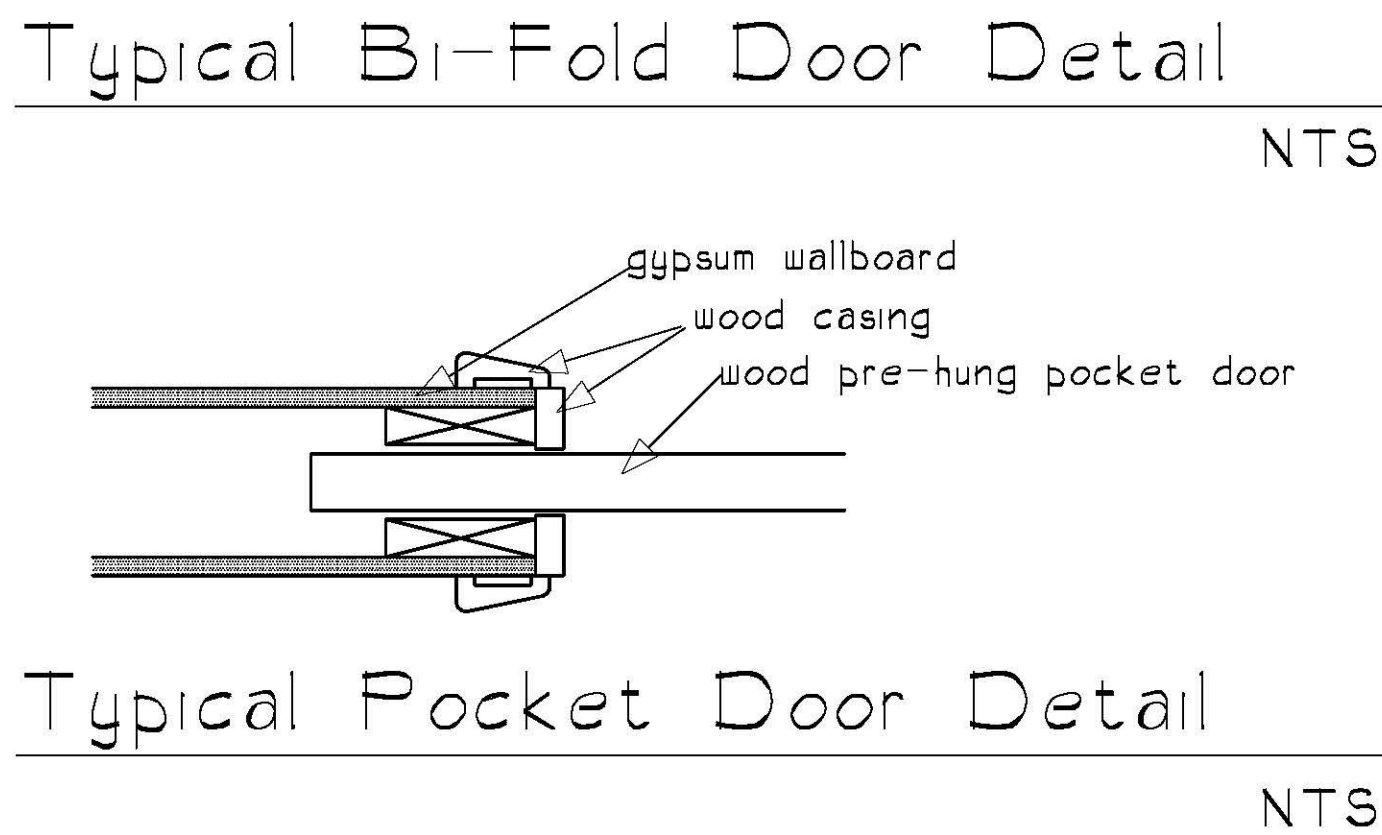
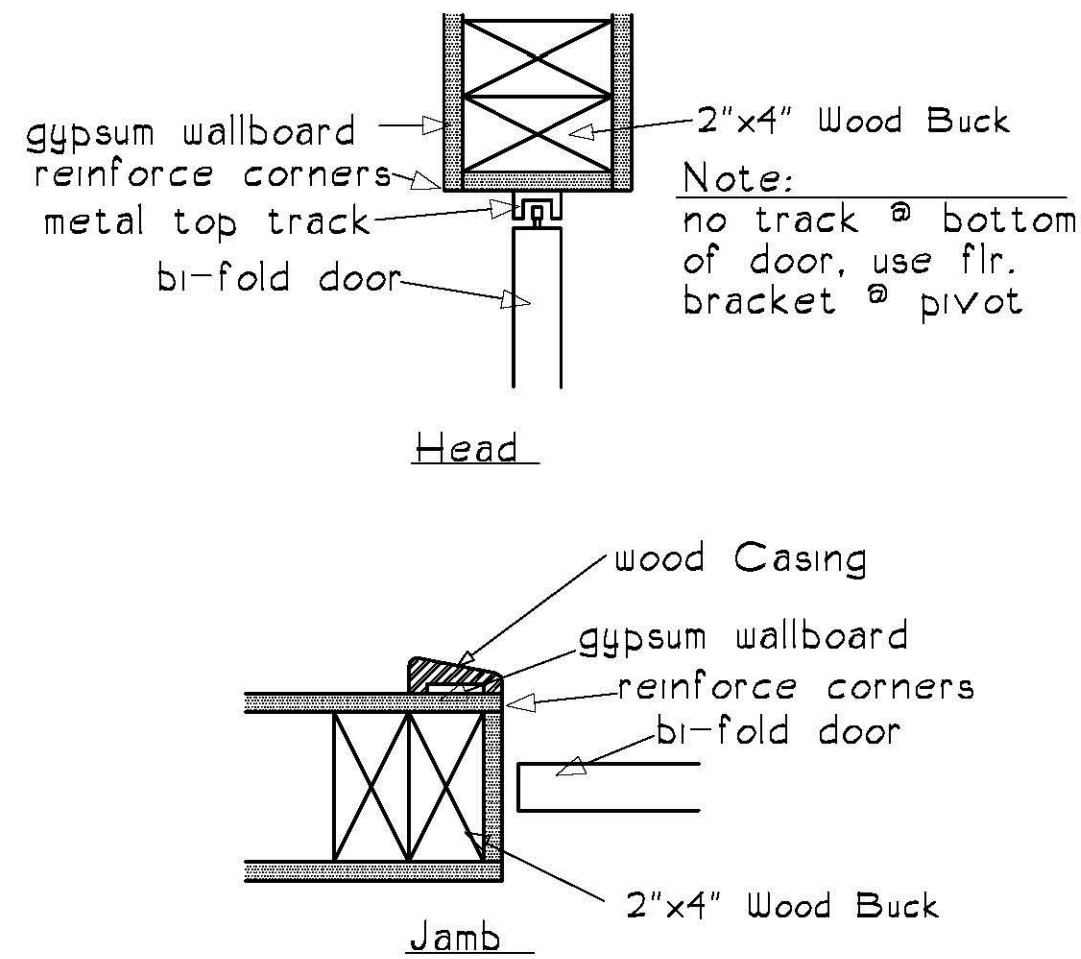
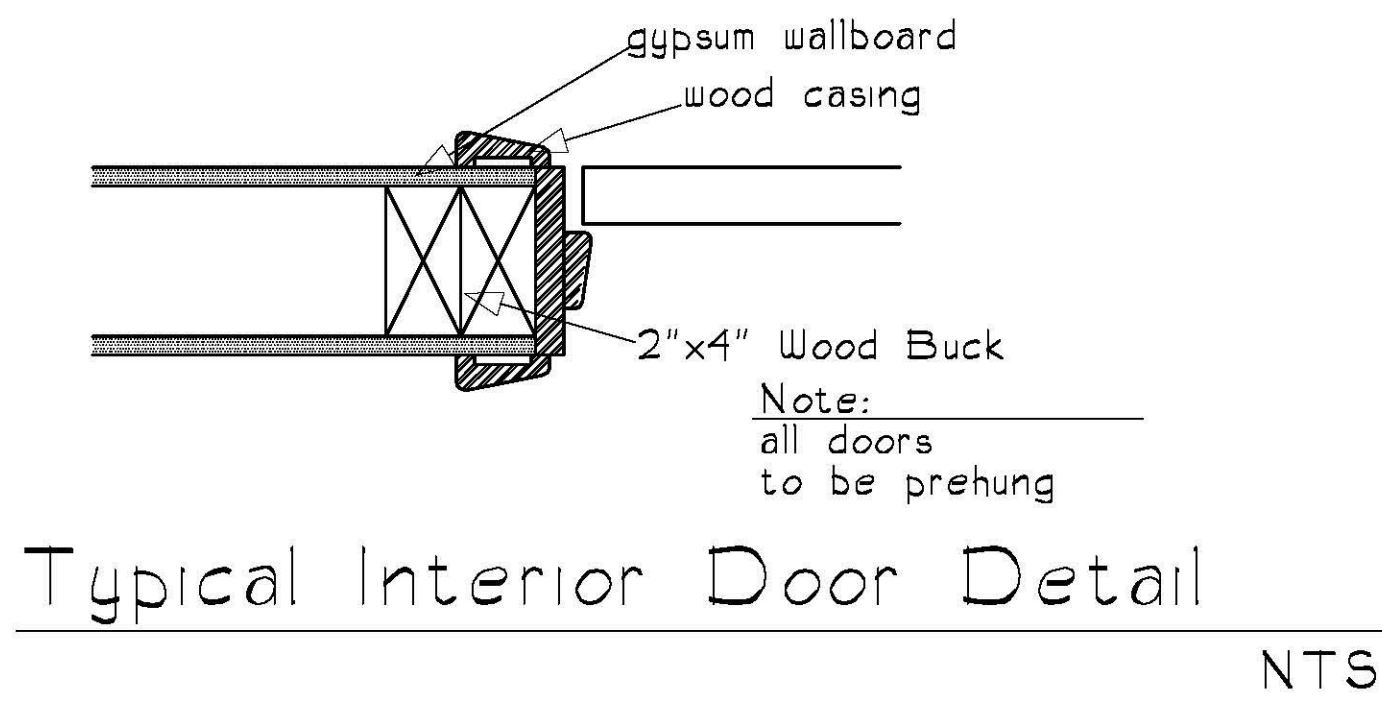
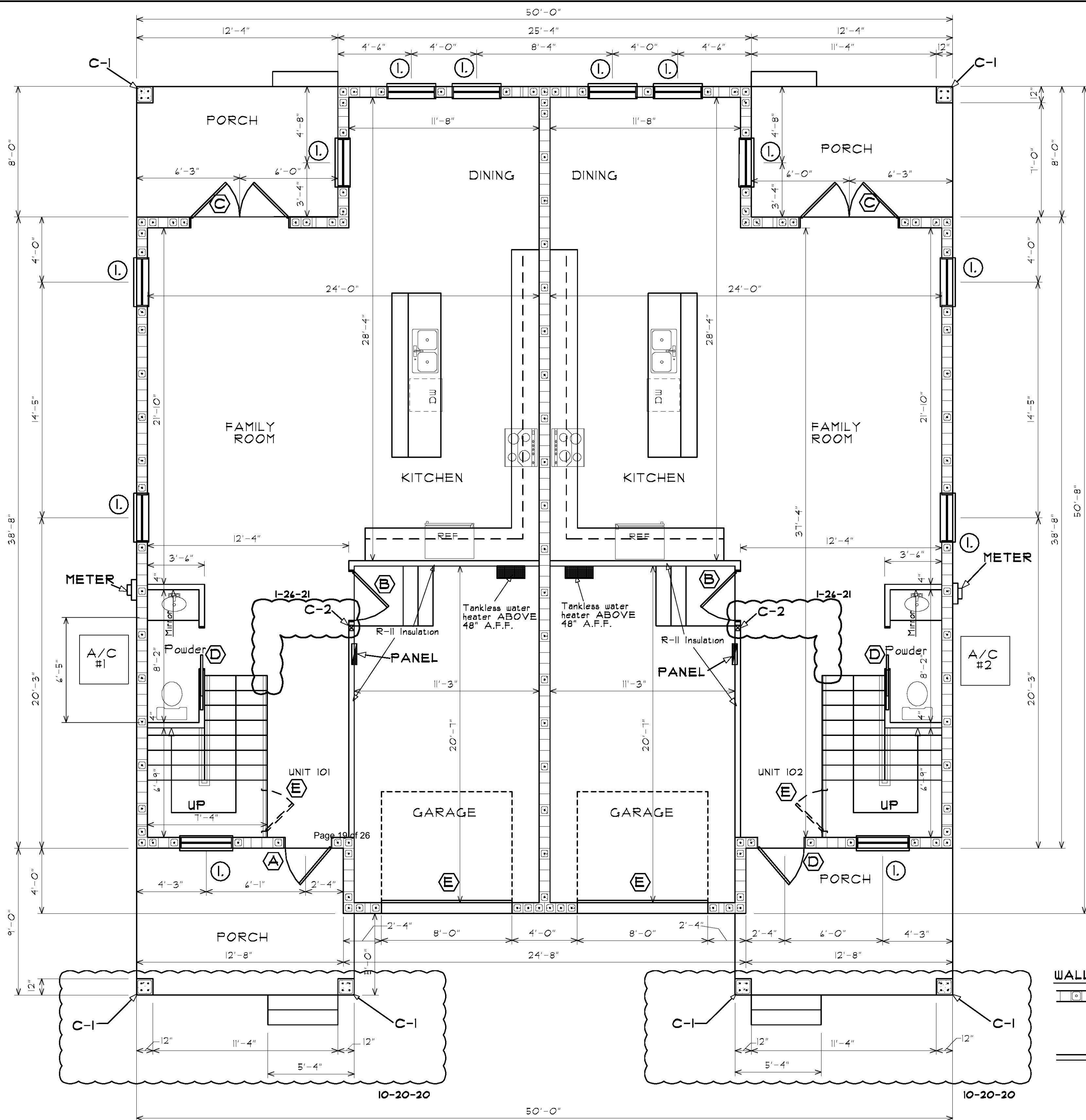
OF 10.

JOB NUMBER:

20-173

Digitally signed by  
Daniel R. Braden  
Date: 2021.02.17  
16:22:14 -05'00'





**WALL SYMBOL LEGEND**

— = CBS walls - Fill cells solid with concrete and (I) #5 bar vert. at 40" o.c. for walls up to 10'-0" high. Space 32" o.c. for walls up to 15'-0" high. For walls over 15'-0" a special inspection is required by any licensed structural engineer to review and approve the vert. steel installation in the footings, in the wall cavity and into beam.

— = 2" x 4" non-bearing stud walls - see sections. Insulate with R-11 batts at bathrooms & between A/C and Non-A/C spaces

| Column Schedule |                                                                                                                                              |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Mark            | Size and Description                                                                                                                         |
| C-1             | 12" x 12" concrete column with (4) #5 bars vert. and #3 ties at 12" o.c. over 16" x 16" x 36" concrete block pedestal with (4) #5 bars vert. |
| C-2             | 4" x 4" PT wood post                                                                                                                         |

## FLOOR PLAN

- TYPICAL NOTES:**
- Contractor to verify ALL notes and dimensions prior to proceeding with work.
  - Contractor to STRICTLY enforce ALL OSHA Requirements.
  - ALL Lumber to be used as Beam, Rafters, etc... to have a minimum 1,400 P.S.I. fiber stress.
  - No dissimilar metals to touch.
  - ALL Concrete used for slab shall be 2500 PSI concrete, and ALL Concrete used for vertical filled cells, continuous, tie beams etc... to shall be 3,000 P.S.I. concrete and/or 4,000 P.S.I. grout mix.
  - Drywall at ceilings shall be leveled and attached to bottom chord of trusses with screws.
  - ALL wood in contact with concrete shall be pressure treated.
  - ALL wall dimensions are nominal and not finished wall or stud dimensions.
  - ALL plumbing fixtures to be low flow.
  - Contractor to Provide Pan & Drain at water heater in accordance with the Florida Plumbing Code current edition.
  - Contractor to Provide a 2'-8" wide door at one bathroom for handicap accessibility requirements.
  - Lowest finished floor to be set by Governing Building Department surveyor to set in field.
  - Separation between residence and garage shall be per FBC R309.1 and R309.2.
  - Door between garage and residence shall be 1-3/8" solid wood - 20 min. fire rated.
  - The Garage shall be separated from residence and the attic area by 5/8" type "X" drywall applied to garage wall.
  - Garages beneath habitable rooms shall be separated from all habitable rooms above by no less than 5/8" type "X" drywall.
  - ALL Floor to ceiling assemblies shall be protected by 5/8" type "X" drywall.
  - Wall and Ceiling shall have a flame-spread classification of not greater than 200.
  - Wall and ceiling finishes shall have a smoke-developed index of not greater than 450.

20. All exposed attic insulation materials installed on attic floors shall have a critical radiant flux not less than 0.12 watt per square centimeter. Exposed foam plastic insulation materials exposed on the underside of the roof deck or on the attic walls shall comply with F.B.C. Residential Section R314 - see permit info box of code edition.
21. Gypsum board material shall conform to ASTM C36, C19, C415, C514, C630, C931, C120, C1002, C1041, C1171, C1178, C1278, C1395, or C1396 and shall be installed according to the following:
- | Drywall Thickness | Location | Orientation      | Framing Member Spacing Maximum | Max. spacing of fasteners Nails Screws | Nail sizing options for installation of drywall into wood framing members 2" x min. thickness                                                                                                               |
|-------------------|----------|------------------|--------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1/2"              | Ceiling  | Perpendicular    | 24"                            | 1"                                     | 13ga 1 3/8" long with 19/44" head OR 0.098" diameter x 1 1/4" long annular-ringed or 5d cooler nail OR 0.080" dia. x 1 5/8" long with 19/44" head OR Gypsum board nail 0.084" dia. x 1 5/8" with 9/32" head |
| 1/2"              | Walls    | Either Direction | 16"                            | 8"                                     | 13ga 1 5/8" long with 19/44" head OR 0.098" diameter x 1 3/8" long annular-ringed or 5d cooler nail OR 0.092" dia. x 1 7/8" long with 1/4" head OR Gypsum board nail 0.0915" dia. x 1 7/8" with 19/44" head |
| 5/8"              | Ceiling  | Perpendicular    | 24"                            | 1"                                     | 13ga 1 5/8" long with 19/44" head OR 0.098" diameter x 1 3/8" long annular-ringed or 5d cooler nail OR 0.092" dia. x 1 7/8" long with 1/4" head OR Gypsum board nail 0.0915" dia. x 1 7/8" with 19/44" head |
| 5/8"              | Walls    | Either Direction | 16"                            | 8"                                     | 13ga 1 5/8" long with 19/44" head OR 0.098" diameter x 1 3/8" long annular-ringed or 5d cooler nail OR 0.092" dia. x 1 7/8" long with 1/4" head OR Gypsum board nail 0.0915" dia. x 1 7/8" with 19/44" head |
22. ALL ceramic tile surfaces installed shall conform to ASTM A108.1 thru A108.6, A108.1, A118.1, A118.3, A136.1 and A137.1.
22. Cement, fiber-cement or glass mat gypsum backers in accordance with ASTM C1288, C1325, OR C1178 and installed I.A.W. manufacturers recommendations shall be used as backer for the wall tile in tub areas and wall panels in shower areas.

| First Floor Square Footage Left Unit   |               |
|----------------------------------------|---------------|
| First Floor A/C =                      | 791 sq. ft.   |
| Covered Porch Total =                  | 150 sq. ft.   |
| Garage =                               | 233 sq. ft.   |
| First Floor Total =                    | 1,174 sq. ft. |
| Second Floor Square Footage Left Unit  |               |
| Second Floor A/C =                     | 1,035 sq. ft. |
| Covered Porch Total =                  | 99 sq. ft.    |
| Second Floor Total =                   | 1,134 sq. ft. |
| Unit 101 Total =                       | 2,308 sq. ft. |
| First Floor Square Footage Right Unit  |               |
| First Floor A/C =                      | 791 sq. ft.   |
| Covered Porch Total =                  | 150 sq. ft.   |
| Garage =                               | 233 sq. ft.   |
| First Floor Total =                    | 1,174 sq. ft. |
| Second Floor Square Footage Right Unit |               |
| Second Floor A/C =                     | 1,035 sq. ft. |
| Covered Porch Total =                  | 99 sq. ft.    |
| Second Floor Total =                   | 1,134 sq. ft. |
| Unit 102 Total =                       | 2,308 sq. ft. |
| Under Roof Square Footage Breakdown    |               |
| First Floor Total =                    | 2,348 sq. ft. |
| Second Floor Total =                   | 2,268 sq. ft. |
| Total Under Roof =                     | 4,616 sq. ft. |
| A/C Space Breakdown                    |               |
| First Floor A/C =                      | 1,582 sq. ft. |
| Second Floor A/C =                     | 2,070 sq. ft. |
| Total A/C space =                      | 3,652 sq. ft. |

Digitally signed by  
Daniel R. Braden  
Date: 2021.02.17  
16:22:33 -05'00'

Revisions:  
10-20-20 PR Revisions  
1-6-21 Revisions  
1-26-21 Column/Carler Revisions  
2-17-21 Printed Full Set

Date Drawn:  
10-1-20

Drawn by:  
T.E.R.C.P.  
N.T.C.J.  
C.C.J.  
Checked by:  
D.R.B.

Duplex For:

Southern Landmark

Address: MARTIN COUNTY, FL.

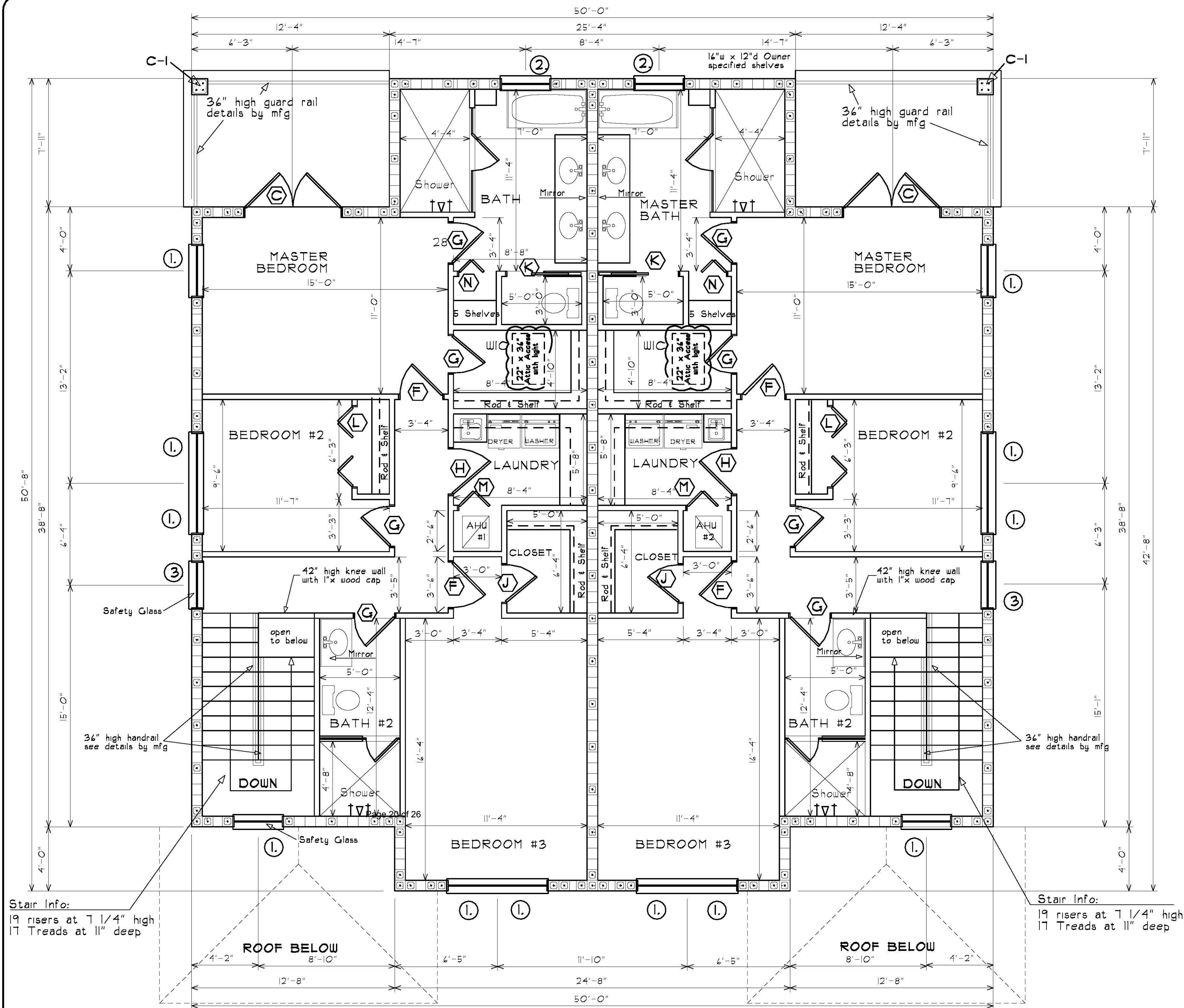
Braden & Braden AIA, PA  
ARCHITECTS - PLANNERS  
417 SE. COCONUT AVENUE  
Tel: (772) 287-8258  
Fax: (772) 287-8283  
Website: www.bradenarchitects.com  
Suwanee, FL 34996 #AAC000032

**B**

SHEET NO:  
2  
OF 10.

JOB NUMBER:  
20-173

STATE OF FLORIDA  
DANIEL R. BRADEN  
REGISTERED ARCHITECT  
AR 9770



## SECOND FLOOR PLAN

### TYPICAL NOTES:

- Contractor to verify ALL notes and dimensions prior to proceeding with work.
- Contractor to STRICTLY enforce ALL OSHA Requirements.
- ALL Lumber to be used as Beam, Rafters, etc... to have a minimum 1,400 P.S.I. fiber stress.
- No dissimilar metals to touch.
- ALL Concrete used for slabs shall be 2500 PSI concrete, and ALL Concrete used for vertical filled cells, continuous, tie beams etc.. to shall be 3,000 P.S.I. concrete and/or 1,000 P.S.I. grout mix.
- Drywall at ceilings shall be leveled and attached to bottom chord of trusses with screws.
- ALL wood in contact with concrete shall be pressure treated.
- ALL wall dimensions are nominal and not finished wall or stud dimensions.
- ALL plumbing fixtures to sit low flow.
- Contractor to Provide P.E. Drain at water heater in accordance with the Florida Plumbing Code current edition.
- Contractor to Provide a 2'-8" wide door at one bathroom for handicap accessibility requirements.
- Lowest finished floor to be set by Governing Building Department surveyor to set in field.
- Separation between residence and garage shall be per FBC R309.1 and R309.2
- Door between garage and residence shall be 1-3/8" solid wood - 20 min. fire rated
- The Garage shall be separated from residence and the attic area by 5/8" type "X" drywall applied to garage wall.
- Garages beneath habitable rooms shall be separated from all habitable rooms above by no less than 5/8" type "X" drywall
- ALL Floor to ceiling assemblies shall be protected by 5/8" type "X" drywall
- Wall and Ceiling shall have a flame-spread classification of not greater than 200
- Wall and ceiling finishes shall have a smoke-developed index of not greater than 450

- All exposed attic insulation materials installed on attic floors shall have a critical radiant flux not less than 0.12 watt per square centimeter. Exposed foam plastic insulation materials exposed on the underside of the roof deck or on the attic walls shall comply with F.B.C. Residential Section R314 - see permit info box of code edition.
- Gypsum board material shall conform to ASTM C36, C19, C415, C514, C630, C931, C920, C1002, C1041, C1117, C1178, C1278, C1395, or C1396 and shall be installed according to the following:

| Drywall Thickness | Location | Orientation      | Framing Spacing Maximum | Max. spacing of fasteners | Nails | Screws | Nail using options for installation of drywall into wood framing members 2" x min. thickness         |
|-------------------|----------|------------------|-------------------------|---------------------------|-------|--------|------------------------------------------------------------------------------------------------------|
| 1/2"              | Ceiling  | Perpendicular    | 24"                     | 12"                       | 12"   |        | 13ga 1 3/8" long with 19/64" head OR 0.081" diameter x 1 1/4" long annular-ringed or 6d cooler nail  |
|                   | Walls    | Either Direction | 16"                     | 8"                        | 16"   |        | 0.080" dia. OR 16/64" head OR Gypsum board nail 0.084" dia. x 1 5/8" with 9/32" head.                |
| 5/8"              | Ceiling  | Perpendicular    | 24"                     | 12"                       | 12"   |        | 13ga 1 5/8" long with 19/64" head OR 0.081" diameter x 1 3/8" long annular-ringed or 6d cooler nail  |
|                   | Walls    | Either Direction | 16"                     | 8"                        | 16"   |        | 0.082" dia. x 1 1/8" long with 1/4" head OR Gypsum board nail 0.095" dia. x 1 7/8" with 19/64" head. |

- ALL ceramic tile surfaces installed shall conform to ASTM A108.1 thru A108.6, A108.1, A118.1, A118.3, A136.1 and A137.1
- Cement, fiber-cement or glass mat, gypsum backers in accordance with ASTM C1288, C1325, OR C1178 and installed I.A.W. manufacturers recommendations shall be used as backer for the wall tile in tub areas and wall panels in shower areas.

SCALE 1/4" = 1'-0"

## Window Schedule

| Mark | Size          | Window Description              |
|------|---------------|---------------------------------|
| 1.   | 3'-1" x 5'-3" | SINGLE HUNG - IMPACT - EGRESS   |
| 2.   | 3'-1" x 4'-2" | SINGLE HUNG - IMPACT - TEMPERED |
| 3.   | 2'-6" x 4'-2" | SINGLE HUNG - IMPACT - TEMPERED |

- ALL Windows to be white ESP aluminum windows with tint. Provide muntins and structural mullions per elevations. See product approval chart for window manufacturer information.
- ALL windows to withstand Pressures stated in Permit Information Box on these plans.
- ALL windows in bathrooms to be tempered
- ALL windows within 18" of finished floor to be tempered unless impact rated.
- Verify all masonry/rough opening sizes prior to ordering windows.

## Door Schedule

| Mark | Size          | Door Description                        |
|------|---------------|-----------------------------------------|
| A    | 3'-0" x 8'-0" | SINGLE LITE FRENCH                      |
| B    | 3'-0" x 8'-0" | SOLID CORE WOOD 2 PANEL - 20 min. Rated |
| C    | 6'-0" x 8'-0" | SINGLE LITE FRENCH                      |
| D    | 2'-6" x 8'-0" | SOLID CORE WOOD 2 PANEL - POCKET        |
| E    | 2'-6" x 4'-0" | SOLID CORE WOOD 2 PANEL - CUT DOWN      |
| F    | 2'-8" x 8'-0" | SOLID CORE WOOD 2 PANEL                 |
| G    | 2'-6" x 8'-0" | SOLID CORE WOOD 2 PANEL                 |
| H    | 3'-0" x 8'-0" | SOLID CORE WOOD 2 PANEL                 |
| J    | 2'-4" x 8'-0" | SOLID CORE WOOD 2 PANEL                 |
| K    | 2'-4" x 8'-0" | SOLID CORE WOOD 2 PANEL - POCKET        |
| L    | 5'-0" x 8'-0" | SOLID CORE WOOD 2 PANEL - BIFOLD        |
| M    | 2'-8" x 8'-0" | SOLID CORE WOOD 2 PANEL - BIFOLD        |
| N    | 2'-4" x 8'-0" | SOLID CORE WOOD 2 PANEL - BIFOLD        |
| P    | 8'-0" x 8'-0" | SECTIONAL GARAGE DOOR                   |

- ALL exterior doors including garage doors to withstand pressures stated in permit information box on these plans.
- Verify all masonry/rough opening sizes prior to ordering windows.
- See product approval chart on these plans for exterior door manufacturer information (including garage door)
- Provide one exit door (swing type) that is 3'-0" wide minimum and one emergency escape door (not shuttered). If escape door has glazing then it must be impact resistant and shall NOT be thru garage. This may be the same door if it meets both criteria listed above.

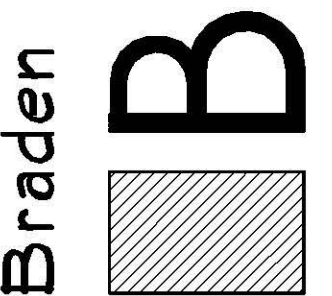
Revisions:  
10-20-20 PR Revisions  
1-6-21 Revisions  
1-26-21 Column/Order Revisions  
2-17-21 Printed Full Set

Date Drawn:  
10-1-20  
Drawn by:  
T.E.R.P.  
N.T.C.  
C.C.J.  
Checked by:  
D.R.B.

Duplex For:  
Southern Landmark

Address: MARTIN COUNTY, FL.

Braden & Braden AIA, PA  
ARCHITECTS - PLANNERS  
411 S.E. COCONUT AVENUE  
Tel : (772) 287-9258  
Fax : (772) 287-9283  
Website: www.bradenarchitects.com  
Stuart, FL 34996 #AAC000032



SHEET NO:

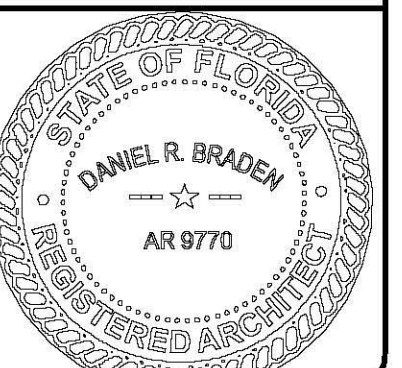
3.

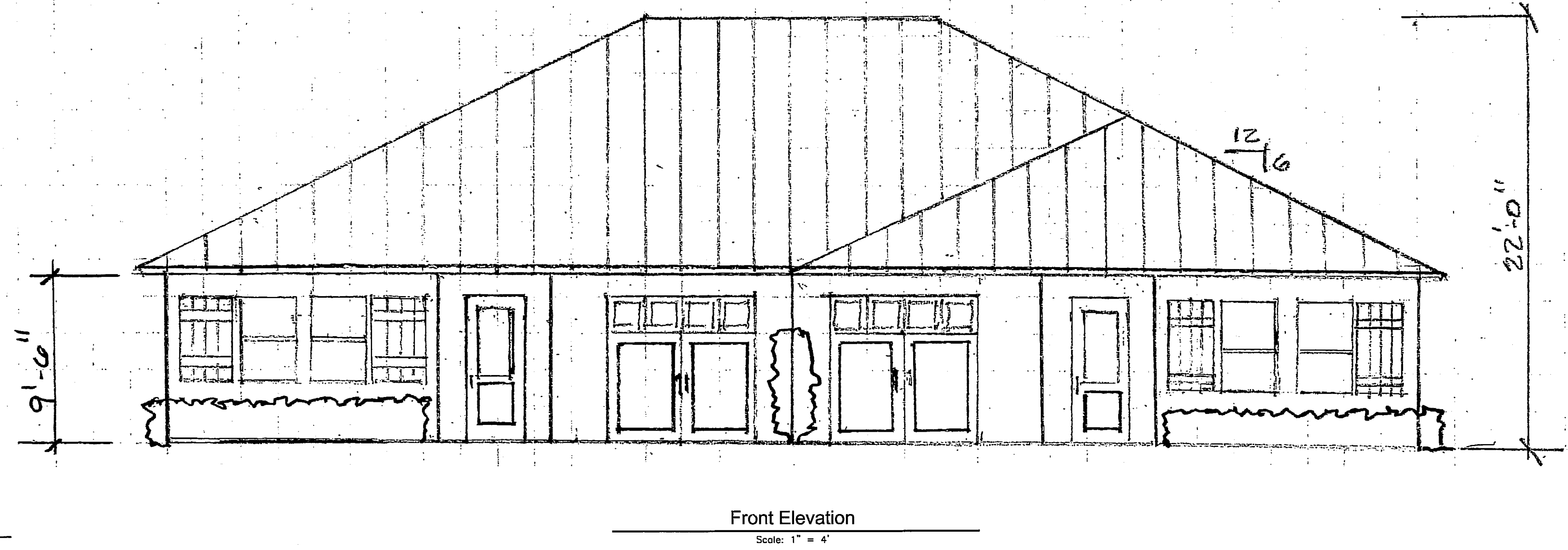
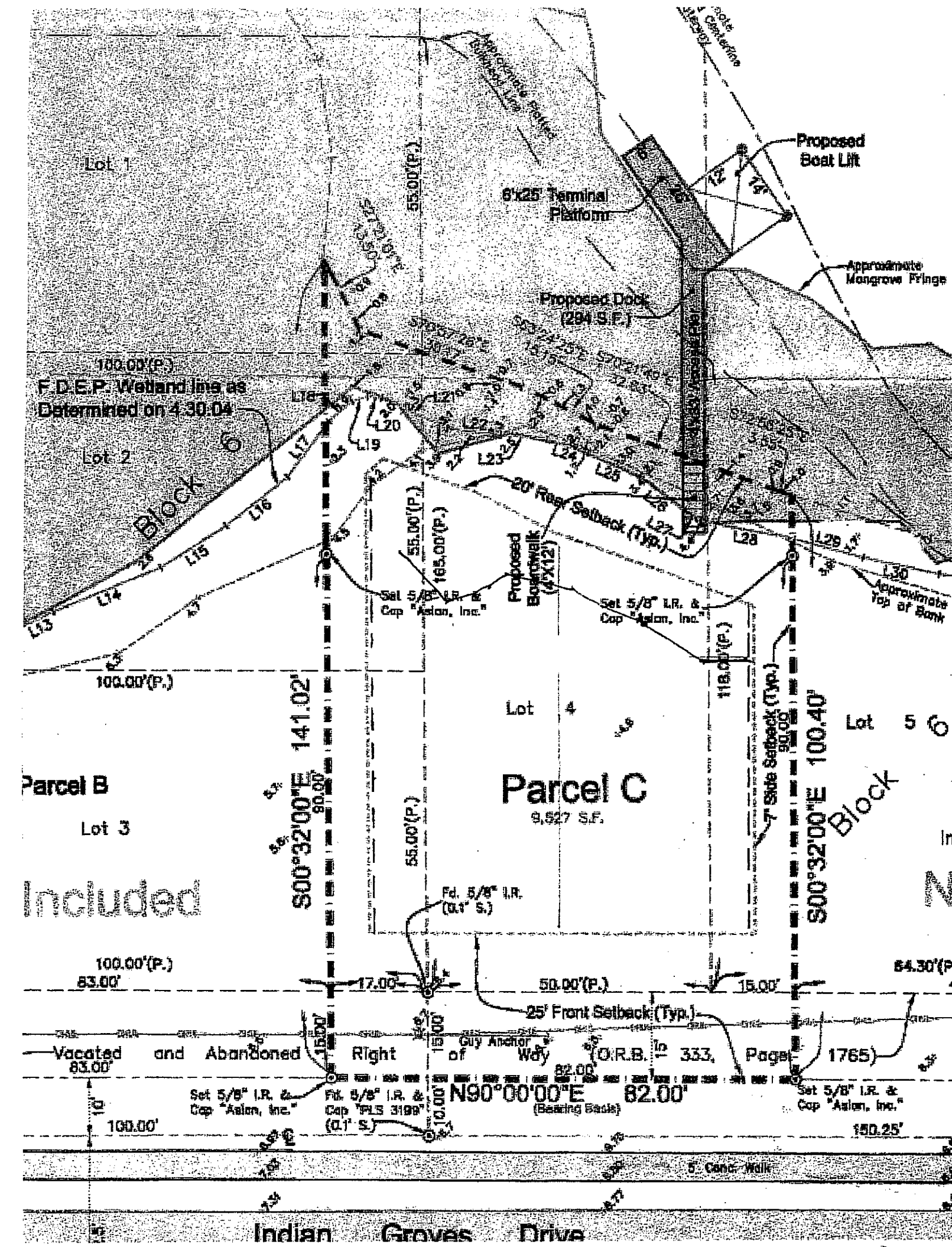
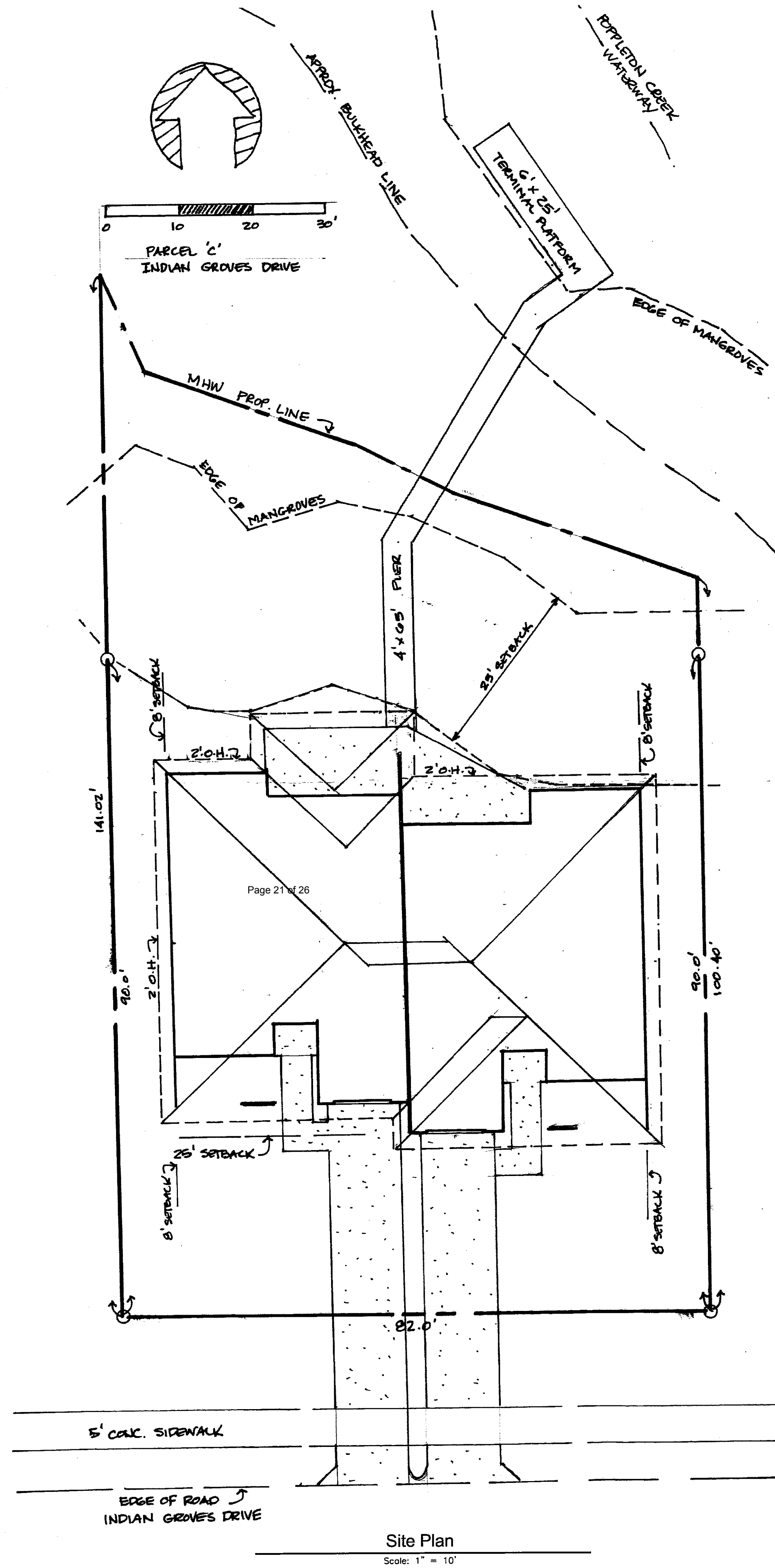
OF 10.

JOB NUMBER:

20-173

Digitally signed by  
Daniel R. Braden  
Date: 2021.02.17  
16:22:52 -05'00'







657 Montreal Avenue • Melbourne, FL 32935

ph 321.676.1505 • fax 321.676.1730

### Memorandum

To: Mr. Andy Kirbach, PE  
Morgan & Associates, Inc.

From: Jon Shepherd

Date: February 3, 2021

Re: Parcel 083841007006000110  
Douglas Bournique  
Indian Grove Variance Request

Per Mr. Bournique's request to obtain a variance on the above-referenced parcel from the City of Stuart's Land Development Regulations (LDR) – Resource Protection Standards and Hardship Relief, as well as the Comp Plan, we offer the following:

Section 10.02.00, Variance Setback Requirement Variances, defined in Section 6.01.03 (Building Setback Requirements) default to Section 5.04.04 for all waterfront properties.

Pursuant to the City of Stuart LDR Section 5.04.02.C, an on-average 75-foot upland buffer, minimum 50 feet, shall be provided and preserved around the on-site wetland connected to Poppleton Creek, an Outstanding Resource Wetland, and the upland buffer shall be provided a 10-foot construction setback. The provision for reduced upland buffer and compensation has been eliminated by Ordinance 2165-08.

Despite the fact that FDEP does not require an upland buffer between proposed development and a wetland such as the one located on the subject property, the City of Stuart is within its rights to require upland buffers and construction set-backs.

Our preliminary review of this project and discussions held with City of Stuart staff suggests that the above-referenced site should qualify for a setback variance. Should this setback variance be issued, Atlantic Environmental sees no environmental harm associated with this action.

Sec. 8.05.02. - Limitations on granting variances.

- A. *Initial determination.* The board of adjustment shall have the power to authorize in specific cases such variances from the provisions set forth in subsection 8.04.01.A., which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of certain parts of this code will, in an individual case, result in unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon the following findings by the board of adjustment.
- B. *Required findings.* The need for the proposed variance is attributable to unique characteristics of the property either as to the land or as to any improvements thereon, or both, and the proposed variance, if granted, will not:
  - 1. Authorize any use of the property that is not allowed as a permitted use or a use allowed by conditional use in the district in which the property is located; and
  - 2. Allow a density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located; and
  - 3. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
  - 4. Cause a detrimental effect in the supply of light and air to adjacent properties; and
  - 5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
  - 6. Cause an increase of traffic on adjacent or nearby roads to levels that are not usual for the types of uses in the neighborhood; and
  - 7. Cause any threat to public safety in any manner whatsoever; and
  - 8. Cause any threat to the health or general welfare of the inhabitants of the city.
- C. A variance shall not be granted that exceeds the minimum variance to the strict application of the provisions of this Code necessary to alleviate the unnecessary hardship.

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

### 6.00.00. - GENERAL PROVISIONS

#### Sec. 6.00.01. - Purpose.

The purpose of this chapter is to provide development design and improvement standards applicable to all development activity within the city.

#### Sec. 6.00.02. - Responsibility for improvements.

All improvements required by this chapter shall be designed, installed, and paid for by the developer.

#### Sec. 6.00.03. - Principles of development design.

The provisions of this chapter are intended to ensure functional and attractive development.

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

### 6.03.00. - STORMWATER MANAGEMENT

#### Sec. 6.03.01. - Generally.

- A. *Intent.* It is the policy of the City of Stuart to promote efficient use and management of stormwater. To the maximum extent possible, stormwater will be percolated into the shallow aquifer by use of retention/detention areas, underground storage, green space, pervious pavement, and exfiltration systems. It is also the policy of the City of Stuart to protect existing facilities from adverse impacts of new construction.
- B. *Applicability.*
  - 1. The provisions of this chapter shall apply to development within the City of Stuart municipal boundaries, excluding the urban district, as follows:
    - (a) All new development shall be required to comply with the site design requirements of the South Florida Water Management District. New development shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration systems shall be used for water quality purposes only. Proper management of stormwater runoff shall be accommodated through retention and detention, green space, allowable discharge and up to 40 percent underground storage.
    - (b) Renovation development, vacant development and infill development shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration

systems shall be used for water quality purposes only. Not more than 40 percent of stormwater runoff may be stored in underground storage structures. The remaining 60 percent of the required stormwater runoff shall be accommodated through retention and detention, green space, and allowable discharge.

2. In the Urban Code District and East Stuart District, all development, including new development, substantial renovation and infill development, shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration systems shall be used for water quality purposes only. Proper management of stormwater runoff may be accommodated through any combination of underground storage structures, retention and detention, green space, and allowable discharge.

A certificate of occupancy shall not be issued if any portion of a stormwater system is not in compliance with the approved site plan.

C. *Site planning.*

1. Developments must, in their site planning, account for and compensate for historic drainage patterns in the area of the development so as not to cause flooding to adjacent and surrounding properties. ~~Single-family homes and duplexes on lots of record, though not required to have engineered site plans, must demonstrate by submission of a civil plan depicting that stormwater runoff will not flow onto adjoining properties.~~
2. Alterations, additions and modifications of existing facilities, as to the extent of the alteration, addition or modification are subject to this chapter.

- D. *Drainage.* An adequate drainage system, including necessary ditches, canals, swales, percolation areas, berms, dikes, weirs, detention ponds, storm sewers, drain inlets, manholes, headwalls, end walls, culverts, bridges and other appurtenances shall be required in all subdivisions and developments for the positive drainage of storm and groundwater. The drainage system shall provide for surface waters affecting the subdivision or development.

- E. *Stormwater treatment.* Stormwater treatment facilities shall be required in the subdivision or development to control stormwater runoff quality by providing for on-site retention/detention or other appropriate treatment technique for stormwater.

- F. *Maintenance.* The capacity of a stormwater management system shall be properly maintained. Methods of required maintenance may include vacuuming exfiltration systems, vacuuming and pressure-cleaning pervious parking areas, replacement of berms, the installation of silt screens or similar devices, and the installation of sod. If any portion of a stormwater system ceases to function as designed, the property owner or occupant may be required to remove, repair or replace that portion of a stormwater system.

G. *Infill development.*

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

- i. A topographic survey which identifies existing improvements within and adjacent to the site.
  - ii. A lot grading plan that is designed to maintain consistent regional elevations at grade and prevent excessive stormwater runoff. The stormwater lot grading plan may be reviewed by the City's consultant engineer at no cost to the applicant.
- 2. Residential infill development shall comply with the approved lot grading plan and with the following:
  - i. Lot fill shall be limited to the minimum as determined by the stormwater management requirements.
  - ii. Foundation construction shall comprise of a stem-wall or extended footers or other method of foundation construction as approved during the Building Permit process.
  - iii. The owner/developer is responsible for showing that the development will not cause or increase off-site flooding to properties adjacent to or along the discharge path from the infill lot.
  - iv. If the residential infill lot has a waterfront then a buffered shoreline or other approved method for preventing excessive stormwater run-off into the waterbody shall be required.