



AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

AUGUST 22, 2022

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

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

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

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

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

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

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

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

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

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

1. APPROVAL OF 08/08/2022 CCM MINUTES
2. APPROVAL OF 08/15/2022 SCM BUDGET WORKSHOP #2

END OF CONSENT CALENDAR

COMMISSION ACTION

3. EASEMENT WITH FPL FOR TRANSFORMER PLACEMENT AT WTP (RC):

RESOLUTION 67-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT ("FPL") FOR A TEN (10) FOOT WIDE EASEMENT RELATED TO THE PLACEMENT OF A TRANSFORMER ON THE WATER TREATMENT PLANT PARCEL, RESCINDING ALL RESOLUTIONS IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

4. WATERBLASTING - MAJOR AMENDMENT TO IPUD (QUASI-JUDICIAL) (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,936 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES (RC):

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 8/22/2022

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 08/08/2022 CCM MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 08/08/2022 CCM MINUTES (RC)

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 08082022 CCM Minutes

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
AUGUST 8, 2022
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

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

ADMINISTRATIVE

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

ROLL CALL

4:00 PM

PRESENT: Mayor Matheson, Vice Mayor McDonald, Commissioner Bruner, Commissioner Clarke, Commissioner Meier.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - TRI-COUNTY LINE DANCING

The Tri-County Line group danced and were presented with a certificate for participation.

PROCLAMATIONS

None.

PRESENTATIONS

2. SERVICE AWARDS - AUGUST 2022

Marc Rogolino	Utilities & Engineering	20 years	(Not Present)
Michael Sapp	Utilities & Engineering	10 years	(Present)

Michael Sapp thanked the City and stated how much he has enjoyed working for the City.

**3. LOW IMPACT DEVELOPMENT PRESENTATION BY DR. LEESA SOUTO,
EXECUTIVE DIRECTOR OF THE MARINE RESOURCES COUNCIL**

4:08 PM

Dr. Leesa Souto, Ph.D., Executive Director of the Marine Resources Council accompanied by Chris Bogdon, Business Development Manager of Ferguson Water Works, presented on low impact development and provided various successful examples included pervious vs. non-pervious concrete surfaces, going grey to green, Low Impact Development (LID) and green infrastructure, and adding more green in to the roadways and design. Dr. Souto announced the Marine Resources Council's LID Conference on Oct. 20-21, 2022 in Rockledge, Florida.

Mr. Bogdon came forward and commented on the improvements in Cape Canaveral.

Commissioners thanked Dr. Souto, Mr. Bogdon, and the Marine Resource Council for their work and presentation.

4. 2022 FLORIDA LEGISLATIVE SESSION RECAP

4:25 PM

Ben Hogarth, Community Affairs Liaison, presented the Legislative Update to the Commission.

Commissioner Meier commented that SB 974 | HB 985 will come back in the future and noted that there was no population limit. Stated that the legislature is interested in the sovereign immunity caps.

Mr. Hogarth continued and reviewed the bills that failed and the bills that passed.

COMMENTS BY CITY COMMISSIONERS

5:02 PM

Commissioner Bruner

- Commented on a realtor mailer she received and noted she wondered what was the largest home sale.
- Thanked our Fire Department for assisting in the Windemere fire and our Police Chief for the gathering at Ocean Pointe and the Crossings.

Commissioner Clarke

- Commented on the Marine Councils presentation about low impact development.
- Wanted an update on the trees that were recently planted to be checked on to make sure they were doing well.
- Would like to check on the status of the City with regard to COVID.
- Asked when the City will have information on the plans for the \$4.7 million grant and about the plans for the East Stuart Committee meeting through CRA Administrator pertaining to Guy Davis Park.
- Asked the Legal Department if there was an update on Costco at the state level.

Vice Mayor McDonald

- Stated that as the Chair of the Metropolitan Planning Organization, he attended a meeting in Gainesville and provided updates, explaining discussions about asphalt, steel testing, erosion from salt and corrosion. There were pictures of the Roosevelt Bridge and pieces of our bridge for testing and display. The State of Florida is working to make our roads safe, map all the cracks and wear or tear surfaces for optimum value of repaving.

Mayor Matheson

- Thanked the Police Department and Fire Department for National Night Out events.
- Encouraged Commissioners to attend the LID conference.
- Mike Nepper, highlighting the use of herbicides around the state, thanked Jacqui Thurlow Lippisch of South Florida Water Management District. Stated the District removed tons of dead aquatic vegetation.
- Provided an update on levels of Lake Okeechobee.

Commissioner Clarke asked the City Manager to bring back the Low Impact Development group to speak about the code issue and work with the University of Florida to audit our code.

COMMENTS BY CITY MANAGER

City Manager David Dyess

- Commented that Rosa Walls, Engineer in Training, would attend the conference for Stormwater.
- Stated that staff did start with revamping the code and will revisit it when the Development Department has more staff.
- Stated that Milton took pictures of all the planted trees and they were healthy.
- Commented that the COVID response is unstable.
- Stated that he would like to have a D&D on the \$4.7 million grant after the new Commission is seated. He will bring forward two options and provide information.
- Commented on the plan for 10th Street. He stated that the Historical Committee moved the progress back several months but the community input is good. Will move forward with the engineering portion in 2023's budget and construction in 2024.

Mike Mortell, City Attorney, updated the Commission and public on the Costco hearing. Stated that the proposed final judgment was due on August 9th and was not sure if the City is on the August 23rd Cabinet agenda. Stated he may not be able to attend the August 22nd Commission Meeting if placed on the agenda. Attorney Mortell stated that we would hear the final ruling by mid to late September.

Commissioner Clarke asked for an update on the money that was given to the Taylor property. Mr. Dyess provided the update.

APPROVAL OF AGENDA

5:29 PM MOTION: Approve.

MOVED BY: Becky Bruner

SECONDED BY: Mike Meier

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Frank McChrystal - Flamingo Avenue; Spoke on the City of Stuart's Comprehensive Plan, affordable vs attainable housing.
- 2) Campbell Rich - Flamingo Avenue; Commented on an article in TC Palm about fighting for the waterways.
- 3) Tom Campenni - St. Lucie Crescent; Spoke on behalf of a Member of the Indian River Lagoon Management Board, stated that cities are not reporting their projects and asked for a couple years worth of projects in our City.
- 4) Christopher Collins - Flamingo Avenue; Commented positively on the low impact development presentation and noted some of the terms used in the presentation. Stated he hopes that in the future we can keep more green space, water set backs, and lower density.

Mr. Dyess commented about the urban center, stated that the impact fee Ordinance is separate and does not speak about density. He clarified that the original Comp Plan that was sent was kicked but and was not sure if that was the one Mr. McChrystal was reading.

Commissioner Meier clarified the state law that the median income, which is \$62,380 per household, per unit rental base income of \$1,871.41 is defined as affordable by the state.

CONSENT CALENDAR

5. APPROVAL OF 07/25/2022 CCM MINUTES (RC)

6. BUDGET AMENDMENT No. 16, PURCHASE A FRONT LOADER (RC):

RESOLUTION No. 68-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 16 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR A FRONT LOADER; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7. AWARD OF ITB #2022-111: SAILFISH BALL FIELD FORCE MAIN REPLACEMENT PROJECT (RC):

RESOLUTION No. 69-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-111, CITY OF STUART SAILFISH BALL FIELD FORCE MAIN REPLACEMENT PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$1,205,916.00 TO DBE MNAGEMENT, INC. OF LOXAHATCHEE, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR

OTHER PURPOSES.

8. EASEMENT FOR RIPARIAN RIGHTS - SUBMERGED LAND LEASE (RC):

RESOLUTION No. 70-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF EASEMENT BETWEEN THE CITY OF STUART AND MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT, LLC FAT 59 W. FLAGLER AVENUE IN ACCORDANCE WITH THE LEASE AUTHORIZED IN RESOLUTION 28-2022; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:43 PM MOTION: Approve.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMISSION ACTION

9. CENTRAL PARK II PUD MINOR AMENDMENT (QUASI-JUDICIAL) (RC):

RESOLUTION No. 58-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING APPROVAL OF A MINOR PUD AMENDMENT TO THE CENTRAL PARK II COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) TO ALLOW AN AMENDMENT TO THE ORIGINALLY APPROVED TIMETABLE OF DEVELOPMENT. THE SUBJECT PROPERTY IS LOT THREE (3) (LESS S 50') OF THE CENTRAL PARK II CPUD AND IS APPROXIMATELY 1.6-ACRES OF LAND. THE PROPERTY IS GENERALLY LOCATED APPROXIMATELY 150 NORTHWEST OF THE INTERSECTION SE CENTRAL PARKWAY AND SE RAYS WAY AT 640 SE CENTRAL PARKWAY; PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; AND FOR OTHER PURPOSES.

Attorney Mortell swore in 2 people - Erin Wohlitka, Interim Development Director, and Marcela Cambelor, Applicant.

Mrs. Wohlitka reviewed the amendment including the location, conditions, staff analysis and noted the updates to the Resolution. City Attorney reviewed the changes, noting them as the whereas clauses within the Resolution.

Ms. Cambelor is requesting a timetable extension and is hoping to present a project soon.

PUBLIC COMMENT:

1) Mark Brechbill - Osceola St. - Commented on the importance of the review when we have the opportunity to change the Code.

2) Christopher Collins - Flamingo Avenue; Inquired on when it is set to expire.

6:03 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE SECOND READING

**10. REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES
(REQUEST TO CONTINUE TO DATE CERTAIN OF AUGUST 22, 2022 CCM):**

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

6:04 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

ORDINANCE FIRST READING

11. WATERBLASTING - MAJOR AMENDMENT TO IPUD (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2497-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST SIDE OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,327 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attorney Mortell swore in 3 people - Kev Freeman, Part Time Project Manager, Erin Wohlitka, Interim Development Director, and Deanna Foriere, Economic Development Council.

Mr. Freeman presented on the project's site location, future land use, site plan, landscaping, architecture, and storm water.

Ms. Foriere stated she believes this will be a great expansion of an already successful business within the City and stated why this is a positive project.

Commissioners asked questions to applicant and staff about the Stormwater process and pervious/impervious parking.

Mayor Matheson requested thoughts/discussion to be done to go above and beyond in planting a few extra trees in the area.

Commissioner Meier requested that the new parking stalls being built be built with pervious parking to offset the additional 2600 sq feet.

Vice Mayor McDonald provided a brief history explaining that a master drainage plan was created. He also noted he has been working on this site for years and thinks it is fantastic that products being made here in Stuart are being sold world wide.

6:26 PM MOTION: Approve taking staff recommendation and taking the comments from Commissioner Meier and Mayor Matheson into consideration.

MOVED BY: Troy McDonald

SECONDED BY: Mike Meier

Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

6:27 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

Minutes to be approved at the Regular Commission Meeting this 22nd day of August, 2022.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 8/22/2022

Prepared by:

Title of Item:

APPROVAL OF 08/15/2022 SCM BUDGET WORKSHOP #2

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes

ATTACHMENTS:

1. 08152022 SCM BUDGET WORKSHOP #2 MINUTES

**MINUTES
SPECIAL COMMISSION MEETING - BUDGET
WORKSHOP #2
AUGUST 15, 2022
AT 5:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

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

ADMINISTRATIVE

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

ROLL CALL

5:02 PM

PRESENT IN PERSON: Mayor Matheson, Vice Mayor McDonald, Commissioner Bruner, Commissioner Clarke

PRESENT VIA ZOOM TELECOMMUNICATIONS: Commissioner Meier

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

5:04 PM MOTION: Approval of Agenda with a request to add Public Comment before D&D.

MOVED BY: Eula Clarke

SECONDED BY: Troy McDonald

Motion approved unanimously.

PUBLIC COMMENT

None.

DISCUSSION AND DELIBERATION

1. FISCAL YEAR 2023 ITEMIZED BUDGET

City Manager, David Dyess, briefly provided a recap of the first Budget Workshop, an overview of the new software and budget preparation process as well as congratulated the Finance Director, Louis "Joly" Boglioli, for his efforts and hard work in working with

the new software and preparing this budget. Announced revenue evaluations and that a balanced budget is being presented, maintaining the 5.000 millage rate, and includes a 5% COLA and 2% merit increase for general employees while union negotiations continue. CPI was 9.4, the total budget is \$85,572,943.53, which makes up all the funds; business, enterprise and general. The City manager turned over the budget report to Joly Boglioli to provide a demonstration of OpenGov to present to the Commission.

Joly Boglioli reviewed the budget in comparison to neighboring municipalities, and showed some of the capabilities of the new budget software. He provided a PowerPoint presentation that demonstrated the interactive appropriation account reports that displayed the charts and breakdowns of the funds in the Operating Budget and Capital Improvement Plan. The public will see a published page and the interactive software will be utilized by staff.

City Manager Dyess noted to the Commission that if they see "CM-", it is something the City Manager added.

Dyess referred to the ARPA Funds handout and reviewed the allocations and unallocated funds available, as well as the restrictions. He discussed proposals that will be coming before the Commission in the near future related to housing, parks, and public safety.

Pre-selected City staff came forward to discuss and deliberate their respective department's budget in further detail:

CRA - Pinal Gandhi-Savdas, CRA Executive Director

Pinal reviewed the new position requested in the CRA budget and the upcoming 2023 CRA projects.

Fire - Vince Felicione, Fire Chief and Troy Bowser

The City Manager and Fire Chief briefly reviewed the plan for Fire Station #3 and the hiring of six (6) new firefighters as well as the purchase of a 23-horse gas-powered boat.

Utilities & Engineering - Tim Voelker, Utilities & Engineering Director

Discussion of new positions and their expected duties and equipment replacement expenses.

City Manager Dyess noted some recent controversy on social media about capacity levels and requested Mr. Voelker clarify some information. Tim clarified the City's position. In addition, it was noted that the Utility Rate Workshop scheduled for September comes up every 5 years and this budget includes the utility rates that will be reviewed and discussed during that workshop.

Community Services - Jim Chrulski, Community Services Director

Jim provided a handout of various Community Services accomplishments. He reviewed the increases, requested a full-time position for a front desk staff member at the Community Center, the rental use of the shuffleboard building, and provided a brief update on the Children's Services Council.

Police - Joe Tumminelli, Police Chief

Discussion of four (4) new officers and a new K-9, reviewed the vehicle fleet issues and the children's programs.

City Manager Dyess concluded by stating extensive planning of projects coming online, City works with State and Federal governments for traffic and planning. Thanked Joly Boglioli, Finance Director and his staff for the budget preparation.

Commissioner Meier commented on Amendment #3 on the ballot that may provide additional homestead exemptions for certain public employees at \$50,000 in value, and wondered about the future impact.

The Commission and City Attorney responded that the effect would be the following year and did not feel the impact to the City would be great.

Mayor Matheson thanked the City manager and Finance Director and commented that he is excited about the platform of the new budget software.

ADJOURNMENT

6:55 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 22nd day of August, 2022.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 8/22/2022

Prepared by: RYANNE CAVO

Title of Item:

EASEMENT WITH FPL FOR TRANSFORMER PLACEMENT AT WTP (RC):

RESOLUTION 67-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT ("FPL") FOR A TEN (10) FOOT WIDE EASEMENT RELATED TO THE PLACEMENT OF A TRANSFORMER ON THE WATER TREATMENT PLANT PARCEL, RESCINDING ALL RESOLUTIONS IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City of Stuart is in the process of constructing a reverse osmosis (RO) water treatment plant expansion of the City of Stuart's existing lime softening Water Treatment Facility. Florida Power and Light ("FPL") has to set/place a transformer on the parcel where the Reverse Osmosis Water Treatment Plant expansion is currently under construction. Florida Power and Light ("FPL") requires the City to enter into an Easement Agreement granting FPL access to a ten (10) foot wide parcel of land within the Water Treatment Facility.

Funding Source:

N/A. All expenses will be paid by the contractor for the new Reverse Osmosis Water Treatment Plant.

Recommended Action:

Move approval of Resolution 67-2022 authorizing an easement with FPL.

ATTACHMENTS:

1. R67-2022 - Easement with FPL at Water Treatment Plant
2. Easement & Exhibit A



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

RESOLUTION 67-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT (“FPL”) FOR A TEN (10) FOOT WIDE EASEMENT RELATED TO THE PLACEMENT OF A TRANSFORMER ON THE WATER TREATMENT PLANT PARCEL, RESCINDING ALL RESOLUTIONS IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** * * * ***

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

WHEREAS, the City of Stuart is in the process of constructing a reverse osmosis (RO) water treatment plant expansion of the City of Stuart’s existing lime softening Water Treatment Facility; and

WHEREAS, Florida Power and Light (“FPL”) has to set/place a transformer on the parcel where the Reverse Osmosis Water Treatment Plant expansion is currently under construction; and

WHEREAS, Florida Power and Light (“FPL”) requires the City to enter into an Easement Agreement granting FPL access to a ten (10) foot wide parcel of land within the Water Treatment Facility; and

WHEREAS, the City Commission believes that it is in the best interest of the City of Stuart to enter into an Easement Agreement with FPL for the placing of a transformer within the Water Treatment Plant parcel; and

WHEREAS, the City Commission authorizes the Mayor to execute an Easement Agreement

with Florida Power & Light for a ten (10) foot wide easement for the placing of a transformer on the Water Treatment Plant parcel.

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

SECTION 1: The City Commission of the City of Stuart hereby authorizes the Mayor to enter into and execute the Easement Agreement by and between the City of Stuart, Florida and Florida Power and Light for a ten (10) foot wide easement for the placing of a transformer on the Water Treatment Plant parcel.

SECTION 2: The subject Easement is further described in Exhibit “A,” attached hereto and incorporated herein.

SECTION 3: This resolution shall take effect upon adoption.

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of August, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

EASEMENT

This Instrument Prepared By

Sec.9 , Twp 38 S, Rge 41 E

Name:

Co. Name: FPL Co.

Parcel I.D. 093841000000000103
(Maintained by County Appraiser)

Address: _____

Form 3722-A (Stocked) Rev. 7/94

pg _____ of _____.

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

[illegible]

A 10 FOOT WIDE PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST; THENCE S 89°49'11" W ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 60.12 FEET; THENCE DEPARTING SAID NORTH LINE OF SECTION 9, S 00°10'49" W, A DISTANCE OF 20.00 FEET TO A MAG NAIL AND DISC STAMPED LB 7217 AND SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF SOUTHEAST 10TH STREET; THENCE S 89°49'11" W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID SOUTHEAST 10TH STREET, A DISTANCE OF 299.18 FEET TO THE POINT OF BEGINNING;

THENCE S 00°00'00" E, A DISTANCE OF 22.12 FEET; THENCE N 90°00'00" W, A DISTANCE OF 10.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 22.09 FEET; THENCE N 89°49'11" E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 221.02 SQUARE FEET OR 0.0050739 ACRES±.

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on August, 2022.

**Signed, sealed and delivered
in the presence of:**

By: _____
(Grantor's signature)

Print Name: Merritt Matheson, Mayor

(Witness' Signature)

Print Name

Print Address: City of Stuart
121 S.W. Flagler Ave.
Stuart, FL 34994

(Witness)

By: _____
(Grantor's signature)

(Witness' Signature)

Print Name

Print Name:

(Witness)

Print Address:

STATE OF Florida AND COUNTY OF Martin. The foregoing instrument was acknowledged before me this
 day of August, 20 22, by Merritt Matheson, Mayor of the City of Stuart, Florida
who is(are) personally known to me or has(have) produced
as identification, and who did (did not) take an oath.

My Commission Expires:

Notary Public, Signature
Print Name

EXHIBIT A

LEGAL DESCRIPTION

A 10 FOOT WIDE PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST; THENCE S 89°49'11" W ALONG THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 60.12 FEET; THENCE DEPARTING SAID NORTH LINE OF SECTION 9, S 00°10'49" W, A DISTANCE OF 20.00 FEET TO A MAG NAIL AND DISC STAMPED LB 7217 AND SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF SOUTHEAST 10TH STREET; THENCE S 89°49'11" W ALONG THE SOUTH RIGHT OF WAY LINE OF SAID SOUTHEAST 10TH STREET, A DISTANCE OF 299.18 FEET TO THE POINT OF BEGINNING;

THENCE S 00°00'00" E, A DISTANCE OF 22.12 FEET; THENCE N 90°00'00" W, A DISTANCE OF 10.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 22.09 FEET; THENCE N 89°49'11" E, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 221.02 SQUARE FEET OR 0.0050739 ACRES±.

SURVEYOR'S NOTES

1. BEARING BASIS IS THE NORTH LINE OF SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST HAVING A BEARING OF SOUTH 89°49'11" WEST.
2. THIS IS NOT A SURVEY.
3. THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION COMPLIES WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 5J-17.050 - 17.052.


FRANK VELDHUIS, P.S.M.
FLORIDA REGISTRATION NO. 6582

6-20-2022
DATE



**NORTHSTAR
GEOMATICS**

517 NW BAKER ROAD
PO BOX 2371, SEASIDE, FLORIDA 34995
(772)781-6400 (772)781-6462 FAX
LICENSED BUSINESS NO. 7217

SKETCH AND LEGAL DESCRIPTION OF
UTILITY EASEMENT
FOR
FLORIDA POWER AND LIGHT
MARTIN COUNTY, FLORIDA

SHEET NO.
1
OF 2
PROJECT NO.
22-011

POINT OF COMMENCEMENT
NORTHEAST CORNER OF
SECTION 9, TOWNSHIP 38,
RANGE 41 EAST

3 10
4 9

SOUTHEAST PALM BEACH ROAD



LEGEND

DB = DEED BOOK
ORB = OFFICIAL RECORDS BOOK
PCN = PARCEL CONTROL NUMBER
PG = PAGE
R/W = RIGHT-OF-WAY

SHERWOOD FORREST
PB 3, PG 126

SOUTHEAST 10TH STREET

S 89°49'11" W 675.61'(C)
BEARING BASIS

MAG NAIL AND DISC
STAMPED LB 7217

SOUTHERLY R/W LINE
OF SOUTHEAST 10TH
STREET

PCN: 093841000000000103
(ORB 23, PG 195)

POINT OF
BEGINNING

N89°49'11"E
10.00'

S00°00'00"E
22.12'

N90°00'00"W
10.00'

221.02 SQUARE FEET
OR 0.0050739 ACRES±

N00°00'00"E
22.09'

10' UTILITY
EASEMENT

GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.



**NORTHSTAR
GEOMATICS**

617 NW BAKER ROAD
PO BOX 2371, STUART, FLORIDA 34995
(772)781-6400 (772)781-6462 FAX
LICENSED BUSINESS NO. 7217

SKETCH AND LEGAL DESCRIPTION OF
UTILITY EASEMENT
FOR
FLORIDA POWER AND LIGHT
MARTIN COUNTY, FLORIDA

SHEET NO.

2

OF 2

PROJECT NO.

22-011

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

Meeting Date: 8/22/2022

Prepared by: Kevin Freeman

Title of Item:

WATERBLASTING - MAJOR AMENDMENT TO IPUD (QUASI-JUDICIAL) (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,936 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The intent of this application is to request approval for a proposed expansion of Hog Technologies (Waterblasting) operation located on Commerce Ave/Market Street. The site currently consists of a 35,250 sq.ft. one-story warehouse building and a 61,644 sq.ft. two-story building with associated site improvements. All approved within the original IPUD; Ordinance# 2368-2018.

The petitioner is proposing an additional 28,936 sq.ft. (one-story) warehouse expansion to the site. The application is therefore a major amendment to Ordinance# 2368-2018.

On first reading at the August 8, 2022 City Commission meeting, the Commission requested the petitioner to provide additional low impact development strategies on the subject site to mitigate the additional impervious area proposed by this amendment. In response, the petitioner has incorporated an additional 5,600 square feet of pervious pavement on the site and requests approval on second reading.

Funding Source:

N/A.

Recommended Action:

Motion to find in compliance and move approval of Ordinance 2497-2022.

ATTACHMENTS:

1. A1 - Ordinance 2497-2022
2. A2 - Exhibit D - Preliminary Engineering Plan
3. A2 - Exhibit D - Site Plan
4. A2 - Exhibit D - Survey
5. A2 - Exhibit D - Traffic Statement
6. A2 - Exhibit D - Landscape Plans
7. A2 - Exhibit D - Architectural Plans
8. A2 - Exhibit D - Drainage Report - SFWMD ERP
9. B1 - Waterblasting Staff Report
10. C1 - Application Z22030002
11. C2 - Applicant Narrative

12. B1 - Waterblasting Staff Report
13. D3 - Site Notice
14. D4 - Site Notice
15. D5 - Site Notice
16. D6 - Site Notice
17. D7 - Site Notice
18. D8 - Auto turn
19. D1 - Affidavit Attesting to Notification
20. D2 - Site Notice
21. STAFF PRESENTATION - WATERBLASTING CC2



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

ORDINANCE NUMBER 2497-2022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,936 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on March 26, 2018, the City Commission of the City of Stuart adopted Ordinance 2368-2018, thereby approving a IPUD zoning classification, project plans, and authorizing a IPUD Agreement for the Waterblasting Industrial PUD, which included conditions of development; and

WHEREAS, on March 14, 2022, an application was submitted to the City of Stuart for an amendment to the Waterblasting Industrial Planned Unit Development to allow the addition of a 23,387 square foot industrial/warehouse building; and

WHEREAS, on August 4, 2022 the Local Planning Agency board held a properly noticed hearing at a regularly scheduled meeting to consider the applicant’s request for a Major Amendment to the Waterblasting Industrial Planned Unit development; and

WHEREAS, on August 8, 2022, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the Petitioner’s voluntary request approve a Major Amendment to the Waterblasting Industrial Planned Unit Development, and has also considered the recommendation of the City of Stuart staff; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses; and

WHEREAS, the owners have 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 this ordinance; 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 new building and its use will be in harmony with surrounding properties and their anticipated development; and

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

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

SECTION 1: The foregoing recitals are true and adopted as findings of fact and conclusions of law.

SECTION 2: The legal description of the property is set forth in **Exhibit ‘A’** attached hereto and made a part hereof by reference. A Map depicting the Property is attached hereto as **Exhibit ‘B’** and made a part hereof by reference. The conditions of development attached hereto as **Exhibit ‘C’** and made a part hereof by reference, and each shall constitute one of the approved documents.

SECTION 3: 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. **Boundary and Topographic Survey: By EDC 21-487, dated February 7, 2022.**
- b. **Site Plan: By EDC, ref 21-487 dated March 3, 2022 (2 sheets), Amended.**
- c. **Landscape Plan: By Conceptual Design Group, ref 17-0802 dated May 23, 2022 (6 sheets).**
- d. **Architectural Renderings: Ahern Associates Architects, ref 22-2329, dated March 4, 2022 (2 sheets).**
- e. **Conceptual Engineering Plans: By EDC, ref 21-487, dated March 3, 2022, (2 sheets).**
- f. **Traffic Statement: By EDC, dated April 7, 2022.**
- g. **Drainage Report - attached to SFWMD ERP Permit. By EDC.**

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the aforesaid Development Documents. The failure of the Applicant to comply with the Development Documents, or with any term or condition of development set forth in this resolution, shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Applicant to seek administrative or judicial redress.

SECTION 5: Following the adoption and acceptance of this ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose any or all of the following:

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

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

SECTION 6: All development orders 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 Property Owner(s) or Applicant(s) of the site, this ordinance shall prevail.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8: The 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 9: This ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

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 8th day of August, 2022.

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
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:

Print Name: _____

Print Name: _____

OWNER

By: _____
Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2022, by _____.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGEMENT

STATE OF FLORIDA,

COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of
☐ physical presence or ☐ online notarization this ____ day of _____, 2022 by
Merritt Matheson, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart,
Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced
_____ as identification.

Personally Known OR Produced Identification

Type of ID Produced _____

Signature of Notary Public: _____

Commission Expires:

Notary Seal:

EXHIBIT A – Legal Description

**A PORTION OF TRACTS 208, 209, 210 & 211 PORT SEWALL ACCORDING TO
THE PLAT THEREOF RECORDED IN PLAT BOOK 3 PAGE 7 PUBLIC RECORDS
PALM BEACH NOW MARTIN COUNTY FLORIDA BEING MORE
PARTICULARLY DESCRIBED IN OR 2994/2585 & 2950/292**

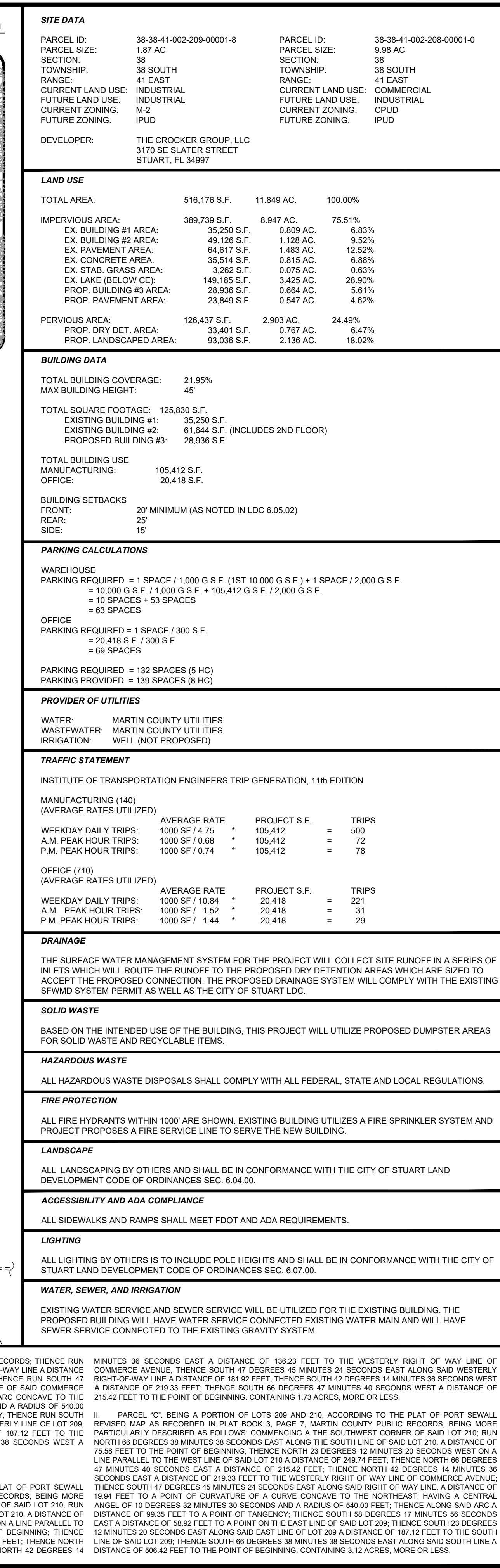
EXHIBIT B – LOCATION MAP



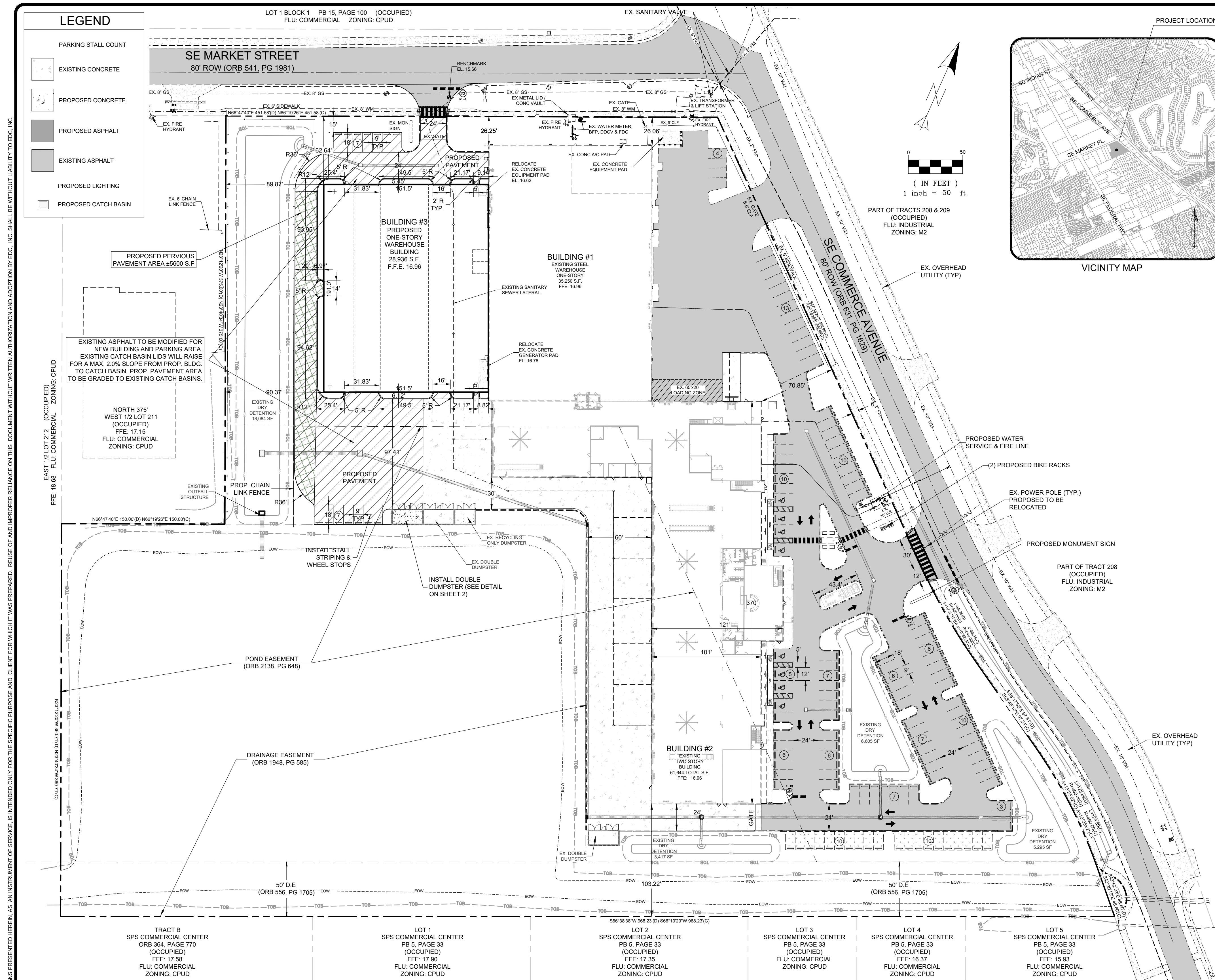
EXHIBIT C – DEVELOPMENT CONDITIONS

The Major Amendment to the Waterblasting Industrial Planned Unit Development shall comply with the following documents (Exhibit ‘C’):

1. 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.
2. Prior to certificate of occupancy for the industrial/warehouse building, the applicant shall provide an engineer’s written confirmation attesting that the IPUD’s storm water system is in place and functioning in compliance with all approved plans and specifications.
3. Prior to certificate of occupancy the replacement landscaping shall be inspected and approved by a registered landscape architect.
4. Construction activity shall be limited from 7.00 am to 6:00 pm Monday – Saturday.
5. 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.
6. In the event of any conflict in the provisions of Exhibit ‘C’ Development Conditions and attached exhibits or Ordinance 2368-2018, then Exhibit ‘C’ shall prevail.



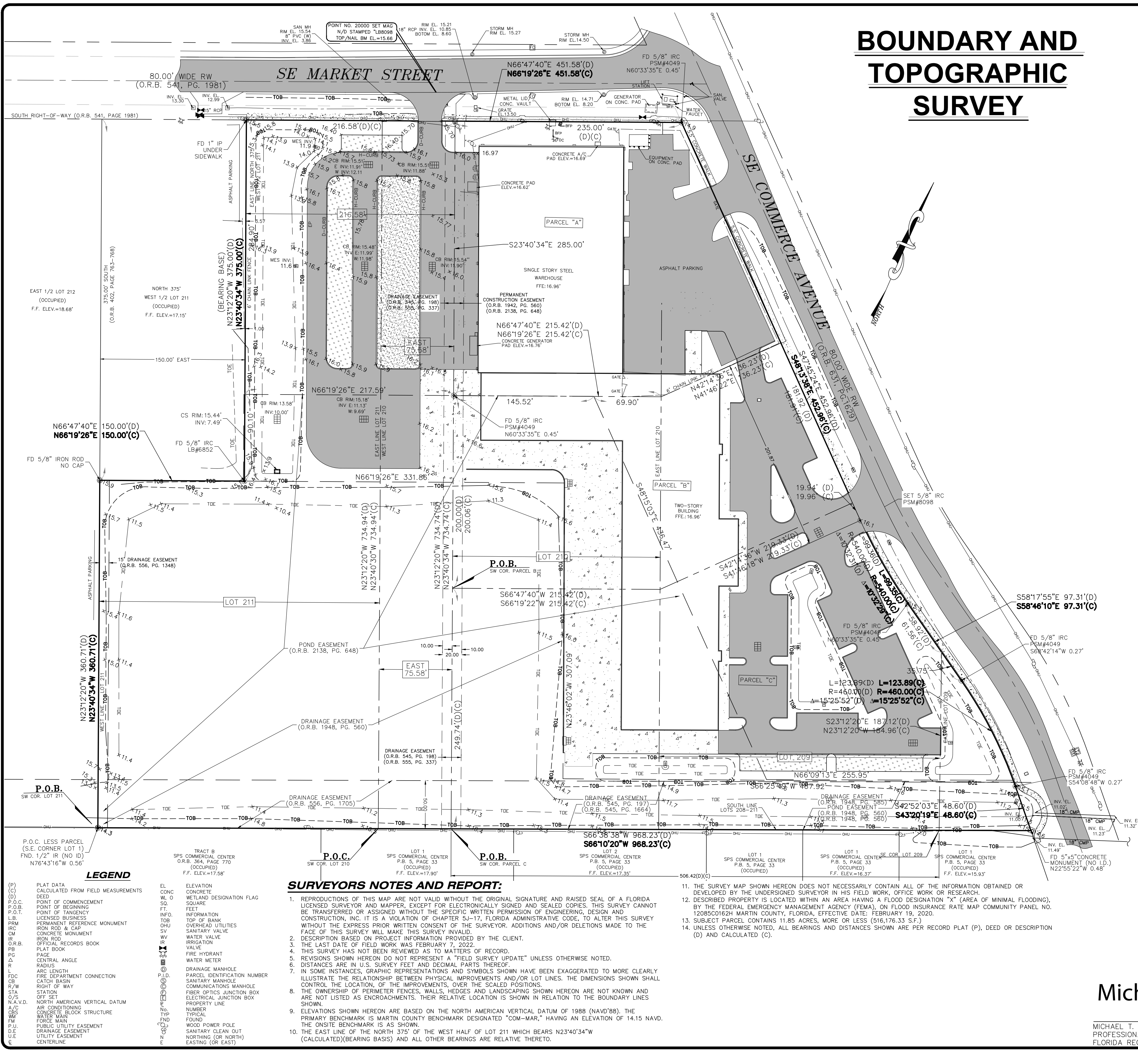
Page 36 of 239



SITE DATA			
PARCEL SIZE:	38-38-41-002-209-00001-8	PARCEL SIZE:	38-38-41-002-208-00001-0
SECTION:	1.87 AC	SECTION:	9.98 AC
TOWNSHIP:	38	TOWNSHIP:	38
RANGE:	38 SOUTH	RANGE:	38 SOUTH
CURRENT LAND USE:	41 EAST	CURRENT LAND USE:	41 EAST
FUTURE LAND USE:	INDUSTRIAL	FUTURE LAND USE:	COMMERCIAL
CURRENT ZONING:	INDUSTRIAL	CURRENT ZONING:	INDUSTRIAL
FUTURE ZONING:	M-2	FUTURE ZONING:	CPUD
DEVELOPER:	IPUD		
THE CROCKER GROUP, LLC 3170 SE SLATER STREET STUART, FL 34997			
LAND USE			
TOTAL AREA:	516,176 S.F.	11.849 AC.	100.00%
IMPERVIOUS AREA:	386,952 S.F.	8.883 AC.	74.97%
EX. BUILDING #1 AREA:	35,250 S.F.	0.809 AC.	6.83%
EX. BUILDING #2 AREA:	49,126 S.F.	1.128 AC.	9.52%
EX. PAVEMENT AREA:	64,617 S.F.	1.483 AC.	12.52%
EX. CONCRETE AREA:	35,514 S.F.	0.815 AC.	6.88%
EX. STAB. GRASS AREA:	3,262 S.F.	0.075 AC.	0.63%
EX. LAKE (BELOW CE):	149,165 S.F.	3.425 AC.	28.90%
PROP. BUILDING #3 AREA:	28,936 S.F.	0.664 AC.	5.61%
PROP. PAVEMENT AREA:	18,240 S.F.	0.418 AC.	3.53%
PROP. PERVIOUS PAVEMENT	5,609 S.F.	0.129 AC.	1.08%(54% IMPERVIOUS)
PERVIOUS AREA:	131,667 S.F.	3.022 AC.	25.51%
PROP. DRY DET. AREA:	33,401 S.F.	0.767 AC.	6.47%
PROP. LANDSCAPED AREA:	93,036 S.F.	2.136 AC.	18.02%
PROP. PERVIOUS PAVEMENT	5,609 S.F.	0.129 AC.	1.08%(54% PERVIOUS)
BUILDING DATA			
TOTAL BUILDING COVERAGE:	21.95%		
MAX BUILDING HEIGHT:	45'		
TOTAL SQUARE FOOTAGE:	125,830 S.F.		
EXISTING BUILDING #1:	35,250 S.F.		
EXISTING BUILDING #2:	61,644 S.F. (INCLUDES 2ND FLOOR)		
PROPOSED BUILDING #3:	28,936 S.F.		
TOTAL BUILDING USE			
MANUFACTURING:	105,412 S.F.		
OFFICE:	20,418 S.F.		
BUILDING SETBACKS			
FRONT:	20' MINIMUM (AS NOTED IN LDC 6.05.02)		
REAR:	25'		
SIDE:	15'		
PARKING CALCULATIONS			
WAREHOUSE:			
PARKING REQUIRED = 1 SPACE / 1,000 G.S.F. (1ST 10,000 G.S.F.) + 1 SPACE / 2,000 G.S.F.			
= 10,000 G.S.F. / 1,000 G.S.F. + 105,412 G.S.F. / 2,000 G.S.F.			
= 10 SPACES + 53 SPACES			
= 63 SPACES			
OFFICE			
PARKING REQUIRED = 1 SPACE / 300 S.F.			
= 20,418 S.F. / 300 S.F.			
= 69 SPACES			
PARKING REQUIRED = 132 SPACES (5 HC)			
PARKING PROVIDED = 139 SPACES (8 HC)			
PROVIDER OF UTILITIES			
WATER:	MARTIN COUNTY UTILITIES		
WASTEWATER:	MARTIN COUNTY UTILITIES		
IRRIGATION:	WELL (NOT PROPOSED)		
TRAFFIC STATEMENT			
INSTITUTE OF TRANSPORTATION ENGINEERS TRIP GENERATION, 11th EDITION			
EXISTING TRAFFIC (PER PREVIOUSLY APPROVED SITE PLAN)			
WEEKDAY DAILY TRIPS	=	517	
A.M. PEAK HOUR TRIPS	=	88	
P.M. PEAK HOUR TRIPS	=	86	
PROPOSED TRIPS			
WAREHOUSE: (150) (AVERAGE RATES UTILIZED)			
	AVERAGE RATE	PROJECT S.F.	TRIPS
WEEKDAY DAILY TRIPS:	1000 SF / 1.71 *	28,936	= 50
A.M. PEAK HOUR TRIPS:	1000 SF / 0.21 *	28,936	= 6
P.M. PEAK HOUR TRIPS:	1000 SF / 0.23 *	28,936	= 7
DRAINAGE			
THE SURFACE WATER MANAGEMENT SYSTEM FOR THE PROJECT WILL COLLECT SITE RUNOFF IN A SERIES OF INLETS WHICH WILL ROUTE THE RUNOFF TO THE PROPOSED DRY DETENTION AREAS WHICH ARE SIZED TO ACCEPT THE PROPOSED CONNECTION. THE PROPOSED DRAINAGE SYSTEM WILL COMPLY WITH THE EXISTING SPWMD SYSTEM PERMIT AS WELL AS THE CITY OF STUART LDC.			
SOLID WASTE			
BASED ON THE INTENDED USE OF THE BUILDING, THIS PROJECT WILL UTILIZE PROPOSED DUMPSTER AREAS FOR SOLID WASTE AND RECYCLABLE ITEMS.			
HAZARDOUS WASTE			
ALL HAZARDOUS WASTE DISPOSALS SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS.			
FIRE PROTECTION			
ALL FIRE HYDRANTS WITHIN 1000' ARE SHOWN. EXISTING BUILDING UTILIZES A FIRE SPRINKLER SYSTEM AND PROJECT PROPOSES A FIRE SERVICE LINE TO SERVE THE NEW BUILDING.			
LANDSCAPE			
ALL LANDSCAPING BY OTHERS AND SHALL BE IN CONFORMANCE WITH THE CITY OF STUART LAND DEVELOPMENT CODE OF ORDINANCES SEC. 6.04.00.			
ACCESSIBILITY AND ADA COMPLIANCE			
ALL SIDEWALKS AND RAMPS SHALL MEET FDOT AND ADA REQUIREMENTS.			
LIGHTING			
ALL LIGHTING BY OTHERS IS TO INCLUDE POLE HEIGHTS AND SHALL BE IN CONFORMANCE WITH THE CITY OF STUART LAND DEVELOPMENT CODE OF ORDINANCES SEC. 6.07.00.			
WATER, SEWER, AND IRRIGATION			
EXISTING WATER SERVICE AND SEWER SERVICE WILL BE UTILIZED FOR THE EXISTING BUILDING. THE PROPOSED BUILDING WILL HAVE WATER SERVICE CONNECTED EXISTING WATER MAIN AND WILL HAVE SEWER SERVICE CONNECTED TO THE EXISTING GRAVITY SYSTEM.			

[illegible]

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY EDC, INC. SHALL BE WITHOUT LIABILITY TO EDC, INC.



Attn: Tom Reetz
 City of Stuart
 121 SW Flagler Ave
 Stuart, FL 34994
 Submittal Reference : Z22030002

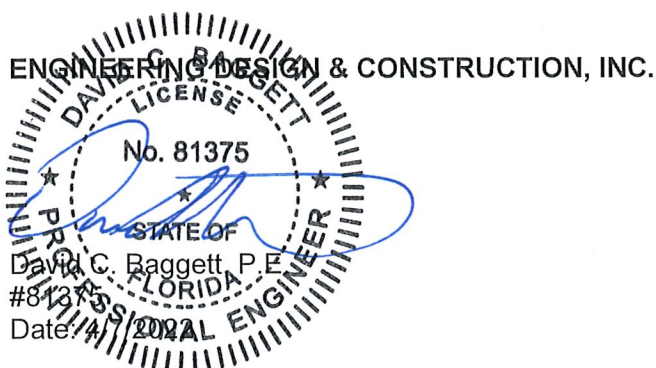
Traffic Statement

The existing Hog Technologies (Waterblasting) Site is located on the corner of Market Place and Commerce Ave in Stuart, FL at 3920 SE Commerce Ave. The proposed warehouse building expansion is 28,936 SF over an existing outdoor storage area.

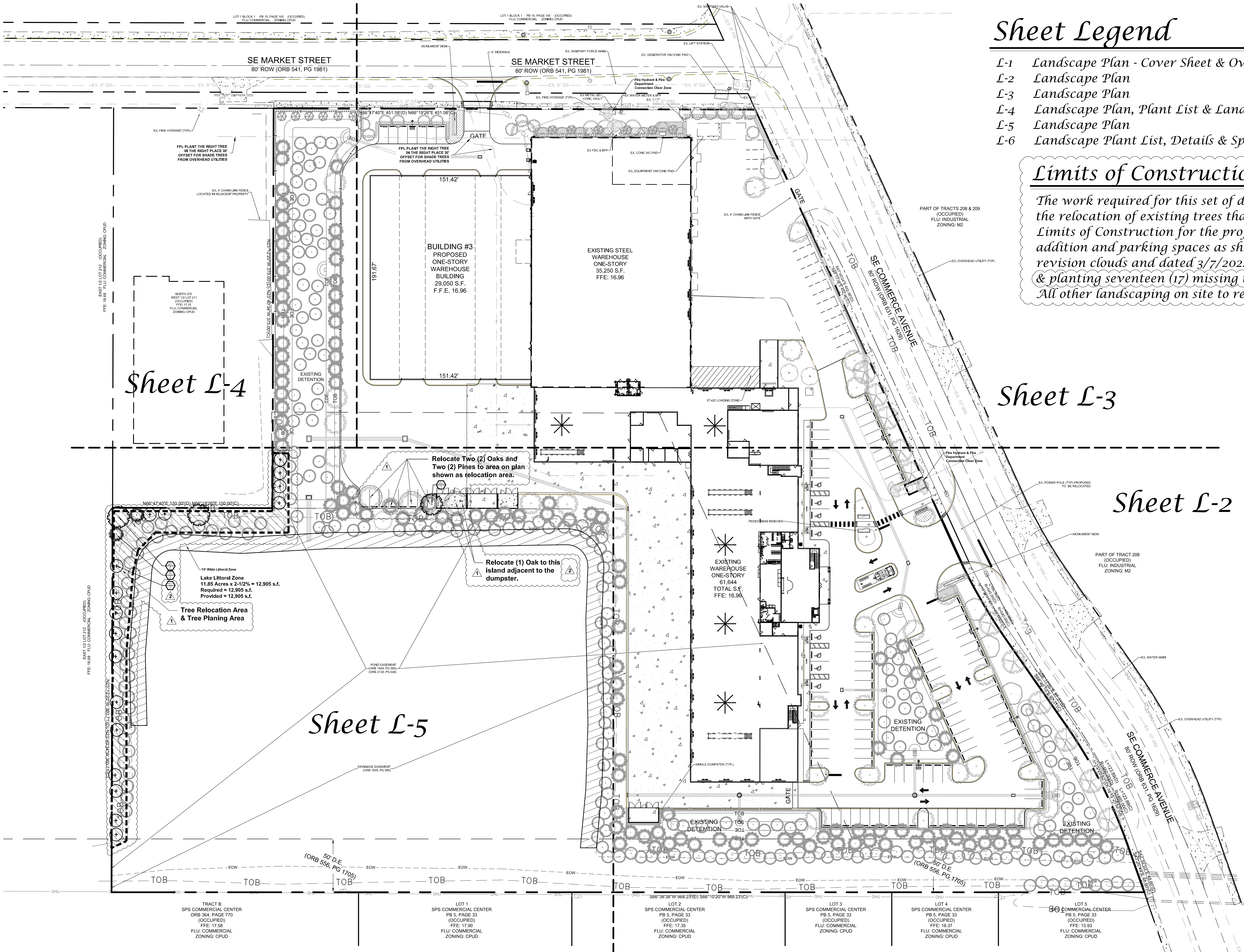
Per the approved Site plan the existing traffic on the site is a daily 517 trips with an estimated 88 AM Peak Hour trips and 86 PM Peak Hour trips. The proposed expansion would create the following additional trips.

Warehouse (150)	Average Rate		Project S.F.		Trips
Weekday Daily Trips:	1000 SF/1.71	*	28,936 SF	=	50
AM Peak Hour Trips:	1000 SF/0.21	*	28,936 SF	=	6
PM Peak Hour Trips:	1000 SF/0.23	*	28,936 SF	=	7

The proposed expansion generates miniscule trips and will have no negative impacts on the existing site, or surrounding roads.



Z:\EDC-2021\21-487 - Crocker - Market Street\ENGINEERING\Documents\Submittal Documents\Submittal Packages\2022-04-06_SP_Resubmittal\Drainage Statement.docx



Sheet Legend

- L-1 Landscape Plan - Cover Sheet & Overall Plan
- L-2 Landscape Plan
- L-3 Landscape Plan
- L-4 Landscape Plan, Plant List & Landscape Data
- L-5 Landscape Plan
- L-6 Landscape Plant List, Details & Specifications

Limits of Construction Notes

The work required for this set of drawings is only the relocation of existing trees that are within the Limits of Construction for the proposed building addition and parking spaces as shown with revision clouds and dated 3/7/2022 & planting seventeen (17) missing trees. All other landscaping on site to remain.

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Design
Group, Inc.

Landscape Architecture - Site Planning
900 East Ocean Boulevard, Suite 130d
Stuart, Florida 34994
(772) 344-2340
L.C. 26000198

Waterblasting

City of Stuart, Florida

City Project Number:

Jeffrey W. Smith, RLA
Florida Registration Number:
LA 0001635

Job No.	17-0802
Drawn By	JWS
Submittal Dates	12-21-2017
	1-31-2018
	4-20-2018
	3-7-2022
	5-23-2022

Revision Dates	
New Base	1-31-2018
New Base&Mitigation	4-20-2018
New Base	3-7-2022
New Base	5-23-2022

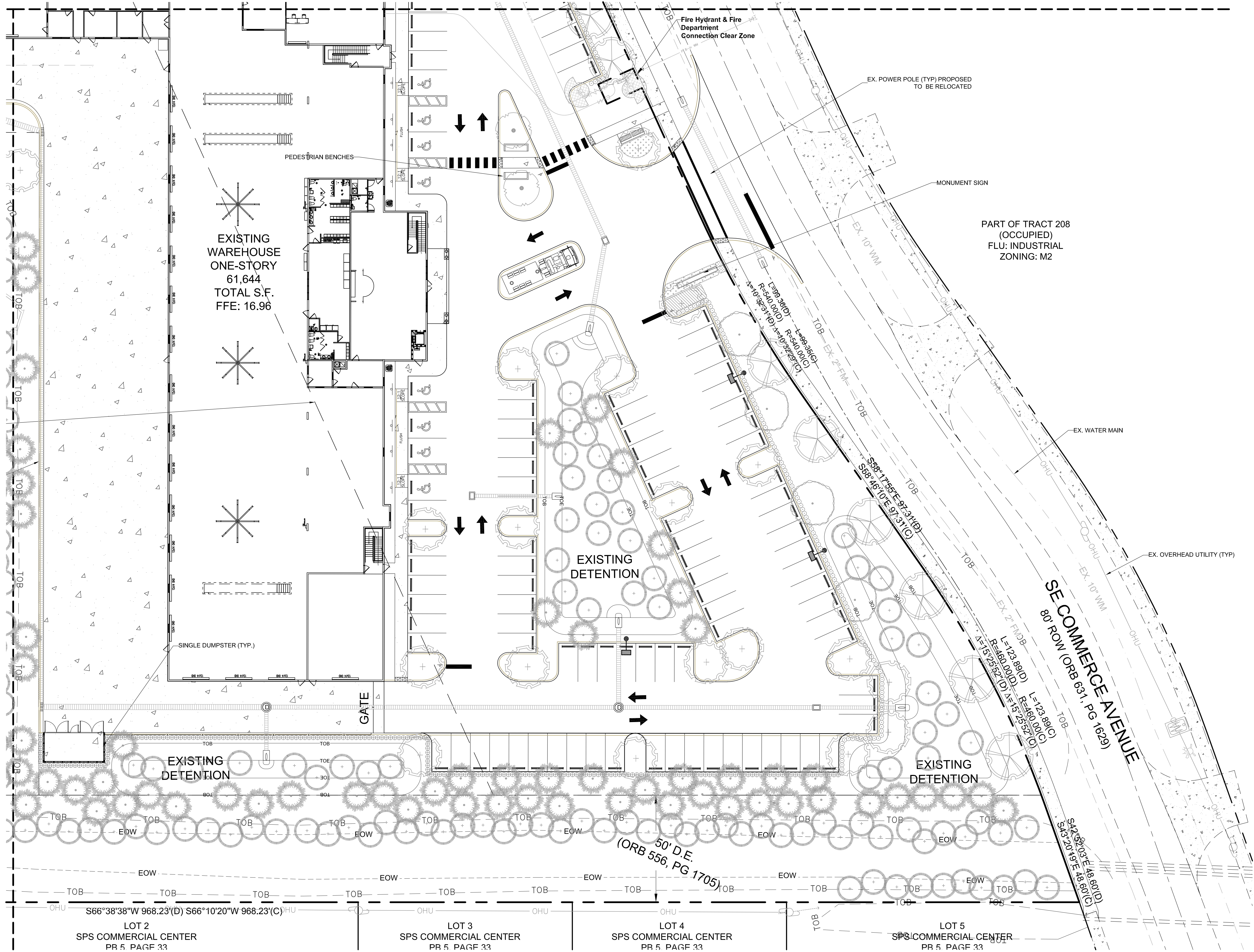
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North
Scale: 1" = 40'



Landscape Plan



Waterblasting

City of Stuart, Florida

City Project Number:

Jeffrey W. Smith, RLA
Florida Registration Number:
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Sheet

Landscape Plan



North
Scale: 1" = 20'



Waterblasting

City of Stuart, Florida

City Project Number:

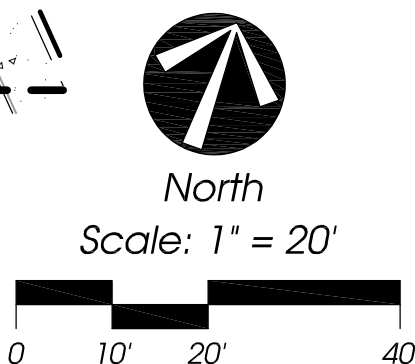
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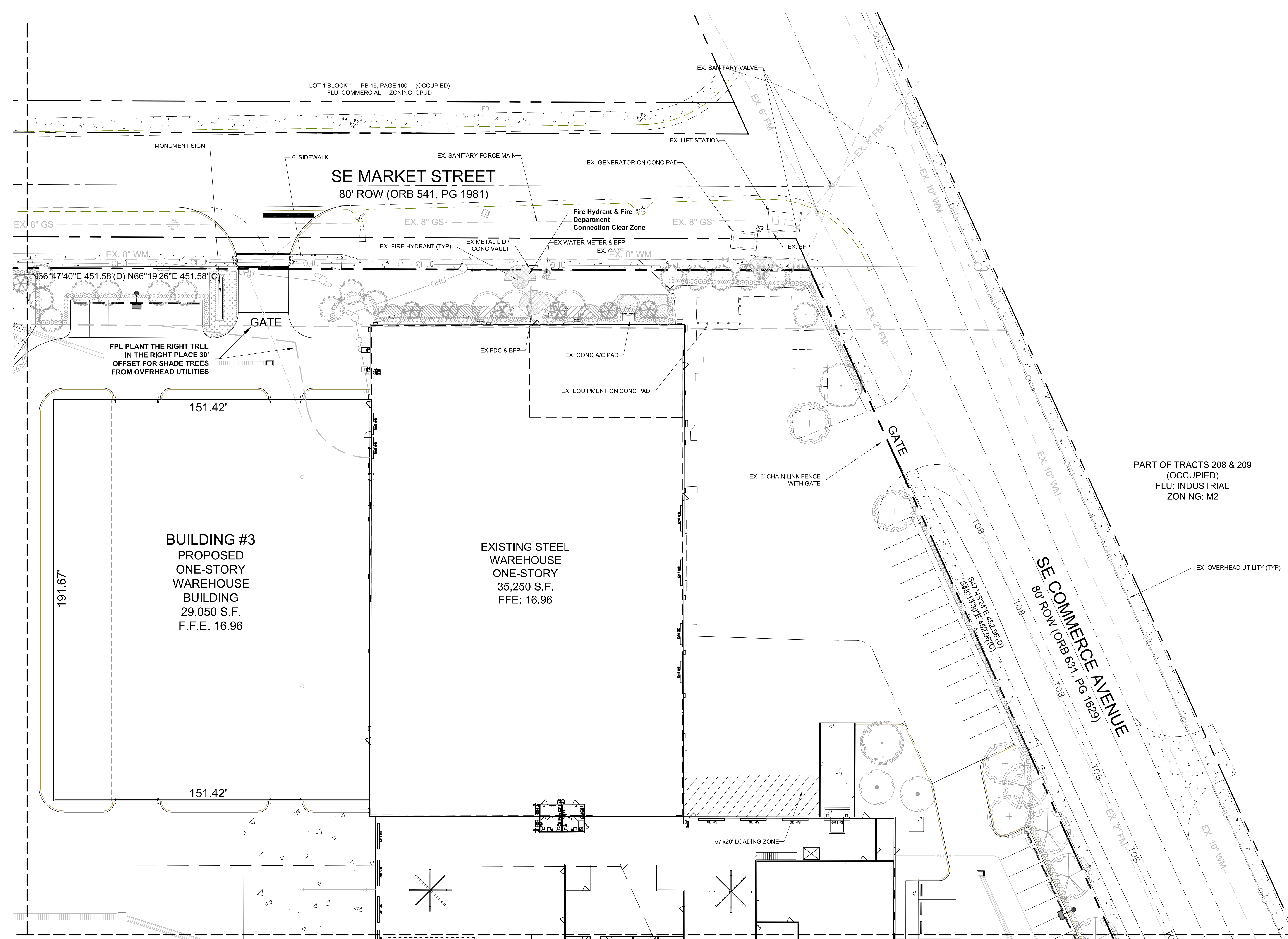
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Landscape Plan



Landscape Data

Total Site Area: 516,176 s.f. 11.85 Ac. 100%

Trees:		
Commercial Area: (6.04.08)		
Required: 1 Tree / 2,500 s.f. = 516,176 / 2,500 = 206	206	
Provided:	206	
Landscape Area: (6.04.03.B.1)		
Required: 20% of developed area = 516,176 x 20% = 103,235.20	103,235.20	1
Provided:	128,009	
Parking Buffer Adjacent to Right of Way (6.04.07.A)		
Required: 1 Tree / 30 L.F. = 1,274' / 30' = 43	43	
Provided:	43	
Required: Shrub Hedge @ 2' O.C. = 637	637	
Provided:	640	
Required: 25% of strip in Ground Cover = 319 l.f.	319 l.f.	
Provided: 100% (See Note #1 Below)	325 l.f.	
Notes:		
1. Low shrubs are used to not block safe sight lines.		

Parking Buffer Adjacent to Private Property (6.04.07.B.2)		
Required: 1 Tree / 30 L.F. = 471' / 30' = 16	16	
Provided:	16	
Required: Shrub Hedge @ 2' O.C. = 236	236	
Provided:	240	
Required: 25% of strip in Ground Cover = 118 l.f.	118 l.f.	
Provided:	125 s.f.	

Interior & Terminal Islands (6.04.07.C.5 & 6)		
Required: 1 Tree / Island = 27	27	1
Provided: (24 + 3 TD - See Note Below)	27	
Note: Three trees were relocated to the retention pond area as Cypress trees due to utilities / conflicts being located within the islands.		

Additional Parking Stalls (6.04.03.B.7)		
Extra Spaces Provided = 7 (7 x 100 = 700 / 500 s.f. = 2)		1
Required: 1 Tree / 500 s.f. = 2	2	
Provided: (See Note Below)	2	

Total Trees Required: (6.04.08)	206	2
Total Trees Provided: 203 Trees + 10 Palms @ 3:1 = 3 = 206	206	

Total Shade Trees Required: (6.04.02.A.2) 50% of total required trees = 206 x 50% = 103	103	
Total Shade Trees Provided:	178	

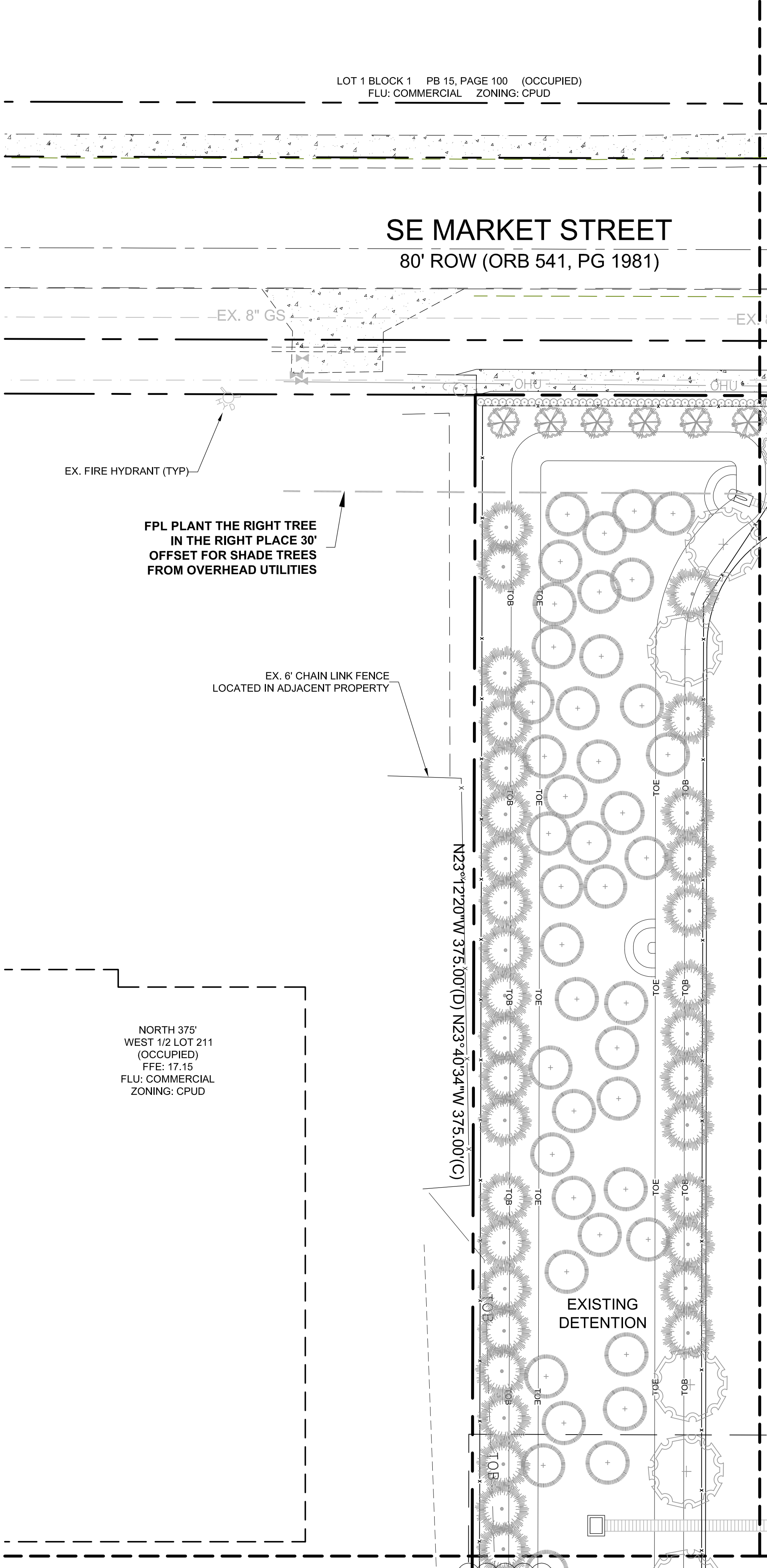
Total Native Trees Required: (6.04.02.A.1) 50% of total required trees = 209 x 50% = 103	103	
Native Trees Provided:	183 (89%)	

Total Native Shrubs Required: (6.04.02.A.1) 50% of total required shrubs = 1,270 x 50% = 1,270	1,270	
Native Shrubs Provided:	1,070 (89%)	

Plant List

QTY	SYM	SPECIES	COMMON NAME/DESCRIPTION	SIZE	SPACING	REMARKS	WATER USAGE
CANOPY / ORNAMENTAL TREES							
17	PE-1*	PINUS ELLIOTTI	SLASH PINE	12' x 6', 2.5" CAL.	A.S.	FULL CANOPY	LOW
2	PE*	PINUS ELLIOTTI	SLASH PINE	EXISTING	A.S.	RELOCATED FROM ON SITE	LOW
3	QV*	QUERCUS VIRGINIANA	LIVE OAK	EXISTING	A.S.	RELOCATED FROM ON SITE	LOW

* = Florida Native



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Waterblasting

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City Project Number:

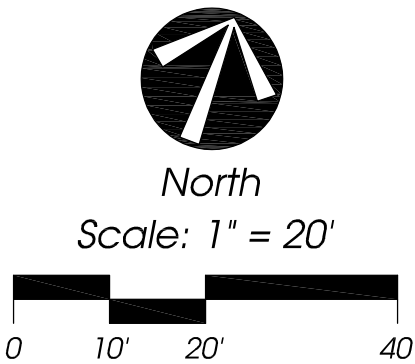
Jeffrey W. Smith, RLA
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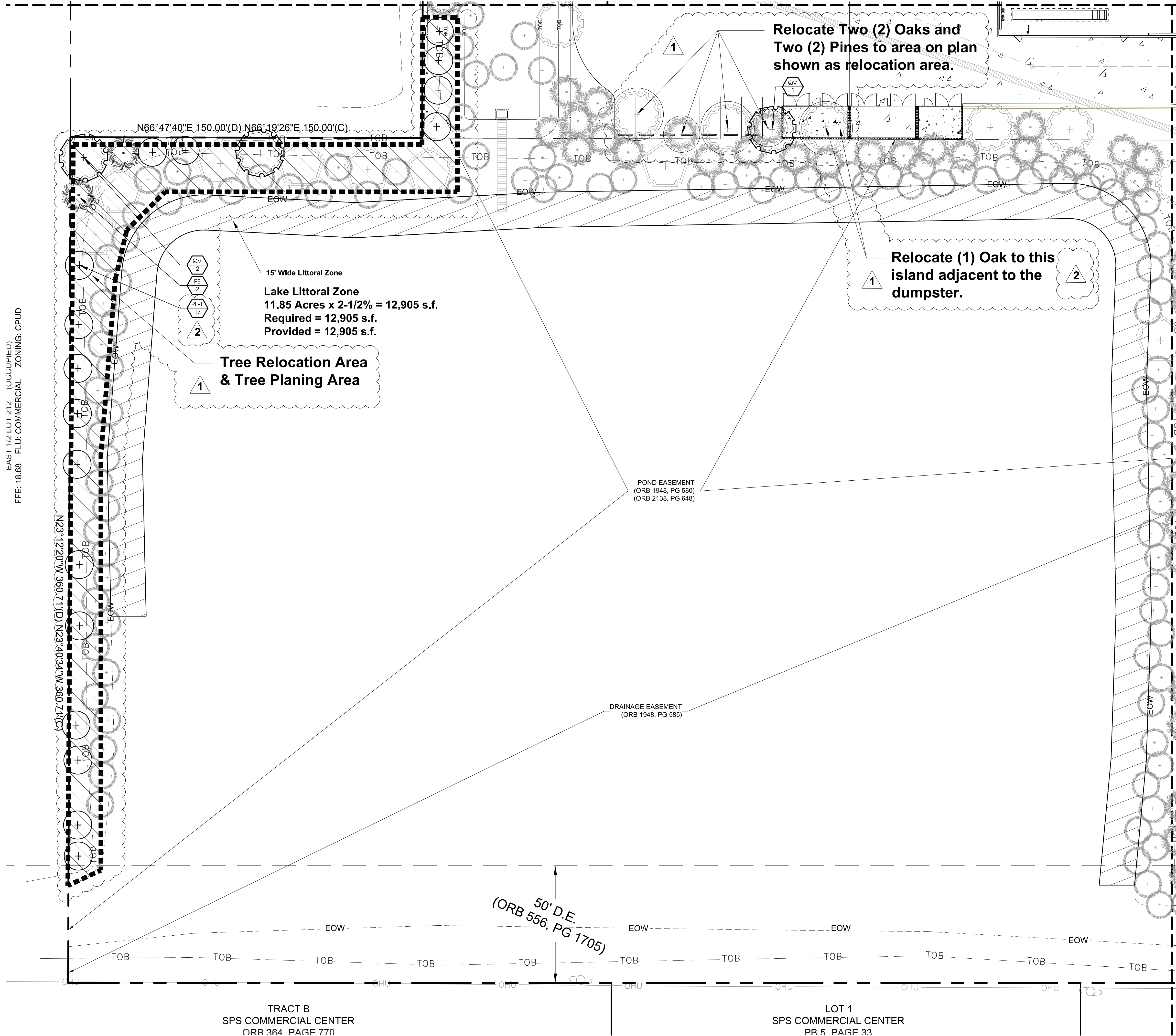
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Landscape Plan



EAST 1/2 LOT 1 Z12 (OCCUPIED)
FFE: 18.68 FLU: COMMERCIAL ZONING: CPUD

N23°12'20"W 360.71'(D) N23°40'34"W 360.71'(C)

N66°47'40"E 150.00'(D) N66°19'26"E 150.00'(C)

QV
2
PE
2
PE-1
17
2

15' Wide Littoral Zone
Lake Littoral Zone
11.85 Acres x 2-1/2% = 12,905 s.f.
Required = 12,905 s.f.
Provided = 12,905 s.f.

Tree Relocation Area
& Tree Planing Area

Relocate Two (2) Oaks and
Two (2) Pines to area on plan
shown as relocation area.

Relocate (1) Oak to this
island adjacent to the
dumpster.

POND EASEMENT
(ORB 1948, PG 580)
(ORB 2138, PG 648)

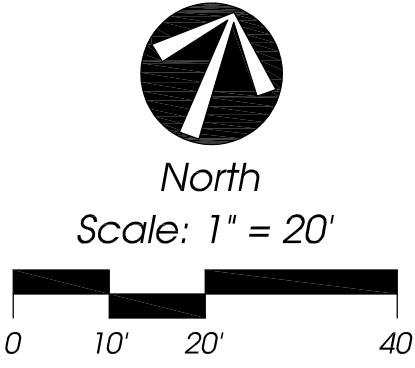
DRAINAGE EASEMENT
(ORB 1948, PG 585)

50' D.E.
(ORB 556, PG 1705)

TRACT B
SPS COMMERCIAL CENTER
ORB 364 PAGE 770

LOT 1
SPS COMMERCIAL CENTER
PR 5 PAGE 33

Landscape Plan



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Landscape Specifications

1. All tree and plant material to be Florida No. 1 or better, as classified in "Grades and Standards for Nursery Plants", Part 1 and Part II, State of Florida, Dept. of Agriculture, Tallahassee. All plants not listed in "Grades and Standards for Nursery Plants" shall conform to a Florida No. 1 as to: (1) health and vitality, (2) condition of foliage, (3) root system, (4) freedom from pest or mechanical damage, (5) heavily branched and densely foliated according to the accepted normal shape of the species.
2. Undersizing or substitution of one species or cultivar for another species is a breach of contract and will be "Rejected" at the time of final landscape inspection unless approved by Landscape Architect.
3. Project Warranty: All plant material shall be warranted for a period of one (1) year after date of substantial completion against defects, including death and unsatisfactory growth, except for defects resulting from abuse or damage by others or unusual phenomena or incidents which are beyond the contractor's control.
4. Any and all conditions which the contractor feels will be detrimental to the success of the planting shall be brought to the owner or representative's attention.
5. The contractor shall verify the location of underground utilities prior to commencing work on any project area. Call 811 - Sunshine State One Call of Florida, Inc. - www.sunshine811.com
6. Mulch planting areas with 3" layer of Melaleuca, Eucalyptus, or Enviro mulch. Cypress Mulch is NOT ACCEPTABLE. Planting beds to receive mulch throughout entire bed area.
7. All plants to be set to ultimate grade. No filling will be permitted around trunks or stems. Mulch to be kept a minimum of 2" away from trunks and stems.
8. Planting trees and shrubs: Excavate hole per planting detail. When plant is set, place additional backfill consisting of a 50% mixture of Peat humus and natural soil around the base and sides of ball, and work each layer to settle backfill and eliminate voids and air pockets. When excavation is approximately 2/3 full, water thoroughly before placing remainder of backfill. Water again after placing final layer of backfill and before installing mulch.
9. Guy and stake trees in 3 directions with galvanized wire, through flexible hose chafing guards, with wooden stake anchors immediately after planting. (See Detail)
10. All plant material and sod shall be fertilized in accordance with Martin County's fertilizer ordinance. Soil tests are required from the site to be in compliance with the ordinance and shall be taken from the minimum required areas as stated in the ordinance. Fertilizer shall be a complete natural organic fertilizer and slow release.

Fertilized with a complete natural organic fertilizer with a ratio as allowed by the County.

Palms should receive a complete granular fertilizer formulated for palms ("Palm Special") at a rate of 5 to 8 lbs. per palm.

Agriform 20-0-5 (If allowed by County) twenty-one gram planting tablets may be substituted for granular fertilizer. If utilized, the following rates shall be utilized: Position plant in hole. Backfill halfway up the rootball. Place tablet(s) beside rootball about 1" from root tips. Do not place tablet(s) in bottom of hole.

- 1 Gallon 1 Tablet
- 3 Gallon 2 Tablets
- 25 Gallon & B&B Trees 2 per 1" caliper

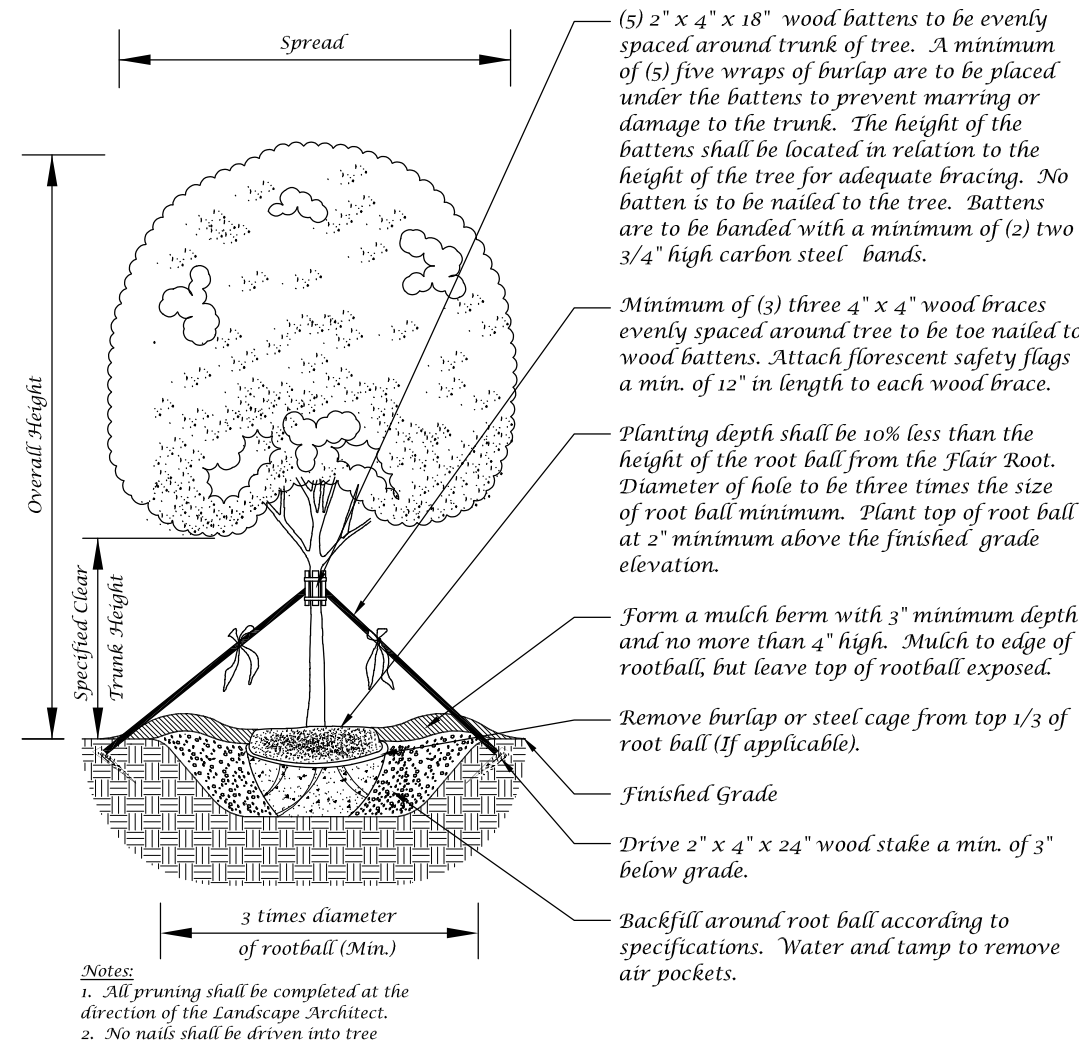
11. All planting areas and sod to be irrigated to provide 100% coverage. Shop drawings to be submitted by the irrigation contractor for approval prior to installation.
12. Maintain trees, shrubs, and other plants by watering, cultivating, and weeding as required for healthy growth. Restore planting saucers and mulch. Tighten and repair stake and guying and reset trees and shrubs to proper grade or vertical position as required. Spray as necessary to keep trees and shrubs free of insects and disease. The contractor shall begin maintenance immediately after planting and shall continue maintenance through final acceptance when Certificate of Occupancy is issued to the General Contractor by City and project is released by the General Contractor to Client.
13. Prune trees and shrubs only to remove damaged branches as directed by the Landscape Architect.
14. Planting Lawns: Provide clean, strongly rooted, uniformly sized strips of Stenotaphrom secundatus Floritam (unless otherwise noted), machine stripped not more than 24 hours prior to laying. Grade and roll prepared lawn surface. Water thoroughly but not to create muddy soil conditions. Lay sod strips with tight joints, roll or tamp lightly, and water thoroughly.
15. Maintain positive drainage, no planting is to block drainage.
16. Drainage Testing
 - Prior to planting of trees, palms, and specimen material, each planting pit shall be tested in the following manner to verify adequate drainage.
 - A) Dig each planting pit to the minimum specified size.
 - B) Fill the planting pit with (12") twelve inches of water. If the water level in the planting pit drops (4") four or more inches within (4) four hours, the drainage is sufficient and a drainage channel is not required. If the water level drops less than (4") four inches within the (4) four hour period, then a drainage channel is required.
 - C) When a drainage channel is required, the drainage channel must extend down through the non porous soil and into porous soil. (See Drainage Testing Detail)
 - D) Discard all material removed from the drainage channel.
 - E) When backfilling the planting pit, add coarse gravel to the drainage channel. Also, care must be taken to keep the consistency of the soil mix the same throughout the planting pit.

NOTE:
Contractor to include drainage testing for all trees and palms in bid. If drainage is inadequate, the soil specification in item #8 above shall be revised for site conditions.
Contractor shall notify the Owner and Landscape Architect of poor drainage conditions in writing and written direction will be provided to the contractor of appropriate soil mixture specification to be used.

General Notes

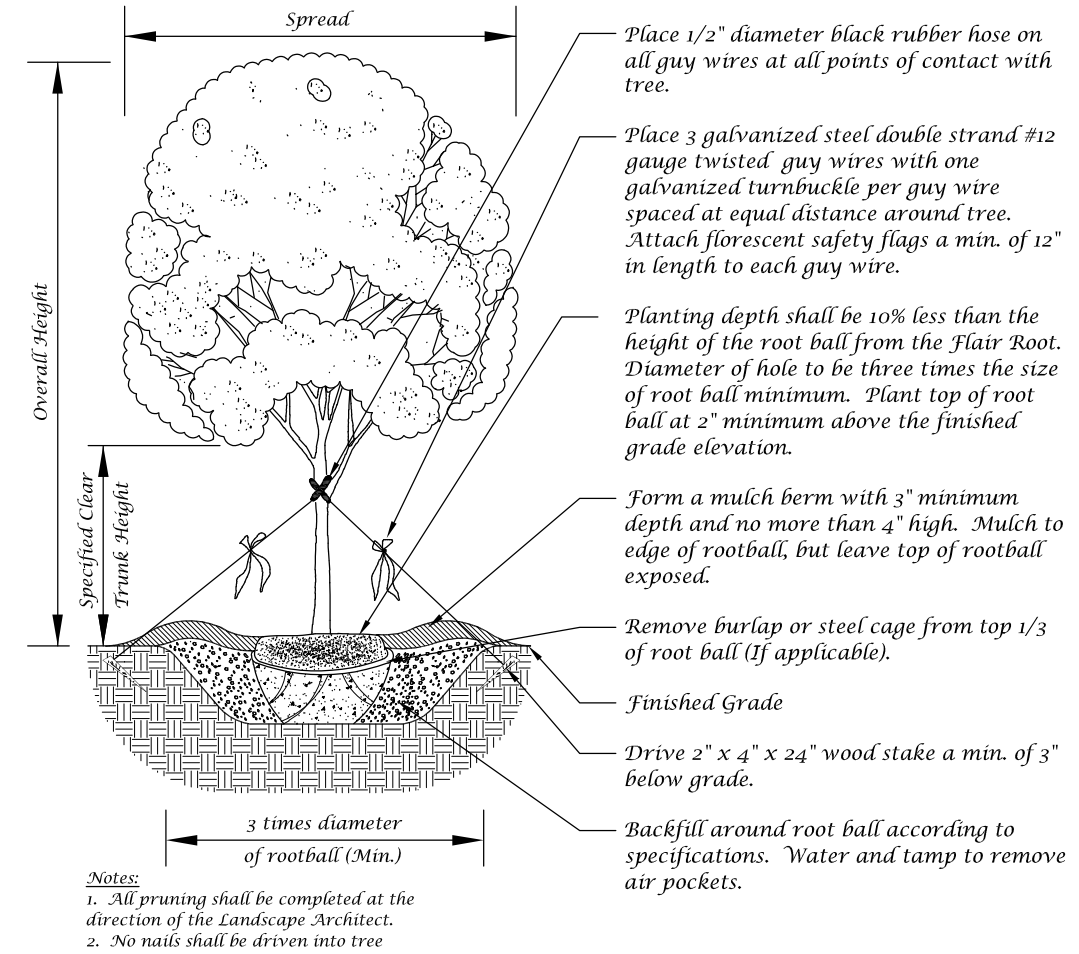
1. No plant substitutions can be made without City of Stuart approval.
2. All required landscape improvements must be inspected and approved by the City of Stuart prior to the issuance of a Certificate of Occupancy.
3. Any existing landscaping, sod, or irrigation damaged or destroyed during the construction shall be replaced prior to the final inspection.
4. All prohibited, exotic and invasive species shall be removed from the entire site prior to issuance of certificate of occupancy.
5. All planting areas and sod to be irrigated to provide 100% coverage and provide adequate irrigation of landscape areas for the first full growing season and continue thereafter only as necessary to maintain required vegetation in good and healthy condition. Shop drawings to be submitted by the irrigation contractor for approval prior to installation.
6. The irrigation system shall be continuously maintained in working order.
7. An automatic Rain sensor shall be placed on-site as part of the required irrigation system.
8. Planting adjacent to fire hydrants is to have a minimum clear radius of 7.5' as required by the NFPA Uniform Fire Code Florida Edition 18.3.4.1 Hydrants. All fire hydrants and fire check valves shall have a minimum of 7.5' from the front and sides with 4' from the rear to all landscape material per the Florida Fire Prevention Code.
9. All dead and/or missing plant material from the previously approved landscape plans shall be replaced prior to final inspection for Certificate of Occupancy.

Landscape Details



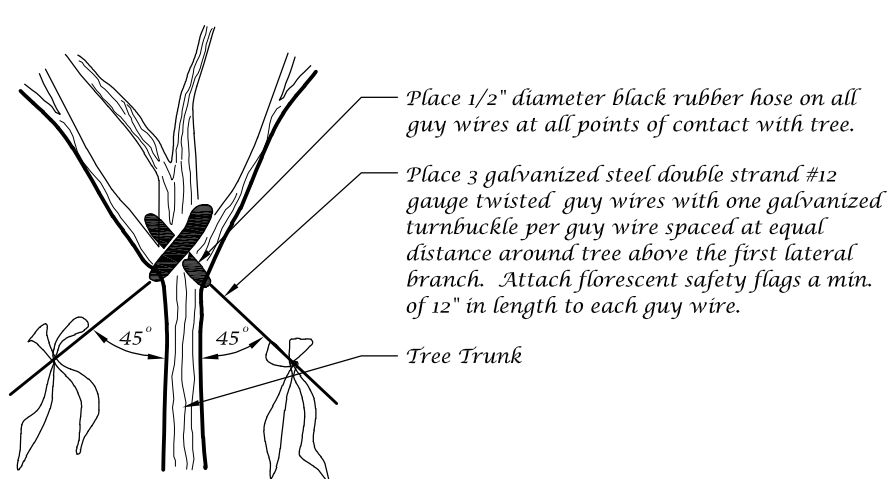
Large Tree Planting Detail (5" Caliper or Greater)

Not to Scale



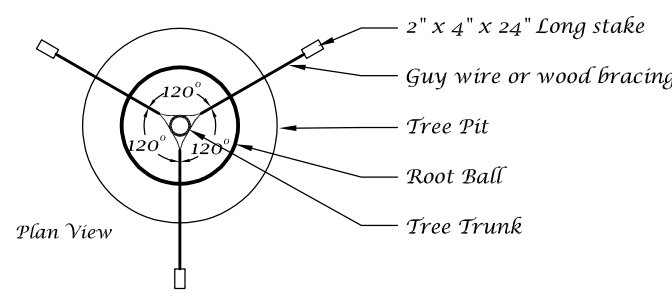
Tree Planting Detail

Not to Scale



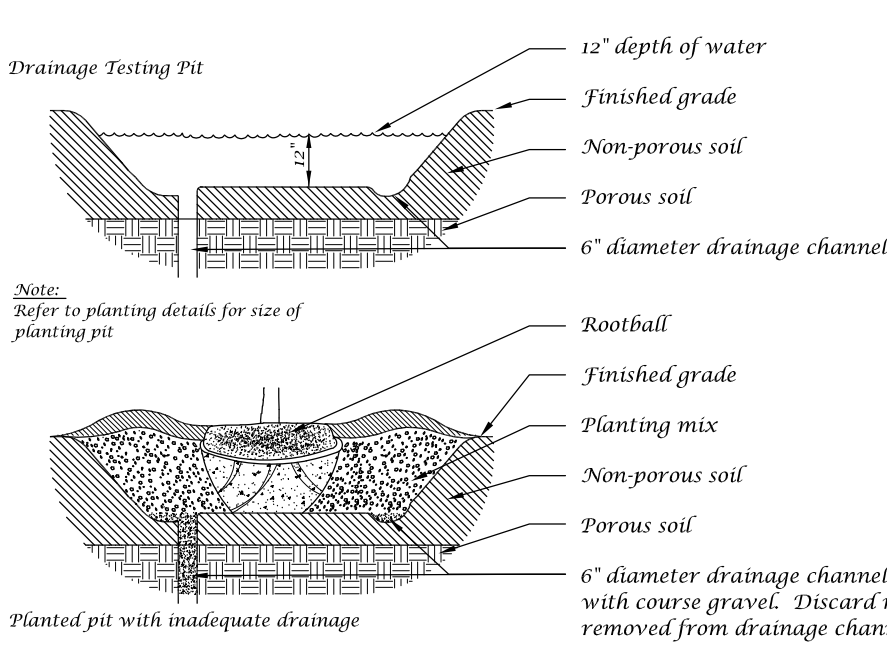
Guy Wire Attachment Detail

Not to Scale



Staking Detail

Not to Scale



Drainage Testing Detail

Not to Scale

Conceptual Design Group, Inc.

Landscape Architecture - Site Planning

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Waterblasting

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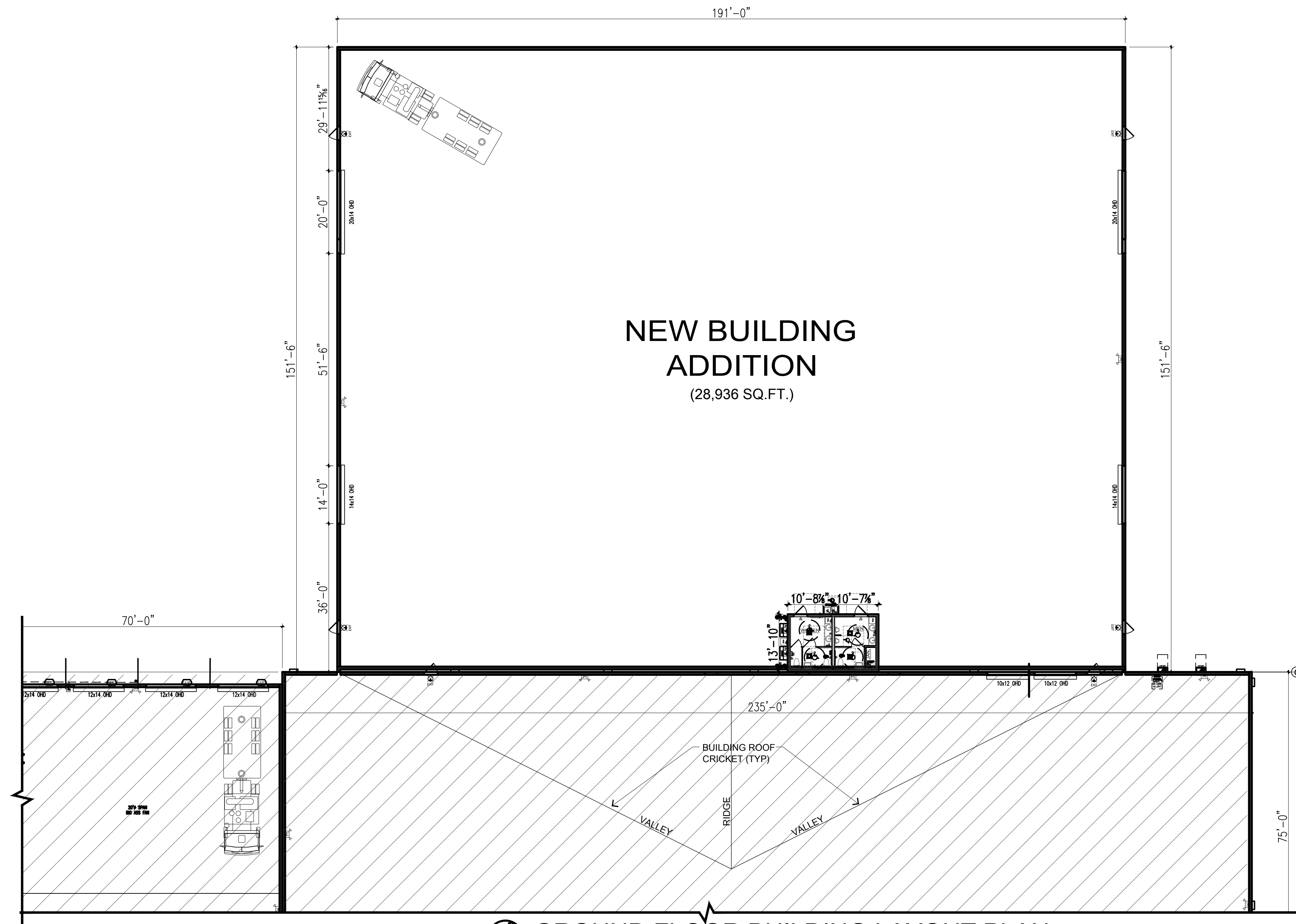
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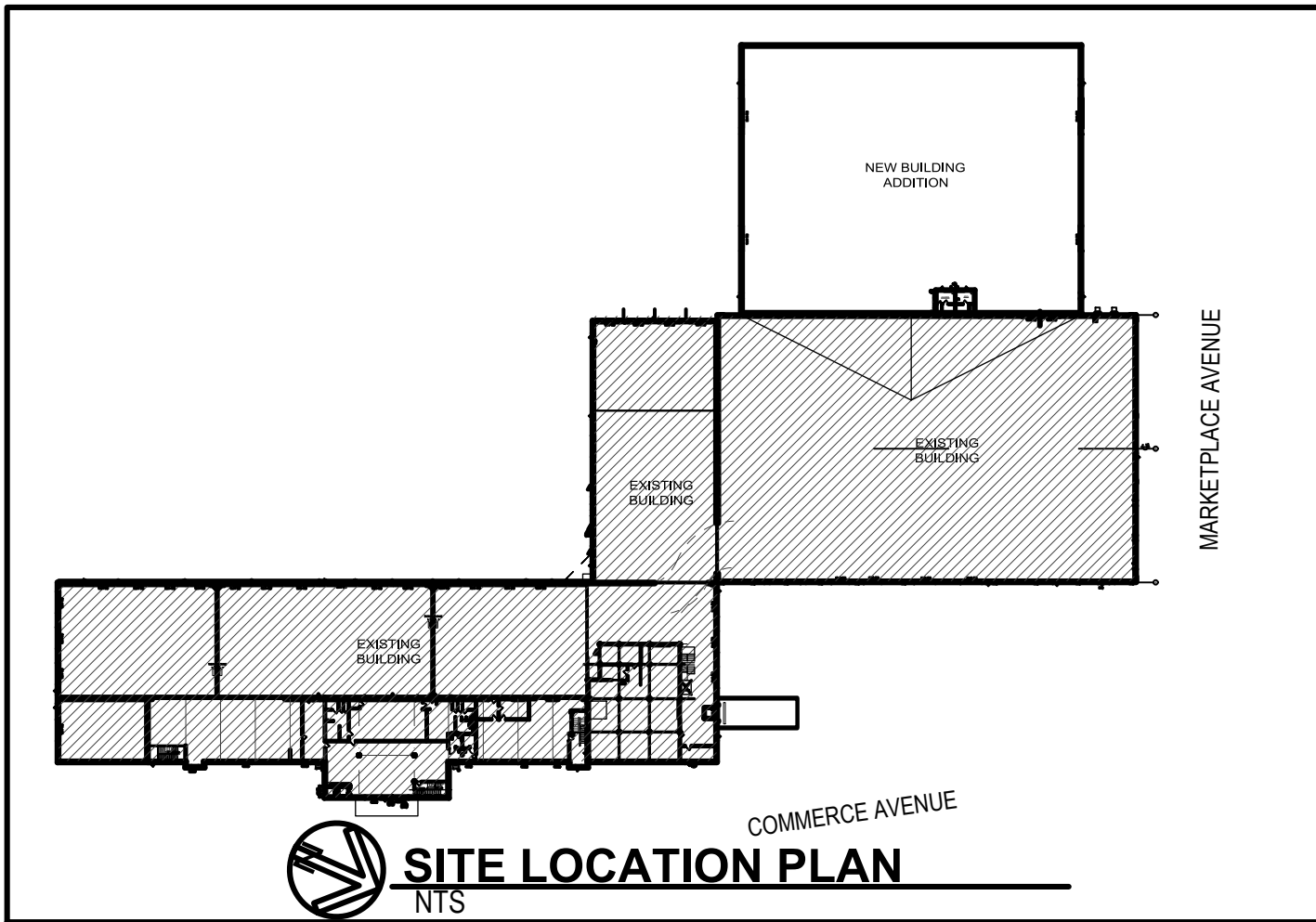
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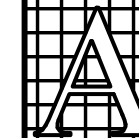
Landscape Plan



 **GROUND FLOOR BUILDING LAYOUT PLAN**
SCALE: 1/16" = 1'-0"

HOG TECHNOLOGIES, STUART, FLORIDA



**AHERN & ASSOCIATES,
ARCHITECTS, P.A.**
2674 S.E. Willoughby Blvd.
Stuart, Florida 34994
(772) 220 - 8907 AR-12958

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**DO NOT SCALE DRAWINGS
FIELD VERIFY ALL DIMENSIONS**

GENERAL NOTES:

1. CONTRACTOR SHALL VISIT THE JOB SITE AND VERIFY ALL CONDITIONS OF THE WORK PRIOR TO SUBMITTING A BID.
2. CONTRACTOR SHALL PROVIDE ALL REQUIRED INSURANCE FOR PROTECTION AGAINST PUBLIC LIABILITY AND PROPERTY DAMAGE FOR THE DURATION OF THE WORK. PROOF OF INSURANCE SHALL BE SUBMITTED TO THE OWNER PRIOR TO COMMENCEMENT OF WORK.
3. CONTRACTOR SHALL COORDINATE THE WORK OF ALL TRADES AT THE TIME THE WORK IS PERFORMED ON THE SITE. NO ADDITIONAL PAYMENTS SHALL BE MADE FOR THE CONTRACTOR'S FAILURE TO CORRECT CONFLICTING FIELD CONDITIONS.
4. CONTRACTOR SHALL GUARANTEE ALL WORK UNDER THIS CONTRACT TO BE FREE FROM DEFECTS IN MATERIALS OR WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF FINAL ACCEPTANCE OR CERTIFICATE OF OCCUPANCY.
5. ALL WORK SHALL EQUAL OR EXCEED ALL APPLICABLE BUILDING CODES.
6. COMPARISON OF ALL ARCHITECTURAL, STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS SHALL BE PERFORMED BY THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS PRIOR TO THE BEGINNING OF CONSTRUCTION, AND ALL DIMENSIONS SHALL BE CHECKED BY THE SAME BEFORE STARTING THE WORK.
7. CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD. DO NOT SCALE DRAWINGS.
8. ANY DISCREPANCIES, ERRORS, OR OMISSIONS IN THE PLANS OR SPECIFICATIONS DISCOVERED BY THE GENERAL CONTRACTOR OR ANY SUB-CONTRACTORS SHALL BE REFERRED TO THE ARCHITECT FOR FURTHER CLARIFICATION BEFORE STARTING THE WORK IN QUESTION. IF THE GENERAL CONTRACTOR AND/OR SUB-CONTRACTORS FAIL TO GIVE WRITTEN NOTICE OF SUCH DISCREPANCIES, ERRORS, OR OMISSIONS AND OBTAIN CLARIFICATION FROM THE ARCHITECT, THE GENERAL CONTRACTOR SHALL BE HELD RESPONSIBLE FOR THE TOTAL COST (AT THE GENERAL CONTRACTOR'S EXPENSE) OF RECTIFYING THE DISCREPANCIES, ERRORS, OR OMISSIONS AND OTHER WORK DIRECTLY OR INDIRECTLY AFFECTED BY THE RECTIFICATION.
9. IN THE EVENT THAT CERTAIN FEATURES OF THE CONSTRUCTION ARE NOT FULLY SHOWN ON THE DRAWINGS NOR CALLED FOR IN THE SPECIFICATIONS, THEN THEIR CONSTRUCTION SHALL BE OF THE SAME CHARACTER AND QUALITY AS THOSE OF SIMILAR CONDITIONS THAT ARE SHOWN OR CALLED FOR. IN ALL INSTANCES, THE ARCHITECT SHALL BE CONSULTED FOR VERIFICATION OF ACCEPTABLE QUALITY AND CHARACTER PRIOR TO COMMENCEMENT OF WORK ON THE AFFECTED AREA.
10. THE ARCHITECT AND/OR ENGINEER SHALL NOT HAVE CHARGE, CONTROL, NOR BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, SEQUENCES, PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS.
11. IMPACT FEES, WATER CONNECTION FEES, AND DEPOSITS FOR PERMANENT UTILITY SERVICES SHALL BE PAID FOR BY THE OWNER. THE CONTRACTOR SHALL NOTIFY THE OWNER WHEN THESE FEES APPLY PRIOR TO THE START OF CONSTRUCTION OF THIS PROJECT.
12. CONTRACTOR'S "REQUEST FOR PAYMENT" SHALL INCLUDE RELEASES OF LIEN FOR ALL MATERIAL SUPPLIERS AND SUB-CONTRACTORS' WORK RELATING TO THE REQUEST FOR PAYMENT.
13. ALL "CHANGE ORDERS" SHALL BE SIGNED BY THE OWNER AND APPROVED BY THE ARCHITECT AND/OR ENGINEER.
14. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL PREFABRICATED ITEMS OF THE WORK, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: TRUSSES, CABINETRY, AIR CONDITIONING, ETC. THE CONTRACTOR SHALL OBTAIN THE ARCHITECT'S WRITTEN APPROVAL OF SHOP DRAWINGS PRIOR TO FABRICATION. SAMPLES SHALL BE SUBMITTED UPON REQUEST.
15. ALL REQUIRED TESTS SHALL BE PERFORMED BY AN APPROVED TESTING LABORATORY AT THE CONTRACTOR'S EXPENSE. TEST RESULTS SHALL BE SUBMITTED TO THE ARCHITECT.
16. CONTRACTOR SHALL CLEAN ALL AREAS OF THE WORK ON A TIMELY BASIS AND AFTER CONSTRUCTION IS COMPLETED. ALL TRASH AND DEBRIS SHALL BE REMOVED FROM THE JOB SITE AT THE CONTRACTOR'S EXPENSE.

PROJECT TITLE
**HOG
TECHNOLOGIES**

NEW CONSTRUCTION
& RENOVATION
**SE COMMERCE AVENUE
STUART, FLORIDA 34996**

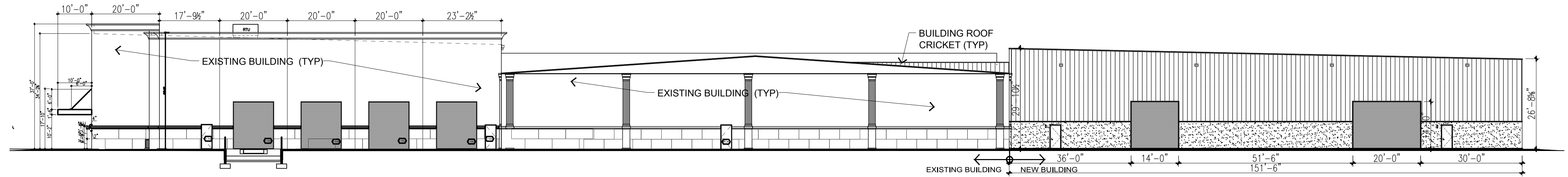
REV. DATE
PROJECT
22-2329

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SHEET
SD-1

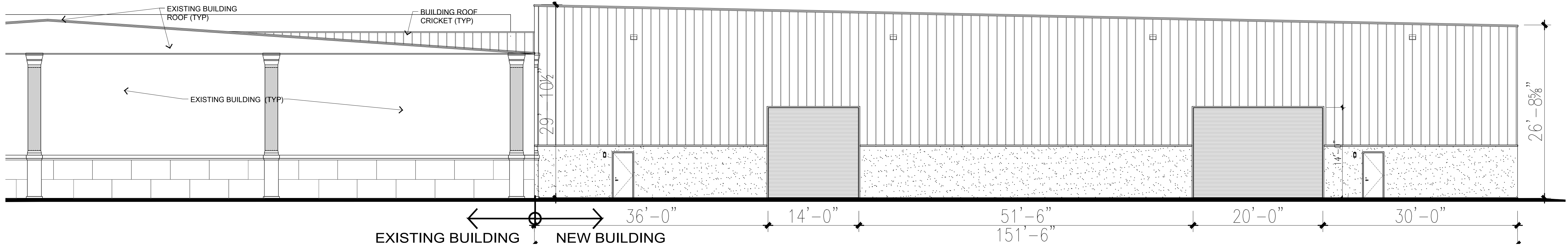
4-MAR-2022

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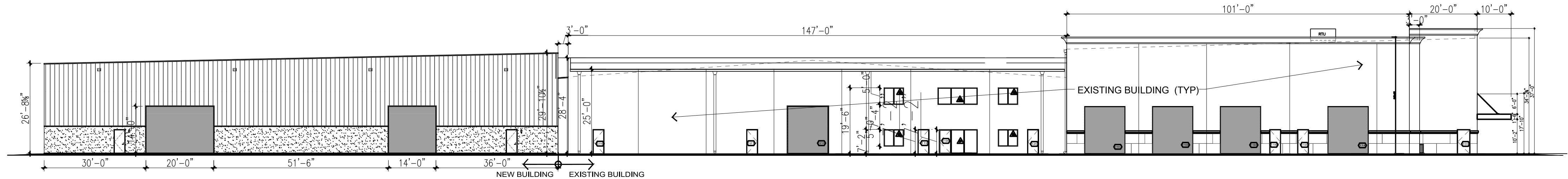
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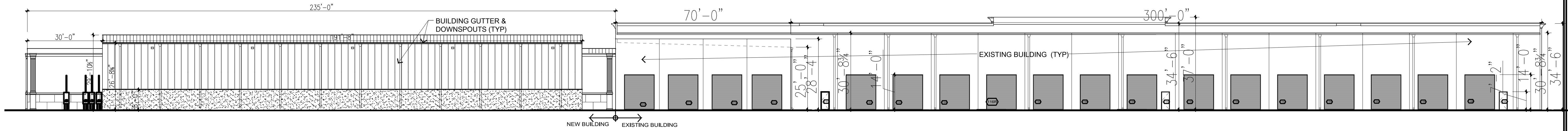
EXTERIOR ELEVATION - NORTH
SCALE: 1"=20'-0"



EXTERIOR ELEVATION - NORTH
SCALE: 1/8"=1'-0"



EXTERIOR ELEVATION - SOUTH
SCALE: 1"=20'-0"



EXTERIOR ELEVATION - WEST
SCALE: 1"=20'-0"

PROJECT TITLE
HOG
TECHNOLOGIES

NEW CONSTRUCTION
& RENOVATION
SE COMMERCE AVENUE
STUART, FLORIDA 34996

REV. DATE
PROJECT 22-2329
SHEET
SD-2

HOG TECHNOLOGIES,
STUART, FLORIDA 4-MAR-2022

Drainage Report

for

Waterblasting Technologies – Market Street City of Stuart, Florida

Prepared By:

Engineering Design & Construction, Inc.

10250 SW Village Parkway, Suite 201

Port St. Lucie, FL 34987

Board of Professional Engineers Certificate of Authorization Number 9935

March 2018

Date:

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David C. Baggett, P.E. #81375
10250 SW Village Parkway, Suite 201
Port St. Lucie, FL 34987
(772) 462-2455



Drainage Calculation Summary

Project Description

The Waterblasting Technologies – Market Street project is proposed to be constructed on the southwest corner of Market Place and Commerce Ave in Stuart, FL, specifically at 3920 SE Commerce Ave. The parcel ID numbers are 38-38-41-002-209-00001-8 and 38-38-41-002-208-00001-0. The site is located within Section 38, Township 38S, and Range 41 East. The project is located in an industrial park and permitted master drainage system known as the “Stuart Business Park”.

The site totals 11.85 acres with approximately 5.45 acres being proposed for new development. The project proposes expansion of the existing facility to include a new 49,126 SF (61,644 gross SF) building, additional parking, utilities, and a dry retention stormwater management system. The site will make a new driveway connection to SE Commerce Ave. The dry retention system will outfall directly into the wet detention lake.

Project Datum

The original plans and ERP 43-00014-S (app 120614-4) indicate the existing master system was permitted in reference to the National Geodetic Vertical Datum (NGVD) 1929. All provided exhibits from the permit file history documents are NGVD 1929 unless indicated otherwise.

All elevations included on the proposed project construction plans and calculations are in reference to the North American Vertical Datum (NAVD) 1988. The vertical datum conversion was confirmed to be approximately 1.50 feet in the project area. This is used to convert NGVD to NAVD, in other words NGVD elevation minus 1.50 feet = NAVD elevation. This datum conversion has been applied accordingly to any reported elevation from the original permit.

Existing Conditions and Master Drainage System

The total project site is 11.85 acres. The site area currently consists of an existing 35,250 SF fabrication facility with associated parking (1.87 acres total) that will remain. The rest of the property is undeveloped uplands consisting of mostly nuisance/exotic vegetation and one (1) isolated exotic wetland hardwood area. The wetland will be entirely impacted by the proposed project. A wet detention lake and a conveyance ditch are located within the project boundaries.

The project area currently drains south to a permitted and operational master drainage system known as the “Stuart Business Park”. The latest SFWMD master system permit is ERP 43-00014-S, application 120614-4. The master system is operated and maintained by the Stuart Business Park Owners Association, Inc. This project’s applicant (Crocker Group, LLC) currently owns the 1.87 acre developed parcel. They will own the entire 11.85 acre property area upon final sale (contract purchase) of parcel 38-38-41-002-208-00001-0. This includes the existing wet detention lake and conveyance ditch that functions as a part of the permitted

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CIVIL ENGINEERS & SURVEYORS SPECIALIZING IN LAND DEVELOPMENT

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master drainage system. There are existing drainage and pond easements placed over this portion of the master system for maintenance and operation by Stuart Business Park Owners Association, Inc. The easements shall remain as recorded. Changes to operation and maintenance of the master system are not proposed at this time.

In order to design the project drainage EDC reviewed the latest master system ERP 120614-4 and the permitted calculations/exhibits. The subject project is located within the boundaries of Node 14 (Basin N_14_Basin_1). A copy of the permitted basin map is provided in the appendices of this report for reference. The wet detention lake and conveyance ditch are considered a part of Node 14's contributing area and water quantity storage. Water quality treatment for new development is not provided in the master system. Node 14 is control by an existing downstream control structure that outfalls to the Florida Department of Transportation (FDOT) right-of-way system.

It is very important to note that the permitted calculations **did not** consider the currently developed portion of our project (FKA Fly Bob LLC) within the boundaries of Node 14. It was excluded from the master system under the assumption that 100% on-site retention has been provided. Upon further survey work and field investigation by EDC it has been confirmed that there is currently no on-site retention provided. Drainage from the developed property drains to a ditch at the south west corner of the site. Runoff is conveyed via the ditch into the Node 14 lake freely and untreated.

The remaining undeveloped portion of the site drains via sheet flow into the Node 14 lake.

Soils

Soils on-site are generally very loose to medium dense, light gray to gray and light brown to dark brown fine sand (Unified Soil Classification SP), fine sand with silt (SP-SM), and fine sand with clay (SP-SC) to the boring termination depth of 25 feet. As shown in the enclosed geotech report, the auger borings encountered similar soils to the depths of 5 and 10 feet below the existing ground surface. These soil profiles are outlined in general terms only. Please refer to the enclosed geotech report by Ardaman and Associates for further details.

Control Elevation

The control elevation was determined based on the historical permit information for the master surface water management system, recent survey data obtained by EDC, Inc., and the enclosed geotechnical investigation report.

Basin Control Elevation: 12.50 NAVD (14.00 NGVD)

Proposed Condition and Master Drainage System

The project proposes expansion of the existing facility to include a new 49,126 SF (61,644 gross SF) building, additional parking, utilities, and a dry retention stormwater management system.

In reviewing the existing environmental resource permit file for the master system, there are three significant design considerations that affect design of the proposed stormwater management system:

1. All water quality treatment shall be provided on-site prior to discharging into the master system. In our project's case – prior to discharging into the Node 14 lake.
2. The permitted calculations did not consider the currently developed portion of our project (FKA Fly Bob LLC) within the boundaries of Node 14. It was excluded from the master system under the assumption that 100% on-site retention has been provided. Upon further survey work and field investigation by EDC it has been confirmed that there is currently no on-site retention provided. In order to develop the surround acreage drainage must be provided for the existing site.
3. In the existing ICPR model of the master system, Node 14 accounted for contributing areas and storage over the existing wet detention lake, conveyance ditch, and developable acreage of the subject property. The upland development was not considered as a separate basin or node.

Based on the above information EDC has approached design of the Waterblasting Technology stormwater management system as one that must work in conjunction with the master system in order to adequately address all requirements of ERP permit.

The applicant proposes to construct a series of dry retention ponds on the Waterblasting site to account for the required treatment volume and the contributing area that should have been included in the master system model. EDC has modeled the entire master system to the outfall at Node 14 with the Waterblasting site discharging directly into it. The surrounding master system basins that discharge directly into Node 14 have been factored in using rating curves that match the permitted master system ICPR results. Conservatively, no storage in the upstream basins is considered. The dry retention ponds will retain sufficient runoff prior to discharging such that the overall system demonstrates the following:

1. Water quality treatment is provided prior to discharging into Node 14.
2. The allowable discharge rate from Node 14 (8.14 cfs) will remain consistent with the modeled results of ERP app 120614-4 at the project outfall. The discharge rate from the Waterblasting site is not limited as this acreage/storage was permitted as apart of Node 14, not a separate basin. However, the inflow discharge rates to Node have been evaluated and are consistent with the permit as well (44.96 cfs permit v.s. 45.25 cfs proposed).

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3. Design stages (on-site and in Node 14) satisfy the requirements of the master system EPR permit.

It is important to note that EDC obtained updated survey information for the lake and ditch system of Node 14. As such, this information has been incorporated into the Node 14 basin and stage storage relationship.

Design Criteria

The proposed stormwater management system has been designed to provide the required water quality treatment, attenuation, and flood protection per the SFWMD and City of Stuart in conjunction with the existing master system permit. The applicant has demonstrated the project remains consistent with the original permits and does not cause an adverse impact to the master system.

Water Quality Requirements

ERP 43-00014-S specifies that all future projects connecting to the Stuart Business Park master system shall provide water quality treatment equivalent to the greater of 1 inch or 2.5 inches times the percent imperviousness within the proposed project limits and ½ inch of dry pretreatment for all commercial projects prior to discharging to the Stuart Business Park stormwater master system. As such, a dry retention system is proposed to serve the 7.317 acres of upland development inclusive of the portion of the project that is currently developed. The system will provided water quality treatment in excess of that required by the ERP permit prior to discharging to the master system. The provided volume also exceeds 150% additional treatment as required for discharges to verified impaired waterbodies (OFW rule).

CRITERIA	Master System Permit 43-00014-S	Proposed System Requirement	Proposed System Provided
Water Quality Treatment Volume	Not Provided in Master System	0.74 acft (On-site Retention)	0.80 acft (On-site Retention)

Net Improvement

Due to the master system ultimately discharge to the St. Lucie basin the project is required to demonstrate no increase to the average annual nutrient load discharging off-site from the developed area. Please see the enclosed BMP Trains calculations. The proposed dry retention systems provided excess volume such that sufficient removal efficiency of nitrogen and phosphorus is provided. This is inclusive of the portion of the project that is currently developed.

Water Quantity and Grading Requirements

CRITERIA	Master System Permit 43-00014-S (App 120614-4)	Node 14 Model Results (Proposed Condition)	Waterblasting (WB) Site Model Results (Proposed Condition)	System/Project Provided (Proposed Condition)
Minimum Road 5-year, 24-hour event	14.73 NAVD 16.23 NGVD	14.83 NAVD 16.33 NGVD	15.44 NAVD 16.94 NGVD	15.50 NAVD 17.00 NGVD (WB Minimum Parking)
Allowable Discharge 25-year, 72-hour event	8.14 cfs at Node 14 Outfall	7.96 cfs at Node 14 Outfall	20.51 cfs at On-site Retention Outfall into Node 14 Lake	7.96 cfs at Node 14 Outfall
25-year, 72-hour event Stage Elevation	15.79 NAVD 17.29 NGVD	15.72 NAVD 17.22 NGVD	15.76 NAVD 17.26 NGVD	15.80 NAVD 17.30 NGVD (WB Perimeter Berm)
*Minimum FFE 100-year, 72-hour event	17.00 NAVD 18.50 NGVD	16.64 NAVD 18.14 NGVD	16.64 NAVD 18.14 NGVD	**16.96 NAVD 18.46 NGVD (Existing Bldg FFE)

*The original ICPR calculations permitted under ERP app 120614-4 for the 100-yr, 72-hr storm event factored in connected basin storage in Node 17. This resulted in a lower stage (17.27 NGVD) for this storm event under that model. Conservatively, the proposed model accepts all runoff as a rating curve and only storage in Node 14 with no discharge. Thus, higher staging is observed in the EDC model. The model stage is still below the minimum finished floor elevation of 17.00 NAVD (18.50 NGVD).

**The existing building finished floor has been surveyed at 16.96 NAVD (18.46 NGVD). The proposed building is required to be joined at the same finished floor elevation for functionality of the proposed operation. It is acknowledged by the applicant and SFWMD that the existing elevation is 0.04 feet lower than the required finished floor elevation of ERP 43-00014-S. However, it is demonstrated that the master system provides sufficient storage that the existing finished floor elevation remains above the 100-year, 72-hour storm event.

Conclusion

The proposed development satisfies the water quality and water quantity requirements of the original ERP permit 43-00014-S. Sufficient retention is provided on-site such that the additional stormwater runoff is not anticipated to cause adverse impacts to the Stuart Business Park master system. As such, the proposed project is consistent with the design criteria of both SFWMD and City of Stuart.

Appendix A – Drainage Calculations

Pre-Development Stormwater Calculations

Project: **Waterblasting - Market Street**
 Project #: **17-274**

Engineer: **SGF**
 Date: **3/7/2018**
 Revised:

Land Use Table

Use	Imp. (ac)	Pervious (ac)	Total (ac)
Buildings =	0.809	0.000	0.809
Other Roof Area =	0.000	0.000	0.000
Impervious - Concrete, Asphalt =	0.572	0.000	0.572
Lake =	0.000	0.000	0.000
Wetlands =	0.835	0.000	0.835
Open Space / Pervious =	0.000	5.101	5.101
Upland/Wetland/Preserve =	0.000	0.000	0.000
TOTAL =	2.215	5.101	7.317

Stage-Area Table

:see stage-storage chart for information.

Find Curve Number:

Avg. Pervious Ground El. = **16.25**
 Control Elevation = **12.50**
 Distance to Water Table = **3.75**

Soil Storage Table

Depth to W.T. (ft)	Coastal Storage (in)	Flatwoods Storage (in)	Depression Storage (in)
1.0	0.6	0.6	0.6
1.5	1.6	1.6	1.4
2.0	2.5	2.5	2.1
2.5	4.6	4.0	3.3
3.0	6.6	5.4	4.4
3.25	7.7	6.3	5.0
3.5	8.8	7.2	5.6
4.0	10.9	9.0	6.8

Find the basin's soil classification and input below as "Soil Storage" using the above "Depth to W.T.".

Developed Compacted Pervious Area = **0.00** * BMP area excluded
 Undeveloped Pervious Area = **5.10**
 Soil Storage = **5.51**
 Soil Moisture Storage (S) = **3.84** inches
 Curve Number = **72** inches

Time of Concentration

The following formulas are per the SCS "Urban Hydrology for Small Watersheds" Technical Publication-55.

Sheet flow occurs over plane surfaces.

$$T_{sf} = \frac{.007 * (n * L)^{.8}}{(P_2)^{.5} * (s)^{.4}}$$

T_{sf} = Time of Sheet Flow (hour)
 n = Mannings Roughness Coefficient
 P_2 = 2-year 24-hour Rainfall (inches)
 s = Slope of Hydraulic Grade (feet/feet)
 L = Flow Length (feet)

After 300-feet sheet flow usually becomes shallow concentrated flow.

$$\begin{aligned} \text{(Unpaved)} \quad V &= 16.1345 * (s)^{.5} \\ \text{(Paved)} \quad V &= 20.3282 * (s)^{.5} \end{aligned}$$

T_{cf} = Time of Concentrated Flow (hour)
 s = Slope of Hydraulic Grade (feet/feet)
 V = Average Velocity (feet/second)

Use the velocity to solve for travel time.

$$T_t = \frac{L}{3600 * V}$$

T_t = Travel Time (hour)
 L = Flow Length (feet)
 V = Average Velocity (feet/second)

When determining flows in open channels use Manning's equation.

$$V = \frac{1.49 * r^{.67} * s^{.5}}{n}$$

r = Hydraulic Radius (feet) equal to a/p_w
 s = Slope of Hydraulic Grade (feet/feet)
 V = Average Velocity (feet/second)
 n = Mannings Roughness Coefficient
 a = cross sectional area (sq.ft.)
 p_w = wetted perimeter (feet)

* Use the velocity to solve for travel time with the formula above.

This following calculations for the project have a segmented travel flow line.

T_1 = On site (sheet flow).

Parameters for T_{1A} :
 n = 0.012 coefficient
 P_2 = 5.00 inches
 s = 0.001 foot/foot
 L = 0 feet

T_{1A} = 0.0000 hour = 0.00 minutes
 T_t = 0.0000 hour = 0.0 minutes

Parameters for T_{1b} :
 n = 0.011 coefficient
 P_2 = 5.00 inches
 s = 0.020 foot/foot
 L = 0 feet

T_{1B} = 0.0000 hour = 0.00 minutes
 T_t = 0.0000 hour = 0.0 minutes

Parameter for T_2 :
 V = 0.51021769

V = 0.16
 s = 0.005 foot/foot
 L = 0 feet

T_1 = 0.0000 hour = 0.00 minutes
 T_t = 0.0000 hour = 0.0 minutes

TC= total T1A+T1B+T2 used 10 minutes
0.0

Post-Development Stormwater Calculations

Project: **Waterblasting - Market Street**
 Project #: **17-274**

Engineer: **JDF**
 Date: **3/7/2018**
 Revised:

Land Use Table

Use	Imp. (ac)	Pervious (ac)	Total (ac)
Buildings =	1.937	0.000	1.937
Other Roof Area =	0.000	0.000	0.000
Impervious - Concrete, Asphalt =	3.486	0.000	3.486
Lake =	0.000	0.000	0.000
Dry Detention Area =	0.000	0.767	0.767
Open Space / Pervious =	0.000	1.127	1.127
Upland/Wetland/Preserve =	0.000	0.000	0.000
TOTAL =	5.423	1.894	7.317

Stage-Area Table

:see stage-storage chart for information.

Find Curve Number:

Avg. Pervious Ground El. = **16.25**
 Control Elevation = **12.50**
 Distance to Water Table = **3.75**

Soil Storage Table

Depth to W.T. (ft)	Coastal Storage (in)	Flatwoods Storage (in)	Depression Storage (in)
1.0	0.6	0.6	0.6
1.5	1.6	1.6	1.4
2.0	2.5	2.5	2.1
2.5	4.6	4.0	3.3
3.0	6.6	5.4	4.4
3.25	7.7	6.3	5.0
3.5	8.8	7.2	5.6
4.0	10.9	9.0	6.8

Find the basin's soil classification and input below as "Soil Storage" using the above "Depth to W.T.".

Developed Compacted Pervious Area = **1.127** * BMP area excluded
 Undeveloped Pervious Area = **0.000**
 Soil Storage = **8.10**
 Soil Moisture Storage (S) = 0.94 inches
 Curve Number = **91** inches

Time of Concentration

The following formulas are per the SCS "Urban Hydrology for Small Watersheds" Technical Publication-55.

Sheet flow occurs over plane surfaces.

$$T_{sf} = \frac{.007 * (n * L)^{.8}}{(P_2)^{.5} * (s)^{.4}}$$

T_{sf} = Time of Sheet Flow (hour)
 n = Mannings Roughness Coefficient
 P_2 = 2-year 24-hour Rainfall (inches)
 s = Slope of Hydraulic Grade (feet/feet)
 L = Flow Length (feet)

After 300-feet sheet flow usually becomes shallow concentrated flow.

$$\begin{aligned} \text{(Unpaved)} \quad V &= 16.1345 * (s)^{.5} \\ \text{(Paved)} \quad V &= 20.3282 * (s)^{.5} \end{aligned}$$

T_{cf} = Time of Concentrated Flow (hour)
 s = Slope of Hydraulic Grade (feet/feet)
 V = Average Velocity (feet/second)

Use the velocity to solve for travel time.

$$T_t = \frac{L}{3600 * V}$$

T_t = Travel Time (hour)
 L = Flow Length (feet)
 V = Average Velocity (feet/second)

When determining flows in open channels use Manning's equation.

$$V = \frac{1.49 * r^{.67} * s^{.5}}{n}$$

r = Hydraulic Radius (feet) equal to a/p_w
 s = Slope of Hydraulic Grade (feet/feet)
 V = Average Velocity (feet/second)
 n = Mannings Roughness Coefficient
 a = cross sectional area (sq.ft.)
 p_w = wetted perimeter (feet)

* Use the velocity to solve for travel time with the formula above.

This following calculations for the project have a segmented travel flow line.

T_1 = On site (sheet flow).

Parameters for T_{1A} :

$n =$	0.012	coefficient
$P_2 =$	5.00	inches
$s =$	0.001	foot/foot
$L =$	0	feet

$T_{1A} =$	0.0000	hour	=	0.00	minutes
$T_t =$	0.0000	hour	=	0.0	

Parameters for T_{1b} :

$n =$	0.011	coefficient
$P_2 =$	5.00	inches
$s =$	0.020	foot/foot
$L =$	0	feet

$T_{1B} =$	0.0000	hour	=	0.00	minutes
$T_t =$	0.0000	hour	=	0.0	

Parameter for T_2 :

$V =$ 0.5102177

$V =$	0.16	
$s =$	0.005	foot/foot
$L =$	0	feet

$T_1 =$	0.0000	hour	=	0.00	minutes
$T_t =$	0.0000	hour	=	0.0	

TC= total $T_{1A} + T_{1B} + T_2$ 0.0 used 10 minutes

Post-Development Water Quality Calculations

Project: Waterblasting - Market Street
Project #: 17-274

Engineer: JDF
Date: 3/7/2018

1-inch Over the Project Area - per SFWMD, City of Stuart

$$\begin{array}{rcl}
 \text{(Treated Volume)} & 1\text{-inch} & * \quad 1\text{-ft/12-in} & * \quad \frac{7.317}{\text{PROJECT AREA}} & = & \boxed{0.610} \text{ ac-ft} \\
 & & & & & \text{TREATED VOLUME}
 \end{array}$$

2.5-inches Times the Percent Impervious - per SFWMD, City of Stuart

$$\begin{array}{rcl}
 \text{(Site Area)} & \frac{7.317}{\text{PROJECT AREA (AC)}} - \left(\frac{0.000}{\text{LAKES (AC)}} + \frac{1.937}{\text{ROOFS (AC)}} \right) & = \frac{5.380}{\text{SITE AREA}} \text{ ac} \\
 \\
 \text{(Impervious Area)} & \frac{5.380}{\text{SITE AREA (AC)}} - \frac{1.894}{\text{PERVIOUS AREA (AC)}} & = \frac{3.486}{\text{IMPERVIOUS AREA}} \text{ ac} \\
 \\
 \text{(\% Impervious)} & \frac{\text{IMPERVIOUS AREA} * 100\%}{\text{SITE AREA (AC)}} & = 64.79\% \\
 \\
 \text{(2.5-in * \% Imp.)} & 2.5\text{-inches} * \frac{64.79\%}{\text{PERCENT IMPERVIOUS}} & = \frac{1.620}{\text{INCHES TO BE TREATED}} \\
 & \# & \\
 \text{(Treated Volume)} & \frac{1.620}{\text{TREATED (IN)}} * 1\text{-ft/12-in} * \frac{7.32}{\text{PROJECT AREA - LAKES (AC)}} & = \boxed{0.988} \\
 & & \text{TREATED VOLUME}
 \end{array}$$

	SFWMD - STND	SFWMD - 150%
Required Wet Detention =	0.988	1.482
Required Dry Detention =	0.741	1.111
Required Retention =	0.494	0.741

* An additional 0.5-inch of dry pretreatment required for industrial or commercial projects.

Post Development-Stage Storage Calculations for Waterblasting - Market Street

Land use Category	Storage Type	Area (ac.)	From Elev.	To Elev.	Cumulative Stage-Storage (ac-ft)											
					13.50	14.00	14.50	15.00	15.50	16.00	16.50	17.00	17.50	18.00	18.50	19.00
Dry Detention	Vertical	0.431	13.50		0.00	0.22	0.43	0.65	0.86	1.08	1.29	1.51	1.72	1.94	2.15	2.37
Dry Detention Slopes	Linear	0.336	13.50	15.50	0.00	0.02	0.08	0.19	0.34	0.50	0.67	0.84	1.01	1.18	1.34	1.51
WATER QUALITY					0.00	0.24	0.51	0.84	1.20	1.58	1.96	2.35	2.73	3.11	3.50	3.88
Impervious	Linear	3.486	15.50	17.00	0.00	0.00	0.00	0.00	0.00	0.29	1.16	2.61	4.36	6.10	7.84	9.59
Pervious	Linear	1.127	15.50	17.00	0.00	0.00	0.00	0.00	0.00	0.09	0.38	0.85	1.41	1.97	2.54	3.10
	Sub-Total:	5.380		Totals:	0.00	0.24	0.51	0.84	1.20	1.97	3.50	5.81	8.50	11.19	13.88	16.57
Buildings / Roofs		1.937	*Not included in Stage-storage calculations													
	Total:	7.317														

ICPR Volume to Area Conversion			Set Water Quality Elevation			
$A_2 = 2((V_2 - V_1)/(S_2 - S_1)) - A_1$			Total Water Quality Volume Required:		0.741	ac-ft
			Retention Volume Required:		0.628	ac-ft
			Weir Stage for Required Nutrient Load Retention:		14.68	NAVD
			Water Quality Volume Remaining:		0.11	ac-ft
			Required Water Quality Retention Stage:		14.85	NAVD
			Water Quality Weir Provided:		14.95	NAVD
			Total Water Quality Retention Volume Provided:		0.803	ac-ft
					<---	Volume required per Water Quality Requirements Sheet
					<---	Retention required per BMP Trains Net Improvement Calcs
					<--	= Total WQTV - Nutrient Load Retention Volume
					<---	Provided retention volume at proposed weir elevation
					<---	Sufficient Water Quality Volume Provided

Stage	Volume	Area
13.50	0.00	0.431
14.00	0.24	0.515
14.50	0.51	0.599
15.00	0.84	0.683
15.50	1.20	0.767
16.00	1.97	2.304
16.50	3.50	3.842
17.00	5.81	5.380
17.50	8.50	0.000
18.00	11.19	0.000
18.50	13.88	0.000
19.00	16.57	0.000

Post-Development Stormwater Calculations

Project: **Waterblasting - Market Street**
 Project #: **17-274**

Engineer: **JDF**
 Date: **3/7/2018**
 Revised:

Land Use Table

Use	Imp. (ac)	Pervious (ac)	Total (ac)
Buildings =	0.000	0.000	0.000
Other Roof Area =	0.000	0.000	0.000
Impervious - Concrete, Asphalt =	0.000	0.000	0.000
Lake =	3.425	1.108	4.533
Open Space / Pervious =	0.000	0.000	0.000
Upland/Wetland/Preserve =	0.000	0.000	0.000
TOTAL =	3.425	1.108	4.533

Stage-Area Table

:see stage-storage chart for information.

Find Curve Number:

Avg. Pervious Ground El. = **14.75**
 Control Elevation = **12.50**
 Distance to Water Table = **2.25**

Soil Storage Table

Depth to W.T. (ft)	Coastal Storage (in)	Flatwoods Storage (in)	Depression Storage (in)
1.0	0.6	0.6	0.6
1.5	1.6	1.6	1.4
2.0	2.5	2.5	2.1
2.5	4.6	4.0	3.3
3.0	6.6	5.4	4.4
3.25	7.7	6.3	5.0
3.5	8.8	7.2	5.6
4.0	10.9	9.0	6.8

Find the basin's soil classification and input below as "Soil Storage" using the above "Depth to W.T.".

Developed Compacted Pervious Area = **1.108** * BMP area excluded
 Undeveloped Pervious Area = **0.000**
 Soil Storage = **3.25**
 Soil Moisture Storage (S) = 0.60 inches
 Curve Number = **94** inches

Time of Concentration

The following formulas are per the SCS "Urban Hydrology for Small Watersheds" Technical Publication-55.

Sheet flow occurs over plane surfaces.

$$T_{sf} = \frac{.007 * (n * L)^8}{(P_2)^5 * (s)^4}$$

T_{sf} = Time of Sheet Flow (hour)

n = Mannings Roughness Coefficient

P_2 = 2-year 24-hour Rainfall (inches)

s = Slope of Hydraulic Grade (feet/feet)

L = Flow Length (feet)

After 300-feet sheet flow usually becomes shallow concentrated flow.

$$\begin{aligned} \text{(Unpaved)} \quad V &= 16.1345 * (s)^{.5} \\ \text{(Paved)} \quad V &= 20.3282 * (s)^{.5} \end{aligned}$$

T_{cf} = Time of Concentrated Flow (hour)

s = Slope of Hydraulic Grade (feet/feet)

V = Average Velocity (feet/second)

Use the velocity to solve for travel time.

$$T_t = \frac{L}{3600 * V}$$

T_t = Travel Time (hour)

L = Flow Length (feet)

V = Average Velocity (feet/second)

When determining flows in open channels use Manning's equation.

$$V = \frac{1.49 * r^{.67} * s^{.5}}{n}$$

r = Hydraulic Radius (feet) equal to a/p_w

s = Slope of Hydraulic Grade (feet/feet)

V = Average Velocity (feet/second)

n = Mannings Roughness Coefficient

a = cross sectional area (sq.ft.)

p_w = wetted perimeter (feet)

* Use the velocity to solve for travel time with the formula above.

This following calculations for the project have a segmented travel flow line.

T_1 = On site (sheet flow).

Parameters for T_{1A} :

n = 0.012 coefficient
 P_2 = 5.00 inches
 s = 0.001 foot/foot
 L = 0 feet

$$\begin{aligned} T_{1A} &= 0.0000 \text{ hour} = 0.00 \text{ minutes} \\ T_t &= 0.0000 \text{ hour} = 0.0 \end{aligned}$$

Parameters for T_{1b} :

n = 0.011 coefficient
 P_2 = 5.00 inches
 s = 0.020 foot/foot
 L = 0 feet

$$\begin{aligned} T_{1B} &= 0.0000 \text{ hour} = 0.00 \text{ minutes} \\ T_t &= 0.0000 \text{ hour} = 0.0 \end{aligned}$$

Parameter for T_2 :

$$V = 0.51021769$$

V = 0.16
 s = 0.005 foot/foot
 L = 0 feet

$$\begin{aligned} T_1 &= 0.0000 \text{ hour} = 0.00 \text{ minutes} \\ T_t &= 0.0000 \text{ hour} = 0.0 \end{aligned}$$

$$TC = \text{total} \quad T1A + T1B + T2 \quad 0.0 \text{ used 10 minutes}$$

Post Development-Stage Storage Calculations for SBP Lake & Drainage Easement

Land use Category	Storage Type	Area (ac.)	From Elev.	To Elev.	Cumulative Stage-Storage (ac-ft)											
					12.50	13.00	13.50	14.00	14.50	15.00	15.50	16.00	16.50	17.00	17.50	18.00
Wet Pond @ C.E.	Vertical	3.425	12.50		0.00	1.71	3.42	5.14	6.85	8.56	10.27	11.99	13.70	15.41	17.12	18.84
Wet Pond Slopes	Linear	1.108	12.50	16.00	0.00	0.04	0.16	0.36	0.63	0.99	1.42	1.94	2.49	3.05	3.60	4.16
WATER QUALITY					0.00	1.75	3.58	5.49	7.48	9.55	11.70	13.93	16.19	18.46	20.73	22.99
Impervious	Linear	0.000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pervious	Linear	0.000	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Sub-Total:	4.533	Totals:		0.00	1.75	3.58	5.49	7.48	9.55	11.70	13.93	16.19	18.46	20.73	22.99
Buildings / Roofs		0.000	*Not included in Stage-storage calculations													
	Total:	4.533														

ICPR Volume to Area Conversion		
$A_2 = 2((V_2 - V_1)/(S_2 - S_1)) - A_1$		
Stage	Volume	Area
12.50	0.00	3.425
13.00	1.75	3.583
13.50	3.58	3.741
14.00	5.49	3.900
14.50	7.48	4.058
15.00	9.55	4.216
15.50	11.70	4.375
16.00	13.93	4.533
16.50	16.19	0.000
17.00	18.46	0.000
17.50	20.73	0.000
18.00	22.99	0.000

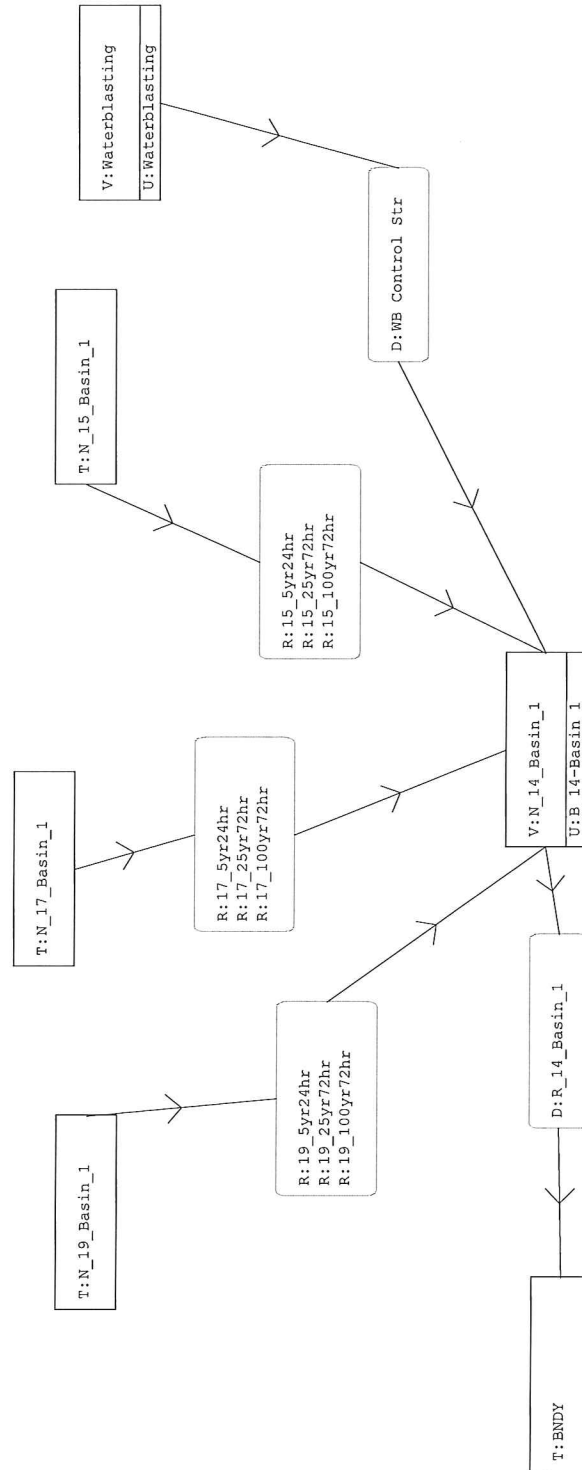
Appendix B – ICPR Model

17-274 Waterblasting Technologies
ICPR Model - Nodal Diagram

Nodes
A Stage/Area
V Stage/Volume
T Time/Stage
M Manhole

Basins
O Overland Flow
U SCS Unit CN
S SBUH CN
Y SCS Unit GA
Z SBUH GA

Links
P Pipe
W Weir
C Channel
D Drop Structure
B Bridge
R Rating Curve
H Breach
E Percolation
F Filter
X Exfil Trench



=====

Basins

=====

```

Name: B_14-Basin_1      Node: N_14_Basin_1      Status: Onsite
Group: BASE             Type: SCS Unit Hydrograph CN

Unit Hydrograph: Uh256      Peaking Factor: 256.0
Rainfall File:             Storm Duration(hrs): 0.00
Rainfall Amount(in): 0.000  Time of Conc(min): 10.00
                          Area(ac): 4.533      Time Shift(hrs): 0.00
                          Curve Number: 94.00   Max Allowable Q(cfs): 999999.000
                          DCIA(%): 0.00

```

```

-----
Name: Waterblasting      Node: Waterblasting      Status: Onsite
Group: BASE              Type: SCS Unit Hydrograph CN

Unit Hydrograph: Uh256      Peaking Factor: 256.0
Rainfall File:             Storm Duration(hrs): 0.00
Rainfall Amount(in): 0.000  Time of Conc(min): 10.00
                          Area(ac): 7.317      Time Shift(hrs): 0.00
                          Curve Number: 91.00   Max Allowable Q(cfs): 999999.000
                          DCIA(%): 0.00

```

=====

Nodes

=====

```

Name: BNDY              Base Flow(cfs): 0.000      Init Stage(ft): 12.500
Group: BASE              Warn Stage(ft): 18.500
Type: Time/Stage

```

Time (hrs)	Stage (ft)
0.00	12.500
60.00	12.500
360.00	12.500

```

-----
Name: N_14_Basin_1      Base Flow(cfs): 0.000      Init Stage(ft): 12.500
Group: BASE              Warn Stage(ft): 17.000
Type: Stage/Volume

```

Stage (ft)	Volume (af)
12.380	0.0000
13.000	1.7500
13.500	3.5800
14.000	5.4900
14.500	7.4800
15.000	9.5500
15.500	11.7000
16.000	13.9300
16.500	16.1900
17.000	18.4600
17.500	20.7300
18.000	22.9900

```

-----
Name: N_15_Basin_1      Base Flow(cfs): 0.000      Init Stage(ft): 12.500
Group: BASE              Warn Stage(ft): 18.500
Type: Time/Stage

```

Time (hrs)	Stage (ft)
0.00	12.500
60.00	12.500
360.00	12.500

Name: N_17_Basin_1	Base Flow(cfs): 0.000	Init Stage(ft): 13.500
Group: BASE		Warn Stage(ft): 18.500
Type: Time/Stage		

Time (hrs)	Stage (ft)
0.00	13.500
60.00	13.500
360.00	13.500

Name: N_19_Basin_1	Base Flow(cfs): 0.000	Init Stage(ft): 12.500
Group: BASE		Warn Stage(ft): 18.500
Type: Time/Stage		

Time (hrs)	Stage (ft)
0.00	12.500
60.00	12.500
360.00	12.500

Name: Waterblasting	Base Flow(cfs): 0.000	Init Stage(ft): 12.500
Group: BASE		Warn Stage(ft): 16.970
Type: Stage/Volume		

Stage (ft)	Volume (af)
12.500	0.0000
13.500	0.0001
14.000	0.2400
14.500	0.5100
15.000	0.8400
15.500	1.2000
16.000	1.9700
16.500	3.5000
17.000	5.8100
17.500	8.5000
18.000	11.1900
18.500	13.8800
19.000	16.5700

==== Operating Tables =====

Name: 15_100yr72hr	Group: 100yr72hr
Type: Rating Curve	
Function: Time vs. Discharge	

Time (hrs)	Discharge (cfs)
0.00	0.00
30.00	0.00
60.00	0.00
73.56	0.00

Name: 15_25yr72hr Group: 25yr72hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
30.00	0.14
64.00	0.43
90.00	0.00

Name: 15_5yr24hr Group: 5yr24hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
6.00	0.00
12.00	0.00
30.00	0.00

Name: 17_100yr72hr Group: 100yr72hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
30.00	1.04
60.03	3.13
73.56	0.00

Name: 17_25yr72hr Group: 25yr72hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
30.00	0.67
82.48	2.00
90.00	0.00

Name: 17_5yr24hr Group: 5yr24hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
6.00	1.58
12.37	4.73
30.00	0.00

Name: 19_100yr72hr Group: 100yr72hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
30.00	0.00
60.00	0.00
73.56	0.00

Name: 19_25yr72hr Group: 25yr72hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
30.00	0.78
62.03	2.32
90.00	0.00

Name: 19_5yr24hr Group: 5yr24hr
Type: Rating Curve
Function: Time vs. Discharge

Time(hrs)	Discharge(cfs)
0.00	0.00
6.00	0.19
15.56	0.57
30.00	0.00

==== Drop Structures =====

Name: R_14_Basin_1 From Node: N_14_Basin_1 Length(ft): 1000.00
Group: Outfall To Node: BNDY Count: 1

UPSTREAM	DOWNSTREAM	Friction Equation: Average Conveyance
Geometry: Circular	Circular	Solution Algorithm: Automatic
Span(in): 24.00	24.00	Flow: Both
Rise(in): 24.00	24.00	Entrance Loss Coef: 0.000
Invert(ft): 12.500	12.500	Exit Loss Coef: 0.000
Manning's N: 0.012000	0.012000	Outlet Ctrl Spec: Use dc or tw
Top Clip(in): 0.000	0.000	Inlet Ctrl Spec: Use dn
Bot Clip(in): 0.000	0.000	Solution Incs: 10

Upstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

Downstream FHWA Inlet Edge Description:
Circular Concrete: Square edge w/ headwall

*** Weir 1 of 3 for Drop Structure R_14_Basin_1 ***

Count: 1	Bottom Clip(in): 0.000
Type: Vertical: Mavis	Top Clip(in): 0.000
Flow: Both	Weir Disc Coef: 3.200
Geometry: Circular	Orifice Disc Coef: 0.600
Span(in): 4.00	Invert(ft): 12.380
Rise(in): 4.00	Control Elev(ft): 12.380

TABLE

*** Weir 2 of 3 for Drop Structure R_14_Basin_1 ***

Count: 1	Bottom Clip(in): 0.000
----------	------------------------

TABLE

Type: Vertical: Mavis
Flow: Both
Geometry: Rectangular
Span(in): 60.00
Rise(in): 9.84
Top Clip(in): 0.000
Weir Disc Coef: 3.200
Orifice Disc Coef: 0.600
Invert(ft): 14.550
Control Elev(ft): 14.550

*** Weir 3 of 3 for Drop Structure R_14_Basin_1 ***

TABLE

Count: 1
Type: Horizontal
Flow: Both
Geometry: Rectangular
Span(in): 303.00
Rise(in): 24.00
Bottom Clip(in): 0.000
Top Clip(in): 0.000
Weir Disc Coef: 3.200
Orifice Disc Coef: 0.600
Invert(ft): 15.370
Control Elev(ft): 15.370

Name: WB Control Str
Group: BASE
From Node: Waterblasting
To Node: N_14_Basin_1
Length(ft): 40.00
Count: 1

UPSTREAM	DOWNSTREAM	Friction Equation: Automatic
Geometry: Circular	Circular	Solution Algorithm: Most Restrictive
Span(in): 36.00	36.00	Flow: Both
Rise(in): 36.00	36.00	Entrance Loss Coef: 0.000
Invert(ft): 8.500	8.500	Exit Loss Coef: 1.000
Manning's N: 0.012000	0.012000	Outlet Ctrl Spec: Use dc or tw
Top Clip(in): 0.000	0.000	Inlet Ctrl Spec: Use dc
Bot Clip(in): 0.000	0.000	Solution Incs: 10

Upstream FHWA Inlet Edge Description:
Circular CMP: Headwall

Downstream FHWA Inlet Edge Description:
Circular CMP: Projecting

*** Weir 1 of 1 for Drop Structure WB Control Str ***

TABLE

Count: 1
Type: Horizontal
Flow: Both
Geometry: Rectangular
Span(in): 54.00
Rise(in): 36.00
Bottom Clip(in): 0.000
Top Clip(in): 0.000
Weir Disc Coef: 3.200
Orifice Disc Coef: 0.600
Invert(ft): 14.950
Control Elev(ft): 14.950

==== Rating Curves =====

Name: 15_100yr72hr
Group: 100yr72hr
From Node: N_15_Basin_1
To Node: N_14_Basin_1
Count: 1
Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 15_100yr72hr	12.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 15_25yr72hr
Group: 25yr72hr
From Node: N_15_Basin_1
To Node: N_14_Basin_1
Count: 1
Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 15_25yr72hr	12.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 15_5yr24hr	From Node: N_15_Basin_1	Count: 1
Group: 5yr24hr	To Node: N_14_Basin_1	Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 15_5yr24hr	12.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 17_100yr72hr	From Node: N_17_Basin_1	Count: 1
Group: 100yr72hr	To Node: N_14_Basin_1	Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 17_100yr72hr	13.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 17_25yr72hr	From Node: N_17_Basin_1	Count: 1
Group: 25yr72hr	To Node: N_14_Basin_1	Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 17_25yr72hr	13.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 17_5yr24hr	From Node: N_17_Basin_1	Count: 1
Group: 5yr24hr	To Node: N_14_Basin_1	Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 17_5yr24hr	13.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 19_100yr72hr	From Node: N_19_Basin_1	Count: 1
Group: 100yr72hr	To Node: N_14_Basin_1	Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 19_100yr72hr	12.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 19_25yr72hr	From Node: N_19_Basin_1	Count: 1
Group: 25yr72hr	To Node: N_14_Basin_1	Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 19_25yr72hr	12.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

Name: 19_5yr24hr From Node: N_19_Basin_1 Count: 1
Group: 5yr24hr To Node: N_14_Basin_1 Flow: Both

TABLE	ELEV ON(ft)	ELEV OFF(ft)
#1: 19_5yr24hr	12.500	0.000
#2:	0.000	0.000
#3:	0.000	0.000
#4:	0.000	0.000

==== Hydrology Simulations =====

Name: 100YR72HR
Filename: \\SERVER\EDC-Shared\EDC - Engineering\17 Projects\17-274 - Waterblasting - Market Street\EN

Override Defaults: Yes
Storm Duration(hrs): 72.00
Rainfall File: Sfwmd72
Rainfall Amount(in): 13.60

Time(hrs)	Print Inc(min)
360.000	5.00

Name: 25YR72HR
Filename: \\SERVER\EDC-Shared\EDC - Engineering\17 Projects\17-274 - Waterblasting - Market Street\EN

Override Defaults: Yes
Storm Duration(hrs): 72.00
Rainfall File: Sfwmd72
Rainfall Amount(in): 11.00

Time(hrs)	Print Inc(min)
360.000	5.00

Name: 5YR24HR
Filename: \\SERVER\EDC-Shared\EDC - Engineering\17 Projects\17-274 - Waterblasting - Market Street\EN

Override Defaults: Yes
Storm Duration(hrs): 24.00
Rainfall File: Scsiii
Rainfall Amount(in): 6.00

Time(hrs)	Print Inc(min)
360.000	5.00

==== Routing Simulations =====

Name: 100YR72HR Hydrology Sim: 100YR72HR
Filename: \\SERVER\EDC-Shared\EDC - Engineering\17 Projects\17-274 - Waterblasting - Market Street\EN

Execute: Yes Restart: No Patch: No
Alternative: No

Max Delta Z(ft): 1.00	Delta Z Factor: 0.00500
Time Step Optimizer: 10.000	
Start Time(hrs): 0.000	End Time(hrs): 360.00
Min Calc Time(sec): 0.5000	Max Calc Time(sec): 60.0000
Boundary Stages:	Boundary Flows:

Time(hrs)	Print Inc(min)
-----------	----------------

360.000 15.000

Group Run

100yr72hr Yes
BASE Yes

Name: 25YR72HR Hydrology Sim: 25YR72HR
Filename: \\SERVER\EDC-Shared\EDC - Engineering_17 Projects\17-274 - Waterblasting - Market Street\EN

Execute: Yes Restart: No Patch: No
Alternative: No

Max Delta Z(ft): 1.00 Delta Z Factor: 0.00500
Time Step Optimizer: 10.000
Start Time(hrs): 0.000 End Time(hrs): 360.00
Min Calc Time(sec): 0.5000 Max Calc Time(sec): 60.0000
Boundary Stages: Boundary Flows:

Time(hrs) Print Inc(min)

360.000 15.000

Group Run

25yr72hr Yes
BASE Yes
Outfall Yes

Name: 5YR24HR Hydrology Sim: 5YR24HR
Filename: \\SERVER\EDC-Shared\EDC - Engineering_17 Projects\17-274 - Waterblasting - Market Street\EN

Execute: Yes Restart: No Patch: No
Alternative: No

Max Delta Z(ft): 1.00 Delta Z Factor: 0.00500
Time Step Optimizer: 10.000
Start Time(hrs): 0.000 End Time(hrs): 360.00
Min Calc Time(sec): 0.5000 Max Calc Time(sec): 60.0000
Boundary Stages: Boundary Flows:

Time(hrs) Print Inc(min)

360.000 15.000

Group Run

5yr24hr Yes
BASE Yes
Outfall Yes

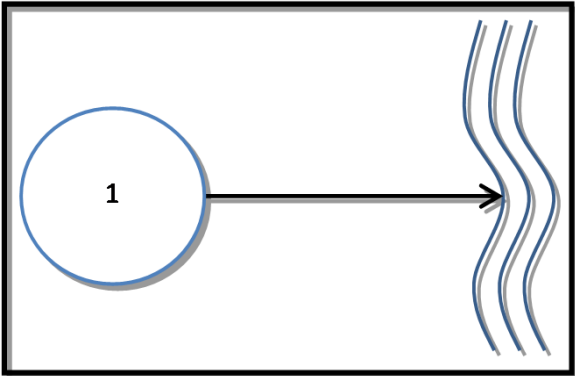
17-274 Waterblasting Technologies
ICPR Model - Inputs

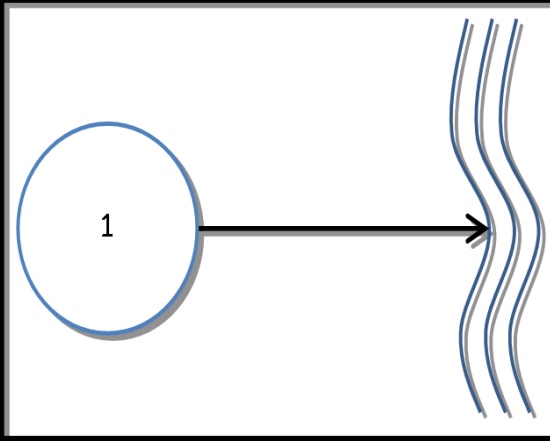
Name	Group	Simulation	Max Time Stage hrs	Max Stage ft	Warning Stage ft	Max Delta Stage ft	Max Surf Area ft2	Max Time Inflow hrs	Max Inflow cfs	Max Time Outflow hrs	Max Outflow cfs
BNDY											
N_14_Basin_1	BASE	100YR72HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	0.00	0.000
N_15_Basin_1	BASE	100YR72HR	73.50	16.64	17.00	0.0038	197449	60.00	48.357	0.00	0.000
N_17_Basin_1	BASE	100YR72HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	0.00	0.000
N_19_Basin_1	BASE	100YR72HR	0.00	13.50	18.50	0.0000	0	0.00	0.000	60.03	3.126
N_19_Basin_1	BASE	100YR72HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	0.00	0.000
Waterblasting	BASE	100YR72HR	73.77	16.64	16.97	0.0030	181411	60.00	43.571	60.09	18.629
BNDY											
N_14_Basin_1	BASE	25YR72HR	0.00	12.50	18.50	0.0000	0	62.30	7.955	0.00	0.000
N_15_Basin_1	BASE	25YR72HR	62.30	15.72	17.00	0.0029	192889	60.00	45.249	62.30	7.955
N_17_Basin_1	BASE	25YR72HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	64.00	0.430
N_19_Basin_1	BASE	25YR72HR	0.00	13.50	18.50	0.0000	0	0.00	0.000	82.47	2.002
N_19_Basin_1	BASE	25YR72HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	62.04	2.324
Waterblasting	BASE	25YR72HR	60.29	15.76	16.97	0.0050	75352	60.00	35.058	60.12	20.505
BNDY											
N_14_Basin_1	BASE	5YR24HR	0.00	12.50	18.50	0.0000	0	23.23	2.777	0.00	0.000
N_15_Basin_1	BASE	5YR24HR	23.23	14.83	17.00	0.0030	181437	12.33	34.801	23.23	2.777
N_17_Basin_1	BASE	5YR24HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	0.00	0.000
N_19_Basin_1	BASE	5YR24HR	0.00	13.50	18.50	0.0000	0	0.00	0.000	12.37	4.728
N_19_Basin_1	BASE	5YR24HR	0.00	12.50	18.50	0.0000	0	0.00	0.000	15.56	0.567
Waterblasting	BASE	5YR24HR	12.43	15.44	16.97	0.0050	47042	12.25	24.530	12.43	16.621

Appendix C – Net Improvement Calculations

GENERAL SITE INFORMATION:		V 8.6	GO TO INTRODUCTION PAGE	3/9/2018	Blue Numbers =	Input data
					Red Numbers =	Calculated or Carryover
Select the appropriate Meteorological Zone, input the appropriate Mean Annual Rainfall amount and select the type of analysis			NAME OF PROJECT Waterblasting - Market Street		HELP Rainfall	
Meteorological Zone (Please use zone map):			CLICK ON CELL BELOW TO SELECT Zone 5		VIEW ZONE MAP	
Mean Annual Rainfall (Please use rainfall map):			57.50 Inches		VIEW MEAN ANNUAL RAINFALL	
Type of analysis: Treatment efficiency (N, P) (ex 80 70 (no decimal points) use only for specified removal efficiency):			CLICK ON CELL BELOW TO SELECT Net improvement		GO TO WATERSHED	
			%			
Select the STORMWATER TREATMENT ANALYSIS Button below to begin analyzing the effectiveness of Best Management Practices.				Model documentation and example problems.		
STORMWATER TREATMENT ANALYSIS Systems available for analysis: - Retention Basin with option for calculating effluent concentration - Wet Detention - Exfiltration Trench - Pervious Pavement - Stormwater Harvesting - Biofiltration - Greenroof - Rainwater Harvesting - Managed Aquatic Plants Detention - Vegetated Natural Buffer - Vegetated Filter Strip - Swale - Rain Garden - Tree Well - Lined reuse pond - User Defined BMP				There is a user's manual for the BMPTRAINS model. It can be downloaded from www.stormwater.ucf.edu . The results from the example problems shown in the manual however may not reflect current model results due to ongoing updates of the model.		
				METHODOLOGY FOR CALCULATING REQUIRED TREATMENT		
				METHODOLOGY FOR		METHODOLOGY FOR WET
				METHODOLOGY FOR		METHODOLOGY FOR
RESET INPUT FOR STORMWATER TREATMENT ANALYSIS						

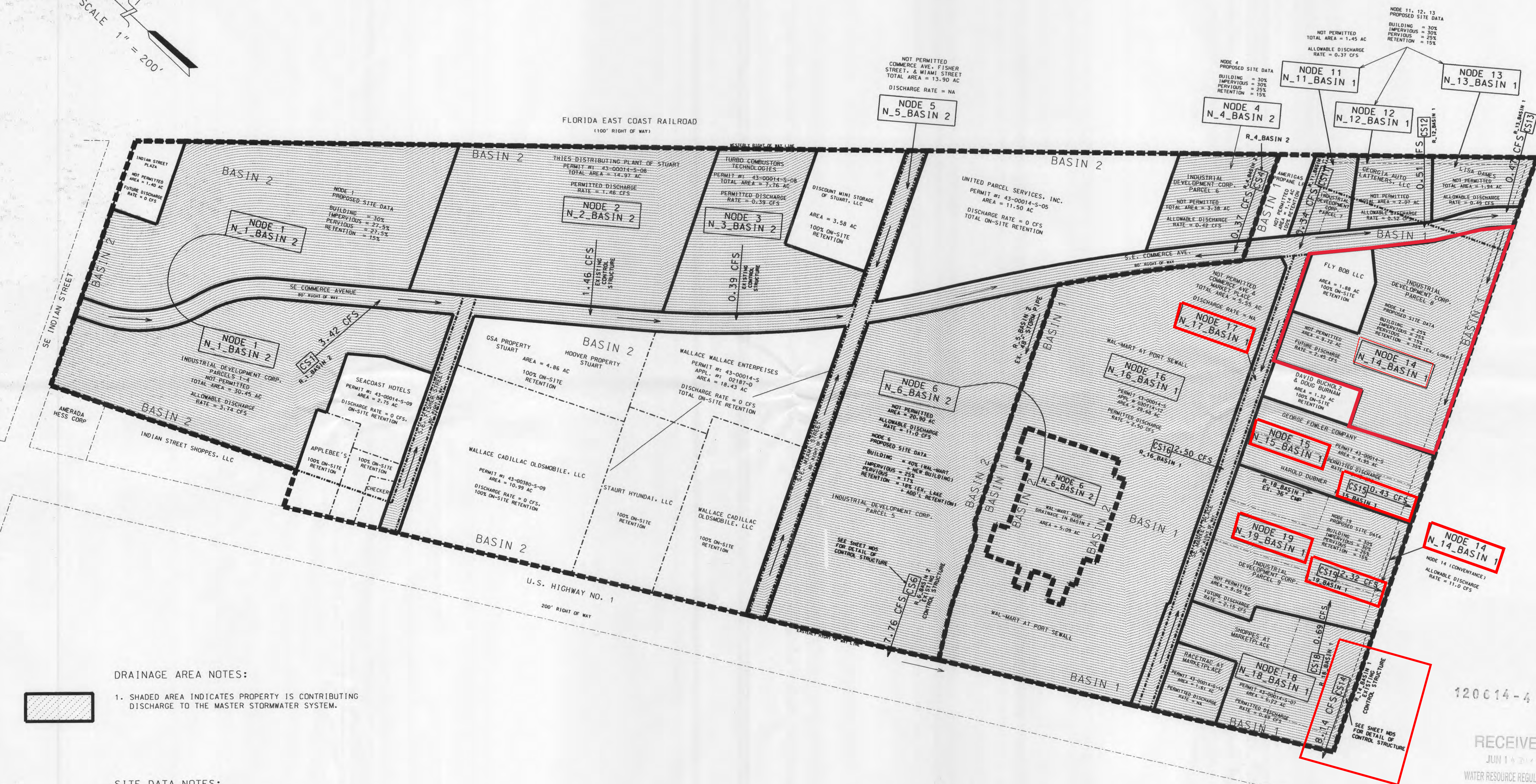
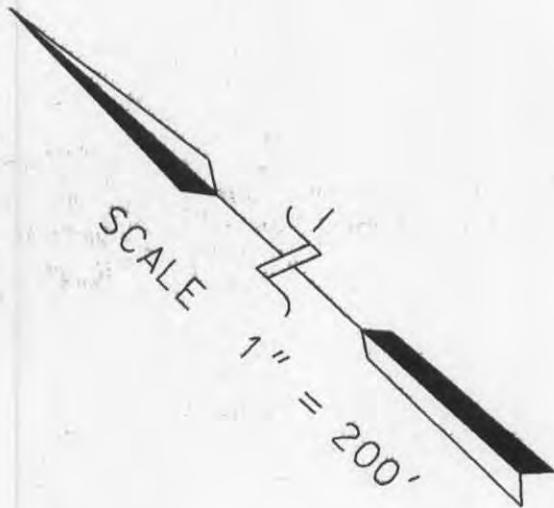
WATERSHED CHARACTERISTICS V 8.6		GO TO STORMWATER TREATMENT ANALYSIS		Blue Numbers =	Input data	LAND USES/EMC
SELECT CATCHMENT CONFIGURATION 3/9/2018		CLICK ON CELL BELOW TO SELECT CONFIGURATION		Red Numbers =	Calculated	
For comingling, the off-site catchment must be upstream. The delay is only for retention BMPs and must be used in hours as measured by the time of concentration at a one inch/hour rain Delay [hrs] CATCHMENT NO.1 NAME: Dry Detention max delay = 15 hrs. Pre-development land use: Undeveloped - Upland Hardwood: TN=1.042 TP=0.346 with default EMCs CLICK ON CELL BELOW TO SELECT Post-development land use: Light Industrial: TN=1.200 TP=0.260 with default EMCs Total pre-development catchment area: 7.317 AC Total post-development catchment or for BMP analysis: 7.317 AC Pre-development Non DCIA CN: 72.00 Pre-development DCIA percentage: 18.87 % Post-development Non DCIA CN: 91.00 Post-development DCIA percentage: 82.79 % Estimated BMP Area (No loading from this area) 0.767 AC		A - Single Catchment COMINGLING MULTILAND USE VIEW AVERAGE ANNUAL VIEW EMC & FLUCCS GO TO GIS LANDUSE DATA		VIEW CATCHMENT CONFIGURATION GO TO GENERAL SITE INFORMATION PAGE OVERWRITE DEFAULT CONCENTRATIONS USING: PRE: mg/L POST: mg/L EMC(N): mg/L EMC(P): mg/L USE DEFAULT CONCENTRATIONS Average annual pre runoff volume: 8.306 ac-ft/year Average annual post runoff volume (note no BMP area): 22.749 ac-ft/year Pre-development Annual Mass Loading - Nitrogen: 10.673 kg/year Pre-development Annual Mass Loading - Phosphorus: 3.544 kg/year Post-development Annual Mass Loading - Nitrogen: 33.666 kg/year Post-development Annual Mass Loading - Phosphorus: 7.294 kg/year		
CATCHMENT NO.2 NAME: Pre-development land use: CLICK ON CELL BELOW TO SELECT with default EMCs CLICK ON CELL BELOW TO SELECT Post-development land use: with default EMCs Total pre-development catchment area: AC Total post-development catchment or BMP analysis area: AC Pre-development Non DCIA CN: Pre-development DCIA percentage: % Post-development Non DCIA CN: Post-development DCIA percentage: % Estimated BMP Area (No loading from this area) AC				OVERWRITE DEFAULT CONCENTRATIONS: PRE: mg/L POST: mg/L EMC(N): mg/L EMC(P): mg/L USE DEFAULT CONCENTRATIONS Average annual pre runoff volume: ac-ft/year Average annual post runoff volume (note no BMP area): ac-ft/year Pre-development Annual Mass Loading - Nitrogen: kg/year Pre-development Annual Mass Loading - Phosphorus: kg/year Post-development Annual Mass Loading - Nitrogen: kg/year Post-development Annual Mass Loading - Phosphorus: kg/year		
CATCHMENT NO.3 NAME: Pre-development land use: CLICK ON CELL BELOW TO SELECT with default EMCs CLICK ON CELL BELOW TO SELECT Post-development land use: with default EMCs Total pre-development catchment area: AC Total post-development catchment or BMP analysis area: AC Pre-development Non DCIA CN: Pre-development DCIA percentage: % Post-development Non DCIA CN: Post-development DCIA percentage: % Estimated BMP Area (no loading from this area) AC				OVERWRITE DEFAULT CONCENTRATIONS: PRE: mg/L POST: mg/L EMC(N): mg/L EMC(P): mg/L USE DEFAULT CONCENTRATIONS Average annual pre runoff volume: ac-ft/year Average annual post runoff volume (note no BMP area): ac-ft/year Pre-development Annual Mass Loading - Nitrogen: kg/year Pre-development Annual Mass Loading - Phosphorus: kg/year Post-development Annual Mass Loading - Nitrogen: kg/year Post-development Annual Mass Loading - Phosphorus: kg/year		
CATCHMENT NO.4 NAME: Pre-development land use: CLICK ON CELL BELOW TO SELECT with default EMCs CLICK ON CELL BELOW TO SELECT Post-development land use: with default EMCs Total pre-development catchment area: AC Total post-development catchment or BMP analysis area: AC Pre-development Non DCIA CN: Pre-development DCIA percentage: % Post-development Non DCIA CN: Post-development DCIA percentage: % Estimated BMP Area (no loading from this area) AC				OVERWRITE DEFAULT CONCENTRATIONS: PRE: mg/L POST: mg/L EMC(N): mg/L EMC(P): mg/L USE DEFAULT CONCENTRATIONS Average annual pre runoff volume: ac-ft/year Average annual post runoff volume (note no BMP area): ac-ft/year Pre-development Annual Mass Loading - Nitrogen: kg/year Pre-development Annual Mass Loading - Phosphorus: kg/year Post-development Annual Mass Loading - Nitrogen: kg/year Post-development Annual Mass Loading - Phosphorus: kg/year		

STORMWATER TREATMENT ANALYSIS:		V 8.6	GO TO GENERAL SITE INFORMATION PAGE		Blue Numbers =	Input data
					Red Numbers =	Calculated
If not done, specify pre- and post-development watershed characteristics.			3/9/2018			
GO TO WATERSHED CHARACTERISTICS						
<u>Total Required Treatment Efficiency:</u> Required Treatment Eff (Nitrogen): 68 % Required Treatment Eff (Phosphorus): 51 %						
Select one of the BMPs below to analyze efficiency or review the summary data.						
RETENTION BASIN	WET DETENTION / MAP	EXFILTRATION TRENCH	RAIN GARDEN / depression storage	SWALE	USER DEFINED BMP	
PERVIOUS PAVEMENT	STORMWATER HARVESTING	FILTRATION	View Media Mixes	NOTE !!!: All individual system must be sized prior to being analyzed in conjunction with other systems. Please read instructions in the CATCHMENT AND TREATMENT SUMMARY RESULTS tab for more information.		
GREENROOF	RAINWATER HARVESTING	LINED REUSE POND & UNDERDRAIN INPUT	GO TO COST			
VEGETATED NATURAL BUFFER	VEGETATED FILTER STRIP	TREE WELL	CATCHMENT AND TREATMENT SURFACE			

CATCHMENTS AND TREATMENT SURFACE DISCHARGE SUMMARY				V 8.6
CALCULATION METHODS: 1. The effectiveness of each BMP in a single catchment is converted to an equivalent capture volume. 2. Certain BMP treatment train combinations have not been evaluated and in practice they are at this time not used, an example is a greenroof following a tree well. 3. Wet detention is last when used in a single catchment with other BMPs, except when followed by filtration				
PROJECT TITLE	Waterblasting - Market Street	Optional Identification		
	Dry Detention	Catchment 2	Catchment 3	Catchment 4
BMP Name	Retention Basin			
BMP Name				
BMP Name				
Surface Water Discharge Summary Performance of Entire Watershed				
Catchment Configuration	A - Single Catchment	Treatment Objectives or Target for TN MET TP MET	3/9/2018	
Nitrogen Pre Load (kg/yr)	10.67		BMPTRAINS MODEL	
Phosphorus Pre Load (kg/yr)	3.54			
Nitrogen Post Load (kg/yr)	33.67			
Phosphorus Post Load (kg/yr)	7.29			
Target Load Reduction (N) %	68			
Target Load Reduction (P) %	51			
Target Discharge Load, N (kg/yr)	10.77			
Target Discharge Load, P (kg/yr)	3.57			
Provided Overall Efficiency, N (%):	76			
Provided Overall Efficiency, P (%):	76			
Discharged Load, N (kg/yr & lb/yr):	8.19		18.05	
Discharged Load, P (kg/yr & lb/yr):	1.78		3.91	
Load Removed, N (kg/yr & lb/yr):	25.47		56.11	
Load Removed, P (kg/yr & lb/yr):	5.52		12.16	

Appendix D – ERP 43-00014-S Supplemental Documents

STUART BUSINESS PARK MASTER NODAL MAP



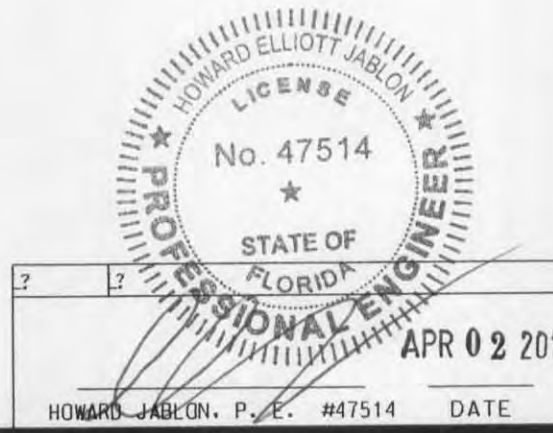
DRAINAGE AREA NOTES:

1. SHADED AREA INDICATES PROPERTY IS CONTRIBUTING DISCHARGE TO THE MASTER STORMWATER SYSTEM.

SITE DATA NOTES:

1. NODES 1, 4, AND 6 ARE NOT DEVELOPED. THE SITE DATA IS BASED ON ASSUMPTIONS. AS EACH PARCEL IS DEVELOPED THE CONSULTANT WILL BE REQUIRED TO PROVIDE FLOOD ROUTING CALCULATIONS TO PROVE THAT THE PROPOSED STAGES AND DISCHARGE FROM THE DEVELOPMENT IS CONSISTENT WITH THESE ASSUMPTIONS.

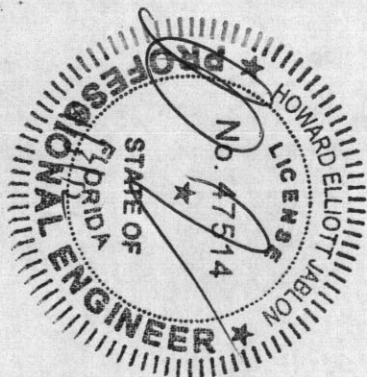
2. NODE 1 IS A COMBINATION OF FOUR PARCELS UNDER THE SAME OWNERSHIP. IT IS POSSIBLE THAT THESE PARCELS ARE DEVELOPED INDEPENDENTLY. IF SO, EACH PARCEL'S CONSULTANT SHALL PROVIDE FLOOD ROUTING CALCULATIONS INDICATING THAT THE DEVELOPMENT DISCHARGES ONLY IT'S PRO RATA SHARE OF THE ALLOWABLE DISCHARGE.

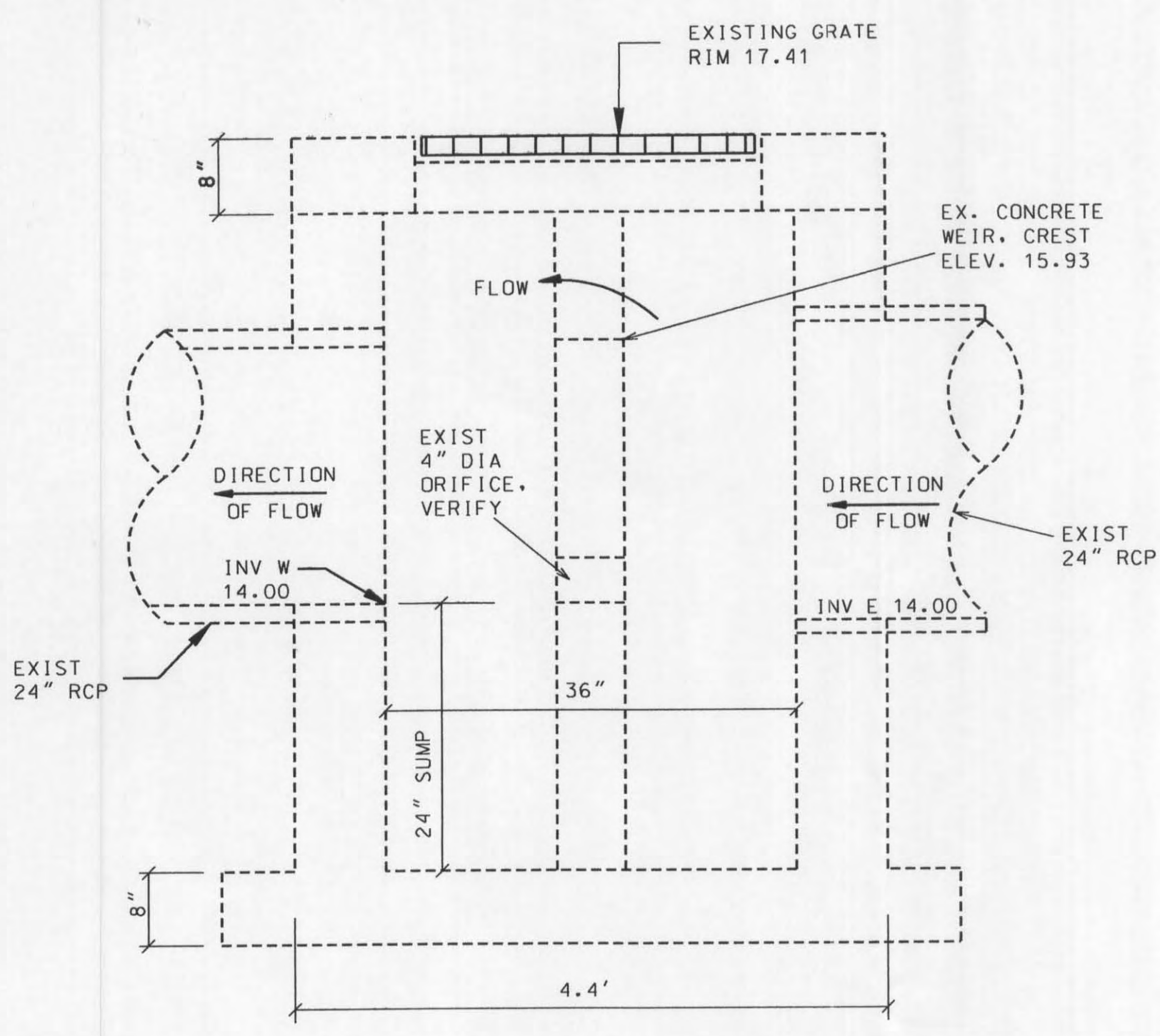


PROJECT: STUART BUSINESS PARK MASTER DRAINAGE PLAN		TITLE: BASIN 1 & BASIN 2 NODAL MAP	
DATE: 10/15/11	REVISIONS	AJ HYDRO ENGINEERING, INC. 5932 NW 73RD COURT PARKLAND, FL 33067 TEL (954) 344-7866 FAX (954) 344-7866	SHEET NUMBER MD4 OF 6
SCALE: 1" = 200'	DATE		
DRAWN BY: HEJ	COMMENTS		
CHECKED BY: J.L.			
APPROVED BY: HEJ			
PROJECT #: 10-0170			

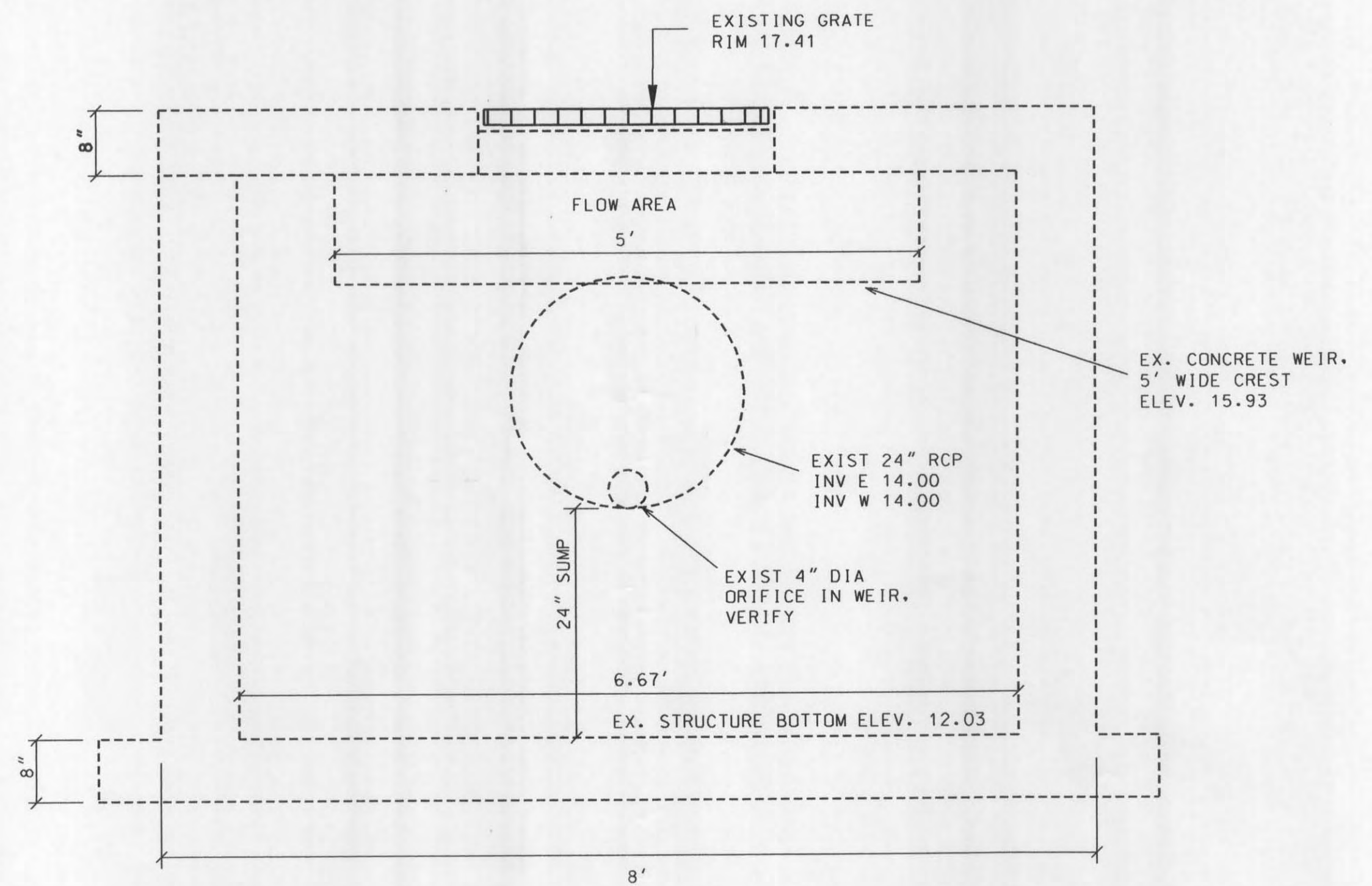
Stuart Business Park Basin 1
All Nodes Routing Results

Name	Group	Simulation	Max Time Stage hrs	Max Stage ft	Warning Stage ft	Max Delta Stage ft	Max Surf Area ft2	Max Time Inflow hrs	Max Inflow cfs	Max Time Outflow hrs	Max Outflow cfs
N_11_Basin_1	POST-DEV	100_YR	73.52	18.162	20.000	-1.0000	36738	60.08	7.284	0.00	0.000
N_12_Basin_1	POST-DEV	100_YR	73.52	18.211	20.000	-1.0000	55776	60.08	10.399	0.00	0.000
N_13_Basin_1	POST-DEV	100_YR	73.52	18.261	20.000	-1.0000	53864	60.08	9.746	0.00	0.000
N_14_Basin_1	POST-DEV	100_YR	73.52	17.267	20.000	0.0042	222226	60.08	52.811	0.00	0.000
N_17_Basin_1	POST-DEV	100_YR	73.52	17.267	20.000	0.0050	153945	60.08	27.881	60.03	3.126
N_19_Basin_1	POST-DEV	100_YR	73.52	17.968	20.000	0.0050	217403	60.08	42.951	0.00	0.000
BNDY	POST-DEV	25_YR	0.00	14.000	20.000	0.0000	0	64.85	8.140	0.00	0.000
N_11_Basin_1	POST-DEV	25_YR	68.12	17.562	20.000	-1.0000	26130	60.08	5.811	5.10	0.342
N_12_Basin_1	POST-DEV	25_YR	64.77	17.577	20.000	-1.0000	37033	60.08	8.295	0.84	0.507
N_13_Basin_1	POST-DEV	25_YR	64.30	17.564	20.000	-1.0000	32553	60.08	7.774	8.27	0.472
N_14_Basin_1	POST-DEV	25_YR	64.85	17.287	20.000	0.0037	223754	60.00	44.957	64.85	8.140
N_15_Basin_1	POST-DEV	25_YR	64.00	18.000	20.000	-0.0019	0	0.00	0.000	64.00	0.430
N_16_Basin_1	POST-DEV	25_YR	64.00	18.000	20.000	-0.0019	0	0.00	0.000	64.00	2.500
N_17_Basin_1	POST-DEV	25_YR	67.45	17.336	20.000	0.0050	160118	60.08	22.927	82.48	2.002
N_18_Basin_1	POST-DEV	25_YR	64.00	18.000	20.000	-0.0019	0	0.00	0.000	64.00	0.690
N_19_Basin_1	POST-DEV	25_YR	64.32	17.600	20.000	0.0049	181990	60.08	34.910	62.03	2.324
N_11_Basin_1	POST-DEV	5_YR	30.01	16.226	20.000	-1.0000	17081	12.08	4.869	5.01	0.342
N_12_Basin_1	POST-DEV	5_YR	30.01	16.226	20.000	-1.0000	22581	12.08	6.951	0.84	0.507
N_13_Basin_1	POST-DEV	5_YR	30.01	16.226	20.000	-1.0000	21237	12.08	6.514	7.48	0.472
N_14_Basin_1	POST-DEV	5_YR	30.01	16.227	20.000	0.0029	158736	12.08	40.819	30.01	1.462
N_17_Basin_1	POST-DEV	5_YR	30.01	16.227	20.000	0.0050	60264	12.08	19.310	12.37	4.728
N_19_Basin_1	POST-DEV	5_YR	24.62	16.257	20.000	0.0050	72368	12.08	28.839	15.56	0.567



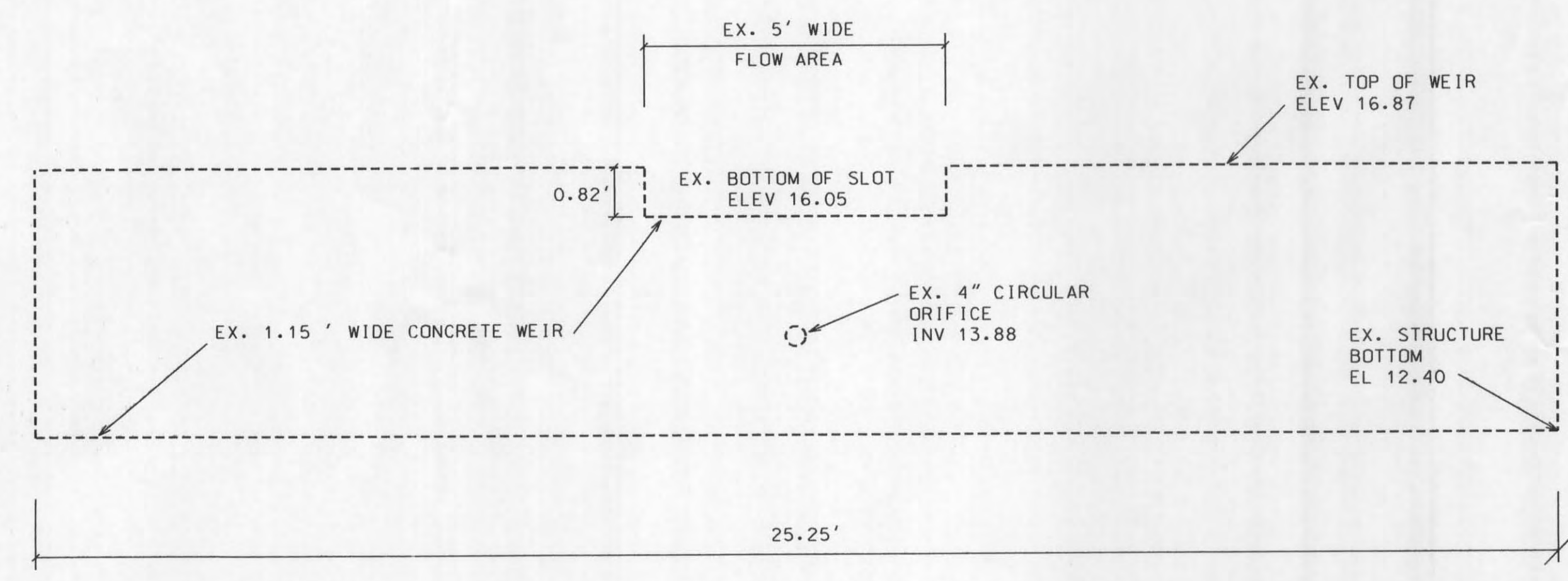


PROFILE



SECTION

BASIN 2
EXISTING CONTROL STRUCTURE
1" = 1'

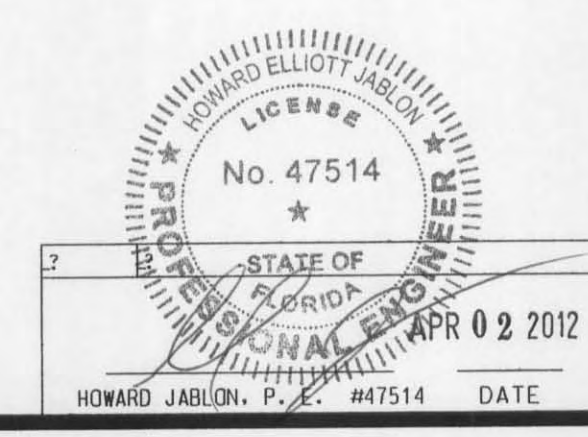


BASIN 1
EXISTING CONTROL STRUCTURE
1" = 5'

Elevations on this sheet are in NGVD

120614-4 D

RECEIVED
JUN 14 2012
WATER RESOURCE REGULATION



PROJECT:	STUART BUSINESS PARK MASTER DRAINAGE PLAN	TITLE:	CONTROL STRUCTURE DETAILS
DATE:	10/15/11	REVISIONS	
SCALE:	NA	DATE	COMMENTS
DRAWN BY:	HEJ		
CHECKED BY:	LJ		
APPROVED BY:	HEJ		
PROJECT #:	10-0170		
AJ HYDRO ENGINEERING, INC. 5932 NW 73RD COURT PARKLAND, FL 33067 TEL (954) 344-7866 FAX (954) 344-7866			SHEET NUMBER MD5 OF 6



FORM #0157
Rev. 07/09

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 43-00014-S
DATE ISSUED: AUGUST 6, 2012**

PERMITTEE: INDUSTRIAL DEVELOPMENT CORPORATION
(STUART BUSINESS PARK STORMWATER MASTER PLAN)
12994 170TH ROAD NORTH,
JUPITER, FL 33478

ORIGINAL PERMIT ISSUED: FEBRUARY 7, 1975

ORIGINAL PROJECT DESCRIPTION: STORM WATER DRAINAGE SERVING 213 ACRES BY MEANS OF SWALE CONNECTIONS TO RAILROAD DRAINAGE DITCH AND DISCHARGING TO THE MANATEE POCKET VIA COUNTY DITCH AT A1A APPROXIMATELY 1/4 MILE NORTH OF ST. LUCIE AVENUE.

APPROVED MODIFICATION: CONCEPTUAL APPROVAL OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE 83.55 ACRES AND OPERATION OF THE MASTER SYSTEM SERVING 230 ACRES OF COMMERCIAL PROPERTY KNOWN AS STUART BUSINESS PARK.

PROJECT LOCATION: MARTIN COUNTY, SECTION 38 TWP 38S RGE 41E

PERMIT DURATION: See Special Condition No:1. Pursuant to Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Permit Application No. 120614-4, dated June 14, 2012. This action is taken pursuant to the provisions of Chapter 373, Part IV, Florida Statutes (F.S.), and the Operation Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection.

Based on the information provided, District rules have been adhered to and an Environmental Resource Permit Modification is in effect for this project subject to:

1. Not receiving a filed request for an administrative hearing pursuant to Section 120.57 and Section 120.569, or request a judicial review pursuant Section 120.68, Florida Statutes.
2. The attached 19 General Conditions.
3. The attached 18 Special Conditions.
4. The attached 2 Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Should you wish to object to the proposed agency action or file a petition, please provide written objections, petitions and/or waivers to:

Elizabeth Veguilla, Deputy Clerk, MSC2440
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680

Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that the Staff Report, Conditions and Notice of Rights have been mailed to the Permittee (and the persons listed on the attached staff report distribution list) no later than 5:00 p.m. on this 7th day of August, 2012, in accordance with Section 120.60(3), Florida Statutes, and a copy has been filed and acknowledged with the Deputy District Clerk.

By Elizabeth Veguilla
DEPUTY CLERK
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Attachments

PAGE 1 OF 6

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on August 6, 2017.
The construction phase of this permit shall expire on August 6, 2017.
2. Operation of the Stuart Business Park master surface water management system including conveyances and control structures (and maintenance of wetlands/mitigation areas, if applicable) shall be the responsibility of Stuart Business Park Owners Association, Inc.

Individual lot owners are responsible to operate and maintain the secondary water management systems within their property.

Within one year of permit issuance and prior to the sale of any lot within the conceptual approval area, the permittee shall submit to the District a copy of the deed restrictions that clearly describe the responsibility of future property owners to construct, operate, and maintain water management facilities within the individual lots. These deed restrictions shall be included in the deeds for the sale of any lots in the conceptual approval area.

3. Discharge Facilities: No New Discharge Facilities
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments, debris, and vegetation. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving

subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

14. Minimum building floor elevation: 18.50 ngvd
15. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system.
16. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 43-00014-S unless otherwise specified herein.
17. All future development connecting to the Stuart Business Park stormwater master system shall provide water quality treatment equivalent to the greater of 1 inch or 2.5 inches over the percent imperviousness within the proposed project limits prior to discharging to the Stuart Business Park stormwater master system.
18. Any future projects within the Stuart Business Park shall require a modification to this permit and will be subject to evaluation of wetland impacts and potential mitigation requirements in accordance with the environmental criteria in effect at the time of the application for any such proposed work.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved

responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

**FINAL APPROVED BY
EXECUTIVE DIRECTOR
AUGUST 6, 2012**

Last Date For Agency Action: September 12, 2012

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Stuart Business Park Stormwater Master Plan

Permit No.: 43-00014-S

Application No.: 120614-4

Application Type: Environmental Resource (Conceptual Approval And Construction/Operation Modification)

Location: Martin County, S38/T38S/R41E

Permittee : Industrial Development Corporation

Operating Entity : Stuart Business Park Owners Association Inc

Project Area: 230.00 acres

Project Land Use: Commercial
Industrial

Drainage Basin: SOUTH COASTAL

Receiving Body: FDOT (US-1) system

Class: N/A

Special Drainage District: NA

Conservation Easement To District : No

Sovereign Submerged Lands: No

Project Description:

This application is a request for an Environmental Resource Permit modification of a surface water permit to authorize conceptual approval of a surface water management system to serve 83.55 acres and operation of the master system serving 230 acres of commercial property known as Stuart Business Park.

PROJECT EVALUATION:**PROJECT SITE DESCRIPTION:**

The site is located in the City of Stuart (Martin County) between U.S. 1 and the Florida East Coast (FEC) railroad line and between Indian Street and approximately 800 feet south of SE Market Place. Please see the Location Map Exhibit 1.

There are existing surface water management facilities that were previously permitted under Permit Nos. 43-00014-S, 43-00380-S, and 43-02368-P. The site contains commercial and industrial facilities, roads, supporting infrastructure, lakes, wetlands, and undeveloped tracts.

PROJECT BACKGROUND:

On February 7, 1975, the District authorized Surface Water Management Permit No. 43-00014-S (Application No. 22163) for the construction of a drainage system to serve 213 acres of industrial lands by means of swale connections to the Florida East Coast Railroad borrow ditch with ultimate discharge to Manatee Pocket.

On June 11, 1981, the District authorized (Application No. X000002020) a permit modification to change the outfall location from the southeast corner of the project to the southwest corner of the project. The outfall in the southwest corner discharges into the U.S. 1 Florida Department of Transportation (FDOT) ditch that flows south and then east and eventually discharging into Manatee Pocket. Also proposed with this modification was the construction of a 5 ft wide weir at elevation 16.0 ft NGVD with a bleeder at elevation 14.0 ft NGVD and a requirement for future phases to dedicate 25 percent of the project surface area to surface water management area at elevation 14.0 ft NGVD. In April of 1984, a modification was approved to enlarge the bleeder to 420 square inches.

In August of 1982, Florida East Coast Railway notified the permittee of its concern over the possibility of Stuart Business Park runoff washing out their tracks. Numerous meetings and field visits occurred during 1983 and 1984 to resolve the railroad and Stuart Business Park drainage issues. On May 9, 1985, the District authorized (Application X000002021) construction of two internal sites, individual water management systems within the park, master system design and the separation of the eastern ditch from the FEC right-of-way as well as the rip-rapping of the east ditch bank at the lateral inflow points.

On August 5, 1986, the District authorized (Permit No. 43-00014-S-04, Application 03106-H) construction of the Stuart Lincoln-Mercury car dealership. The surface water management system is not connected to the Stuart Business Park master system and retains all runoff up to the 100 year 1 day storm flood elevation of 16.2 NGVD.

On May 19, 1987, the District authorized (Permit No. 43-00380-S, Application 09306-K) construction of the 10.99 acre Fischer Automotive Dealership located on SE Fischer Street and US-1. The property is within the boundary of the Stuart Business Park, but does not connect to the Stuart Business Park stormwater management system. The project surface water management system retains all runoff up to the 100 year 3 day storm flood elevation of 18.2 NGVD. The system includes dry retention pre-treatment and wet retention.

On June 19, 1987, the District authorized (Permit No. 43-00014-S-04, Application 02187-D) construction of the Stuart Lincoln-Mercury and Stuart Toyota car dealerships. The 18.43 acre property (13.15 ac Lincoln-Mercury / 5.28 ac Toyota) is located on Miami Street and US-1. The surface water management system is not connected to the Stuart Business Park master system and retains all runoff up to the 100 year 1 day storm elevation of 17.2 NGVD within a lake between the two projects.

On July 14, 2004, the District authorized (Application 030714-12) modifications to the stormwater management system to accommodate additional parcels not currently part of the Stuart Business Park master system for a total of 234.83 acres. This application created two basins within Stuart Business Park and authorized a new control structure for Basin 2 and minor modifications to the Basin 1 control structure. Construction authorization was granted for the revised master drainage system design and Wal-Mart Store 1087-01.

On September 10, 2004, the District authorized (Permit 43-00014-S-06, Application 040524-4) a modification of the Stuart Business Park surface water management system to include the development of an Eckerd's Drug Store. Proposed construction consisted of an approximately 14,130 sf building, associated parking and utilities, and a dry detention pond to provide water quality pre-treatment. After receiving pre-treatment, runoff from the Eckerd's would overflow a drop inlet that is connected to the Stuart Business Park Master System. On July 21, 2006, the permit was transferred to K'bana, LLC.

On October 5, 2005, a letter modification (Application No. 050809-13) was issued, transferring 33.9 acres from Industrial Development Corporation (Stuart Business Park) to Wal-Mart Stores East, Inc. and indicating the construction limits of the project. The plans presented with this modification identified the facilities to be constructed, including features to provide stormwater management for the Wal-Mart store. The modification stated that there were no changes to the permit requirements for the area south of SE Market Place.

On September 30, 2006, a Reciprocal Easement Agreement was made between Mica Investments, the prior owners of The Shoppes at Market Place site, and K'bana, L.L.C., the owners of the project area permitted as Eckerd's Drug Store, subsequently transferred to K'bana, LLC (now under ownership of Racetrac Petroleum, Inc.). The agreement allows for the conveyance of runoff via a culvert from the permitted Eckerd's project (Permit No. 43-00014-S-06), through the Shoppes at Market Place, to the existing lake.

On December 8, 2006, the District authorized (Permit No. 43-00014-S-07, Application 060208-7) construction of The Shoppes at Market Place, within the previously permitted Stuart Business Park Basin No. 1. Proposed construction consists of approximately 1.12 acres of buildings with associated parking and utilities. Two interconnected dry detention ponds will provide water quality pre-treatment with discharge from the southernmost dry detention area through a control structure into the existing lake that adjoins the subject site along its eastern property line. The existing lake is connected to the Stuart Business Park master system through an open channel at the existing lake's southern limits.

On January 23, 2007, the District authorized (Permit No. 43-00013-S-06, Application No. 060920-23) construction of the 1.61 acre K'bana Grill which directs runoff to the conveyance system of the Shoppes at Market Place within Stuart Business Park.

On March 4, 2011, the District authorized (Permit No. 43-00014-S-10, Application No. 100923-39) a modification of the Stuart Business Park surface water management system to include the development of a gas station, RaceTrac #934, within the Stuart Business Park Basin No. 1, and more specifically, the previously permitted project site for Eckerd's and K'bana Grill. Permitted construction consists of approximately 5,000 sf of building with associated parking and utilities. A series of inlets and culverts will direct runoff through a network of exfiltration trenches to a dry detention pond that provides water quality treatment. After receiving treatment, runoff discharges from the dry detention area, through the proposed control structure, to a drainage conveyance system within The Shoppes at Marketplace, which in turn discharges into the existing lake east of the subject properties' boundaries. This existing lake is part of the Stuart Business Park master system and discharges through an open channel at the existing lake's southern limits to the Basin 1 outfall ditch.

PROPOSED PROJECT:

This application is a request to modify the Stuart Business Park stormwater management system to clarify its boundaries, land use, water quality treatment, and attenuation of the system and provide for the future development and/or re-development of parcels within the Stuart Business Park.

The Stuart Business Park (SBP) is an existing 230 +/- acre commercial industrial business park that was originally permitted by the District in 1975 and has been modified by approximately 30 applications for various construction projects. Please see the project background for descriptions of significant permit modifications. The SBP surface water management system has been divided into two basins, Basin 1 and Basin 2. Please see the Master Basin Map sheet MD2 of Exhibit 2.0. Basin 1 is the southern 76 acres of the project and Basin 2 is the 154 acre northern portion of the project. Since 1975 several parcels within the project were designed and permitted to retain up to the 100 year 1-3 day storm event and do not connect to the Stuart Business Park stormwater master system for treatment or attenuation. Please see the Master Nodal Map sheet MD4 of Exhibit 2.0 which identifies those parcels that provide 100% retention.

Basin 1 conveys runoff via roadside swales, culverts and internal controls to an outfall ditch along the southern boundary of the SBP. Please refer to the Master Drainage Map sheet MD3 of Exhibit 2.0. The Basin 1 outfall ditch discharges to the US-1 system via a control structure (CS#1) in the ditch near the US-1 right-of-way in the southwest corner of the SBP.

Basin 2 conveys runoff via road side swales, culverts and internal controls to a 48 inch diameter culvert on SE Commerce Ave. east of Wal-Mart that connects to a 1.62 ac lake on parcel 5 located north of Wal-Mart. The parcel 5 lake is connected to a control structure (CS#2) via an open ditch and culvert system and discharges to the US-1 system just north of the Wal-Mart site. The Wal-Mart parcel is part of Basin 1. The Wal-Mart roof gutter system is directed to the parcel 5 lake in Basin 2.

The SBP stormwater master system will be operated and maintained by the Stuart Business Park Owners Association, Inc. (SBPOA). Please see the Maintenance Entity Map sheet MD6 of Exhibit 2 which identifies the common infrastructure to be maintained by SBPOA. Individual lot owners are responsible for operating and maintaining the secondary water management systems within their properties. Within one year of permit issuance the permittee shall submit a copy of the revised deed restrictions clearly describing the responsibility of existing and future property owners to construct and maintain water management facilities within individual lots by the lot owner (see Special Conditions).

The applicant's engineer has prepared detailed maps that describe the SBP stormwater master system including individual parcel characteristics. These maps have been included as Exhibit 2.0. Additional details can be found in the engineering analysis and reports in the permit file.

LAND USE:

The applicant's engineer reviewed previously issued permits to establish land use and design storm discharge for developed parcels. Assumptions were made for developed parcels that did not have permit information. For the purposes of establishing the land uses for the remaining undeveloped parcels, typical commercial land use assumptions were used. The SBP stormwater master system design storm analysis assumed the following land use for undeveloped parcels and or redevelopment parcels within the SBP:

BASIN 1:

Parcels 7, 8, 9 and any redevelopment would consist of 15% water management, 25% pervious, 30%

LAND USE:

impervious, and 30% building coverage. The Lisa Dames and Georgia Auto properties in the southeast corner of the project are currently developed, but not connected to the SBP stormwater master system. The analysis included these properties so they could be connected in the future.

BASIN 2:

Parcels 1-4, 6 and any redevelopment would consist of 15% water management, 25% pervious, 30% impervious, and 30% building coverage. Parcel 5 land use is 18% lake, 18% pervious, 24% impervious, 40% building coverage.

The land use in the table below represents the available land use within undeveloped parcels.

Construction**Basin : BASIN 1****Total Basin**

Building Coverage	7.12	acres
Impervious	7.12	acres
Pervious	5.93	acres
Water Mgnt Acreage	3.56	acres
Total:	23.73	

Basin : BASIN 2**Total Basin**

Building Coverage	20.55	acres
Impervious	15.65	acres
Pervious	13.87	acres
Water Mgnt Acreage	9.75	acres
Total:	59.82	

WATER QUALITY:

A significant part of the overall master system has been constructed. The design storm routing analysis that includes the existing system predicts that the SBP stormwater master system will not recover to the control elevation (14.0 NGVD) within 12 days. A second design storm routing was performed with the initial starting elevation set at the 12 day recovery elevation of the initial routing for the 25 year and 100 year design storms. This analysis was performed to demonstrate that the system would provide adequate flood protection. The peak stage prediction of the second routing of the 100 year storm was 18.48 NGVD which is below the previously permitted minimum building elevation of 18.50 NGVD.

Discharge Rate :

Application No. 030714-12 included an analysis of the overall system that indicated a design storm peak rate of 12.3 cfs for Basins 1 and 2. Earlier permits included higher 25 year 3 day design storm peak rates. The applicants engineer has reevaluated the existing system and determined that 22 cfs is the appropriate design storm rate. The peak discharge rate was divided between the two basins to develop a unit rate for future parcel development as follows:

The peak discharge rate for future development within Basin 1 contributing runoff to the SBP stormwater master system is 0.252 cfs/acre. This discharge rate is based on the permitted peak rate of 11.0 cfs over the 76 acre basin less previously permitted discharges to the SBP master system from Wal-Mart, Shoppes at Marketplace, and the Fowler/Dubner property.

The peak discharge rate for future development within Basin 2 contributing runoff to the SBP stormwater master system is 0.123 cfs/acre. This discharge rate is based on the permitted peak rate of 11.0 cfs over the 154 acre basin less previously permitted discharges to the SBP master system from Turbo Combustor and the Theis Distributing property.

The discharge rates for each parcel have been tabulated and can be found on the Master Basin Map sheet MD2 of Exhibit 2.0.

Discharge Storm Frequency : 25 YEAR-3 DAY

Design Rainfall : 11 inches

Finished Floors :

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 13.6 inches

Road Design :

Road Storm Frequency : 5 YEAR-1 DAY

Design Rainfall: 6 inches

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD 29)	WSWT Ctrl Elev (ft, NGVD 29)	Method Of Determination
BASIN 1	23.73	14	14.00	Previously Permitted
BASIN 2	59.82	14	14.00	Previously Permitted

WATER QUALITY:

No adverse water quality impacts are anticipated as a result of the proposed project. The existing SBP stormwater master system provides water quality treatment equivalent to 2.5 inches over the percent imperviousness (1.65 inches over Basin 1 and 1.31 inches over Basin 2) for all existing projects and roadways connected to the SBP stormwater master system.

All future projects connecting to the SBP stormwater master system shall provide water quality treatment equivalent to the greater of 1 inch or 2.5 inches times the percent imperviousness within the proposed project limits and 1/2 inch of dry pre-treatment for all commercial projects prior to discharging to the SBP stormwater master system. Please see Special Conditions.

WETLANDS:

Since wetland areas may exist within some of the parcels that are neither proposed to be impacted or preserved from the proposed activities, all future applications for construction within the Stuart Business park development are subject to the wetland protection and mitigation requirements in effect at the time of permit application (see Special Conditions).

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of

Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:**Water Use Permit Status:**

The applicant has indicated that supplemental irrigation is not required as part of this application.

This application is not requesting any construction as part of this application and will not need authorization for short term dewatering at this time.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Potable Water Supplier:

Martin County Utilities

Waste Water System/Supplier:

Martin County Utilities

Right-Of-Way Permit Status:

A District Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded in the project area and therefore is unlikely to have an effect upon any such properties.

DEO/CZM Consistency Review:

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

Third Party Interest:

No third party has contacted the District with concerns about this application.

Enforcement:

There has been no enforcement activity associated with this application.

STAFF RECOMMENDATION TO EXECUTIVE DIRECTOR:

The Staff recommends that the following be issued :

Conceptual approval of a surface water management system to serve 83.55 acres and operation of the master system serving 230 acres of commercial property known as Stuart Business Park.

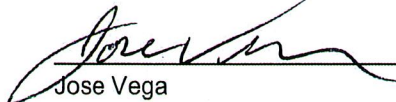
Based on the information provided, District rules have been adhered to.

Staff recommendation is for approval subject to the attached
General and Special Conditions.

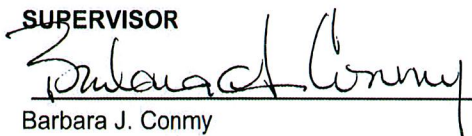
STAFF REVIEW:

NATURAL RESOURCE MANAGEMENT APPROVAL

ENVIRONMENTAL EVALUATION



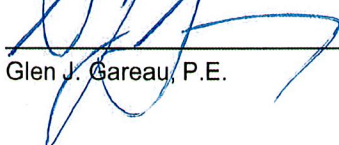
Jose Vega

SUPERVISOR


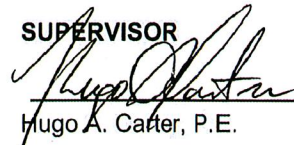
Barbara J. Conmy

SURFACE WATER MANAGEMENT APPROVAL

ENGINEERING EVALUATION



Glen J. Gareau, P.E.

SUPERVISOR


Hugo A. Carter, P.E.

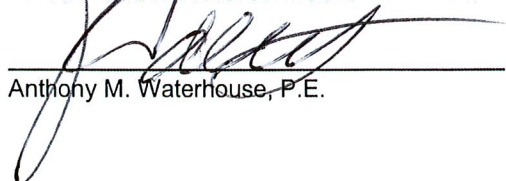
ENVIRONMENTAL RESOURCE PERMITTING BUREAU CHIEF :



Anita R. Bain

DATE: 7/31/12

REGULATION DIVISION ASSISTANT DIRECTOR :



Anthony M. Waterhouse, P.E.

DATE: 8/1/12

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental

GENERAL CONDITIONS

Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No

GENERAL CONDITIONS

Notice" Rule.

14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on August 6, 2017.
The construction phase of this permit shall expire on August 6, 2017.
2. Operation of the Stuart Business Park master surface water management system including conveyances and control structures (and maintenance of wetlands/mitigation areas, if applicable) shall be the responsibility of Stuart Business Park Owners Association, Inc.

Individual lot owners are responsible to operate and maintain the secondary water management systems within their property.

Within one year of permit issuance and prior to the sale of any lot within the conceptual approval area, the permittee shall submit to the District a copy of the deed restrictions that clearly describe the responsibility of future property owners to construct, operate, and maintain water management facilities within the individual lots. These deed restrictions shall be included in the deeds for the sale of any lots in the conceptual approval area.

3. Discharge Facilities: No New Discharge Facilities
4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments, debris, and vegetation. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. The permittee acknowledges that, pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout

SPECIAL CONDITIONS

canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

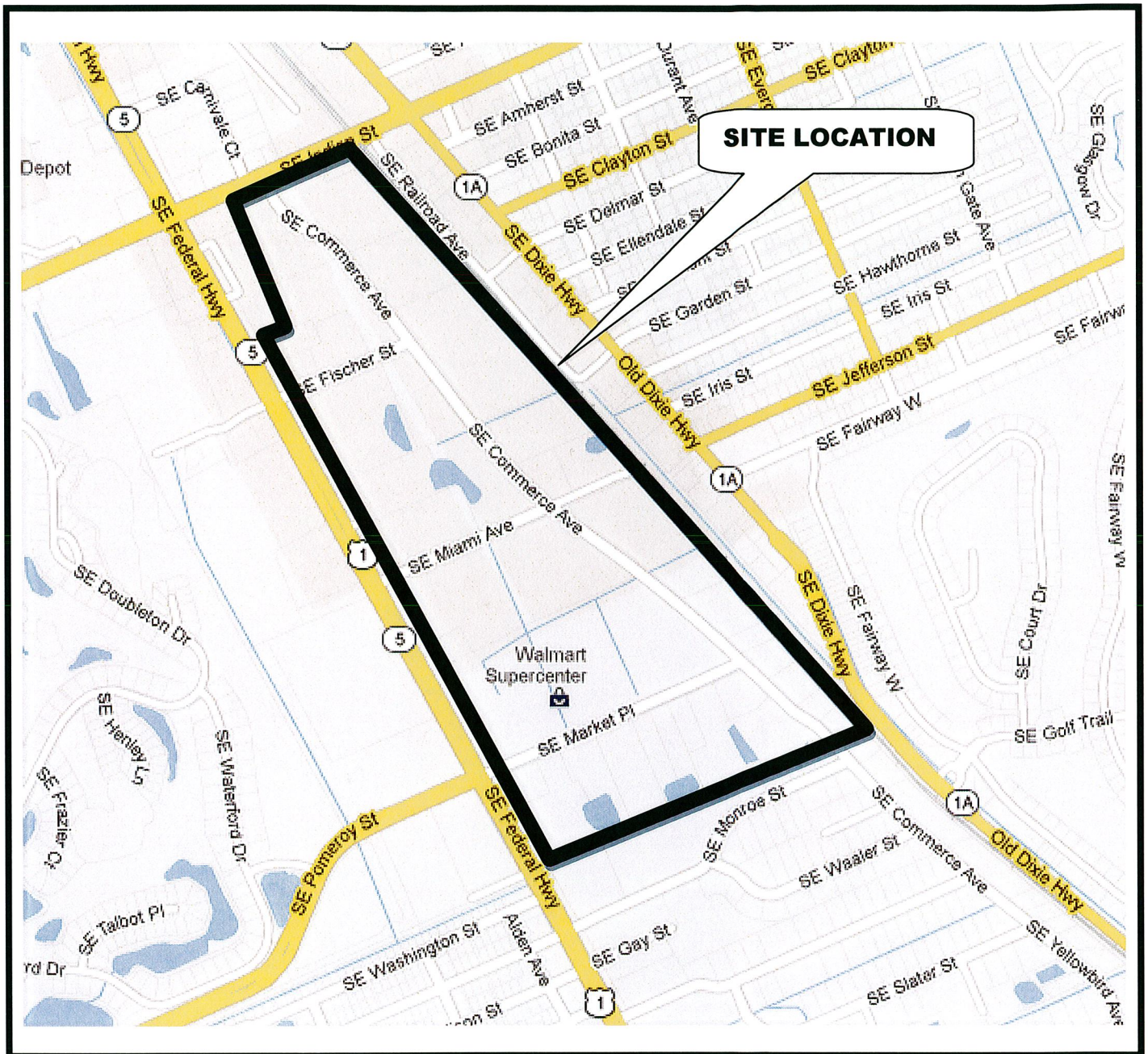
14. Minimum building floor elevation: 18.50 ngvd
15. All commercial/industrial parcels shall provide a minimum dry pre-treatment volume of 1/2 inch of runoff prior to discharge into the master surface water management system.
16. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 43-00014-S unless otherwise specified herein.
17. All future development connecting to the Stuart Business Park stormwater master system shall provide water quality treatment equivalent to the greater of 1 inch or 2.5 inches over the percent imperviousness within the proposed project limits prior to discharging to the Stuart Business Park stormwater master system.
18. Any future projects within the Stuart Business Park shall require a modification to this permit and will be subject to evaluation of wetland impacts and potential mitigation requirements in accordance with the environmental criteria in effect at the time of the application for any such proposed work.

Table of Contents for Staff Report Exhibits

App. No. 120614-4

**Stuart Business Park Stormwater Master
Plan**

- 1.0 Location Map
- 2.0 Plans and maps (6 sheets)



↑
N
(n.t.s.)

STUART BUSINESS PARK LOCATION MAP

APPLICATION 120614-4

EXHIBIT 1.0

PAGE 1 OF 1

STUART BUSINESS PARK MASTER DRAINAGE PLAN

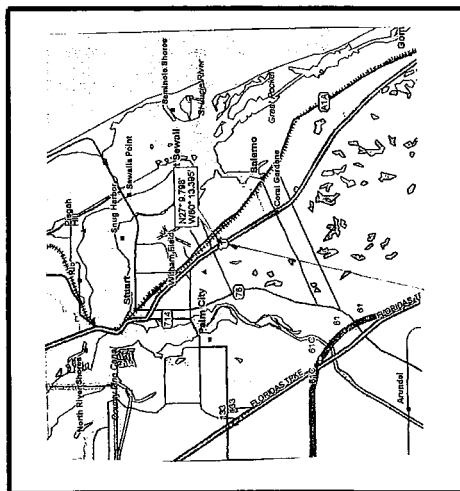
CITY OF STUART, MARTIN COUNTY, FLORIDA
INDUSTRIAL DEVELOPMENT CORP.
12994 170TH ROAD NORTH
JUPITER, FLORIDA 33478
(561) 745-6619

MASTER STORMWATER PLANS

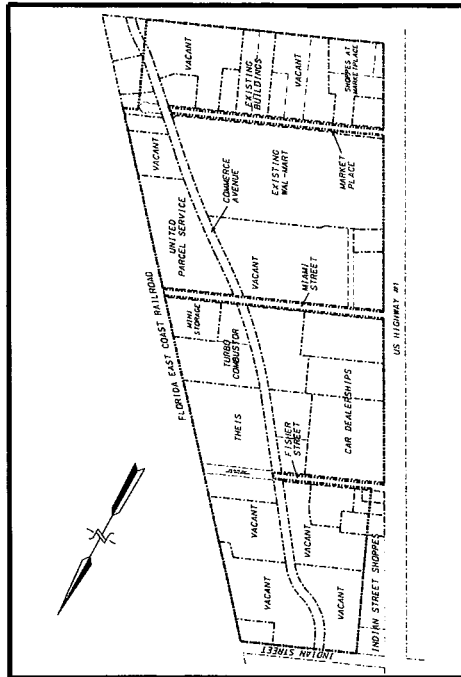
SHEET INDEX:

- MD1. COVER SHEET
- MD2. MASTER BASIN MAP
- MD3. MASTER DRAINAGE MAP
- MD4. BASIN 1 & BASIN 2 NODAL MAP
- MD5. CONTROL STRUCTURE DETAILS
- MD6. MAINTENANCE ENTRY MAP

SECTION 2B, TOWNSHIP 34S, RANGE 41E

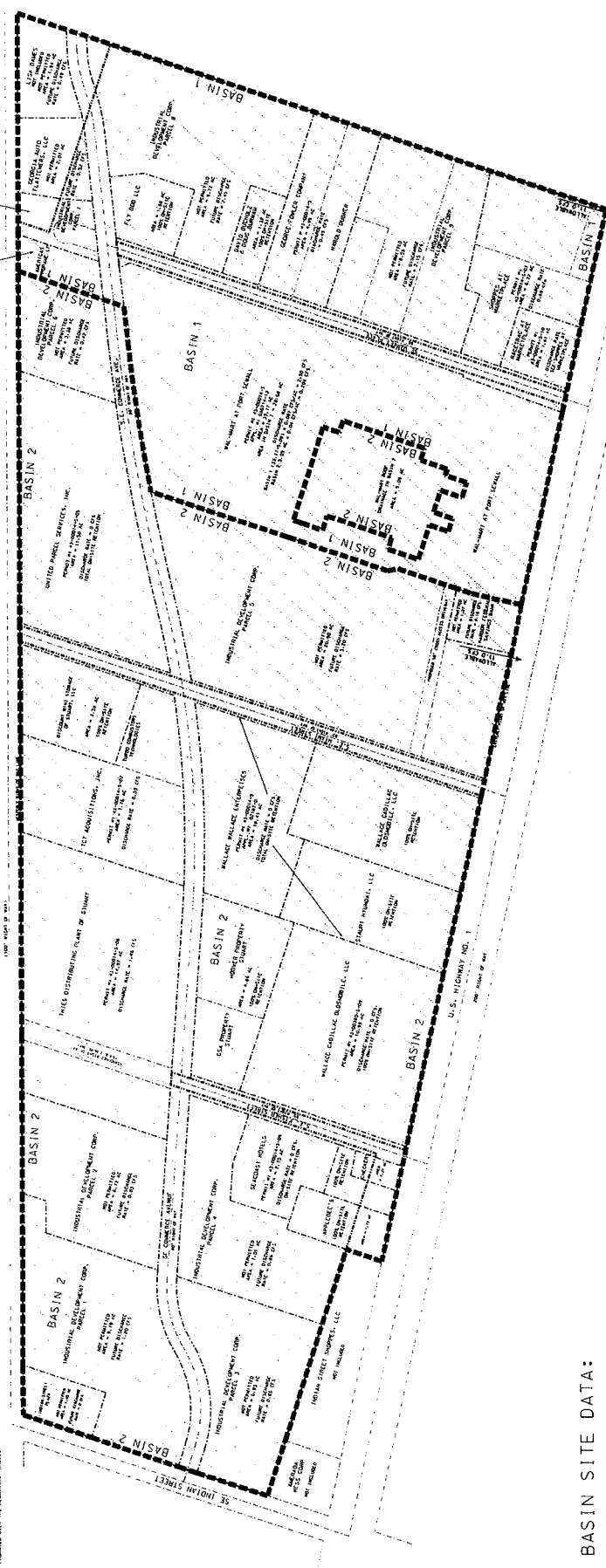


THIS SITE —
LOCATION MAP
NOT TO SCALE



STUART BUSINESS PARK MASTER DRAINAGE PLAN
NOT TO SCALE
420614-4 11

PROJECT		STUART BUSINESS PARK MASTER DRAINAGE PLAN		TITLE		COVER SHEET	
DATE: 11/24/2011	SCALE: 1"=40'	DATE: 11/24/2011	SCALE: 1"=40'	DATE: 11/24/2011	SCALE: 1"=40'	DATE: 11/24/2011	SCALE: 1"=40'
MD1. COVER SHEET MD2. MASTER BASIN MAP MD3. MASTER DRAINAGE MAP MD4. BASIN 1 & BASIN 2 NODAL MAP MD5. CONTROL STRUCTURE DETAILS MD6. MAINTENANCE ENTRY MAP				MD1. COVER SHEET MD2. MASTER BASIN MAP MD3. MASTER DRAINAGE MAP MD4. BASIN 1 & BASIN 2 NODAL MAP MD5. CONTROL STRUCTURE DETAILS MD6. MAINTENANCE ENTRY MAP			
PROJECT NO. 120614-4 DATE: 11/24/2011 BY: [Signature] CHECKED BY: [Signature] APPROVED BY: [Signature]				PROJECT NO. 120614-4 DATE: 11/24/2011 BY: [Signature] CHECKED BY: [Signature] APPROVED BY: [Signature]			
PROJECT NO. 120614-4 DATE: 11/24/2011 BY: [Signature] CHECKED BY: [Signature] APPROVED BY: [Signature]				PROJECT NO. 120614-4 DATE: 11/24/2011 BY: [Signature] CHECKED BY: [Signature] APPROVED BY: [Signature]			

[illegible]

- DRAINAGE AREA NOTES:
1. SHADED AREA IS PROPERTY WITHIN THE ORIGINAL STUART BUSINESS PARK MASTER SURFACE WATER MANAGEMENT SYSTEM.
 2. AREA WITHIN BASIN BOUNDARY, BUT NOT SHADED, HAS BEEN ADDED TO THE SPD WATER MANAGEMENT SYSTEM AFTER INITIAL PERMIT WAS ISSUED, AND INCORPORATED PER SPDM PERMIT MOD. APPLICATION # D00714-1-12.
 3. RIGHTS OF WAY WITHIN THE STUART BUSINESS PARK, WHILE NOT SHADED, ARE ALSO INCLUDED WITHIN THE MASTER SURFACE WATER MANAGEMENT SYSTEM. THESE INCLUDE SHEPPARD, MIAMI STREET, MARKET PLACE, AND COMMERCE AVENUE.

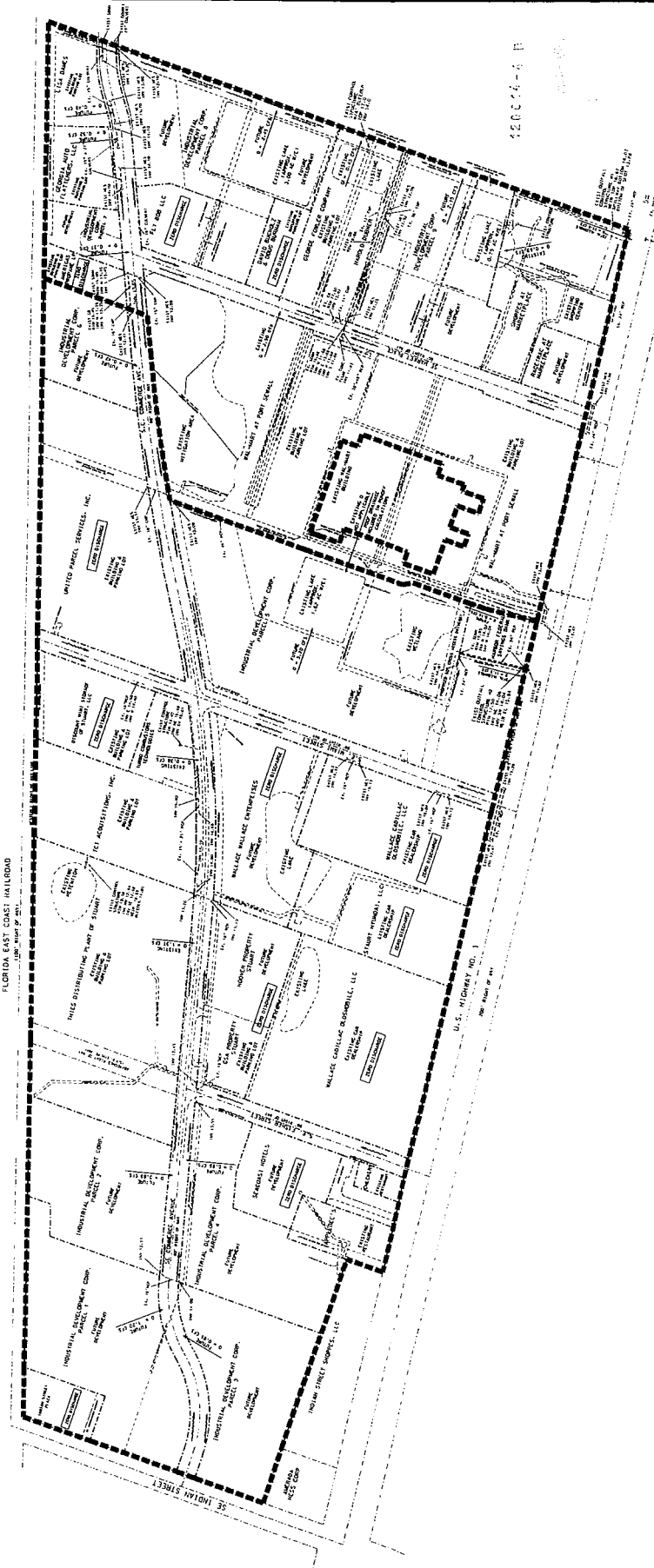
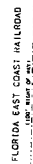
BASIN SITE DATA:

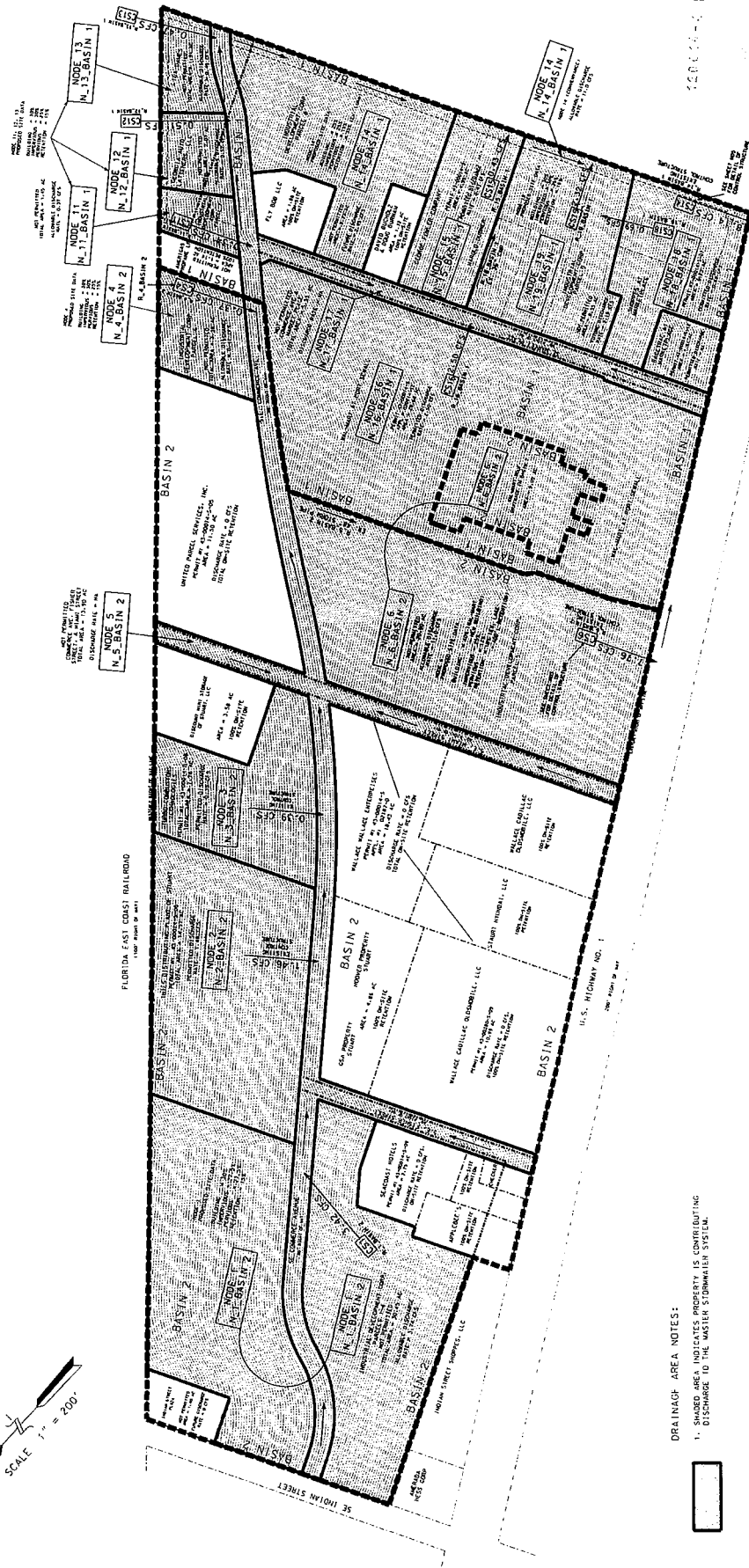
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PROJECT:	STUART BUSINESS PARK DRAINAGE PLAN	TITLE:	MASTER BASIN MAP
DATE:	12-1-2001	DATE:	12-1-2001
SCALE:	1"=200'	COMMENTS:	
DRAWN BY:	HLJ		
CHECKED BY:	HLJ		
APPROVED BY:	HLJ		
PROJECT NO:	10-0132		
		AL HYDRO ENGINEERING, INC. 5932 NW 73RD COURT PARKLAND, FL 33067 TEL (954) 344-7866 FAX (954) 344-7866	SCALE: AS SHOWN MD2 OF 6



Diagram illustrating a line with a break symbol (two parallel diagonal lines) and a scale of 1" = 200'.

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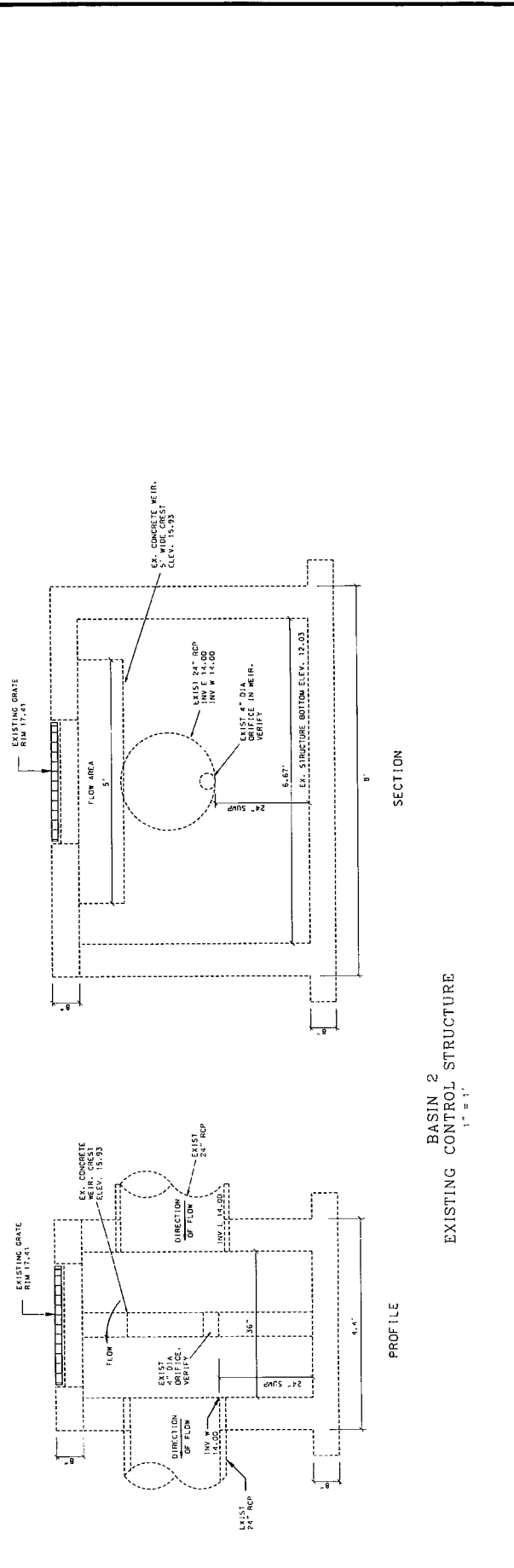


1. SHADED AREA INDICATES PROPERTY IS CONTRIBUTING DISCHARGE TO THE MASTER STORMWATER SYSTEM.

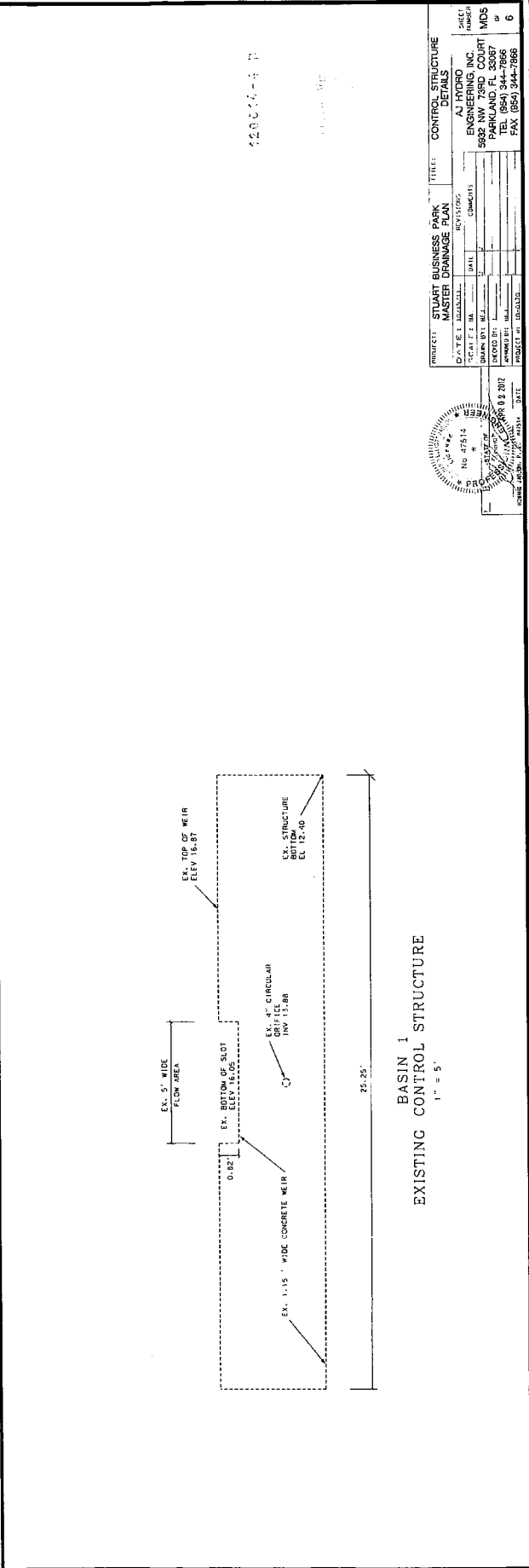
1. NODES 1, 4, AND 6 ARE NOT DEVELOPED. THE SITE DATA IS BASED ON ASSUMPTIONS. AS EACH PARCEL IS DEVELOPED THE CONSULTANT WILL BE REQUIRED TO PROVIDE FLOOD ROUTING CALCULATIONS TO PROVE THAT THE PROPOSED STAGES AND DISCHARGE FROM THE DEVELOPMENT IS CONSISTENT WITH THESE ASSUMPTIONS.

2. NODE 1 IS A COMBINATION OF FOUR PARCELS UNDER THE SAME OWNERSHIP. IT IS POSSIBLE THAT THESE PARCELS ARE DEVELOPED INDEPENDENTLY. IF SO, EACH PARCEL'S CONSULTANT SHALL PROVIDE FLOOD REDUCTION CALCULATIONS INDICATING THAT THE DEVELOPMENT DISCHARGES ONLY IT'S PRO RATA SHARE OF THE ALLOWABLE DISCHARGE.

[illegible]



BASIN 2
EXISTING CONTROL STRUCTURE



BASIN 1
EXISTING CONTROL STRUCTURE

PROJECT: STUART BUSINESS PARK MASTER DRAINAGE PLAN		TITLE: CONTROL STRUCTURE	
DATE: 11/11/14		BY: J. HYDRO	
SCALE: 1"=10'		SHEET NO. 6	
DRAWN BY: J. HYDRO		ENGINEERING, INC.	
CHECKED BY: J. HYDRO		5932 NW 73RD COURT	
APPROVED BY: J. HYDRO		PARKLAND, FL 33067	
PROJECT NO. 140332		TEL 850 344-7866	
		FAX 850 344-7868	

Professional Engineer Seal for the State of Florida, No. 47514, J. HYDRO, dated 11/11/14.

DATE: 11/11/14

BY: J. HYDRO

SCALE: 1"=10'

DRAWN BY: J. HYDRO

CHECKED BY: J. HYDRO

APPROVED BY: J. HYDRO

PROJECT NO. 140332

FLORIDA EAST COAST RAILROAD
100' RIGHT OF WAY

MAINTENANCE PLAN:

LISTED BELOW IS THE INTENT OF THE MAINTENANCE PLAN WITH RESPECT TO WHICH ENTITY IS RESPONSIBLE FOR MAINTAINING CERTAIN DRAINAGE FACILITIES:

[illegible]

MAINTENANCE NOTES:

1. ALL DRAINAGE FACILITIES SHALL HAVE AN ENTITY ASSIGNED TO MAINTAIN SUCH FACILITY TO ENSURE PROPER FUNCTION OF THE WATER SURFACE WATER MANAGEMENT SYSTEM. AS WILL AS INDIVIDUAL PROJECTS.
2. EACH ENTITY SHALL MAINTAIN THEIR RESPECTIVE DRAINAGE FACILITIES CONSISTENT WITH THE REQUIREMENTS OF THE SFMWD, AND ANY LOCAL ENTITY HAVING JURISDICTION

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STAFF REPORT DISTRIBUTION LIST

STUART BUSINESS PARK STORMWATER MASTER PLAN

Application No: 120614-4

Permit No: 43-00014-S

INTERNAL DISTRIBUTION

- X Glen J. Gareau, P.E.
- X Jose Vega
- X Hugo A. Carter, P.E.
- X Barbara J. Conmy
- X A. Bain
- X A. Waterhouse
- X ERC Martin/St. Lucie

EXTERNAL DISTRIBUTION

- X Permittee - Industrial Development Corporation
- X Engr Consultant - A J Hydro Engineering Inc

GOVERNMENT AGENCIES

- X City of Stuart Public Works Department - Samuel T. Amerson, P.E.
- X Div of Recreation and Park - District 5 - FDEP
- X Martin County - County Administrator
- X Martin County Board of County Commissioners
- X Martin County Engineering Dept. - Don G. Donaldson, P.E.

Appendix E – Geotechnical Report

**Subsurface Soil Exploration
Waterblasting Facility Expansion
SE Commerce Avenue
Stuart, Florida**



Ardaman & Associates, Inc.

OFFICES

Orlando – 8008 S. Orange Avenue, Orlando Florida 328098 – Phone (407) 855-3860
Alexandria – 3609 Mac Lee Drive, Alexandria, Louisiana 71302 – Phone (318) 443-2888
Bartow – 1525 Centennial Drive, Bartow, Florida 33830 – Phone (863) 533-0858
Baton Rouge – 316 Highlandia Drive, Baton Rouge, Louisiana 70884 – Phone (225) 752-4790
Cocoa – 1300 N. Cocoa Blvd., Cocoa, Florida 32922 – Phone (321) 632-2503
Fort Myers – 9970 Bavaria Road, Fort Myers, Florida 33913 – Phone (239) 768-6600
Miami – 2608 W. 84th Street, Hialeah, Florida 33016 – Phone (305) 825-2683
Monroe – 1122 Hayes Street, West Monroe, Louisiana 71292 – Phone (318) 387-4103
New Orleans – 1305 Distributors Row, Suite I, Jefferson, Louisiana 70123 – Phone (504) 835-2593
Port St. Lucie – 460 Concourse Place NW, Unit 1, Port St. Lucie, Florida 34986 – Phone (772) 878-0072
Sarasota – 78 Sarasota Center Blvd., Sarasota, Florida 34240 – Phone (941) 922-3526
Shreveport – 7222 Greenwood Road, Shreveport, Louisiana 71119 – Phone (318) 636-3673
Tallahassee – 3175 West Tharpe Street, Tallahassee, Florida 32303 – Phone (850) 576-6131
Tampa – 3925 Coconut Palm Drive, Suite 115, Tampa, Florida 33619 – Phone (813) 620-3389
West Palm Beach – 2200 North Florida Mango Road, Suite 101, West Palm Beach, Florida 33409 – Phone (561) 687-8200



Ardaman & Associates, Inc.

Geotechnical, Environmental and
Materials Consultants

March 5, 2018

File No. 18-5404

Revised March 5, 2018

Waterblasting Technologies
3170 SE Slater Street
Stuart, Florida 34997

Attention: Mr. James Crocker, President

Subject: **Subsurface Soil Exploration
and Geotechnical Engineering Evaluation
Waterblasting Facility Expansion
SE Commerce Avenue
Stuart, Florida**

Mr. Crocker:

As requested and authorized, we have completed a shallow subsurface soil exploration and geotechnical engineering evaluation for the subject project. The purposes of performing this exploration were to evaluate the general subsurface conditions in the vicinity of the proposed single-story warehouse building, parking/drive and retention pond areas and to provide recommendations for site preparation and foundation and pavement support. This report documents our findings and presents our engineering recommendations.

SITE LOCATION AND SITE DESCRIPTION

The site for the proposed construction is located on the southwest corner of the intersection of Market Place and SW Commerce Avenue in Stuart, Florida (Hanson Grant, Township 38 South, Range 41 East). The general site location is shown superimposed on the St. Lucie Inlet, Florida USGS quadrangle map presented on Figure 1. The area for the proposed facility is currently undeveloped and densely wooded.

PROPOSED CONSTRUCTION AND GRADING

Based on review of a preliminary site plan that was provided to us by EDC, it is our understanding that the proposed development includes a single-story warehouse building along with asphalt and concrete parking and drive areas. Two stormwater retention ponds are also being proposed on the northwest and southeast portions of the site. For the purpose of our analysis, we assumed that the proposed building will consist of load bearing masonry walls and interior columns with slab-on-grade floors. Typical anticipated loading conditions for the structure were not provided, but have been assumed to be on the order of 5 to 7 kips per linear foot for wall foundations and 50 to 70 kips for individual column foundations. We have assumed that 2 to 3 feet of fill is anticipated to bring the building and pavement areas to final elevation. If actual building loads or fill heights exceed our assumptions, then the recommendations in this report may not be valid. We also understand that a recessed loading dock ramp is being considered for the proposed building on the site.

REVIEW OF SOIL SURVEY MAPS

The Soil Survey of Martin County, Florida, which was issued by the U.S. Department of Agriculture, Soil Conservation Service in 1981, states that the predominant surficial soil types in the area where the site is located are *Waveland sand* and *Waveland sand, depressional*. Brief descriptions of these soil types, as taken from the Soil Survey, are presented below.

According to the USDA Soil Survey, *Waveland sand* is poorly drained soil found in broad flatwoods areas. Slopes are dominantly smooth and range from 0 to 2 percent. Typically, the surface layer is light gray and grayish brown. The subsoil begins at a depth of 43 inches. The upper 4 inches of the subsoil is black and is not cemented. The next 30 inches is weakly cemented, black and dark reddish brown loamy sand. The next 14 inches is loose black sand, and below that is dark brown sand. The water table is at a depth of less than 10 inches for 2 to 4 months and within a depth of 40 inches for 6 months or more during most years. Permeability is rapid in the surface and subsurface layers and very slow to moderately slow in the subsoil.

Waveland sand, depressional is found in depressions and flatwoods areas. Slopes are smooth to concave and range from 0 to 2 percent. Typically, the surface layer is very dark gray sand. The subsurface layer is gray, light gray, and light brownish gray sand to a depth of 48 inches. The subsoil is black, weakly cemented sand and non-cemented, dark reddish brown sand. Below this is brown sand to a depth of 80 inches or more. This soil is ponded for 6 to 9 months or more in most years. Permeability is rapid in the surface and subsurface layers and very slow to moderately slow in the subsoil.

FIELD EXPLORATION PROGRAM

The field exploration program included performing three (3) Standard Penetration Test (SPT) borings (B-1 through B-3 on Figure 2) in the vicinity of the proposed warehouse building and eight (8) auger borings (AB-1 through AB-8) within or in the vicinity of the surrounding parking/drive areas and retention ponds. The SPT borings were advanced to a depth of 25 feet below the existing ground surface using the general methodology outlined in ASTM D-1586. The auger borings were conducted using 4-inch diameter, truck-mounted continuous flight auger and a hand-held, 3-inch diameter bucket auger to depths of 5 and 10 feet below the existing ground surface. Descriptions of these field procedures are included in the Appendix.

Soil samples were recovered from the sampler and auger during performance of the borings. The samples were visually classified in the field and representative portions of the samples were transported to our laboratory in sealed sample jars. The groundwater level at each of the boring locations was measured during drilling. Upon completion, the borings were backfilled with soil cuttings. The approximate locations of the borings are shown on Figure 2. These locations were determined in the field by estimating distances from existing site features and should be considered accurate only to the degree implied by the method of measurement used.

LABORATORY PROGRAM

Representative soil samples obtained during our field sampling operation were packaged and transferred to our laboratory for further visual examination and classification. The soil samples

were visually classified in general accordance with the Unified Soil Classification System (ASTM D-2488). The resulting soil descriptions are shown on the soil boring profiles presented on Figures 3 and 4.

In addition, we conducted percent fines content, organic content and natural moisture content tests on selected soil samples obtained from the borings to aid in the classification of the soils. The results of these tests are presented adjacent to the sample depth on the boring profiles on Figures 3 and 4.

GENERAL SUBSURFACE CONDITIONS

General Soil Profile

The results of the field exploration and laboratory programs are graphically summarized on the soil boring profiles presented on Figures 3 and 4. The stratification of the boring profiles represents our interpretation of the field boring logs and the results of laboratory examinations of the recovered samples. The stratification lines represent the approximate boundary between soil types. The actual transitions may be more gradual than implied.

As shown on the soil boring profiles on Figures 3 and 4, the SPT borings typically encountered very loose to medium dense, light gray to gray and light brown to dark brown fine sand (Unified Soil Classification SP), fine sand with silt (SP-SM), and fine sand with clay (SP-SC) to the boring termination depth of 25 feet. As shown on Figures 3 and 4, the auger borings encountered similar soils to the depths of 5 and 10 feet below the existing ground surface. These soil profiles are outlined in general terms only. Please refer to Figures 3 and 4 for soil profile details.

We note that muck/peat with an organic content of 41% and a moisture content of 90% was encountered approximate depths ranging from 3 to 4 feet at the boring location AB-1. We also note that hardpan-type soils and soils with trace to relatively minor amounts of roots and organics (organic contents ranging from 4% to 12% and moisture contents ranging from 26% to 36%) were also noted in most of the borings as indicated on the boring profiles.

Groundwater Level

The groundwater level was measured in the boreholes on the day drilled. As shown on Figures 3 and 4, groundwater was encountered in the borings at approximate depths ranging from 4 to 4.5 feet below the existing ground surface on the date indicated. Fluctuations in groundwater levels should be anticipated throughout the year primarily due to seasonal variations in rainfall and other factors that may vary from the time the borings were conducted. We note that the groundwater table may temporarily “perch” at higher levels atop the shallow hardpan-type soils during or following periods of prolonged or heavy rainfall and during the wet season.

NORMAL SEASONAL HIGH GROUNDWATER LEVEL

The normal seasonal high groundwater level each year is the level in the August-September period at the end of the rainy season during a year of normal (average) rainfall. The water table elevations associated with a higher than normal rainfall and in the extreme case, flood, would be

higher to much higher than the normal seasonal high groundwater level. The normal high water levels would more approximate the normal seasonal high groundwater levels.

The seasonal high groundwater level is affected by a number of factors. The drainage characteristics of the soils, the land surface elevation, relief points such as drainage ditches, lakes, rivers, swamp areas, etc., and distance to relief points are some of the more important factors influencing the seasonal high groundwater level.

Based on our interpretation of the site conditions using the soil borings and the Soil Survey, we preliminarily estimate the normal seasonal high groundwater level at the boring locations to be approximately 2 to 3 feet above the groundwater level measured in the boreholes at the time of our field exploration. We note that, after periods of heavy and/or prolonged rainfall, water may "perch" temporarily atop the shallow hardpan-type soils at the site. The groundwater table level needs to be especially considered for the design of the planned loading dock ramp.

ENGINEERING EVALUATION AND RECOMMENDATIONS

General

The results of our exploration and analysis indicate that, with proper site preparation as recommended in this report, the existing soils are suitable for supporting the proposed single-story warehouse building on a conventional shallow foundation system. Spread footings should provide an adequate support system for the structure. The soil borings typically encountered suitable soils at the locations and depths explored.

The following are our recommendations for overall site preparation and foundation support which we feel are best suited for the proposed building and existing soil conditions. The recommendations are made as a guide for the design engineer and/or architect, parts of which should be incorporated into the project's specifications.

Stripping and Grubbing

The "footprint" of the proposed building and pavement areas, plus a minimum margin of five feet, should be stripped of all surface vegetation, stumps, debris, organic topsoil or other deleterious materials, as encountered. Buried utilities should be removed or plugged to eliminate conduits into which surrounding soils could erode.

After stripping, the site should be grubbed or root-raked such that roots with a diameter greater than ½ inch, stumps, or small roots in a dense state, are completely removed. The actual depth(s) of stripping and grubbing must be determined by visual observation and judgment during the earthwork operation.

It has been our experience that soils surrounding existing buildings sometimes contain pockets of construction debris or other deleterious materials requiring removal and replacement with compacted clean fine sands. Therefore, we strongly recommend that the stripped surface be inspected and approved by Ardaman & Associates, Inc. prior to filling the site.

Proof-rolling

We recommend proof-rolling the cleared surface to locate any unforeseen soft areas or unsuitable surface or near-surface soils, to increase the density of the upper soils, and to prepare the existing surface for the addition of the fill soils (as required). Proof-rolling of the building and pavement areas should consist of at least 10 passes of a compactor capable of achieving the density requirements described in the next paragraph. Each pass should overlap the preceding pass by 30 percent to achieve complete coverage. If deemed necessary, in areas that continue to "yield", remove all deleterious material and replace with clean, compacted sand backfill. The proof-rolling should occur after cutting and before filling.

A density equivalent to or greater than 95 percent of the modified Proctor (ASTM D-1557) maximum dry density value for a depth of 1 foot must be achieved beneath the stripped and grubbed ground surface. Additional passes and/or over-excavation and recompaction may be required if these minimum density requirements are not achieved. The soil moisture should be adjusted as necessary during compaction.

Proof-rolling may cause upward movement or "pumping" of the groundwater. However, we recommend that the existing surface be level and firm prior to the addition of fill soils. Proof-rolling with a front-end loader may help achieve the desired surface and compaction condition before adding the fill soils. The site should be dewatered as necessary. Depending on the time of year, a 12- to 18-inch layer of clean fine sand (SP) fill may be required prior to proof-rolling.

Care should be exercised to avoid damaging any neighboring structures while the compaction operation is underway. Prior to commencing compaction, occupants of adjacent structures should be notified and the existing condition (i.e. cracks) of the structures documented with photographs and survey (if deemed necessary). Compaction should cease if deemed detrimental to adjacent structures, and Ardaman & Associates should be notified immediately.

Suitable Fill Material and the Compaction of Fill Soils

All fill soil should be free of organic materials, such as roots and vegetation. We recommend using fill with less than 12 percent by dry weight of material passing the U.S. Standard No. 200 sieve size. Soils with more than 12 percent passing the No. 200 sieve can be used in some applications, but will be more difficult to compact due to their inherent nature to retain soil moisture.

The organic muck/peat encountered between approximate depths of 3 and 4 feet at the location of AB-1 is not suitable for use as structural fill material and should be disposed of offsite or used for landscaping material as directed by the owner. Careful attention should be made by the contractor not to mix the unsuitable soils with otherwise suitable soils while excavating the pond areas.

All structural fill should be placed in level lifts not to exceed 12 inches in uncompacted thickness. Each lift should be compacted to at least 95 percent of the modified Proctor (ASTM D-1557) maximum dry density value. The filling and compaction operations should continue in lifts until

the desired elevation(s) is achieved. If hand-held compaction equipment is used, the lift thickness should be reduced to no more than 6 inches.

We note that the partially cemented hardpan-type soils can be problematic for several reasons. Hardpan can be difficult to excavate, often requiring special equipment; especially in confined excavations such as utility trenches, footings, etc. Excavated hardpan-type soils are often boulder-size chunks of cemented soils which are not easily broken down for re-use as structural fill. In addition, when pulverized into fragments that can be compacted to an adequately dense matrix, the in-place soil often fails the relative compaction test because the laboratory test continues to pulverize the soil into smaller particles resulting in a denser laboratory matrix than that which occurs in the field. Alternative acceptance criteria may need to be used for hardpan-type soils used as fill. This criterion would need to be developed on a site specific basis after observing the contractor's earthwork methodology and the nature and condition of the compacted hardpan-type soils.

Foundation Support by Spread Footings and Foundation Compaction Criteria

Excavate the foundations to the proposed bottom of footing elevations and, thereafter, verify the in-place compaction for a depth of 1 foot below the footing bottoms. If necessary, compact the soils at the bottom of the excavations to at least 95 percent of the modified Proctor maximum dry density (ASTM D-1557) for a depth of 1 foot below the footing bottoms. Based on the existing soil conditions and, assuming the above outlined proof-rolling and compaction criteria are implemented, an allowable soil bearing pressure of 2,500 pounds per square foot (psf) may be used in the foundation design. This bearing pressure should result in foundation settlement within tolerable limits (i.e., 1 inch or less).

All bearing wall foundations should be a minimum of 18 inches wide and column foundations 24 inches wide. A minimum soil cover of 24 inches should be maintained from the bottom of the foundations to the adjacent finished grades.

Floor Slab Moisture Reducer and Slab Compaction Requirements

Compaction beneath all floor slabs should be verified for a depth of 12 inches and meet the 95 percent criteria (modified Proctor, ASTM D-1557).

Precautions should be taken during the slab construction to reduce moisture entry from the underlying subgrade soils. Moisture entry can be reduced by installing a membrane between the subgrade soils and floor slab. Care should be exercised when placing the reinforcing steel (or mesh) and slab concrete such that the membrane is not punctured. We note that the membrane alone does not prevent moisture from occurring beneath or on top of the slab.

If interior columns are isolated from the floor slab, an expansion joint should be provided around the columns and sealed with a water-proof sealant. We note that the site could potentially have a relatively high groundwater table level during the wet season which needs to be considered if any recessed slabs or sump pits (i.e., loading docks, etc.) are being planned for the site.

Dewatering

Based on the groundwater conditions encountered, the control of the groundwater will likely be required to achieve proper compaction, particularly for utility installations. Depending on the time of the year and final site grades, groundwater control may also be required for foundation excavations. The actual method(s) of dewatering (if needed) should be determined by the contractor. However, regardless of the method(s) used, we suggest drawing down the water table sufficiently; say 2 feet below the bottom of any excavation or compaction surface to preclude "pumping" and/or compaction-related problems with the foundation soils.

Utility Installation

The hardpan layers and potentially high groundwater table conditions during the wet season may hinder backfilling and compacting activities related to utility installations (both for piping and structures) or other excavations. These soils are often boulder-size chunks of cemented soils which are not easily broken down for re-use, making such earthwork operations difficult. The importing of clean, free draining fine sand for excavation backfill is often conducted on projects of this nature to facilitate construction. The contractor should be made aware of the hardpan soils and potentially high groundwater conditions at the site.

Typical Asphaltic Concrete Surface Pavement Section

Site Preparation

All areas to be paved should be prepared as previously outlined. Prior to stabilized subgrade and pavement base installation, the subgrade soil compaction should be verified for a depth of 12 inches (i.e., compacted to at least 95 percent of the modified Proctor (ASTM D-1557, AASHTO T-180) maximum dry density value).

Limerock/Coquina Base

A 10-inch thick limerock or coquina base course having a minimum Limerock Bearing Ratio (LBR) value of 100, overlying a 12-inch thick stabilized subgrade can be used provided that grading and drainage plans preclude periodic saturation of the base material. The periodic saturation of a limerock/coquina base material could lead to premature pavement distress. A minimum clearance of 18 inches must be maintained between the bottom of the limerock/coquina base and the seasonal high groundwater table.

The limerock or coquina should be compacted to at least 98 percent of the modified Proctor (ASTM D-1557, AASHTO T-180) maximum density value. For bus and/or truck parking and drive areas, the base thickness should be increased to a minimum of 12 inches.

A minimum 12-inch thick stabilized subgrade having a minimum Limerock Bearing Ratio (LBR) value of 40 must be achieved beneath the base. The natural soils may have to be stabilized with suitable clayey soil or another approved stabilization material in order to achieve the required LBR value. The stabilized subgrade must be compacted to at least 98 percent of the modified Proctor maximum dry density (ASTM D-1557, AASHTO T-180). The stabilized subgrade must be firm

and unyielding immediately prior to placement of the base material.

Wearing Surface

A minimum 1½ inch layer of Type SP-9.5 or SP-12.5 asphaltic concrete should be used for a wearing surface in automobile parking/drive areas. For bus and/or truck parking/drive areas, at least 2½ inches of Type SP-9.5 or SP-12.5 asphaltic concrete should be used. The asphalt wearing surface must be placed on an adequately compacted and unyielding base course. Specific requirements for the Type-SP asphaltic concrete wearing surface are outlined in Section 334 in the Florida Department of Transportation, Standard Specifications for Road and Bridge Construction, latest Edition.

The latest specifications of Florida Department of Transportation shall govern the design and placement of the base and asphaltic concrete wearing surface. The above minimum requirements will satisfactorily support Traffic Level A*. If a heavier traffic pattern is anticipated, the design section should be increased accordingly.

Typical Concrete Pavement Section

It is our understanding that a rigid, Portland cement concrete pavement is desired for the proposed parking/drive areas. The design of a concrete pavement includes selecting dimensions and other details to provide a section that will adequately carry the anticipated traffic, provide the correct types of joints in the proper locations, and promote positive drainage. The pavement thickness recommendations are based on the "Guide for Design and Construction of Concrete Parking Lots" published by the American Concrete Institute (ACI 330R-08).

All areas to be paved should be stripped and grubbed of surficial debris including vegetation, roots and organic matter. Compaction of stripped and grubbed ground surface and all fill beneath pavement areas should comply with the recommendations (material types and compaction requirements) presented previously in this report. We recommend that the subgrade within 12 inches of the bottom of pavement consist of well-drained soils (Unified Classification SP) compacted to achieve a density equivalent to 95 percent of the modified Proctor (ASTM D-1557, AASHTO T-180) maximum dry density value for a depth of 12 inches. A minimum clearance of 2 feet must be maintained between the bottom of concrete pavement and the seasonal high water table.

Assuming the pavement will be subjected to Traffic Category C (ADTT=100) levels as described in Table 3.3 of ACI 330R-08, and the subgrade is prepared as outlined above, the concrete pavement should be a minimum of 6.5 inches in thickness and have a minimum compressive strength of 4,000 pounds per square inch.

The above minimum design recommendations can be used for unreinforced, fiber-reinforced or steel-reinforced pavements. Steel reinforcement and joint design should be in accordance with

* Reference: "Flexible Pavement Design Manual", Florida Department of Transportation. (latest edition)

the recommendations presented in ACI 330R-08.

Given the relatively high groundwater conditions encountered in the borings and based on the estimated seasonal high groundwater table level, the site does not appear well-suited for a recessed loading dock system. An experienced specialty waterproofing contractor needs to be consulted to further explore the feasibility of a recessed loading dock or a scissor-lift loading dock system at the site. Waterproofing alone should not be relied on and a permanent dewater system needs to be incorporated in the design.

Retention Ponds

We understand that two stormwater retention ponds are planned for the site. For this study, soil conditions were explored in the proposed pond area with two (2) auger borings (AB-1 and AB-2) to a depth of 10 feet. The borings generally encountered sandy soils with some fine sand with silt (Strata Nos. 1 and 2) as shown on Figure 3, which are considered to be relatively permeable.

We note that muck/peat soils with an organic content of 41% and a moisture content of 90% were encountered at approximately 3 to 4 feet below the existing ground surface at the boring location AB-1. We also note that hardpan-type soils and soils with trace to relatively minor amounts of roots and organics were also encountered between depths of 5 to 6 feet below the existing ground surface at the boring location AB-2 as indicated on the boring profiles. Organic muck/peat and soils mixed with roots and organics may exist at unexplored locations on the site. Ardaman should be notified immediately if such soils are encountered during construction so that recommendations can be provided.

For dry bottom retention ponds, pond performance will be significantly influenced by the soil permeability and the vertical separation between the pond bottom and the seasonal high groundwater level.

Wet detention ponds should be excavated to depths necessary to obtain a sufficient water depth to limit growth of aquatic vegetation. For the purpose of wet detention pond design, we preliminary estimate the normal low water level to be approximately 1 to 2 feet lower than the water levels encountered in the borings.

Ardaman & Associates, Inc. would be pleased to assist in evaluating the design exfiltration rates, underdrains and/or groundwater baseflow as pond geometry and stormwater volume requirements become available.

QUALITY ASSURANCE

We recommend establishing a comprehensive quality assurance program to verify that all site preparation and foundation and pavement construction is conducted in accordance with the appropriate plans and specifications. Materials testing and inspection services should be provided by Ardaman & Associates, Inc.

As a minimum, an on-site engineering technician should monitor all stripping and grubbing to verify that all deleterious materials have been removed and should observe the proof-rolling operation to verify that the appropriate numbers of passes are applied to the subgrade. In-situ

density tests should be conducted during filling activities and below all footings, floor slabs and pavement areas to verify that the required densities have been achieved. In-situ density values should be compared to laboratory Proctor moisture-density results for each of the different natural and fill soils encountered.

Additionally for the pavements, Limerock Bearing Ratio tests should be performed. The stabilized subgrade and base courses should be tested for density and thickness. Samples of the asphaltic concrete should be obtained and tested in the laboratory for asphalt content and aggregate gradation. Also, the asphaltic concrete thickness should be verified in the field.

Finally, we recommend inspecting and testing the construction materials for the foundations and other structural components.

IN-PLACE DENSITY TESTING FREQUENCY

In Southeast Florida, earthwork testing is typically performed on an on-call basis when the contractor has completed a portion of the work. The test result from a specific location is only representative of a larger area if the contractor has used consistent means and methods and the soils are practically uniform throughout. The frequency of testing can be increased and full-time construction inspection can be provided to account for variations. We recommend that the following minimum testing frequencies be utilized.

In proposed parking/drive areas, a minimum frequency of one in-place density test for each 2,500 square feet of area should be used (minimum of five test locations). The existing, natural ground should be tested to a depth of 12 inches at the prescribed frequency. Each 12-inch lift of fill should be tested at this frequency. Each 12-inch lift of fill, as well as the stabilized subgrade (where applicable) and base should be tested at this frequency.

Utility backfill should be tested at a minimum frequency of one in-place density test for each 12-inch lift for each 200 lineal feet of pipe. Additional tests should be performed in backfill for manholes, inlets, etc.

In proposed structural areas, the minimum frequency of in-place density testing should be one test for each 2,500 square feet of structural area (minimum of five test locations). In-place density testing should be performed at this minimum frequency for a depth of 1 foot below natural ground and for every 1-foot lift of fill placed in the structural areas. In addition, density tests should be performed in each column footing for a depth of 1 foot below the bearing surface. For continuous or wall footings, density tests should be performed at a minimum frequency of one test for every 50 lineal feet of footing, and for a depth of 1 foot below the bearing surface.

Representative samples of the various natural ground and fill soils, as well as the stabilized subgrade and base materials should be obtained and transported to our laboratory for Proctor compaction tests. These tests will determine the maximum dry density and optimum moisture content for the materials tested and will be used in conjunction with the results of the in-place density tests to determine the degree of compaction achieved.

CLOSURE

The analyses and recommendations submitted herein are based on the data obtained from the soil borings presented on Figures 3 and 4, and on the assumed loading conditions and fill heights. This report does not reflect any variations which may occur adjacent to or between the borings. The nature and extent of the variations between the borings may not become evident until during construction. If variations then appear evident, it will be necessary to re-evaluate the recommendations presented in this report after performing on-site observations during the construction period and noting the characteristics of the variations. This study does not include an evaluation of the environmental (ecological or hazardous/toxic material related) condition of the site and subsurface.

This report has been prepared for the exclusive use of Waterblasting Technologies in accordance with generally accepted geotechnical engineering practices. In the event any changes occur in the design, nature, or location of the proposed facility, we should review the applicability of conclusions and recommendations in this report. We recommend a general review of final design and specifications by our office to verify that earthwork and foundation recommendations are properly interpreted and implemented in the design specifications. Ardaman and Associates should attend the pre-bid and preconstruction meetings to verify that the bidders/contractor understand the recommendations contained in this report.

We are pleased to be of assistance to you on this phase of the project. When we may be of further service to you or should you have any questions, please contact us.

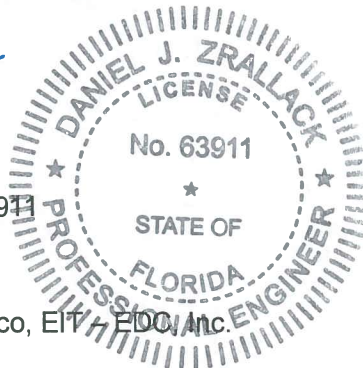
Best regards,

ARDAMAN & ASSOCIATES, INC.

Certificate of Authorization No. 5950

D.J. Zrallack 3/5/18

Dan J. Zrallack, P.E.
Branch Manager
Florida License No. 63911



Sharmila Pant

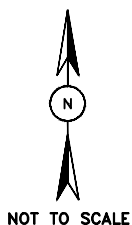
Sharmila Pant
Assistant Project Engineer

Cc: Mr. John D. Federico, EIT, EDC, Inc.



HANSON GRANT
TOWNSHIP 38 SOUTH
RANGE 41 EAST

OBTAINED FROM U.S.G.S. QUAD MAPS: ST. LUCIE INLET, FLORIDA 1948
(PHOTOREVISED 1970)



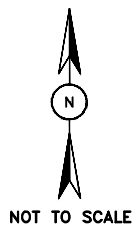
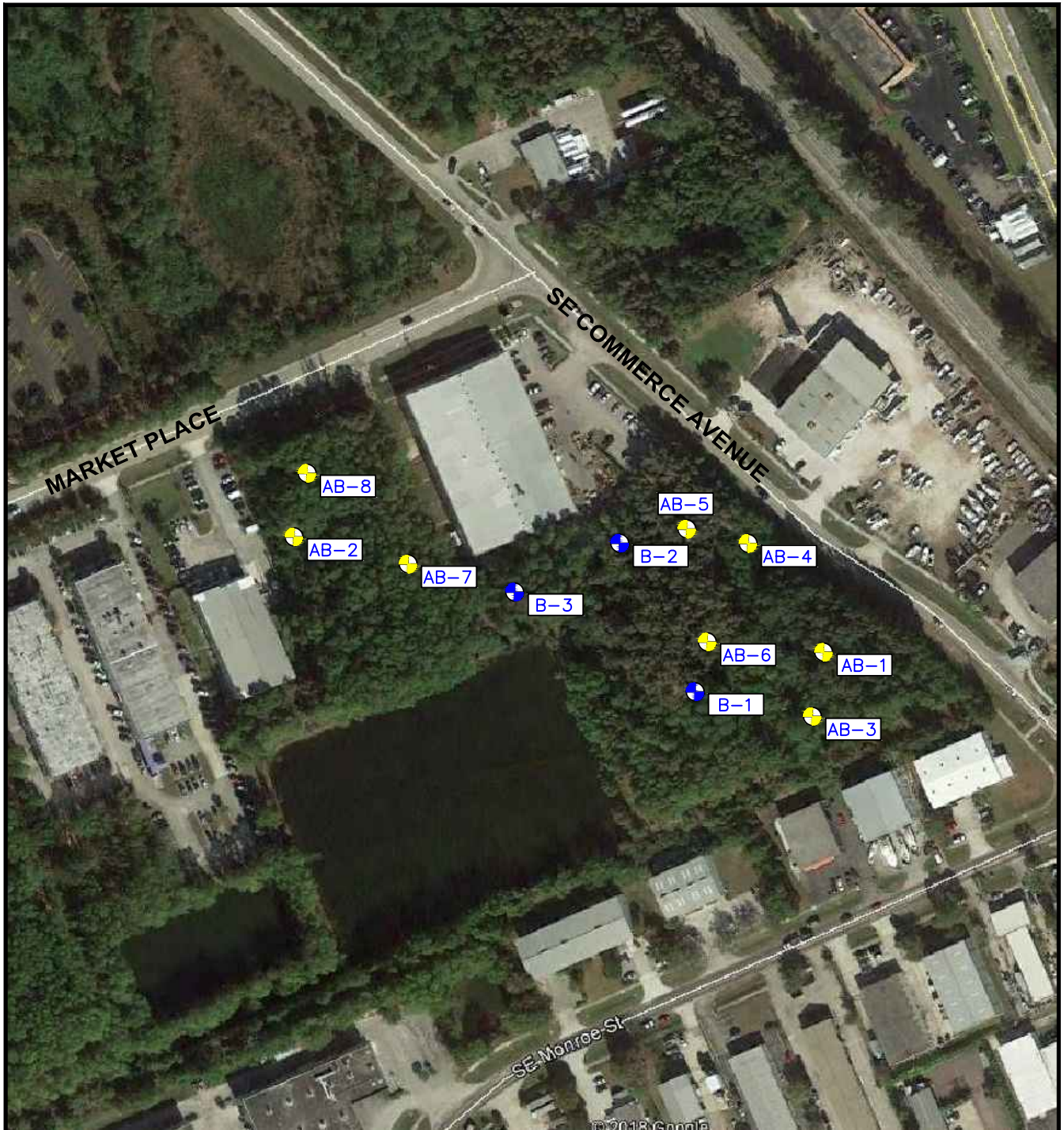
QUADRANGLE LOCATION

SITE LOCATION MAP

Ardaman & Associates, Inc.
Geotechnical, Environmental and
Materials Consultants

Subsurface Soil Exploration
Waterblasting Facility Expansion
SE Commerce Avenue
Stuart, Florida

DRAWN BY: SP	CHECKED BY:	DATE: 02/14/18
FILE NO. 18-5404	APPROVED BY:	FIGURE: 1



- AB AUGER BORING LOCATION
- B STANDARD PENETRATION TEST (SPT) BORING LOCATION

SOIL BORING LOCATIONS

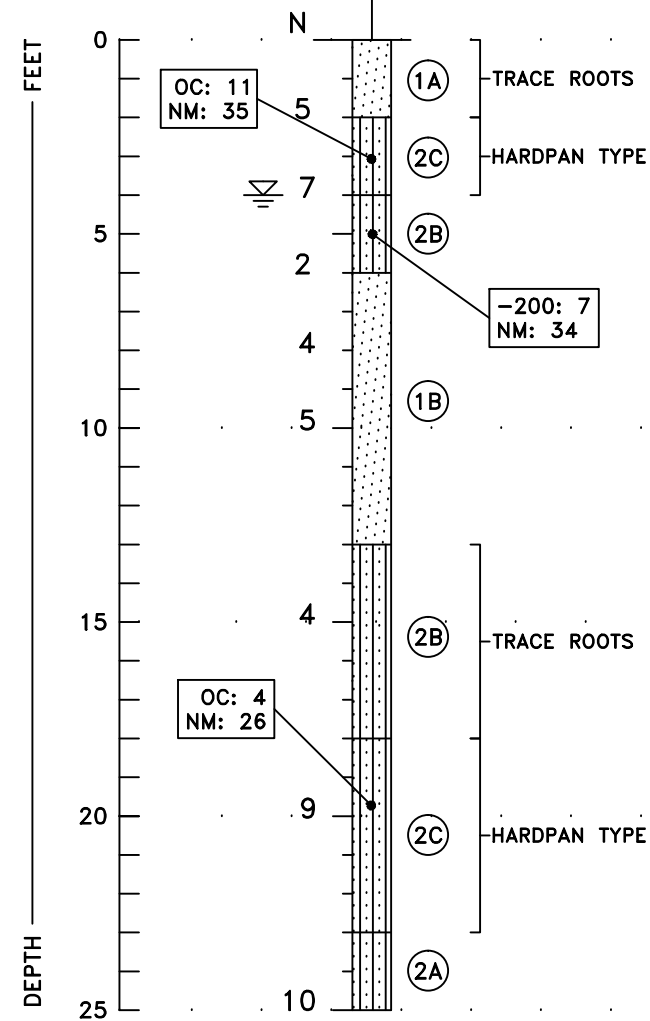
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Stuart, Florida

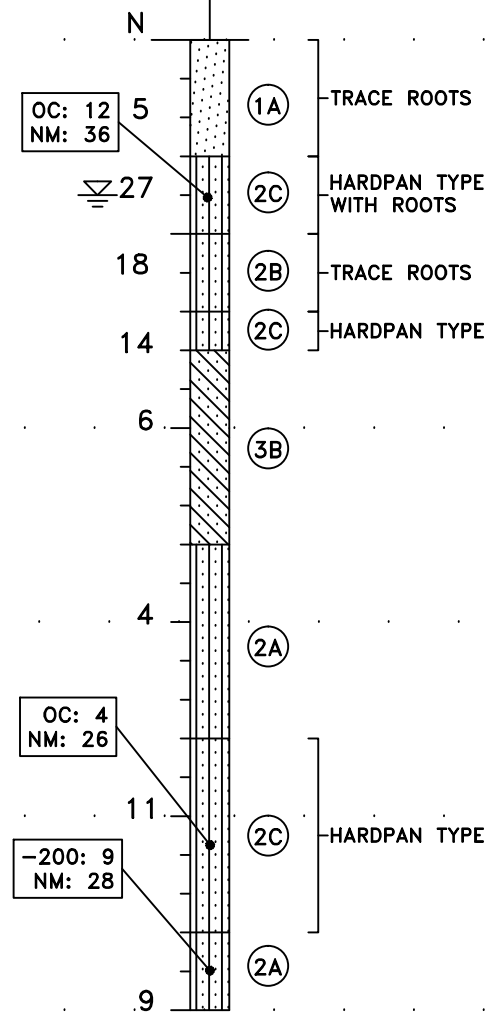
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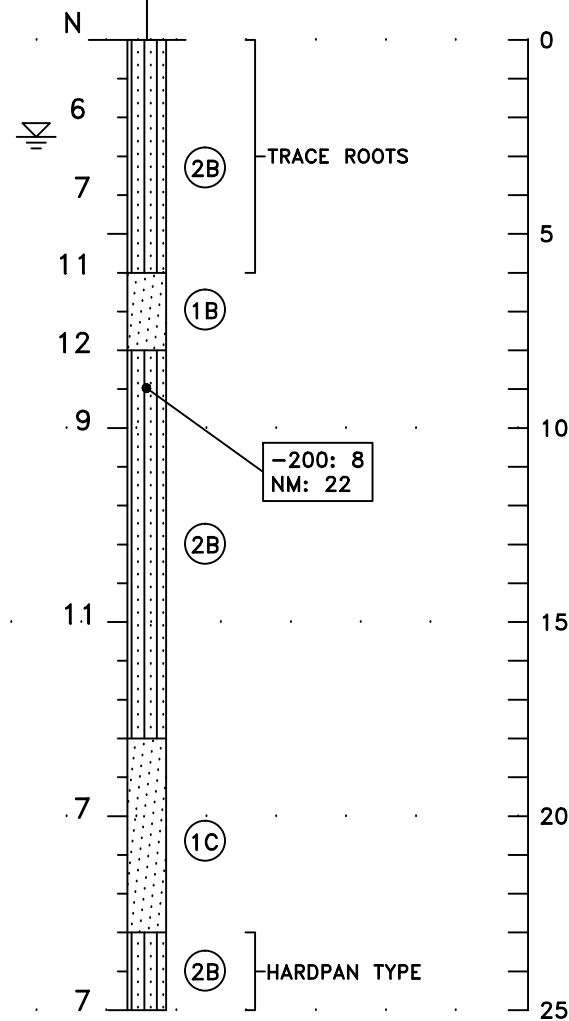
B-1
02/06/18



B-2
02/06/18



B-3
02/06/18



LEGEND

SOIL DESCRIPTIONS

- (1) FINE SAND (SP)
- (2) FINE SAND WITH SILT (SP-SM)
- (3) FINE SAND WITH CLAY (SP-SC)
- (4) MUCK/PEAT (PT)
- ORGANIC TOPSOIL

COLORS

- (A) LIGHT GRAY TO GRAY
- (B) LIGHT BROWN TO BROWN
- (C) DARK BROWN

- 200 PERCENT PASSING NO. 200 SIEVE SIZE (PERCENT FINES) (ASTM D-1140)
- OC ORGANIC CONTENT IN PERCENT (ASTM D-2974)
- NM NATURAL MOISTURE
- GROUNDWATER LEVEL MEASURED ON DATE DRILLED
- SP,SP-SM UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D-2487)
- SM,SC,CH

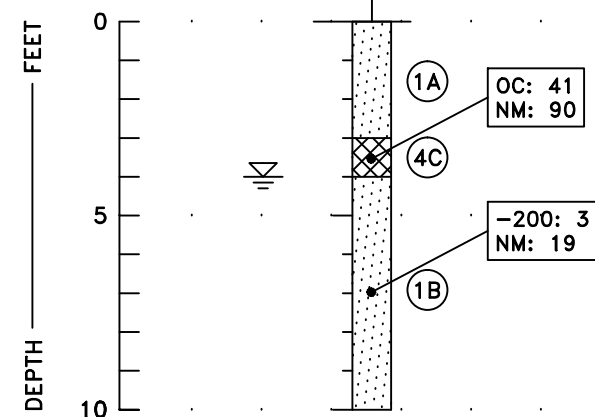
NOTE:

WHILE THE BORINGS ARE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT THEIR RESPECTIVE LOCATIONS AND FOR THEIR RESPECTIVE VERTICAL REACHES, LOCAL VARIATIONS CHARACTERISTIC OF THE SUBSURFACE MATERIALS OF THE REGION ARE ANTICIPATED AND MAY BE ENCOUNTERED. THE BORING LOGS AND RELATED INFORMATION ARE BASED ON THE DRILLER'S LOGS AND VISUAL EXAMINATION OF SELECTED SAMPLES IN THE LABORATORY. THE DELINEATION BETWEEN SOIL TYPES SHOWN ON THE LOGS IS APPROXIMATE AND THE DESCRIPTION REPRESENTS OUR INTERPRETATION OF SUBSURFACE CONDITIONS AT THE DESIGNATED BORING LOCATIONS ON THE PARTICULAR DATE DRILLED.

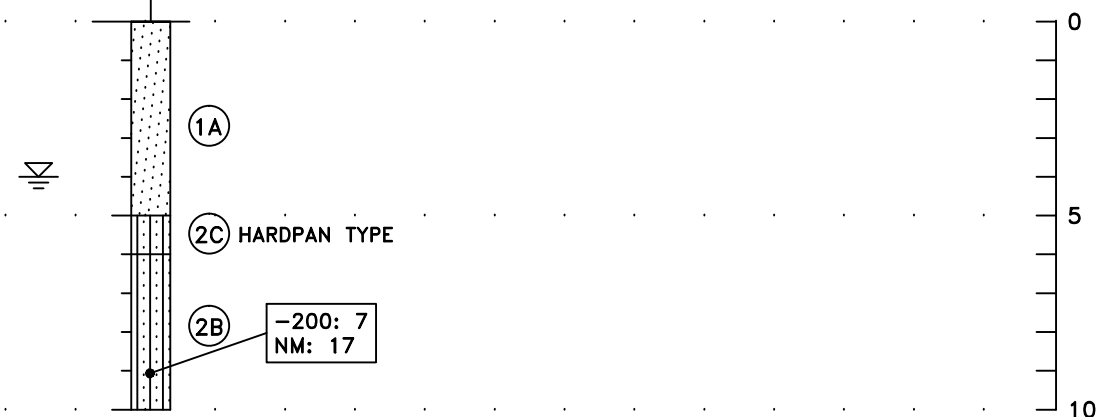
GROUNDWATER ELEVATIONS SHOWN ON THE BORING LOGS REPRESENT GROUNDWATER SURFACES ENCOUNTERED ON THE DATES SHOWN. FLUCTUATIONS IN WATER TABLE LEVELS SHOULD BE ANTICIPATED THROUGHOUT THE YEAR.

BORING:
DATE DRILLED:

AB-1
02/06/18



AB-2
02/06/18



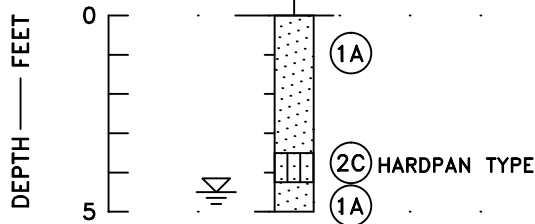
SOIL BORING PROFILES

Ardaman & Associates, Inc.
Geotechnical, Environmental and
Materials Consultants

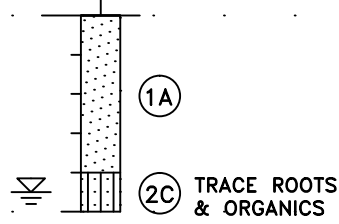
Subsurface Soil Exploration
Waterblasting Facility Expansion
SE Commerce Avenue
Stuart, Florida

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FILE NO. 18-5404 APPROVED BY: FIGURE: 3

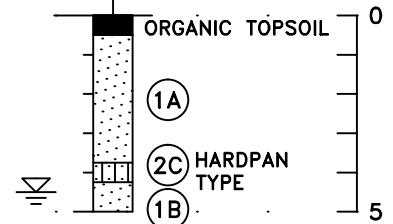
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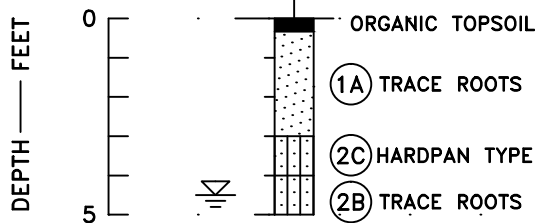
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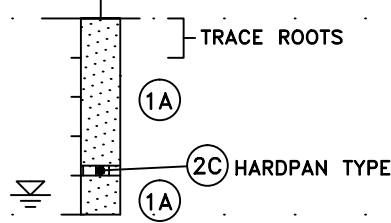
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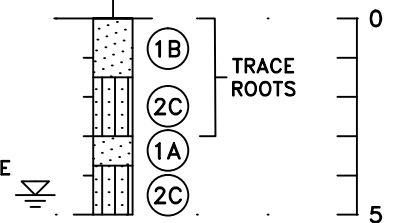
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BORING: AB-7
DATE DRILLED: 01/31/18



BORING: AB-8
DATE DRILLED: 01/31/18



LEGEND

SOIL DESCRIPTIONS

- ① FINE SAND (SP)
- ② FINE SAND WITH SILT (SP-SM)
- ③ FINE SAND WITH CLAY (SP-SC)
- ④ MUCK/PEAT (PT)
- ORGANIC TOPSOIL

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NM NATURAL MOISTURE

≡ GROUNDWATER LEVEL MEASURED ON DATE DRILLED

SP,SP-SM UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D-2487)
SM,SC,CH

NOTE:

WHILE THE BORINGS ARE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT THEIR RESPECTIVE LOCATIONS AND FOR THEIR RESPECTIVE VERTICAL REACHES, LOCAL VARIATIONS CHARACTERISTIC OF THE SUBSURFACE MATERIALS OF THE REGION ARE ANTICIPATED AND MAY BE ENCOUNTERED. THE BORING LOGS AND RELATED INFORMATION ARE BASED ON THE DRILLER'S LOGS AND VISUAL EXAMINATION OF SELECTED SAMPLES IN THE LABORATORY. THE DELINEATION BETWEEN SOIL TYPES SHOWN ON THE LOGS IS APPROXIMATE AND THE DESCRIPTION REPRESENTS OUR INTERPRETATION OF SUBSURFACE CONDITIONS AT THE DESIGNATED BORING LOCATIONS ON THE PARTICULAR DATE DRILLED.

GROUNDWATER ELEVATIONS SHOWN ON THE BORING LOGS REPRESENT GROUNDWATER SURFACES ENCOUNTERED ON THE DATES SHOWN. FLUCTUATIONS IN WATER TABLE LEVELS SHOULD BE ANTICIPATED THROUGHOUT THE YEAR.

SOIL BORING LOCATIONS

Ardaman & Associates, Inc.
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Subsurface Soil Exploration
Waterblasting Facility Expansion
SE Commerce Avenue
Stuart, Florida

DRAWN BY: SP	CHECKED BY:	DATE: 02/14/18
FILE NO. 18-5404	APPROVED BY:	FIGURE: 4

APPENDIX

Drilling Procedures

STANDARD PENETRATION TEST

The standard penetration test is a widely accepted test method of *in situ* testing of foundation soils (ASTM D 1586). A 2-foot long, 2-inch O.D. split-barrel sampler attached to the end of a string of drilling rods is driven 18 inches into the ground by successive blows of a 140-pound hammer freely dropping 30 inches. The number of blows needed for each 6 inches of penetration is recorded. The sum of the blows required for penetration of the second and third 6-inch increments of penetration constitutes the test result or N-value. After the test, the sampler is extracted from the ground and opened to allow visual examination and classification of the retained soil sample. The N-value has been empirically correlated with various soil properties allowing a conservative estimate of the behavior of soils under load.

The tests are usually performed at 5-foot intervals. The test holes are advanced to the test elevations by rotary drilling with a cutting bit, using circulating fluid to remove the cuttings and hold the fine grains in suspension. The circulating fluid, which is a bentonitic drilling mud, is also used to keep the hole open below the water table by maintaining an excess hydrostatic pressure inside the hole. In some soil deposits, particularly highly pervious ones, NX-size flush-coupled casing must be driven to just above the testing depth to keep the hole open and/or prevent the loss of circulating fluid.

Representative split-spoon samples from the soils are brought to our laboratory in air-tight jars for further evaluation and testing, if necessary. Samples not used in testing are stored for 30 days prior to being discarded.

AUGER BORINGS

Auger borings are used when continuous sampling of soil strata close to ground surface is desired. A 4-inch diameter, continuous flite, helical auger with a cutting head at its end is screwed into the ground in 5-foot sections. It is powered by the rotating action of the Kelly bar of a rotary drill rig. The sample is recovered by withdrawing the auger out of the ground without rotating it. The soil sample so obtained, is classified and representative samples put in bags or jars and brought back to the laboratory for classification testing.

HAND AUGER BORING

Hand auger borings are used, if soil conditions are favorable, when the soil strata are to be determined within a shallow (approximately 5 foot) depth, or when access is not available for our truck-mounted drilling equipment. A 3-inch diameter hand bucket auger with a cutting head is simultaneously turned and pressed into the ground. The bucket auger is retrieved at approximately 6-inch increments and its content emptied for inspection. Sometimes post-hole diggers are used, especially in the upper 3 feet or so. The soil samples obtained are described and representative samples put in jars or bags and transported to the laboratory for further classification and testing, if necessary.



Staff Report

A. Application

Project

Applicant	James P. Crocker
Property Owner	The Crocker Group LLC
Agent for Applicant	EDC. Inc. Engineers, Surveyors & Environmental Consultants
Project Manager	Deanna Foriere
Date of Report	July 25, 2022

B. Project Description

The intent of this application to request approval for a proposed expansion of Hog Technologies (Waterblasting) operation located on Commerce Ave/Market Street. The site currently consists of a 35,250 sq.ft. one-story warehouse building and a 61,644 sq.ft. two-story building with associated site improvements. All approved within the original IPUD; Ordinance# 2368-2018.

The petitioner is proposing an additional 28,936 sq.ft. (one-story) warehouse expansion to the site. The application is therefore a major amendment to Ordinance# 2368-2018.

Address	3920 SE Commerce Avenue
Parcel Number(s)	38-38-41-002-209-00001-8
Existing Zoning	IPUD
Future Land Use	Industrial
Site Area (acres)	11.85 acres
Present Use	Warehouse/Office/Manufacturing
Proposed Land Use Designation	No Change
Proposed Zoning District	IPUD
Proposed Use	Warehouse/Office/Manufacturing

C. Location and site information

Aerial Map



The site is located at the South-Western corner of the intersection of Commerce Ave and Market Street.

Existing Zoning



Industrial Planned Unit Development (Ord#2368-2018)

Existing Future Land Use



Industrial Future Land Use

D. Determination of compliance with Comp Plan

The proposal complies with the following Objectives and Policies of the City of Stuart Comprehensive Plan:

Future Land Use

Policy 1.A7.1.E.

Industrial: Land uses, and activities predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted uses in such areas include warehousing, wholesale activity, machine repair, and limited indoor retail sales and professional and other offices. Also, public facilities and electric distribution substations are allowed.

Relevant Comprehensive Plan Policies:

ELEMENT 11: ECONOMIC DEVELOPMENT

GOAL STATEMENT - A

The City will develop and maintain an economic environment that will encourage the creation, expansion and retention of business within city limits while maintaining a high quality of life for its residents.

Policy 11.A1.4. The City will encourage the designation and preservation of industrial land for industrial uses.

Policy 11.A2.1. The City will encourage the expansion of existing business and industry and/or development of new business and industry in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure.

E. Review Comments

DOCUMENTS AND PLANS REVIEWED

- a. Site Plan: By EDC, ref 21-487 dated March 3, 2022 (2 sheets).
- b. Landscape Plan: By Conceptual Design Group, ref 17-0802 dated May 23, 2022 (6 sheets).
- c. Architectural Renderings: Ahern Associates Architects, ref 22-2329, dated March 4, 2022 (2 sheets).
- d. Conceptual Engineering Plans: By EDC, ref 21-487, dated March 3, 2022, (2 sheets).

- e. Traffic Statement: By EDC, dated April 7, 2022.
- f. Boundary and Topographic Survey: By EDC 21-487, dated February 7, 2022.
- g. Drainage Report - attached to SFWMD ERP Permit. By EDC.

Items for review by the Local Planning Agency

- a. The existing land use pattern; **The adjacent uses are primarily commercial and consist of warehouse and small manufacturing uses.**
- b. The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications; **The land use is already approved and forms part of a wider Commercial/Industrial area.**
- 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; **Not applicable**
- d. The possible overloading of the city's sewage collection, treatment and disposal facilities; **Adequate facilities exist.**
- e. The possible overloading of the city's drainage system; **The stormwater system is designed to city and SFWMD standards.**
- f. The existing classification boundaries in relation to existing conditions on the subject property; **Expands an appropriate existing use.**
- g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate; **The proposal will allow the expansion of an existing business and allow job retention/expansion.**
- h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood; **The site is located within a primarily commercial/industrial area and should not affect living conditions.**
- i. The impact of the amendment upon the flow of light and air to adjacent areas; **Limited impacts.**
- j. The impact of the proposed amendment upon property values in the adjacent area; **Unlikely to have adverse effect upon property values.**
- k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; **No impact upon the development rights or development opportunities available to adjacent properties.**
- l. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use. **The proposed expansion of an existing business operation implements an efficient use of land and resources.**

SITE DESIGN:

The proposed building is intended for warehouse use, associated with an existing manufacturing/assembly operation. The use is therefore compatible to the existing buildings and uses adjacent to the site. The proposed building is an expansion of existing activities on site and is located within an appropriate industrial future land use.

TRAFFIC:

The applicant has provided a traffic statement.

FIRE:

Conceptually Approved: Fire flow is required at construction plan submittal as per NFPA 1, table 18.4.5.2.1 for 125,830 sq.ft.

POLICE:

Approved: No Comments

PUBLIC WORKS:

Approved subject to the following:

The review does not approve construction. Further review is required.

Separate dumpster enclosure construction permit is required.

All construction pertinent to this Department shall be installed, inspected, and tested in accordance with the City of Stuart Minimum Design and Construction Standards latest edition, and the City of Stuart Specifications and Ordinances where applicable. In case of discrepancies between the construction plans and afore mentioned manuals, the most restrictive shall apply.

BUILDING:

All plans to be reviewed by this Department shall be routed through the Permit Technician in the Development Department. Approval by this department shall not be construed to be a license to proceed with work and shall not be construed as authority to violate, cancel, alter, or set aside any provisions of the City Code. Approval shall not prevent this department from thereafter requiring a correction of errors in plans, construction, or violation of City Code.

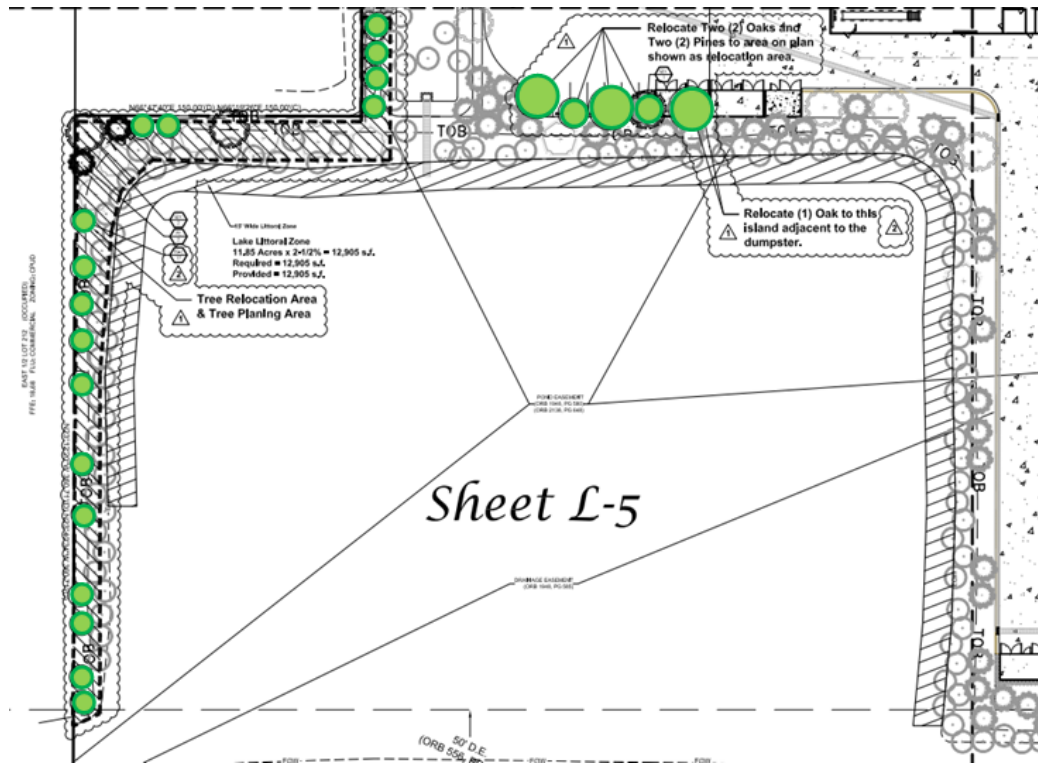
Code compliance rests with the design engineer

PARKING:

Parking provision exceeds code requirement.

LANDSCAPING:

Three Oak trees are to be relocated together with the placement of seventeen trees within the littoral zone of the existing stormwater treatment pond. The additional landscaping is added in order to compensate for the loss of open space due to the removal of parking bay landscaped islands.



KF

Key Freeman | Development

City of Stuart | 121 SW Flagler Ave. Stuart Fl. 34994
772-288-5328



City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

Received by: 

Reviewed by: 

Planned Unit Development (PUD) Amendment Application

Project ID# 22030002
(Staff Entry)

Pre-App Conference Date:

Application Date:

RECEIVED
MAR 14 2022

SITE INFORMATION

Project Name: Waterblasting	Parcel ID#: 38-38-41-002-209-00001-8
Site Address: 3920 SE Commerce Avenue	Received By: <u>DEVELOPMENT</u>
Subdivision: Port Sewall	Lot(s): Basic Information Improvement Detail Sales History Value History PRINT PROPERTY CARD PIN 38-38-41-002-209-00001-8 AIN 35188 Situs Address
Site Acreage: 11.75	Flood Zone/Base Flood Elevation: x
Existing Zoning District / CRA Subdistrict (if applicable): CPUD	
Proposed Zoning District / CRA Subdistrict (if applicable): N/A	
Current Comprehensive Plan Future Land Use Designation: Commercial	
Proposed Comprehensive Plan Future Land Use Designation: N/A	
Existing Land Use: Office / Manufacturing	Proposed Land Use: Office / Manufacturing
Proposed Square Footage (if applicable): 35,234 SF addition (Total SF: 132,128 sf)	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: The Crocker Group, LLC	Phone Number / Email Address: 772-233-7393 / james@waterblasting.com
Property Owner's Mailing Address: 3920 SE Commerce Avenue, Stuart, FL 34997	
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address: Same	
Agent/Contact Person: Engineering Design & Construction, Inc. / Brad Currie	Phone Number / Email Address: 772-462-2455 / bradcurrie@edc-inc.com
Agent's Mailing Address: 10250 SW Village Parkway, Suite 201, Port St. Lucie, FL 34987	
Architect:	Engineer: Engineering Design & Construction, Inc.
Planner: Engineering Design & Construction, Inc.	Landscape Architect: Conceptual Design Group, Inc.

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared James Crocker

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a PUD Amendment in the City of Stuart, FL.
3. That he/she has appointed Bradley J. Currie / Engineering Design & Const., Inc. to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: The Crocker Group, LLC

Signature of Owner:

3920 SE Commerce Avenue

Street Address

P.O. Box

772-223-7393

Telephone Number

james@waterblasting.com

Email Address:

James P. Crocker / MGRM

By: Name/Title

Stuart, FL 34997

City, State, Zip Code

City, State, Zip Code

Fax Number

STATE OF FLORIDA, COUNTY OF Martin

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

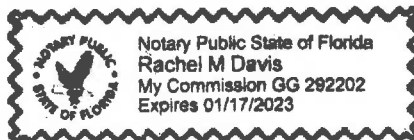
11 day of March, 2022 By James Crocker

Personally Known OR Produced Identification

Type of Identification Produced:

Rachel M. Davis
Notary Public

My Commission expires:



Financial Responsibility Form

(Please Print or Type)

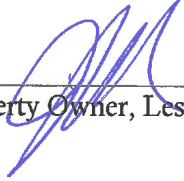
The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will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

Name: James P. Crocker
Title: MGRM
Company: The Crocker Group, LLC
Company Address: 3920 SE Commerce Avenue, Stuart, FL 34997

City/State/Zip Code: Stuart, FL 34997
Telephone Number: 772-223-7393
Facsimile Number:
Email Address (optional): james@waterblasting.com

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

1. Signed this 11 day of March, 2022.



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

Application Requirements

Fees:

- ☒ Major PUD Amendment - \$3,195.00; or
- ☐ Minor PUD Amendment: \$2,130.00; or
- ☐ PUD Agreement Amendment (text change only): \$1,065.00

(This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)

A Major Planned Unit Development Amendment is one which shall include any one of the following;

- A change of two (2) percent or more in the area of any land use designations shown on the site plan;
- Any change in the list of proposed uses;
- An increase in residential density of five (5) percent or more;
- An increase in nonresidential Building square footage of ten (10) percent or more;
- A change in the boundary of the PUD district;
- A change in the site plan or approval regarding any area(s) set aside and designated for future development;
- Any other change determined by the City Development Director to have a potentially significant impact on City services or the surrounding neighborhood;
- An amendment of greater than twelve (12) months 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 timetable extension greater than twelve (12) months will require a full concurrency review.

(A Minor Planned Unit Development Amendment is any amendment that is not a Major Amendment.)

Submittal Requirements: A completed application form, the payment of fees, a site plan, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and any other information as may be required by the City Development Director in order to do a thorough review of the request. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan if a site plan has not previously been approved. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) *(The data requirements for a site plan and a concept plan are available at the Development Department)*

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

Justification: Written justification supporting the application and demonstrating how the application remains:

- (a) consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses; and
- (b) complies with the relevant development standards of the City of Stuart Land Development Code.

(over)

**LETTER OF JUSTIFICATION
HOG TECHNOLOGIES
PUD Amendment
March 14, 2022**

REQUEST

On behalf of the Petitioner, Engineering, Design, & Construction, Inc. (EDC) is requesting approval for a Major PUD Amendment for a proposed expansion of Hog Technologies located in Stuart, Florida. The site currently consists of a 35,250-sf one-story warehouse building and a 61,644-sf two-story building with associated site improvements. The petitioner is proposing a 28,936 sf (one-story) warehouse expansion to the site. The subject parcel is located at 3920 SE Commerce Avenue in Stuart Florida. The Parcel ID Number is 38-38-41-002-209-00001-8.

SITE CHARACTERISTICS & PROJECT HISTORY

The subject property is located at 3920 SE Commerce Avenue in Stuart, Florida. The property address and parcel information is outlined in the below table:

Parcel ID	Address	Acreage	Current FLU	Current Zoning
38-38-41-002-209-00001-8	3920 SE Commerce Ave	11.75	COM	IPUD

The subject parcel is approximately 11.75 acres and consists of approximately 96,894 sf of office / manufacturing / warehouse buildings with associated site improvements. The applicant would like to expand the existing facility to include a 35,234-sf, one-story warehouse building addition with associated site improvements.

The applicant's name and address

***Crocker Group, LLC
James P. Crocker
3920 SE Commerce Avenue
Stuart, FL 34997***

To the north of the subject parcel lies the Right-of-Way of SE Market Place followed by Walmart at Port Sewall. This parcel has a Future Land Use designation of Commercial (COM) and an underlying Zoning designation of Commercial PUD (CPUD)

South of the subject parcel are developed parcels. These parcels have a Future Land Use designation of Commercial (COM) and an underlying Zoning designation of Commercial PUD (CPUD).

To the east of the subject parcel lies the Right-of-Way of SE Commerce Avenue followed by developed parcels which are located in the jurisdiction of Martin County. These parcels have a Future Land Use designation of Industrial and an underlying Zoning designation of Industrial (M-2).

To the west of the subject are developed parcels. These parcels have a Future Land Use designation of Commercial (COM) and an underlying Zoning designation of Commercial PUD (CPUD)

The applicant is submitting this application to obtain general feedback as to the approval process, fees, and any comments the City Staff has regarding the project.

Based on the above and attached information, the applicant respectfully requests approval for a Major PUD Amendment.

Z:\EDC-2021\21-487 - Crocker - Market Street\ENGINEERING\Documents\Submittal Documents\Justification Statement\2021-10-25_Hog_Technologies_Pre-App_Rqst_Justification_21-487.docx



Staff Report

A. Application

Project

Applicant	James P. Crocker
Property Owner	The Crocker Group LLC
Agent for Applicant	EDC. Inc. Engineers, Surveyors & Environmental Consultants
Project Manager	Deanna Foriere
Date of Report	August 11, 2022

B. Project Description

The intent of this application to request approval for a proposed expansion of Hog Technologies (Waterblasting) operation located on Commerce Ave/Market Street. The site currently consists of a 35,250 sq.ft. one-story warehouse building and a 61,644 sq.ft. two-story building with associated site improvements. All approved within the original IPUD; Ordinance# 2368-2018.

The petitioner is proposing an additional 28,936 sq.ft. (one-story) warehouse expansion to the site. The application is therefore a major amendment to Ordinance# 2368-2018.

Address	3920 SE Commerce Avenue
Parcel Number(s)	38-38-41-002-209-00001-8
Existing Zoning	IPUD
Future Land Use	Industrial
Site Area (acres)	11.85 acres
Present Use	Warehouse/Office/Manufacturing
Proposed Land Use Designation	No Change
Proposed Zoning District	IPUD
Proposed Use	Warehouse/Office/Manufacturing

C. Location and site information

Aerial Map



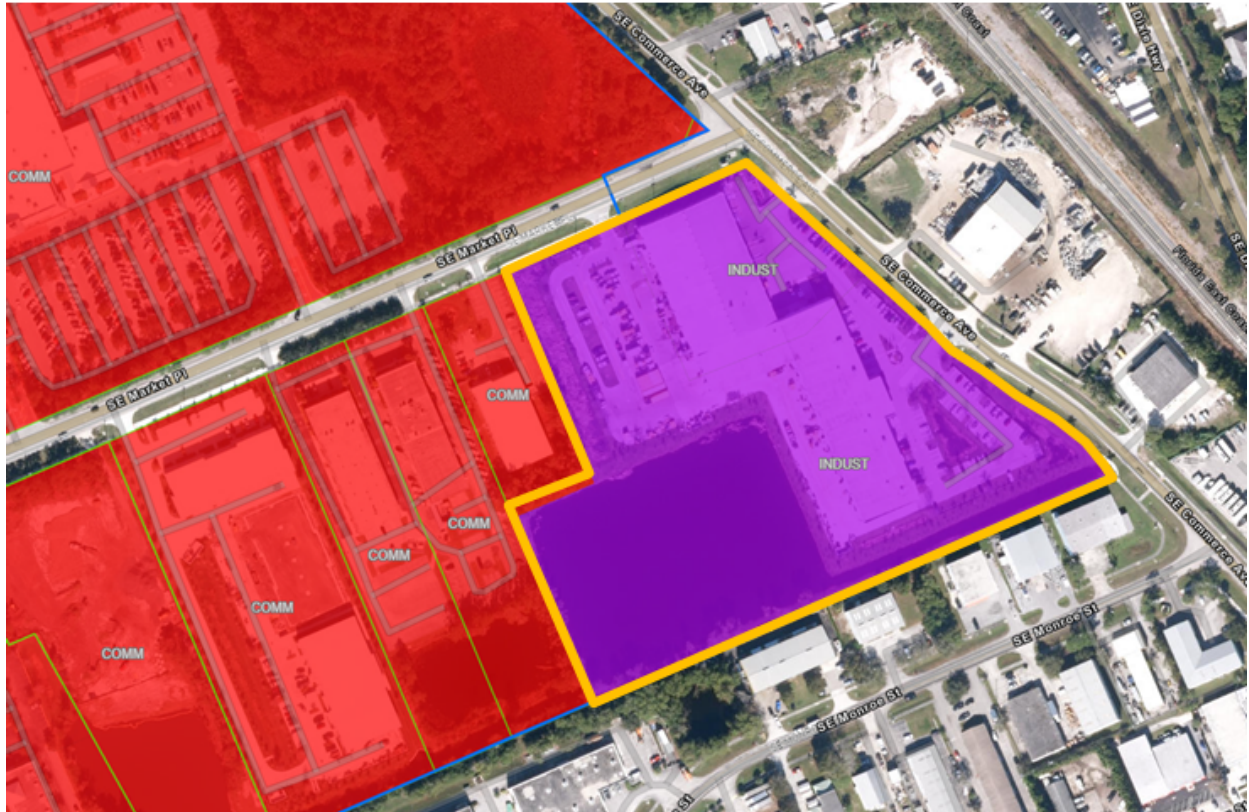
The site is located at the South-Western corner of the intersection of Commerce Ave and Market Street.

Existing Zoning



Industrial Planned Unit Development (Ord#2368-2018)

Existing Future Land Use



Industrial Future Land Use

D. Determination of compliance with Comp Plan

The proposal complies with the following Objectives and Policies of the City of Stuart Comprehensive Plan:

Future Land Use

Policy 1.A7.1.E.

Industrial: Land uses, and activities predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted uses in such areas include warehousing, wholesale activity, machine repair, and limited indoor retail sales and professional and other offices. Also, public facilities and electric distribution substations are allowed.

Relevant Comprehensive Plan Policies:

ELEMENT 11: ECONOMIC DEVELOPMENT

GOAL STATEMENT - A

The City will develop and maintain an economic environment that will encourage the creation, expansion and retention of business within city limits while maintaining a high quality of life for its residents.

Policy 11.A1.4. The City will encourage the designation and preservation of industrial land for industrial uses.

Policy 11.A2.1. The City will encourage the expansion of existing business and industry and/or development of new business and industry in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure.

E. Review Comments

DOCUMENTS AND PLANS REVIEWED

- a. Site Plan: By EDC, ref 21-487 dated March 3, 2022 (2 sheets) - Amended.
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Items for review by the Local Planning Agency

- a. The existing land use pattern; **The adjacent uses are primarily commercial and consist of warehouse and small manufacturing uses.**
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- 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; **Not applicable**
- d. The possible overloading of the city's sewage collection, treatment and disposal facilities; **Adequate facilities exist.**
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- j. The impact of the proposed amendment upon property values in the adjacent area; **Unlikely to have adverse effect upon property values.**
- k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; **No impact upon the development rights or development opportunities available to adjacent properties.**
- l. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use. **The proposed expansion of an existing business operation implements an efficient use of land and resources.**

The Local Planning agency recommended approval at its August 4, 2022.

Subsequent to the first hearing by City Commission the proposed site plan has been amended to incorporate pervious pavement.

SITE DESIGN:

The proposed building is intended for warehouse use, associated with an existing manufacturing/assembly operation. The use is therefore compatible to the existing buildings and uses adjacent to the site. The proposed building is an expansion of existing activities on site and is located within an appropriate industrial future land use.

TRAFFIC:

The applicant has provided a traffic statement.

FIRE:

Conceptually Approved: Fire flow is required at construction plan submittal as per NFPA 1, table 18.4.5.2.1 for 125,830 sq.ft.

POLICE:

Approved: No Comments

PUBLIC WORKS:

Approved subject to the following:

The review does not approve construction. Further review is required.

Separate dumpster enclosure construction permit is required.

All construction pertinent to this Department shall be installed, inspected, and tested in accordance with the City of Stuart Minimum Design and Construction Standards latest edition, and the City of Stuart Specifications and Ordinances where applicable. In case of discrepancies between the construction plans and afore mentioned manuals, the most restrictive shall apply.

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Code compliance rests with the design engineer

NOTICE OF PUBLIC HEARING
AMENDMENT TO PLANNED UNIT DEVELOPMENT
ORD. 2497-2022
REQUEST FOR MAJOR AMENDMENT TO THE
WATERBLASTING TECHNOLOGIES PLANNED UNIT
DEVELOPMENT TO ALLOW FOR A 28,936 SF NEW
BUILDING ADDITION
STUART LPA - August 4, 2022 - 5:30P.M.
STUART CITY COMMISSION - August 8, 2022 - 4:00P.M.
STUART CITY HALL, 121 SW FLAGLER AVE. 772-286-5326 8:30AM-4:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

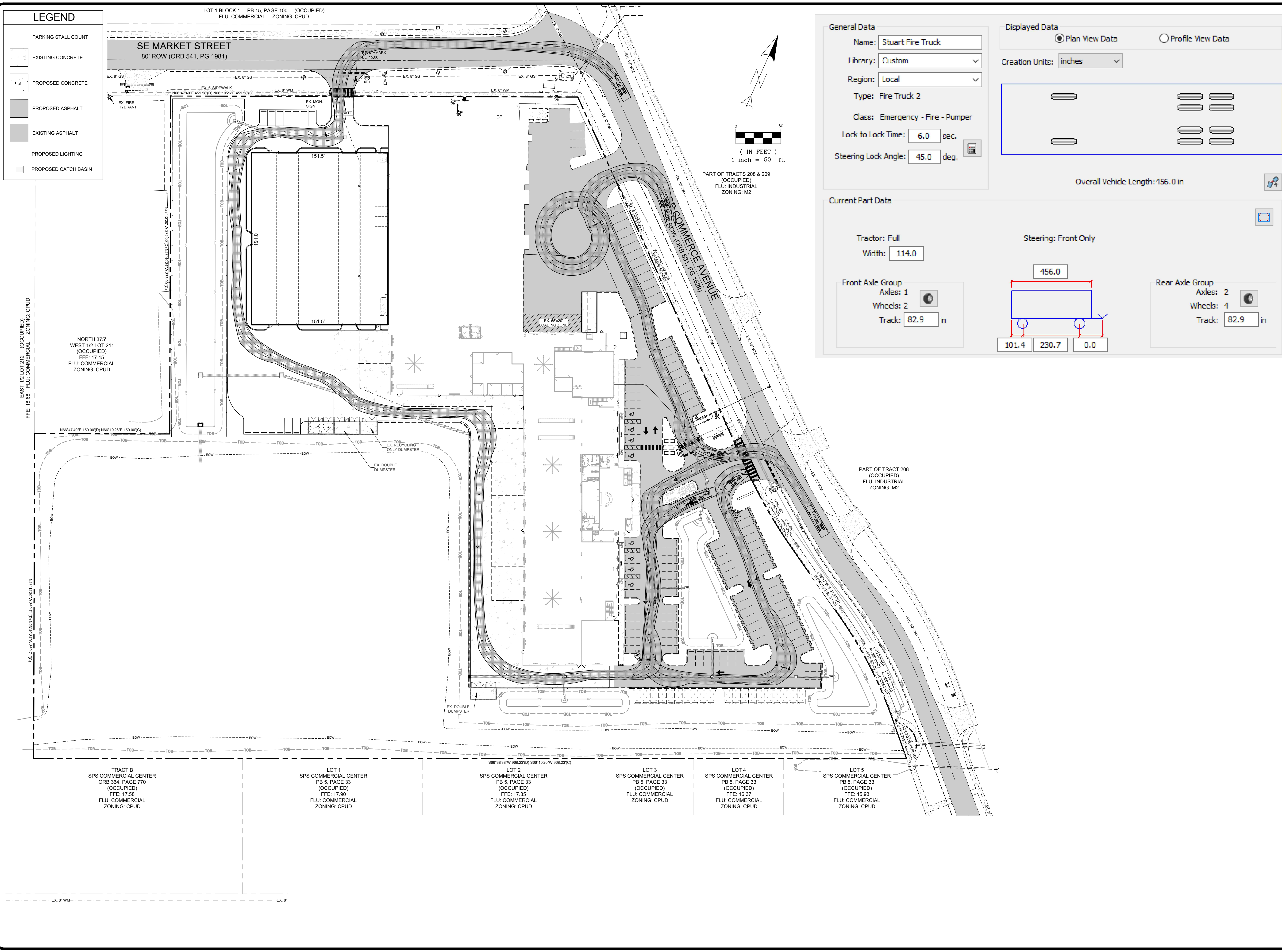


NOTICE OF PUBLIC HEARING
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DEVELOPMENT TO ALLOW FOR A 28,936 SF NEW
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STUART LPA - August 4, 2022 - 5:30PM
STUART CITY COMMISSION - August 8, 2022 - 4:00PM
STUART CITY HALL 331 SW FLAGLER AVE. FT. STUEBEL BLDG. 8:30AM-4:00PM
VISIT WWW.CITYOFSTUARTFL.COM FOR MORE INFORMATION

NOTICE OF PUBLIC HEARING
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THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE. IT IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY EDC, INC. SHALL BE WITHOUT LIABILITY TO EDC, INC.



ENGINEERS & SURVEYORS

PORT SAINT LUCIE OFFICE
10250 SW VILLAGE PARKWAY - SUITE 201
PORT SAINT LUCIE, FL 34987
772-462-2455
www.edc-inc.com

F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

DESIGNED BY	JDF	DATE	26APRIL2022
DRAWN BY	JDF & JIL	SCALE	AS SHOWN
FILE NAME	21-487 - Market 2.dwg	LAYOUT	AS SHOWN
FIRE	21-487 - Market 2.dwg	DATE	26APRIL2022

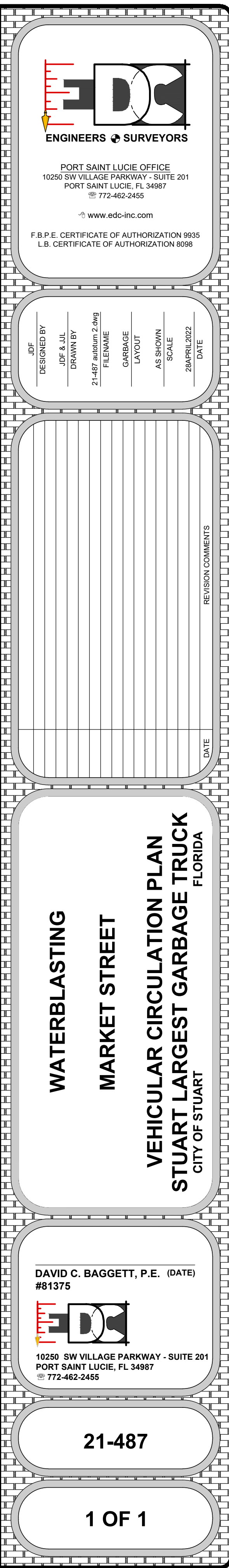
WATERBLASTING
MARKET STREET
VEHICULAR CIRCULATION PLAN
FIRE TRUCK
CITY OF STUART
FLORIDA

DAVID C. BAGGETT, P.E. (DATE)
#81375

10250 SW VILLAGE PARKWAY - SUITE 201
PORT SAINT LUCIE, FL 34987
772-462-2455

21-487

1 OF 1



City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388

AFFIDAVIT ATTESTING TO NOTIFICATION

The Crocker Group, LLC being first duly sworn, depose(s) and say(s):

That I am the owner(s) or petitioner(s) of the following described property which constitutes the location for which notification is required:

Parcel ID Numbers: 38-38-41-002-209-00001-8 Located on the southwest corner of Market Street and Commerce Avenue.

That a copy of the notice was sent by regular U.S. Mail on July 18, 2022 to the property owners within 300 feet of the subject property.

That a list of the property owners and their addresses is on file with the City of Stuart; and

That a photograph showing the placement of the notification sign is made a part of this Affidavit.

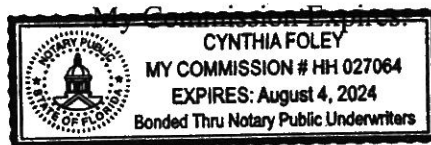


SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SWORN TO AND SUBSCRIBED before me this 19th day of July, 2022



NOTARY PUBLIC, STATE OF FLORIDA:



NOTICE OF PUBLIC HEARING
AMENDMENT TO PLANNED UNIT DEVELOPMENT
ONE 2400 0002
REQUEST FOR MAJOR AMENDMENT TO THE
WATERBLASTING TECHNOLOGIES PLANNED UNIT
DEVELOPMENT TO ALLOW FOR A 28,934 SF NEW
BUILDING ADDITION
STUART LPA - August 6, 2022 - 7:00P.M.
STUART CITY COMMISSION - August 6, 2022 - 4:00P.M.
STUART CITY HALL 501 W. PALMER AVE., 77000-0001, STUART, FLORIDA
FOR MORE INFORMATION VISIT WWW.CITYOFSTUARTFL.COM

CITY COMMISSION

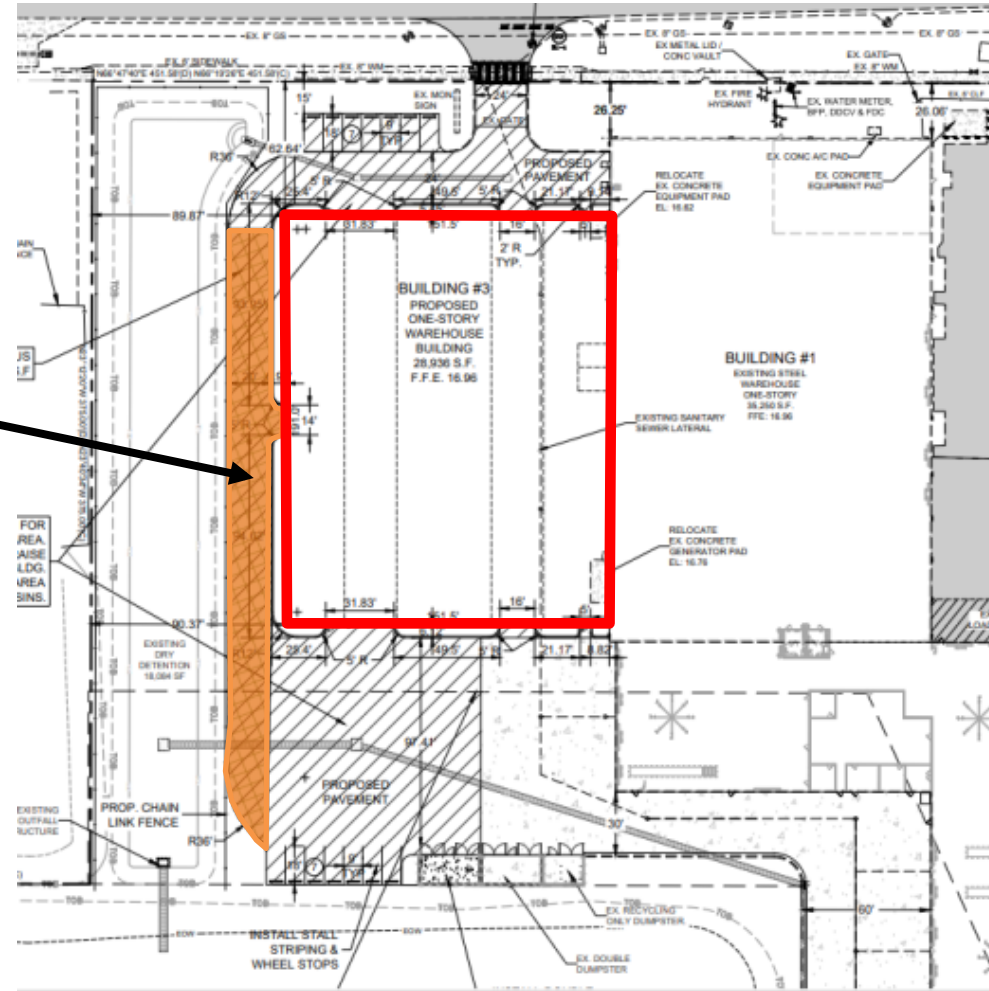
AUGUST 22nd, 2022

ORDINANCE NUMBER 2497-2022: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE WATERBLASTING INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) LOCATED ON THE SOUTH SIDE OF MARKET STREET AND WEST SIDE OF COMMERCE AVE TO ALLOW THE ADDITION OF 28,936 SQUARE FEET OF INDUSTRIAL/WAREHOUSE BUILDING; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CHANGES FROM FIRST READING

ADDITION OF 5,600 sq.ft OF
PERVIOUS PAVEMENT

OVERALL IMPERVIOUS AREA
74.97 %



Recommendation

Staff recommends approval of Ordinance 2497-2022
as conditioned, at second reading.

SITE LOCATION



REQUEST

The intent of this application to request approval for a proposed expansion of Hog Technologies (Waterblasting) operation located on Commerce Ave/Market Street. The site currently consists of a 35,250 sq.ft. one-story warehouse building and a 61,644 sq.ft. two-story building with associated site improvements. All approved within the original IPUD; Ordinance# 2368-2018.

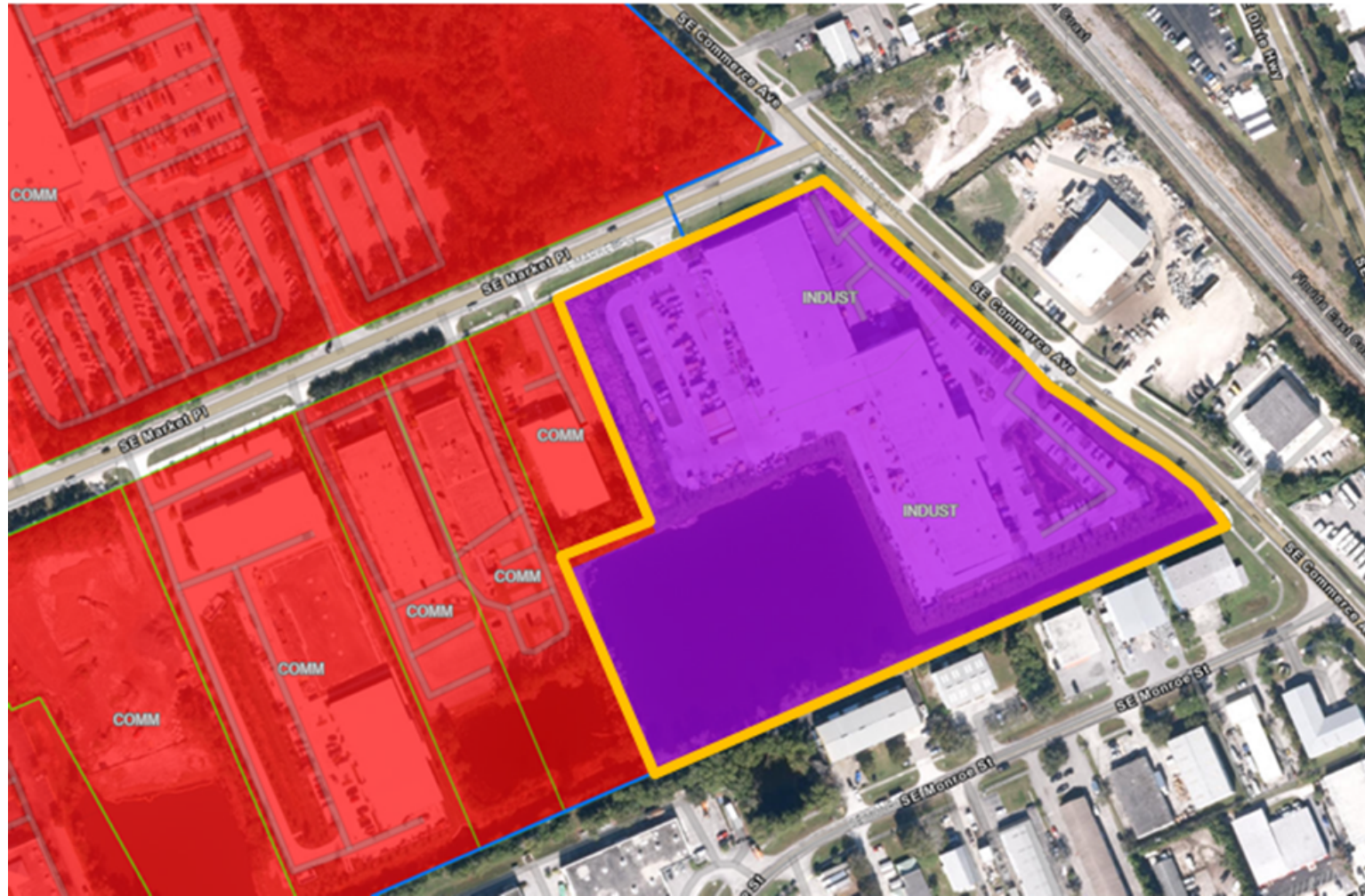
The petitioner is proposing an additional 28,936 sq.ft. (one-story) warehouse expansion to the site. The application is therefore a major amendment to Ordinance# 2368-2018.

The item was heard by the Local Planning Agency on August 4th, 2022, who motioned unanimously to **recommend approval** of the request to the City Commission.

ZONING (IPUD ORD#2368-2018)



FUTURE LAND USE



COMPREHENSIVE PLAN

Industrial: Land uses, and activities predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted uses in such areas include warehousing, wholesale activity, machine repair, and limited indoor retail sales and professional and other offices. Also, public facilities and electric distribution substations are allowed.

Relevant Comprehensive Plan Policies:

ELEMENT 11: ECONOMIC DEVELOPMENT

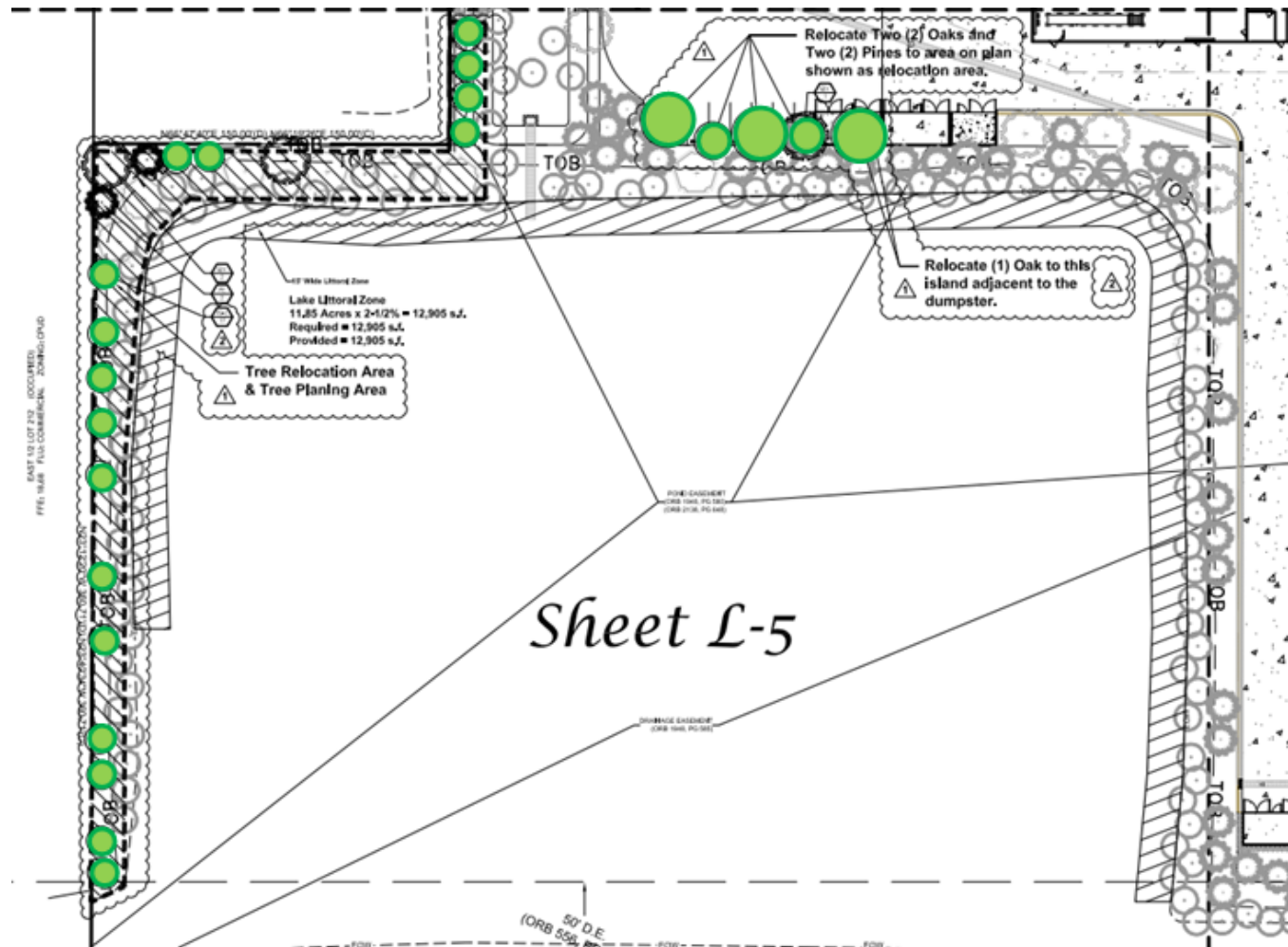
GOAL STATEMENT - A

The City will develop and maintain an economic environment that will encourage the creation, expansion and retention of business within city limits while maintaining a high quality of life for its residents.

Policy 11.A1.4. The City will encourage the designation and preservation of industrial land for industrial uses.

Policy 11.A2.1. The City will encourage the expansion of existing business and industry and/or development of new business and industry in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure.

LANDSCAPING

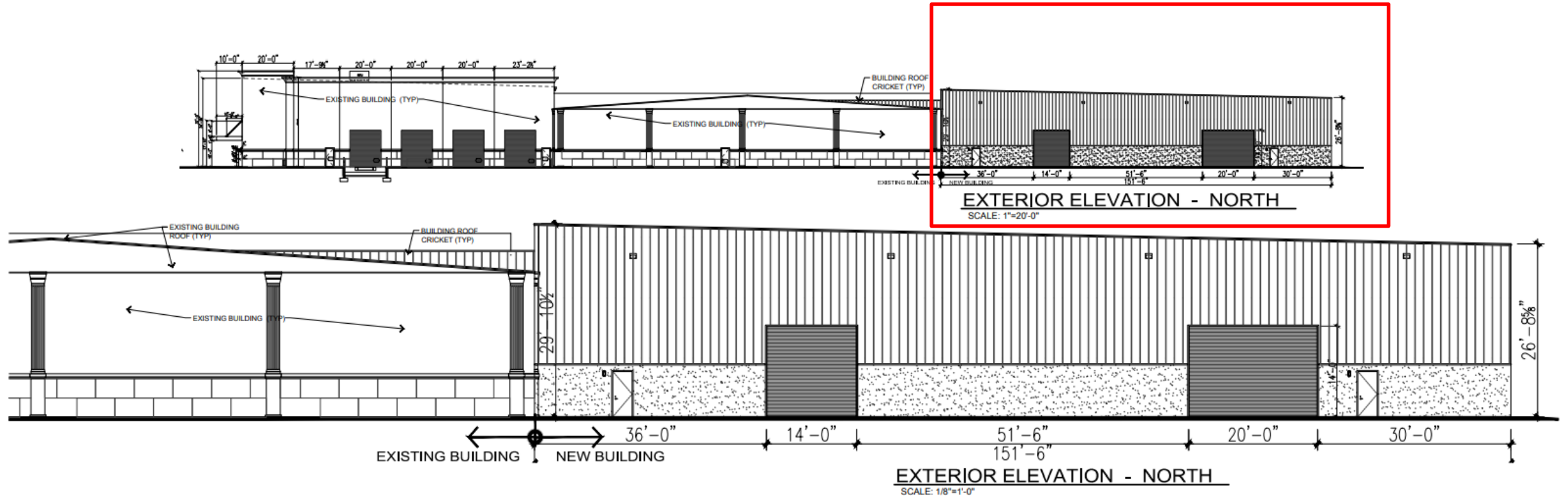


Three Oak trees are to be relocated together with the placement of seventeen trees within the littoral zone of the existing stormwater treatment pond. The additional landscaping is added in order to compensate for the loss of open space due to the removal of parking bay landscaped islands.

ARCHITECTURE

EXISTING

PROPOSED



STORMWATER

Water quality treatment is provided prior to discharge in accordance with City and SFWMD standards and permits.

Allowable discharge rate will be consistent with Environmental Resource Permit.

Full stormwater review and final engineering plans will be required at site construction permit.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 8/22/2022

Prepared by: Erin Wohlitka, Michael Mortell

Title of Item:

REPEAL & REESTABLISH CHAPTER 36, ARTICLE V, CODE OF ORDINANCES (RC):

ORDINANCE No. 2488-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

This ordinance has been drafted in order to address updates to the Florida State Statutes regarding small-cell wireless communications facilities in the public rights-of-way. This ordinance provides registration requirements and reasonable regulations for communications providers who wish to utilize public rights-of-way for the installation and maintenance of communications facilities. The Ordinance was first heard in June but due to changes was continued until July 11, 2022. The matter was then continued again because the revised version of the Ordinance was not attached to the agenda. Because the Ordinance has been rewritten to comply with updates to the State Statute, it has been reset as a First Reading to provide sufficient time and opportunity for public input. The intent of the ordinance is to provide design guidelines and a procedure for the City to track the installation of equipment within its right-of-ways. In order to remain consistent with other local communities, the Ordinance was based on the language adopted by the Village of Jupiter Island.

Exhibit "A" is not red lined because it is all new language.

Funding Source:

N/A

Recommended Action:

Approval of Ordinance No. 2488-2022.

ATTACHMENTS:

1. Ordinance 2488-2022 - Repeal and Reestablish Chapter 36, Article V of Code of Ordinances
2. Ordinance 2488-2022 Exhibit 'A'



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

ORDINANCE NUMBER 2488-2022

*** * * * ***

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REPEALING AND REESTABLISHING CHAPTER 36, ARTICLE V, COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY, OF THE CITY OF STUART CODE OF ORDINANCES; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR NOTICE OF TRANSFER, SALE, OR ASSIGNMENT OF ASSETS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE REQUIREMENT OF A PERMIT; PROVIDING FOR APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR FEES AND TAXES; PROVIDING FOR A RESERVATION OF RIGHTS AND REMEDIES; PROVIDING ENFORCEMENT AUTHORITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; PROVIDING FOR AN EFFECTIVE DATE.

*** * * * ***

WHEREAS, the City Commission of the City of Stuart, Florida has determined that the following amendments promote and protect the general health, safety and welfare of the residents

of the City of Stuart by providing reasonable regulations to communications facilities and utility poles within the public rights-of-way; and

WHEREAS, this Ordinance accommodates the growing needs and demand for communications services and new facilities and technologies; and

WHEREAS, Section 337.401, Florida Statutes, addresses *inter alia*, the authority of local governments to regulate the placement and maintenance of communications facilities in the public rights-of-way; and

WHEREAS, rules and regulations imposed by a local government relating to communications service providers that desire to place or maintain communications facilities in its rights-of-way must be generally nondiscriminatory and competitively neutral; and

WHEREAS, in 2017, Florida enacted the Advanced Wireless Infrastructure Deployment Act, codified in Subsection 337.401(7), *Florida Statutes* (“the Small Cell Statute”); and

WHEREAS, the Small Cell Statute creates new requirements and allowances for local governments relating to the installation of utility poles in the public rights-of-way to support small wireless facilities, micro wireless facilities, and the collocation of small wireless facilities and micro wireless facilities in the public rights-of-way; and

WHEREAS, the Small Cell Statute provides that a local government may adopt by ordinance objective design standards requiring a small wireless facility to meet reasonable location context, color, camouflage and concealment requirements, objective design standards requiring a new utility pole intended to support the collocation of small wireless facilities that replace an existing facility to be of substantially similar design, material, and color, and reasonable spacing requirements concerning the location of ground-mounted equipment; and

WHEREAS, the Small Cell Statute also provides that a local government may adopt by ordinance provisions for insurance coverage, indemnification, performance construction bonds, force majeure, abandonment, and city liability provided such provisions are reasonable and nondiscriminatory; and

WHEREAS, in 2019, the Florida Legislature enacted and the Governor approved CS/CS/CS/SB 1000 (“SB 1000”), amending Section 337.401, Florida Statutes, including portions of the Small Cell Statute; and

WHEREAS, it is the City Commission’s intent to exercise its authority over the placement and maintenance of communications facilities in its rights-of-way to the full extent consistent with applicable state and federal law; and

WHEREAS, it is the City Commission’s further intent to treat each communications services provider in a reasonable, nondiscriminatory, and competitively neutral manner in exercising such authority to the extent consistent with applicable law; and

WHEREAS, it is the City’s intent that rules or regulations imposed by the City relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way must be generally applicable to all providers of communications services; and

WHEREAS, the city’s rights-of-way are essential for the travel of persons and the transport of goods throughout the city and are a unique and physically limited resource requiring proper management by the city to ensure public safety, maximize efficiency, minimize costs to city taxpayers for the foregoing uses, reasonably balance the potential inconvenience to and negative effects upon the public from the placement and maintenance of communications facilities in the rights-of-way against the substantial benefits that accrue from such placement and maintenance, and promote the public health, safety and general welfare; and

WHEREAS, the City Commission has reviewed the regulations set forth in this Ordinance and has determined that such regulations are consistent with the city's Comprehensive Plan; and

WHEREAS, the City Clerk submitted notice of the first hearing on this proposed Ordinance to the Florida Secretary of State, consistent with Section 337.401(3)(d), Florida Statutes; and

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

SECTION 1. The foregoing WHEREAS clauses are ratified and incorporated as the legislative intent of this Ordinance. The Regulation of Communications Facilities on Private Property is found within Chapter 36, Article V, of the City of Stuart Code of Ordinances.

SECTION 2. That CHAPTER 36, ARTICLE V; SECTION 36-128 through 36-153 COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF WAYS, is hereby repealed and replaced with such language attached as **Exhibit "A"**;

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 5. This ordinance shall become effective upon passage.

Passed on first reading the ___ day of _____ 2022.

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:

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK MAYOR

MERRITT MATHESON

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

(The remainder of this page intentionally left blank)

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2022 Merritt Matheson, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name: _____

(The remainder of this page intentionally left blank)

CHAPTER 36 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE V. Communications Facilities in the Public Rights-Of-Way.

Sec. 36-128. - Intent and purpose; Applicability; Authority to Implement.

(a) Intent and purpose. It is the intent of the City to promote the public health, safety and general welfare by providing for the placement and maintenance of communications facilities in the public rights-of-way within the City; adopting and administering reasonable rules and regulations not inconsistent with state and federal law, including the United States and Florida Constitutions, F.S. § 337.401, as it may be amended, the City's home-rule authority, and in accordance with the provisions of the Federal Telecommunications Act of 1996, § 6409(a) of the Spectrum Act of 2012, (codified as 47 U.S.C. § 1455(a)), FCC regulations, and other federal and state law; establishing reasonable rules and regulations necessary to manage the placement and maintenance of communications facilities in the public rights-of-way by all communications services providers after the effective date of this section; and minimizing disruption to the public rights-of-way. In regulating its public rights-of-way, the City shall be governed by and shall comply with all applicable federal and state laws.

(b) Applicability.

(1) This Ordinance shall apply to all facilities for communications services placed or maintained in the City public rights-of-way pursuant to F.S. § 337.401, including but not limited to any person holding a certificate of franchise authority pursuant to F.S. § 610.103, communications services providers, pass-through providers, and wireless providers. To the extent not prohibited by applicable law, this Ordinance shall apply to all applications pending at the time of adoption of this Ordinance, to place or maintain communications facilities in the public rights-of-way. Persons seeking to place or maintain communications facilities on private property or other property to which the City, any municipality, special district, Martin County, Martin County School Board, State of Florida, or federal government has a fee-simple or leasehold interest in real property, not within and exclusive of the public rights-of-way, located within the jurisdictional boundaries of the City shall comply with the applicable provisions of the Land Development Regulations and the City Code of Ordinances unless such property is addressed expressly in this Ordinance or applicable law. This Ordinance is not applicable to communication facilities outside the public rights-of-way, unless addressed expressly herein. Pursuant to this Ordinance, a person may be authorized to place or to maintain communications facilities, including small wireless facilities, micro wireless facilities, utility poles for collocation of small wireless facilities, fiber, coaxial cable, and backhaul facilities in the City public rights-of-way. Wireless support structures, telecommunications towers and other wireless facilities, including but not limited to an antenna that is not part of a small wireless facility or micro wireless facility, shall not be allowed to be placed or maintained in the public rights-of-way unless otherwise authorized in this Ordinance, to the extent not inconsistent with applicable law. This Ordinance applies to the placement of conduit, fiber or cable for the purpose of providing backhaul or communications service. Consistent with F.S. § 337.401, this Ordinance applies to a cable or video service provider that has been issued and holds a certificate of franchise authority from the Florida Department of State pursuant to F.S. § 610.103, that places or maintains a cable system or

wireline facilities in the City's public rights-of-way. Rules or regulations imposed by the City relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way shall be generally applicable to all providers of communications services, to the extent federal or Florida law does not require different treatment. Florida law requires that the City's rules and regulations take into account the distinct engineering, construction, operation, maintenance, public works, and safety requirements of the provider's facilities. Accordingly, in the exercise of the City's authority, as required by Florida law, this Ordinance provides different regulations applicable to various communications facilities. This Ordinance does not apply to electric utility poles for an electric distribution system located in the City public rights-of-way pursuant to a valid franchise agreement with the City. However, collocation of small wireless facilities on such utility poles and any utility poles not for an electric distribution system placed or maintained by a City franchised utility in the public rights-of-way will be governed by the applicable provisions of this Ordinance. Ordinances approving a franchise agreement and a valid franchise agreement with an electric utility shall remain in full force and effect, notwithstanding any provision of this Ordinance. This Ordinance shall not apply to communications facilities owned by the City or to communications facilities owned by a person, including an electric cooperative, to the extent such facilities are utilized solely on an internal, non-commercial basis by said person.

(2) This Ordinance implements inter alia, F.S. § Section 337.401, as amended, including the Advanced Wireless Infrastructure Deployment Act, F.S. § 337.401(7) ("Small Cell Statute"). By adopting this Ordinance, the City does not waive any rights including any rights that may exist under federal law, the Florida Constitution and the U.S. Constitution. In the event F.S. § 337.401, is repealed, amended, or overturned by a court of competent jurisdiction, or preempted by applicable federal law or regulation, in whole or in part, provisions of this Ordinance may no longer apply, in which case pending and future applications or requests for communications facilities in the public rights-of-way will be governed by applicable law. In addition, permits issued pursuant to this Ordinance may be suspended or revoked, and facilities installed pursuant to permits issued pursuant to this Ordinance or without permits as authorized by this Ordinance may be required to be removed at the facility owner's expense, to the extent consistent with applicable law. It is the City's intent not to create any vested rights in placing and maintaining communications facilities in the public rights-of-way as a result of this Ordinance or any permit issued pursuant to this Ordinance, to the extent not inconsistent with applicable law.

(3) To the extent any provision of this Ordinance conflicts with the Code of Ordinances or Land Development Regulations of the City of Stuart, this Ordinance shall control.

(4) This Ordinance shall be applicable to all communications facilities placed in the public rights-of-way on or after the effective date of this Ordinance, all pending applications for permits subject to this Ordinance, and all existing communications facilities placed in the public rights-of-way prior to the effective date of this Ordinance, to the full extent permitted by state and federal law. A person with existing communications facilities in the public rights-of-way shall comply with this Ordinance by the earlier of the following: ninety (90) days from the effective date of this Ordinance or prior to submitting an application for a permit pursuant to this Ordinance. This provision shall not require the removal or alteration of existing communications facilities placed or maintained in the public rights-of-way pursuant

to a previously issued permit or otherwise lawfully installed prior to the effective date of this Ordinance unless such facilities are abandoned or otherwise required to be altered or removed by the City Manager, or pursuant to enforcement of this Ordinance or applicable law.

(5) Reservation of rights. The City reserves the right to amend this Ordinance as it shall find necessary in the lawful exercise of its police powers.

(c) Authority to implement Ordinance. The City Manager is authorized to adopt, to modify, and to repeal rules and regulations, not inconsistent with this Ordinance, to carry out the intent and purposes of this Ordinance.

Sec. 36-129. - Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and derivations shall have the meanings given. Where not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory, and "may" is permissive. Words not otherwise defined in this Ordinance or in any permit that may be granted pursuant to this Ordinance shall be given the meaning set forth in the Communications Act of 1934, 47 U.S.C. § 151 et seq., as amended or § 6409(a) of the Spectrum Act of 2012, 47 U.S.C. § 1455(a) (collectively the "Communications Act"), and if not defined in the Communications Act, as defined by Florida Statutes; and, if not defined by Florida Statutes, as defined in the Code, and if not defined in the Code, shall be construed to mean the common and ordinary meaning.

ABANDONMENT OR ABANDONED. The cessation of all uses of a communications facility for a period of one hundred eighty (180) or more consecutive days provided this term shall not include the cessation of all use of a communications facility within a physical structure where the physical structure continues to be used for some purpose or use accessory to the communications facility. By way of example, cessation of all use of a cable within a conduit, where the conduit continues to be used for some purpose or use accessory to the communications facility, shall not be Abandonment of a communications facility. A wireless infrastructure provider's failure to have a wireless service provider provide service through a small wireless facility collocated on a utility pole within nine (9) months after the application is approved in accordance with F.S. § 337.401(7)(j) shall constitute abandonment. The terms Abandonment or Abandoned are not intended to include a dropped line from a potential or existing customer in the event the communications services provider reasonably anticipates future use of the dropped line.

ABUT. When used in conjunction with a lot or parcel of land or public right-of-way, means a lot or parcel of land or public right-of-way that shares all or a part of a common lot line or boundary line with another lot or parcel of land or public right-of-way.

ADJACENT PROPERTIES OR PROPERTIES ADJACENT. Those lots or parcels of land that abut another lot or parcel of land or public right-of-way that is contiguous to a communications facility site or proposed site and (ii) the lots or parcels of land or public right-of-way that would be contiguous to lots or parcels or public rights-of-way but for an intervening local or collector roadway.

ANTENNA. Communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

APPLICABLE CODES. Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, including, but not limited expressly to the Florida Building Code, National Electrical Code, National Electrical Safety Code, 2017 Edition of the Florida Department of Transportation Utility Accommodation Manual, the "Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines" established by the Department of Commerce, Bureau of Standards of the United States, as may be amended, and City codes or ordinances, and standards and regulations, to the extent not inconsistent with the 2017 Edition of the Florida Department of Transportation Utility Accommodation Manual.

APPLICANT. A registrant who submits an application.

APPLICATION. A request submitted by an applicant to the City for a permit to collocate small wireless facilities or to place a new utility pole used to support a small wireless facility in the public rights-of-way.

AS-BUILT PLANS. A set of final and complete drawings in a format as specified by the City submitted upon completion of a project, signed and sealed by professional surveyor or mapper as defined in F.S. § 472.005, that reflects all changes made during the construction process, and shows the exact dimensions, geometry and location of all elements of the work completed under the permit.

AUTHORITY. The City, to the extent it has jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation rights-of-way under the jurisdiction and control of the department, which are excluded from F.S. § 337.401(7).

AUTHORITY or CITY UTILITY POLE. A utility pole owned by the City in the public right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right-of-way within:

- (a) A retirement community that:
 - (i) Is deed restricted as housing for older persons as defined in F.S. § 760.29(4)(b).
 - (ii) Has more than 5,000 residents; and
 - (iii) Has underground utilities for electric transmission or distribution.

BACKHAUL FACILITIES. A physical transmission path, all or part of which is within the public rights-of-way controlled by the City or any government entity, used for the transport of communications data by wire or fiber from a wireless facility to a network. A Backhaul Facility may also consist of an antenna, including a microwave antenna, installed in the public rights-of-way pursuant to a permit, used for the transport of communications data wirelessly from a wireless facility to a network.

BELOW-GRADE COMMUNICATIONS FACILITY. Communications facilities, including manholes or access points, that are entirely contained below grade within the public rights-of-way.

CLEAR ZONE. Consistent with the latest edition of the Florida Department of Transportation Index, the roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, recoverable slope, non-recoverable slope, clear runout area, or combination thereof. The width of the clear zone is dependent upon the traffic volumes and speeds, and on the roadside geometry.

COLLOCATION OR COLLOCATE. To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.

COMMUNICATIONS FACILITY or FACILITY or SYSTEM. Any permanent or temporary plant, equipment and property, including but not limited to cables, wires, conduits, ducts, fiber optics, poles, antennae, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, appurtenances, wireless facilities, wireless support structure, wireline backhaul facilities, small wireless facilities, micro wireless facility, and other equipment or pathway placed or maintained or to be placed or maintained in the public rights-of-way of the City and used or capable of being used to transmit, convey, route, receive, distribute, provide or offer communications services. A utility pole intended for collocation of a small wireless facility shall be considered a facility for purposes of this Ordinance.

COMMUNICATIONS SERVICES. The transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, including wireless services, regardless of the protocol used for such transmission or conveyance, and shall also include cable service and video service as defined in F.S. §§ 610.103(1) and (11).

COMMUNICATIONS SERVICES PROVIDER. Any person making available or providing communications services through the placement or maintenance of a communications facility in public rights-of-way, or a wireless infrastructure provider.

COMMUNICATIONS SERVICES TAX. The local communications services tax authorized to be levied and collected by counties and municipalities upon communication service providers for communications services, pursuant to F.S. § 202.19, as amended.

CONSOLIDATED PERMIT APPLICATION. A single permit application that would otherwise require individual permit applications for the collocation of between two (2) and thirty (30) small wireless facilities to existing structures within the public rights-of-way.

EXCAVATE or EXCAVATION. Consistent with the definition contained in F.S. § 556.102(6), as it may be amended, any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of

the earth, including land beneath the waters of the state, as defined in F.S. § 373.019(22), and the term includes pipe bursting and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenchless technologies.

EXTENSION OF EXISTING FACILITIES or EXTENSION. Those extensions from the public rights-of-way into a customer's private property for purposes of placing a service drop or those extensions from the public rights-of-way into a utility easement to provide service to a discreet identifiable customer or group of customers. An extension of fiber or cable to serve a property with multiple customers, for example, a commercial building with multiple tenants, shall not constitute an extension of existing facilities unless all tenants are served by the owner of the facilities under one agreement.

FCC. The Federal Communications Commission.

FLORIDA BUILDING CODE. The Florida Building Code promulgated under F.S. ch. 553 and includes the applicable amendments thereto as both may be amended from time to time.

FLORIDA GREENBOOK. The latest edition of the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance of Streets and Highways.

FORCE MAJEURE EVENT. A cause or event not within a person's control that shall include, without limitation, acts of God, floods, earthquakes, landslides, hurricanes, fires and other natural disasters, acts of public enemies, riots or civil disturbances, sabotage, strikes and restraints imposed by order of a governmental agency or court. Causes or events within a person's control, and thus not constituting a force majeure event for purposes of this Ordinance, shall include, without limitation, the financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of person's directors, officers, employees, contractors or agents.

GRAFFITI. Any inscriptions, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any communications facility whether or not authorized by the registrant of the communications facility. A wrap shall not be considered graffiti.

HISTORIC PROPERTY. Any prehistoric or historic district, site, building, structure, or object or other real or personal property, of historical, architectural or archaeological value to preserve the character and aesthetics of the City. Historic Preservation of the City Code of Ordinances or as designated historic and/or scenic under State or law. These properties or resources may include, but are not limited to, roadways, sidewalks, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, character, scale, or culture of the City.

HOMEOWNERS' ASSOCIATION. An incorporated association whose members consist of owners of single-family homes or condominium units that manage or control property owned by the association.

IN PUBLIC RIGHTS-OF-WAY or IN THE PUBLIC RIGHTS-OF-WAY. In, on, over, under or across the public rights-of-way.

LICENSED ENGINEER. A Florida registered professional engineer, or person who is exempt from such registration requirements as provided in F.S. § 471.003.

LOT. A designated parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

MICRO WIRELESS FACILITY. A small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

PARCEL. Any piece of real property that has a single parcel identification number assigned to it by the Martin County Property Appraiser.

PASS-THROUGH PROVIDER. Any person, as defined in F.S. § 337.401(6)(a)1., who places or maintains a communications facility in the public rights-of-way and who does not remit taxes imposed by the City pursuant to F.S. ch. 202, as amended. A pass-through provider can also be a wireless infrastructure provider as defined herein, and/or an owner of a communications facility pursuant to this Ordinance.

PERMIT. The public right-of-way permit that must be obtained before a person may construct in the public right-of-way and shall include, but not be limited to, right-of-way engineering and construction permits issued by the City.

PERSON. Shall include any individual, children, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, organization or legal entity of any kind, successor, assignee, transferee, personal representative, and all other groups or combinations, but shall not include the City.

PLACE OR MAINTAIN or PLACEMENT OR MAINTENANCE or PLACING OR MAINTAINING. To erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A communications services provider that owns or exercises physical control over communications facilities in public rights-of-way, such as the physical control to maintain and repair, is PLACING OR MAINTAINING the facilities. To the extent required by applicable law, a party providing service only through resale or only through use of a third party's unbundled network elements is not PLACING OR MAINTAINING the communications facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public rights-of-way is not PLACING OR MAINTAINING facilities in the public rights-of-way.

PSC. The Florida Public Service Commission.

PUBLIC RIGHTS-OF-WAY. A public right-of-way, public easement, highway, street, bridge, tunnel, waterway, dock, wharf, court, lane, path, or alley, or any other way for which the City is the authority that has jurisdiction and control and may lawfully grant access to such property pursuant to applicable law, and includes the surface, the air space over the surface and the area below the surface.

PUBLIC RIGHTS-OF-WAY shall not include private property. PUBLIC RIGHTS-OF-WAY shall not include any real or personal City property except as described above, and shall not include City parks, buildings, fixtures, poles, conduits, facilities or other structures or improvements, regardless of whether they are situated in the PUBLIC RIGHTS-OF-WAY.

REGISTRANT or FACILITY OWNER. A communications services provider or other person that has registered with the City in accordance with the provisions of this Ordinance.

REGISTRATION and REGISTER. The process described in this Ordinance whereby a communications services provider provides certain information to the City.

REQUESTER. A person who submits a request pursuant to this Ordinance.

REQUEST. Any request other than an *Application* submitted by a person, associated with the placement or maintenance of a communications facility other than the collocation of a small wireless facility or utility pole for the collocation of a small wireless facility in the public rights-of-way. A Request includes, but shall not be limited to, a request for approval of a registration, a request to place or maintain a communications facility other than the collocation of a small wireless facility or utility pole for the collocation of a small wireless facility in the public rights-of-way and includes for example, but is not limited to, a permit to construct cable, fiber, conduit, backhaul facilities, pedestals, or a support structure that does not constitute a utility pole for the collocation of a small wireless facility in the public rights-of-way.

SHROUD. A covering or enclosure of equipment associated with a small wireless facility, other than the antenna, collocated on an existing structure or wireless support structure.

SIGNAGE. Any display of characters, ornamentation, letters or other display such as, but not limited to, a symbol, logo, picture, or other device used to attract attention, or to identify, or as an advertisement, announcement, or to indicate directions, including the structure or frame used in the display. The term Signage shall not include identification of the owner and contact information of the wireless facility provider or utility pole, or identification of wires, cables, etc. necessary to aid in safety or hazard work or maintenance or repair work of the communications facility.

SMALL WIRELESS FACILITY. A wireless facility that meets the following qualifications:

- (a) Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
- (b) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

SMART TECHNOLOGY. The City's present and future technology to support the City's smart technology initiatives, including but not limited to, sensors and smart lights, fiber, CCTV cameras, digital signage, data sharing with traffic applications, smart solar-powered charging stations, emergency alert applications and other initiatives over time.

STEALTH DESIGN. A method of camouflaging any tower, antenna or other communications facility, including, but not limited to, supporting electrical or mechanical equipment, or utility pole which is designed to enhance compatibility with the surrounding neighborhood and be as visually unobtrusive as possible.

SURROUNDING NEIGHBORHOOD. The area within a five hundred (500) foot radius of a communications facility site or proposed communications facility site.

UTILITY. Any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in F.S. §§ 337.401, 337.402, 337.403, and 337.404 as the "utility."

UTILITY POLE. A pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

WIRELESS FACILITY. Equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- (a) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- (b) Wireline backhaul facilities; or
- (c) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

WIRELESS INFRASTRUCTURE PROVIDER. A person who has been certificated under F.S. ch. 364, to provide telecommunications service or under F.S. ch. 610 to provide cable or video services in the state, and such person's affiliate, and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

WIRELESS PROVIDER. A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES. Any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

WIRELESS SERVICES PROVIDER. A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE. A freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole, pedestal, or other support structure for ground-based equipment not mounted on a utility pole and less than five (5) feet in height.

WRAP. An aesthetic covering depicting artistic or scenic imagery. Imagery in a wrap may not contain any advertising.

Sec. 36-130. - Registration for placing or maintaining communications facilities in public rights-of-way.

(a) All persons, including, but not limited to a communications services provider, pass-through provider, or wireless provider, seeking to place or maintain a communications facility, backhaul facility, utility pole for collocation of a small wireless facility, or wireless support structure in public rights-of-way in the City pursuant to this Ordinance shall maintain an effective registration with the City in accordance with this Ordinance before being eligible to receive a permit. Subject to the terms and conditions prescribed in this Ordinance and approval of a permit, if required, a registrant may place or maintain a communications facility in public rights-of-way. A communications services provider, pass-through provider, or wireless provider with an existing communications facility in the public rights-of-way of the City as of the effective date of this Ordinance has ninety (90) days from the effective date of this Ordinance to comply with the terms of this Ordinance, including, but not limited to obtaining an effective registration, or be in violation thereof.

(b) Requirements for an effective registration. A person that places or maintains a communications facility in the City shall file an original registration, along with two complete copies with the City Manager that shall include the following information:

- (1) Name of the registrant;
- (2) Name, address and telephone number of the registrant's primary contact person in connection with the registration and name, address, telephone number and email addresses of the registrant's primary contact person in the event of an emergency or issue involving its facilities, which shall be monitored 24 hours per day, 7 days per week.
- (3) A statement as to whether the registrant is a pass-through provider in the City as defined herein;
- (4) Evidence of the insurance coverage;
- (5) Acknowledgment that registrant has received and reviewed a copy of this Ordinance;

- (6) A copy showing the number of the registrant's certificate of authorization issued by the Florida Public Service Commission, the Florida Department of State, or the FCC; and
 - (7) The registrant's federal employer identification number.
- (c) Insurance.
- (1) Registrant shall provide, pay for and maintain satisfactory to the City, the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the state of Florida and having a rating in Best's Insurance Guide of A or better, or having a rating acceptable to the City. All liability policies shall provide that the City is an additional insured in the endorsement. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and shall be filed and maintained with the City annually. Thirty-days advance written notice by registered or certified mail must be given to the City of any cancellation, intent not to renew, or reduction in the policy coverages. In addition to the certificate of insurance, the registrant shall provide a copy of the insurance policy, if requested by the City. A provider of communications services may add the City to any existing insurance policy and the City shall accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the City is a party.
 - (2) The limits of coverage of insurance required shall be not less than the following:
 - i. Worker's compensation and employer's liability. Insurance employer's liability: Florida statutory requirements.
 - ii. Comprehensive general liability. Bodily injury and property damage: \$1,000,000.00 combined single limit each occurrence. Said coverage shall not exclude contractual liability, products/completed operations, independent or contractors.
 - iii. Automobile liability. Bodily injury and property damage: \$1,000,000.00 combined single limit each accident.
 - iv. Umbrella or excess liability. Registrant may satisfy the minimum limits required above for either commercial general liability, business auto liability and employer's liability coverage under umbrella or excess liability. The umbrella or excess liability shall have an aggregate limit not less than the highest "each occurrence" limit for commercial general liability, business auto liability or employer's liability. The City shall be specifically endorsed as an "additional insured" on the umbrella or excess liability, unless the certificate of insurance states the umbrella or excess liability provides coverage on a "follow-form" basis.
 - v. Self-insurance. Registrant may satisfy the insurance requirements and conditions of this division under a self-insurance plan and/or retention if acceptable to the City in its sole discretion based on the City's evaluation of the registrant's ability to comply with the Code.

Registrant agrees to notify the City, and/or indicate on the certificate(s) of insurance when self-insurance is relied upon or when a self-insured retention meets or exceeds \$100,000.00. The City reserves the right, but not the obligation, to request and review a copy of the registrant's most recent annual report or audited financial statement, which the registrant agrees to furnish for the purpose of determining the registrant's financial capacity to self-insure.

(3) Right to review. City, by and through its City Manager, reserves the right to review, modify, reject or accept any required policies of insurance or self-insurance, including limits, coverages, or endorsements herein from time to time throughout the life of this Ordinance. The City reserves the right, but not the obligation, to review and reject any insurer or self-insurer providing coverage because of its poor financial condition or failure to operate legally.

(4) This Ordinance shall not be construed to affect in any way the City's rights, privileges and immunities as set forth in F.S. § 768.28. Insurance under this Ordinance shall run continuously with the presence of the registrant's facilities in the public rights-of-way, and any termination or lapse of such insurance shall be a violation of this Ordinance and subject to the remedies as set forth herein. Notwithstanding the foregoing, the City may, in its sole discretion, require increased or decreased levels of insurance.

(d) Review of Registration. The City shall review the information submitted for the registration. If the information is in accordance with this subsection the City shall notify the requester of the effectiveness of registration in writing. If the City determines that the information has not been submitted in accordance with this subsection, the City shall notify the requester in writing of the non-effectiveness of registration, and reasons for the non-effectiveness. The City shall undertake to provide such notification within 30 days after receipt of registration information. A notice of non-effectiveness of a registration shall not preclude reapplying or filing subsequent requests for registration under the provisions of this Ordinance.

(e) Regulations Applicable to Registrations.

(1) A registration shall not convey any title, equitable or legal, in the public rights-of-way. Registration under this Ordinance governs only the placement or maintenance of communications facilities in public rights-of-way. To the extent not inconsistent with applicable law, registration does not excuse a communications services provider from obtaining appropriate access or pole attachment agreements before locating its facilities on the City's or another person's facilities. Within 90 days of any change in the information required to be submitted by a registrant, a registrant shall provide updated information to the City.

(2) Registration shall be nonexclusive. Registration shall not establish any right or priority to place or maintain a communications facility in any particular area in public rights-of-way within the City. Registrations are expressly subject to any future amendment to or replacement of this Ordinance, and further subject to any additional City ordinances, as well as any applicable state or federal laws.

(3) Unregistered use of public rights-of-way. To the extent that a communications services provider, wireless infrastructure provider or pass-through provider with facilities in the public rights-of-way, is not registered as required herein, said person shall register with the City pursuant to this Ordinance within ninety (90) days from the effective date of this Ordinance. No new permits shall be issued to unregistered persons with communications facilities within the public rights-of-way and such persons may be subject to the enforcement remedies.

(4) Registration renewal. A registrant shall renew its registration with the City by September 30, every five years from the first September after the effectiveness of the registration in accordance with the registration requirements in this Ordinance, as may be amended. If no information in the then-existing registration has changed, the renewal may state that no information has changed. Failure to renew a registration may result in the City restricting the issuance of additional permits until the communications services provider has complied with the registration requirements of this Ordinance. An existing effective registration pursuant to the City Code, prior to the effective date of this Ordinance shall continue to be effective and the registrant shall comply with this Ordinance by the earlier of the following: ninety (90) days from the effective date of this Ordinance, the renewal of a registration as required herein, or prior to submitting an application for a permit.

(5) Indemnification. A registrant shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, members, agents and employees, against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the City arising out of the placement or maintenance of its communications system or facilities in public rights-of-way, or otherwise caused by the registrant, regardless of whether the act or omission complained of is authorized, allowed or prohibited by this Ordinance, provided however, that a registrant's obligations hereunder shall not extend to any damages caused solely by the negligence, negligence, or willful acts of the City and to the extent not inconsistent with applicable law. In no event shall the City be liable for any damage or destruction to a communications facility placed in the City public rights-of-way including on a City utility pole, to the extent not inconsistent with applicable law. This provision includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim, suit or proceedings. City agrees to notify the registrant, in writing, within a reasonable time of City receiving notice, of any issue it determines may require indemnification. Nothing in this Ordinance shall prohibit the City from participating in the defense of any litigation by its own counsel and at its own cost, if in the City's reasonable belief there exists or may exist a conflict, potential conflict or appearance of a conflict. Nothing contained in this Ordinance shall be construed or interpreted:

- i. as denying to either party any remedy or defense available to such party under the laws of the State of Florida;
- ii. as consent by the City to be sued; or

iii. as a waiver of sovereign immunity beyond the waiver provided in F.S. § 768.28, as it may be amended.

(6) A registrant may cancel a registration upon written notice to the City that the registrant will no longer place or maintain any communications facilities in public rights-of-way, and will no longer need to obtain permits to perform work in the public rights-of-way. A registrant shall not cancel a registration if the registrant continues to place or maintain any communications facilities in public rights-of-way.

(7) Liens. No liens shall apply to public rights-of-way or City property as a result of the placement or maintenance of a registrant's facilities in the public rights-of-way or on a City utility pole. Any liens on a registrant's facilities shall be subordinate to the rights of the City pursuant to this Ordinance. In the event any liens are filed on the City property or public rights-of-way, the registrant shall discharge such lien at its expense within ten (10) days of receiving notice, or the City may discharge such lien, and charge such costs plus reasonable attorney's fees to registrant.

(8) A registrant shall pay any personal property or other taxes or assessments that may be imposed on the registrant's facilities placed or maintained in the public rights-of-way or on the City's property including a utility pole as a result of a registrant's collocation on a City utility pole. A registrant shall reimburse the City for taxes paid by the City as a result of a registrant's facilities being placed or maintained in the public rights-of-way or on a City utility pole.

(9) *Reports and records.*

(a) Upon reasonable request, a registrant shall provide the following documents to the City as received or filed:

i. Any pleadings, petitions, notices, and documents, which may directly impact the obligations under this Ordinance and which are reasonably necessary for the City to protect its interests under this Ordinance.

ii. Any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy.

(b) The City shall keep any documentation, books and records of the registrant confidential to the extent required under Florida Statutes.

(10) Termination of Registration. The City may terminate a registration if:

(a) A federal or state authority suspends, denies, or revokes a registrant's certification or license required to provide communications services;

(b) The registrant's placement or maintenance of a communications facility in the public rights-of-way presents an extraordinary danger to the general public or other users

of the public rights-of-way and the registrant fails to remedy the danger promptly after receipt of written notice;

(c) The registrant abandons its facilities in the public rights-of-way; or

(d) The registrant commits substantial and material violations of any of the provisions of applicable codes including but not limited to this Ordinance.

(11) Notice of intent to terminate. Prior to termination, the City shall notify the registrant with a written notice setting forth all matters pertinent to the proposed termination action, including the reason therefore. The registrant shall have thirty (30) days after receipt of such notice within which to address or to eliminate the reasons or within which to present a plan, satisfactory to the City, to accomplish the same and to take such steps as are necessary to render every portion of the facilities remaining in the public rights-of-way of the City safe. If the plan is rejected by the City, the City shall provide written notice of such rejection within fifteen (15) days of receipt of the plan to the registrant and shall make a final determination as to termination of the registration and the terms and conditions relative thereto.

(12) Post termination action. In the event of termination, following any appeal period, the former registrant shall:

(a) in accordance with the provisions of this Ordinance and as may otherwise be provided under state law, notify the City of the assumption or anticipated assumption by another registrant of ownership of the registrant's communications facilities in the public rights-of-way; or

(b) provide the City with an acceptable plan for removal or disposition of its communications facilities in the public rights-of-way and restore the public rights-of-way to its condition immediately prior to the removal. If a registrant fails to comply with this subsection, the communications facilities are deemed to be abandoned and the City may exercise any remedies or rights it has at law or in equity as well as the City's remedies pursuant to this Ordinance, including but not limited to, utilize or allow other persons to utilize the registrant's facilities.

(i) The obligations of the registrant hereunder shall survive the termination of a registration.

(ii) A registrant that has its registration terminated by the City under this Ordinance may reapply for registration one (1) year after the termination date of the prior registration, unless otherwise permitted to reapply at the sole discretion of the City.

(13) When removal not authorized or required. In the event of termination of a registration, this Ordinance does not authorize the City to cause the removal of communications facilities used to provide another service for which the registrant or another person who owns or exercises

physical control over the communications facilities holds a valid certification or license with the governing federal or state agency, if required, for the provision of such service, and is registered with the City, if required.

(14) Transfer or control, sale or assignment of assets. If a registrant transfers, sells or assigns its registration or its facilities in the public rights-of-way, incident to a transfer, sale or assignment of the registrant's assets, the transferee, buyer or assignee shall be obligated to comply with the terms of this Ordinance. Written notice of any such transfer, sale or assignment shall be provided to the City within 20 days of the effective closing date of the transfer, sale or assignment. If the transferee, buyer or assignee is a current registrant, and is in compliance with the provisions of this Ordinance, then the transferee, buyer or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant, or has an effective registration that is not in compliance with this Ordinance as it may have been amended, then the transferee, buyer or assignee shall register as provided in this Ordinance within 60 days of the transfer, sale or assignment. If permit applications are pending in the registrant's name, the transferee, buyer or assignee shall notify the appropriate City officials that the transferee, buyer or assignee is the new applicant.

(15) Pledges in trust or mortgages of the registrant may be made to any person with notice to the City. Any mortgage, pledge, lease or other encumbrance on the communications facilities shall be subject and subordinate to the rights of the City under this Ordinance and applicable law.

(16) City makes no warranties or representations regarding the fitness, suitability or availability of public rights-of-way for the registrant's communications facilities, and any performance of work or costs incurred by registrant or provision of services shall be at registrant's sole risk. Nothing in this Ordinance shall affect the City's authority to add, vacate or abandon public rights-of-way, and the City makes no warranties or representations regarding the availability of any added, vacated or abandoned public rights-of-way for communications facilities.

(17) Conditional use of public rights-of-way.

(a) In the event registrant desires to use its existing facilities or to construct new facilities for the purpose of providing other utility or non-utility services to existing or potential consumers or resellers, by providing any other services other than the provision of communications service, or for providing any other use to existing or potential consumers, a registrant shall seek such additional and separate authorization from the City for such activities as may be required by applicable law.

(b) To the extent that any person or registrant leases or otherwise uses the facilities of a person that is duly registered or otherwise authorized to place or maintain facilities in the public rights-of-way of the City, such person or registrant shall make no claim, nor assert any right which will impede the lawful exercise of the City's rights, including requiring the removal of such facilities from the public rights-of-way of the City, regardless

of the effect on registrant's ability to place or maintain its own communications facilities in public rights-of-way of the City.

Sec. 36-131. – Requirement of a permit.

(a) In accordance with applicable law, City ordinances, codes and regulations, including this Ordinance, a right-of-way use permit issued by the City shall be required for a communications services provider, communications facility provider or a pass-through provider to place or to maintain a communications facility in the public rights-of-way unless otherwise exempt pursuant to this Ordinance. An effective registration shall be a condition of obtaining a permit. Notwithstanding an effective registration, permitting requirements shall continue to apply. A permit may be obtained by or on behalf of a registrant having an effective registration if all permitting requirements are met. A registrant shall not commence to place or to maintain a communications facility in the public rights-of-way until all applicable permits have been issued by the City or other appropriate authority. Registrant shall comply with all City requirements for issuing permits, including reasonable rules or regulations governing the placement or maintenance of a communications facility in public rights-of-way. Permits shall apply only to the areas of public rights-of-way specifically identified in the permit. The City may issue a blanket permit to cover certain activities, such as routine maintenance and repair activities, that may otherwise require individual permits or may impose lesser requirements. Requests for ancillary permits required to operate a communications facility, including but not limited to electrical permits, shall be processed pursuant to the City's rules and regulations. The City may deny or withhold the ancillary permit if the registrant is otherwise in violation of the City Code.

(b) Limited Exceptions to Permit Requirement.

(1) A registrant that is in compliance with this Ordinance shall be allowed to perform service restoration work on existing facilities, or repair work, including but not limited to, emergency repairs of existing facilities or extensions of such facilities for providing communications services to customers without a permit. A registrant performing work without a permit shall ensure that there is photographic and video documentation of the work, including depiction of the area of the public rights-of-way impacted, and such photographic and video documentation shall be provided to the City within ten (10) business days, unless otherwise not required by the City. The term EMERGENCY shall mean a condition that affects the public's health, safety or welfare, which includes an unplanned out-of-service condition of a pre-existing service. Registrant shall provide prompt notice to the City of the service restoration work or repair work and, within two (2) business days of commencing the work, and shall apply for a permit if such activity required a permit under this Ordinance within 30 days. Any maintenance of traffic required for service restoration or repair work shall meet the requirements of the latest edition of the FDOT 600 Series Standard Drawings and the Manual on Uniform Traffic Devices.

(2) A registrant shall be allowed to perform routine maintenance within the public rights-of-way without a permit if such proposed routine maintenance does not involve excavation, construction, or disruption to transportation or utilities in the public rights-of-way. In the case of routine maintenance, a registrant shall provide reasonable advance written notice to the City

identifying the areas where such maintenance will occur, scope of maintenance, date(s) and duration of work to be performed. If routine maintenance requires the closure of the public rights-of-way regardless of the duration, a road or sidewalk closure permit consistent with the City's rules and regulations shall be required. As-built plans shall be provided to the City within ten (10) business days. A registrant shall be allowed to perform maintenance, repair, replacement, extension, or upgrade of existing aerial lines or underground communications facilities located on private property outside of the public rights-of-way without first obtaining a permit. All underground work or excavation without a permit shall be photographed and videotaped, and such photograph and videotape documentation shall be provided to the City upon request or, if not requested, within ten (10) business days.

(3) A permit shall not be required for replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size. If such replacement will require the closure of a rights-of-way, the registrant shall obtain an appropriate road or sidewalk closure permit consistent with the City's rules and regulations. A registrant shall provide 48 hours' notice to the City prior to such work being done. As-built plans shall be provided to the City within ten (10) business days.

(4) A registrant shall be allowed to place or to maintain a service drop within the public rights-of-way without first obtaining a permit if such proposed work does not involve excavation, construction, or the temporary closure of the public rights-of-way.

(5) A permit shall not be required for the installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cable strung between existing utility poles in the public rights-of-way, in compliance with applicable codes by or for a communications services provider authorized to occupy the public rights-of-way and who is remitting Communications Services Tax under F.S. ch. 202. Prior to placing a micro wireless facility in the public rights-of-way pursuant to this subsection, the registrant shall submit a notarized letter to the City from or on behalf of the communications services provider, which shall be effective upon filing, attesting that the micro wireless facility's dimensions comply with F.S. § 337.401(7) and this Ordinance. A registrant's submission to demonstrate a micro wireless facility's dimensions may apply to all of the same, substantially similar, or small size micro wireless facilities sought to be placed in the public rights-of-way by such registrant. If the micro wireless facility's dimensions exceed the dimensions to constitute a micro wireless facility, the registrant shall not be authorized to place such facility in the public rights-of-way. As-built plans shall be provided to the City within ten (10) business days.

(6) Notwithstanding the exceptions to permit requirements contained in this subsection, a registrant shall obtain from the City a right-of-way permit for work that involves excavation, closure of a sidewalk regardless how temporary, or closure of a vehicular lane or parking lane regardless how temporary, unless the registrant is a communications services provider that is performing service restoration on an existing facility and the work is done in compliance with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual, including but not

limited to, the requirement to notify Sunshine 811 prior to any excavation or demolition activities in accordance with F.S. ch. 556, and to comply with the City Code. In such instance, to the extent not inconsistent with the 2017 Edition of the Florida Department of Transportation Utility Accommodation Manual, the communications services provider shall provide information acceptable to the City as to the service restoration work and shall provide reasonable advance notice to the City so that the City may have an observer present. The City may require a specific method of excavation and a maintenance of traffic or sidewalk closure plan, as applicable. In addition, the registrant shall file for an after the fact permit within 30 days after completing restoration of the public rights-of-way. A registrant performing work without a permit shall ensure that the work is photographed and videotaped, including of the area of the public rights-of-way impacted, and such photograph and videotape documentation shall be provided to the City upon request or, if not requested, with the after the fact permit application.

(c) The City Manager may cause an immediate stop work order where any permitted or unpermitted construction or other work in the public rights-of-way poses a serious threat to the health, safety or welfare of the public until such serious threat has been abated. Failure to comply with such order may subject a registrant, and its agents, employees, and contractors as applicable to appropriate enforcement remedies as set forth in this Ordinance and applicable law.

Sec. 36-132. - Permit information requirements and review procedures.

(a) Pre-submittal meeting. To minimize issues related to a permit request, prior to submitting materials for a permit request, which does not include an application for a small wireless facility or a new utility pole to support a small wireless facility, a registrant shall conduct a pre-submittal meeting with the City to discuss the registrant's plans and network goals for placing or maintaining facilities in the public rights-of-way. The City shall undertake efforts to accommodate a registrant's request for a pre-submittal meeting either in person or electronic communications within ten (10) business days. At a registrant's request, the City, in its sole discretion, may waive the requirement of a pre-submittal meeting for good cause based on the scope of the proposed permit and registrant's compliance with this Ordinance. In no event shall the requirement of a pre-submission meeting be waived for a permit request that involves excavation of over 50 feet of public rights-of-way. The requirement of a pre-submittal meeting does not apply to applications. However, even if a pre-submittal meeting may not be required under applicable law, registrants are strongly encouraged to engage in a pre-submittal meeting. A pre-submittal meeting, whether required herein or voluntary on the part of a registrant, shall not commence the time frames provided herein for City review and processing of a request or an application.

(b) Requirements for all communications facilities in the public rights-of-way. As part of any permit application or request to place or maintain any facility pursuant to this Ordinance in the public rights-of-way, a registrant or a registrant's agent or contractor shall complete a permit form provided by the City that, at a minimum, includes the following information:

- (1) If the person seeking the permit is not the registrant, a statement of authority by the registrant to act on behalf of the registrant. In addition, if the person seeking the permit is a contractor, the contractor's license or registration and contractor's insurance information confirming the contractor's authority to perform construction in the City and statements as to whether the contractor has any open permits with the City, and if so, the permit identification number or information.
- (2) Confirmation that the registrant or person seeking the permit engaged in a pre-submittal meeting, if required, or such meeting was waived by the City and that the registrant has an effective registration with the City, and is otherwise in compliance with the City Code.
- (3) Engineering plan. An engineering plan signed and sealed by a licensed engineer, that includes the following:
 - (a) Except for applications to collocate small wireless facilities on existing utility poles in the public rights-of-way, an American Land Title Association (ALTA) or other survey pursuant to the City's form demonstrating that the proposed location of the facility or utility pole is within the public rights-of-way, unless waived by the City in its sole discretion, pursuant to an applicant's or requester's attestation that the proposed facility is located within the public rights-of-way;
 - (b) The type of proposed facility, location of the proposed facility, and the dimensions, height, footprint, stealth design, and concealment features of the proposed facility;
 - (c) The Global Positioning System (GPS) coordinates of the proposed facility. The GPS coordinates shall be based on the reading from a handheld mobile GPS unit set to Datum NAD 83 or WGS84. GPS coordinates based on Google Earth or similar application may be used where areas of shading occur due to overhead canopy. GPS Coordinates shall be provided in decimal degrees at a six (6) decimal point precision or as otherwise required by the City;
 - (d) Whether the proposed facility is proposed within a location subject to restrictions pursuant to this Ordinance;
 - (e) For new communications facilities and extensions of existing communications facilities that require a permit, within a fifty (50) foot radius, a sketch showing pavement, sidewalks, driveways, ramps, trees, below-grade utilities, and other above-grade and below-grade structures and facilities located within the public rights-of-way and the distances from the proposed facility and the edge of nearby pavement, sidewalks, driveways, ramps, the nearest residential properties, nearby drainage systems, trees, ground-mounted equipment, nearby structures in the public rights-of-way, underground utilities and other above-grade and below-grade structures and utilities located within the public rights-of-way;

- (f) Sufficient specificity demonstrating compliance with applicable codes, as defined herein and as may be amended;
 - (g) If applicable, the routes of all transmission and distribution lines to be placed or maintained in the public rights-of-way in connection with the proposed facility (such lines may be subject to separate permit requirements);
 - (h) Certification that the proposed facility will not materially interfere with the safe operation of traffic control equipment;
 - (i) Certification that the proposed facility will not interfere with sight lines or clear zones for transportation, pedestrians, or public safety purposes or result in the public rights-of-way being inconsistent with the Florida Greenbook;
 - (j) Certification that the proposed facility will not materially interfere with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement; and
 - (k) Other engineering information that may be requested by the City.
- (4) Trees or landscaping proposed to be removed or impacted upon the placement or maintenance of the proposed facility.
- (5) Photographic or video documentation of the pre-construction condition of the public rights-of-way in the area to be affected by the installation of the proposed facility.
- (6) Description of installation or construction. A description of the method by which the facility will be installed and/or modified (i.e. anticipated construction methods or techniques).
- (7) Temporary sidewalk closure plan. The applicant shall provide a temporary sidewalk closure plan, if appropriate, to accommodate placement or maintenance of the facility.
- (8) Temporary Traffic Control (TTC) plan. The applicant shall provide a temporary traffic lane closure and Temporary Traffic Control (TTC), if appropriate, to accommodate placement or maintenance of the facility.
- (9) Restoration plan and estimated cost of restoration of the public rights-of-way. A restoration plan and a good faith estimate of the cost of restoration of the public rights-of-way by a licensed engineer. Such good faith estimate shall be accepted by the City unless the City determines such estimated costs are not representative of the actual costs of the restoration of the public rights-of-way. Estimates of the cost to restore the public rights-of-way shall include all costs necessary to restore the public rights-of-way to its original condition. Such good faith estimate may include, but shall not be limited to, costs to restore the paving, curbs/gutters, sidewalks, multi-purpose trails, and landscaping. All planted or naturally occurring shrubbery or vegetation, including sod, damaged or destroyed during work in the public rights-of-way shall be

replaced. Tree or landscaping removal shown on the permit shall not be considered damage or impairment to be restored to the original condition provided the applicant or requester complies with the approved mitigation plan, if any.

(10) Timetable for construction or installation. The timetable for construction, placement or maintenance of the proposed facility or each phase thereof.

(11) Indemnification. A statement shall be included with the permit application or request that by execution of the application or request and by filing for the permit, the registrant shall be bound to the City with respect to the indemnification provisions set forth in this Ordinance.

(12) Airport airspace protection. If applicable, certification of compliance with F.S. ch. 333 and all City, State and federal laws and regulations, as amended, pertaining to airport airspace protections.

(13) Attestation. For applications by a wireless infrastructure provider or its contractor for the placement or maintenance of a utility pole in the public rights-of-way for collocation of a small wireless facility, the applicant shall provide an attestation by an authorized representative of the registrant that a small wireless facility will be collocated on the utility pole and will be used by a wireless services provider to provide communication service within nine (9) months after the date the application is approved.

(14) Pole attachment agreement. If applicable for the proposed facility, except for registrants whose pole attachments are regulated by 47 U.S.C. § 224, the registrant shall provide a copy of a fully executed valid pole attachment agreement between the owner of the utility pole and registrant. In lieu of providing the complete pole attachment agreement between the owner of the utility pole and registrant, the registrant may provide the first page of such agreement and the signature page or a notarized letter of authorization from the owner of the utility pole, providing adequate identifying information, acceptable to the City, and indicating the registrant is authorized to install its facility on the identified utility pole. By submitting the City's permit form, the registrant certifies to the City that it has authority from the utility pole owner to collocate its facility.

(15) Information regarding height limitations. For an application for a new utility pole to support the collocation of a small wireless facility, the applicant shall provide information regarding the height and GPS location of the tallest utility pole located in the same public rights-of-way as of July 1, 2017, measured from grade in place within five hundred (500) feet of the proposed location of the utility pole. If there is no utility pole within five hundred (500) feet of the proposed utility pole as of July 1, 2017, the applicant shall so certify.

(16) If the permit request includes a backup power supply, information to demonstrate that the backup power supply and proposed fuel storage satisfies the applicable codes as well as codes and standards of the National Fire Protection Association.

(17) In addition to the requirements herein, as part of any permit application to place or maintain a small wireless facility or utility pole in the public rights-of-way, the applicant shall provide the following:

- (a) Documentation to the satisfaction of the City from a licensed engineer, that the structure and foundation of the utility pole intended to support the collocation of the small wireless facility can support the additional load of the proposed small wireless facility consistent with the requirements of the Florida Building Code;
- (b) Certification and description by the applicant to the satisfaction of the City how the proposed small wireless facility or utility pole complies with the objective design standards set forth in this Ordinance. For a proposed ground-mounted small wireless facility, such information shall include whether the proposed small wireless facility includes a wrap that has been approved by the City or is of an architectural design that is substantially similar to other infrastructure in the area of the public rights-of-way or has been approved by the City.
- (c) Accurate photo simulations of the proposed utility pole or small wireless facility and if applicable, as collocated on the utility pole.

(18) Applicable permit fees including reimbursement for City consultants, to the extent not inconsistent with applicable law. The City acknowledges that currently, applicable law does not allow the City to charge permit fees.

(19) Consolidated permit application and single application or request for multiple locations. A registrant may submit a single application or request to place or to maintain multiple facilities in the public rights-of-way, where it would be more efficient for the registrant and the City to address multiple facilities in one permit. An applicant seeking to collocate multiple small wireless facilities may file a consolidated permit application and receive a single permit for the collocation of up to 30 small wireless facilities. The application must include the information required for an application for each of the proposed small wireless facilities. In addition, prior to applying for a consolidated permit, the applicant is strongly encouraged to engage in a pre-submittal meeting with the City to discuss all proposed small wireless facilities. If the application includes multiple small wireless facilities, the City may separately address small wireless facility collocations for which incomplete information has been received or which are denied. Each proposed utility pole to be placed in the public rights-of-way for the collocation of a small wireless facility shall require a separate application, and each communications facility to be placed in the public rights-of-way except for the collocation of a small wireless facility, shall require a separate request unless the City consents at a pre-submission meeting to a single application or request for such multiple facilities.

(20) To the extent not inconsistent with applicable law, such additional information requested by the City reasonably necessary for the permit application or request.

(c) Application Review and Procedures for Small Wireless Facilities and Utility Poles for Collocation of Small Wireless Facilities.

(1) Time periods within this subsection shall be extended for the period of time impacted by a force majeure event or by a declared State of Emergency by the City, Martin County, or Governor that impacts the City ("force majeure extension). If a registrant opposes a force majeure extension pursuant to this subsection, it shall notify the City within 24 hours of such extension becoming effective or the registrant shall be deemed to have consented to the extension. Except as otherwise provided herein, requests for permits for the placement of communications facilities in the public rights-of-way, including but not limited to backhaul facilities, shall be subject to the time frames and review procedures set forth in this subsection; requests shall be considered to be applications; and requesters shall be considered to be applicants for purposes of time frames as referenced in this subsection. The time frames and procedures herein shall not apply to other requests that do not involve the placement of communications facilities in the public rights-of-way, including but not limited to, request for permits to perform maintenance on existing communications facilities in the public rights-of-way.

(a) Unless extended by mutual consent of the applicant and City, within 14 days after receiving an application, the City Manager will notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the City will specifically identify the missing information. An application is deemed complete if the City fails to provide notification to the applicant within 14 days.

(b) Negotiation Process.

(1) Unless extended by mutual consent of the applicant and the City, within 14 days after the date of filing the application, the City may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative City utility pole or support structure or may place a new utility pole. The City and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request.

(2) At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the City of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application.

(3) If an agreement is not reached, the applicant must notify the City of such nonagreement and the City must grant or deny the original application within 90 days after the date the application was filed unless extended by mutual consent of the applicant and City. Failure of the applicant to so notify the City as required herein shall be deemed to constitute the applicant's consent to the City's

alternative location. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

(c) The City processes all applications on a nondiscriminatory basis. Unless the City and the applicant engage in negotiations as provided above, the City will approve or deny the application and will notify the applicant by electronic mail whether the application is approved or denied within 60 days after the receipt of a completed application.

(d) Extension of time. If the City and the applicant do not engage in negotiations, the applicant and City may mutually agree to extend the 60-day application review period. The City shall grant or deny the application at the end of the extended period.

(e) Basis to Deny Applications. The City may deny an application for a proposed collocation of a small wireless facility or to place a utility pole used to support a small wireless facility in the public rights-of-way if the proposed small wireless facility or utility pole to support a small wireless facility:

- (1) Materially interferes with the safe operation of traffic control equipment;
- (2) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
- (3) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
- (4) Materially fails to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual;
- (5) Fails to comply with applicable codes;
- (6) Fails to comply with objective design standards set forth in this Ordinance; or
- (7) Fails to comply with the City Code, to the extent not inconsistent with applicable law.

(f) Cure Procedure.

- (1) If the application or request is denied, the City will specify the basis for the denial, including the specific code provisions on which the denial was based, on the day the City denies the application or request.

(2) The registrant may cure the deficiencies identified by the City and resubmit the application or request within 30 days after the notice of denial is sent.

(3) If an attempt to cure is submitted by the registrant within such 30-day period, the City will approve or deny the revised application or request within 30 days after receipt of the revised application. If the registrant revises any information in the application or request other than to address expressly the deficiencies identified by the City, the registrant shall submit a new application or request and the denial of the pending application or request shall be final.

(4) The City's second and subsequent reviews of revised applications or requests will be limited to the deficiencies cited in the denial notice.

(g) A permit issued pursuant to an approved application or request to install a new communications facility shall remain in effect for one (1) year unless otherwise extended, suspended, or revoked by the City pursuant to this Ordinance. If a communications facility including a small wireless facility or utility pole is going to be installed without a permit pursuant to this Ordinance or applicable state or federal law, the applicant or requester shall nevertheless be required to have an effective registration, comply with development standards and provide the bonds required in this Ordinance prior to performing construction.

(h) A permit from the City constitutes authorization to undertake only certain activities in the public rights-of-way in accordance with this Ordinance, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the public rights-of-way.

(2) Review Procedures and Basis to Deny Requests.

(a) Time frames. The City shall review and process other requests that are not for the placement of communications facilities, including but not limited to, requests for a permit to perform maintenance or to remove facilities, consistent with time frames required under applicable law and the City's standard procedures.

(b) Basis to deny. Except for applications for permits to collocate small wireless facilities or for utility poles to support the collocation of a small wireless facility addressed above, the City may deny a request for a permit to place or to maintain communications facilities in the public rights-of-way, including but not limited to, a permit to place backhaul facilities, consistent with applicable law and the City's standard procedures.

(c) Review procedures for wireless facilities modifications pursuant to the Spectrum Act. A registrant may file an eligible facilities request to modify an existing tower or base

station in the public rights-of-way, that does not substantially change the physical dimensions of such tower or base station, pursuant to Section 6409(a) of the Spectrum Act of 2012, 47 U.S.C. § 1455(a), and FCC regulations adopted thereto, 47 C.F.R. § 1.6100, as amended. Such request shall include the following: (1) confirmation that the registrant possesses an effective registration and submitted a permanent performance bond with the City; (2) a statement that it is an eligible facilities request, (3) a report, signed and sealed by a licensed engineer, that addresses the factors set forth in the FCC regulations, including a description of proposed modifications and the factors regarding whether the proposed modifications constitute a substantial change, and (4) a certified copy of the permit for the existing tower or base station that is proposed to be modified. The City shall review such request pursuant to the procedures set forth in the FCC regulations, notwithstanding other provisions of this Ordinance. The procedures in this Ordinance for appeal shall apply.

(3) Suspension and Revocation of Permits.

(a) The City may order the suspension of placement and maintenance work under a permit and ultimately may suspend or revoke any permit, in the event of a material breach of the terms and conditions of any applicable codes, this Ordinance, State and federal laws and regulations, or any condition of the permit. A material breach by the permittee may include, but is not limited to:

- (1) The violation of any material provision of the permit or applicable codes;
- (2) An evasion or attempt to evade any material provision of the permit or the perpetration or attempt to perpetrate any fraud or deceit upon the City;
- (3) Any material misrepresentation of fact in the process of permittee's request or application for a permit or registration;
- (4) The failure to maintain the required performance cash bond or insurance;
- (5) The failure to properly restore the public rights-of-way;
- (6) The failure to comply within the specified time with an order issued by the City;
- (7) The failure to register, renew a registration, or provide notice of transfer in accordance with this Ordinance;
- (8) The failure to relocate or remove facilities pursuant to this Ordinance and F.S. §§ 337.402, 337.403 and 337.404, as amended;
- (9) Conducting work in the public rights-of-way without a permit, if required.

(b) If the City determines that a registrant has committed a substantial breach of a term or condition of the permit or violation of applicable codes or this Ordinance, the City shall make a written demand upon the registrant to remedy such violation. The demand shall state that the continued violation(s) may be cause for suspension or revocation of the permit. Further, the City may place additional or revised permit conditions on the permit following a substantial breach. In addition, the City may refuse to issue new permits and may deny an application or request for a new permit to a registrant or registrant's contractor that has materially violated any provisions of a permit or applicable codes or this Ordinance, until such time as the registrant cures the violation to the satisfaction of the City, including paying any damages, costs or penalties that may have been assessed.

(c) Within thirty (30) days of receiving notification of the breach, the permittee shall contact the City and provide a plan, acceptable to the City. The City shall provide additional time as reasonably necessary for a permittee to establish an acceptable plan taking into account the nature and scope of the alleged breach. The permittee's failure to so contact the City, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for revocation or suspension of the permit. A final determination to suspend or to revoke a permit may be appealed in accordance with the procedures set forth in this Ordinance. Nothing herein shall affect the City's ability to take immediate action or to cause a registrant to take immediate action pursuant to this Ordinance or applicable law to address any condition that threatens the health, safety or welfare of persons or property.

(d) If a permit is revoked, the permittee shall reimburse the City for the City's reasonable costs, including restoration costs, administrative costs, and the cost of collection. These costs may also be deducted from the registrant's permanent performance cash bond in the City's discretion.

(e) The City Manager may cause an immediate stop work order where the construction poses a serious threat to the health, safety or welfare of the public until such time as such serious threat has been abated.

(4) Requests for Waivers.

(a) Nothing in this Ordinance shall be construed to prohibit or have the effect of prohibiting the nondiscriminatory and competitively neutral use of public rights-of-way by communications service providers, communications facility providers or pass-through providers, in violation of federal or state law.

(b) A waiver may be granted by the City Manager in those circumstances where a competitively neutral use of the public rights-of-way is impaired by strict application of the requirements of this Ordinance, in violation of applicable law.

(c) A request for a waiver shall be filed either prior to or contemporaneously with the permit application. The request for waiver shall contain each provision for which a waiver is sought. A request for a waiver shall include the following information:

- (1) A detailed explanation, with supporting engineering information by a Florida licensed engineer or other data, as to why a waiver from the requirements of this Ordinance is required to allow the applicant to have nondiscriminatory and competitively neutral use of the public rights-of-way, including a detailed explanation addressing the relevant engineering criteria;
- (2) Nature and characteristics of the surrounding neighborhood;
- (3) Any special conditions and circumstances affecting the proposed site which prevent compliance with the Ordinance or subsection for which a waiver is being sought;
- (4) If applicable, topography, tree coverage and foliage in the immediate surrounding area of the proposed facility or within the surrounding neighborhood;
- (5) Design of the proposed facility with particular reference to achieving compatibility with the surrounding neighborhood and other structures in the public rights-of-way and eliminating adverse visual impacts;
- (6) If the proposed waiver is compliant with the Americans With Disabilities Act, 42 U.S.C. § 12101, et seq., and applicable codes;
- (7) A request for waiver of the objective design standards contained herein shall include a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or utility pole, or are technically infeasible with supporting information from a licensed engineer, or that the design standards impose an excessive expense on the registrant with information as to the additional costs of compliance with the standards and the registrant's anticipated revenue from the proposed facility or assets. The City shall grant or deny a request for a waiver of objective design standards within forty-five (45) days after receiving the request for waiver unless the applicant and City consent to an extension, subject to a force majeure event.
- (8) Any other information the City may reasonably require to process the request for waiver.

(d) Except for a request for a waiver of objective design standards, the City shall grant or deny a request for a waiver of any other provisions of the City Code pursuant to its standard procedures for requests for waivers or variance of its Code, consistent with applicable law. If a request for waiver or variance is not processed by the City within the time frame for granting or denying an application or

request for a permit, the City shall deny the permit application or request unless the City and the registrant consent to an applicable extension. In granting any waiver, the City may impose conditions to the extent the City determines such conditions are necessary to minimize any adverse effects of the proposed facility on the surrounding neighborhood or to protect the health, safety and welfare of the public.

(e) Should a request for waiver, and ultimately a permit, be denied by the City, the denial of the waiver may be appealed with an appeal of the permit denial in accordance with this Ordinance.

(5) Appeals.

(a) Final, written decisions of a designee of the City Manager, including but not limited to, a decision suspending, revoking, or denying a permit, denying a registration, denying a renewal of a registration, suspending or terminating a registration or denying a request for a waiver, or imposing costs or a fine, are subject to appeal to the City Manager. An appeal must be filed with the City Manager within thirty (30) days of the date of the final, written decision to be appealed. An appeal that is not timely filed as set forth herein shall be waived. The City Manager shall hear or may appoint a hearing officer to consider the appeal. The decision on appeal shall be based on the information submitted previously to the City and no new information shall be considered. Subject to a force majeure event, the hearing shall occur within 30 days of the receipt of the appeal, unless waived by the applicant, and a written decision shall be rendered within 20 days of the hearing.

(b) An appeal from a decision of the City Manager or a hearing officer may be appealed to the City Commission within 30 days, by filing a written notice of appeal with the City Clerk and providing copies to the City Manager and the City Attorney. Any appeal not timely filed shall be waived. The notice of appeal shall state the decision which is being appealed, the grounds for appeal, a brief summary of the relief which is sought, and shall be accompanied by a nonrefundable fee to be established by administrative order of the City Manager. The City Commission may affirm, modify or reverse the decision of the City Manager. The City Manager shall notify any party who has filed a written request for such notification of the date when the matter will be presented to the City commission. Nothing contained herein shall preclude the City Commission from seeking additional information prior to rendering a final decision. The decision of the City Commission shall be by resolution and a copy of the decision shall be forwarded to the City Manager and the appealing party. Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the City Commission may appeal an adverse decision to the Circuit Court In And For Martin County or applicable federal district court. The party making the appeal shall be required to pay to the City Clerk a fee to be established by administrative order of the City Manager, to defray the costs of preparing the record on appeal. Said fee shall be effective upon approval by the Commission. To the extent required by applicable law, the City shall waive any claim or defense based on failure to exhaust administrative remedies if the City's administrative review is not complete within 45 days after a person files a complete request for review.

Sec. 36-133. - Suspension of permits.

- (a) The city may suspend a permit for work in the public rights-of-way for one (1) or more of the following reasons, subject to section 36-144 of this article:
 - (1) Violation of permit conditions, including conditions set forth in the permit, this article, or other applicable city ordinances, codes, or regulations governing placement or maintenance of communications facilities in public rights-of-way;
 - (2) Misrepresentation or fraud by registrant in a registration or permit application to the city;
 - (3) Failure to properly renew or ineffectiveness of the registration; or
 - (4) Failure to relocate or remove facilities as may be lawfully required by the city.
- (b) The building official shall provide notice and an opportunity to cure any violation of subsections (1) through (4) above, each of which shall be reasonable under the circumstances.

Sec. 36-144. – Performance construction bond and permanent performance bond.

- (a) Prior to the issuance of any permit in accordance with this Ordinance, or performing any work in the public rights-of-way, either pursuant to a permit or without a permit if authorized by applicable law except in the case of an emergency pursuant to this Ordinance, a registrant or contractor that applies for a permit on behalf of a registrant shall deposit with the City a performance construction bond acceptable to the City to secure the restoration of the public rights-of-way, and to ensure the registrant's or contractor's faithful performance of the construction or other work in the public rights-of-way, in accordance with applicable sections of the Code. The performance construction bond shall be conditioned upon the full and faithful compliance by the registrant or contractor with all requirements, duties, and obligations imposed by the permit and provisions of this Ordinance during and through completion of the placement or maintenance project. The performance construction bond shall be in an amount as determined by the City based on one-hundred ten percent (110%) of the estimated costs of the restoration of the public rights-of-way submitted by the registrant. For a consolidated permit, the registrant or contractor shall provide a performance construction bond based on the amount of the total costs of the restoration of the public rights-of-way for all small wireless facilities to be collocated on utility poles within the public rights-of-way, but in no event, shall be less than ten thousand dollars (\$10,000.00). Notwithstanding any provision herein, the minimum amount of the performance construction bond for a new or replaced utility pole or small wireless facility over six (6) cubic feet shall be twenty-five thousand dollars (\$25,000.00). The City shall not require a performance construction bond if the estimated cost of restoration of the public rights-of-way is less than one thousand dollars (\$1,000.00).
- (b) In the event a registrant or contractor subject to such a performance construction bond fails to complete the work in a safe, timely and competent manner in accordance with the provisions of the permit or code, there shall be recoverable, from such construction bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification or cost of removal or

abandonment of any property of the registrant, or the cost of completing the work, plus a reasonable allowance for attorney's fees, up to the full amount of the bond.

(c) The performance construction bond shall be non-cancelable and shall be for a term of not less than one (1) year but not more than 18 months after the anticipated date of the later of completion of construction, restoration and City inspection. No less than one-year after completion of the construction and satisfaction of all obligations in accordance with the bond, the registrant or contractor may request that the City remove the requirement to continue the performance construction bond. In accordance with the current standards of the City, and satisfaction of all obligations in accordance with the bond, the City shall return the performance construction bond without interest. Notwithstanding, the City shall require a new performance construction bond for any subsequent work performed in the public rights-of-way as required by this Ordinance. Notwithstanding this provision, to the extent required by applicable law, the City shall accept a letter of credit or similar financial instrument as a construction bond issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile. A provider of communications services may add the City to any existing bond, or other relevant financial instrument, and the City shall accept such proof of coverage without any conditions other than consent to venue in Martin County for purposes of any litigation to which the City is a party.

(d) Permanent Performance Bond.

(1) The City is concerned that, based on past experience in the City and throughout the State, the placement and maintenance of communications facilities in the public rights-of-way has the potential to cause significant damage to the public rights-of-way and to utilities within the public rights-of-way, creating disruption to the City residents, businesses and the travelling public. In addition, the City is concerned that it will not be able to obtain adequate security to address damage to public rights-of-way or to utilities, because of restrictions on construction bonds, placement and maintenance of facilities lawfully or unlawfully without permits, inaccurate locates, permits issued by other government entities within the City that could impact City utilities, and other issues associated with such facilities in the public rights-of-way. Accordingly, pursuant to the City's authority and obligation to manage the public rights-of-way and to provide for the public safety in the exercise of its police power, and to the extent not inconsistent with applicable law, the City shall require all persons that place or maintain communications facilities in the public rights-of-way to establish a permanent performance bond in the City's favor.

(2) A Registrant or Facility Owner who places or maintains communications facilities in the public rights-of-way, shall file with the City, for City approval, a permanent performance bond in the amount of twenty-five thousand dollars (\$25,000.00), in the form of a cash deposit or irrevocable letter of credit. Any cash deposit shall be held in a separate account or City account. The letter of credit shall be issued by a United States financial institution that allows drawing on the letter of credit via electronic means including facsimile, agrees to the jurisdiction of the appropriate court within Martin County, and shall be in a form and issued by a financial institution acceptable to the City Attorney. The permanent performance bond shall be

conditioned on the full and faithful performance by the Registrant or Facility Owner of all requirements, duties, and obligations imposed by the provisions of this Ordinance and applicable law, including but not limited to requirements to restore the public rights-of-way and to guarantee such restoration, to remove any abandoned communications facilities, to indemnify the City as required herein, and to pay for any damage to City or other facilities in the public rights-of-way. The permanent performance bond shall not constitute a fee, tax or other imposition on a dealer of communications services in its capacity as a dealer of communications services or compensation for use of the public rights-of-way and shall not be used by the County as such. Should the City draw upon the permanent performance bond, the City shall promptly notify the registrant, and the registrant shall promptly restore the cash deposit and/or letter of credit, as may be necessary, to the full amount. In the event a registrant fails to perform its duties and obligations imposed by the provisions of this Ordinance, subject to providing prior notice and a reasonable opportunity to cure the failure, there shall be recoverable, jointly and severally from the principal and surety of the permanent performance bond, including a letter of credit, any damages or loss suffered by the City as a result, including the full amount of any damages, indemnification or cost of removal or abandonment of any property of the registrant, plus a reasonable allowance for attorneys' fees. The cash deposit or letter of credit shall be furnished annually or as frequently as necessary to provide a continuing guarantee of the person's full and faithful performance at all times. A registrant may change the form of the permanent performance bond on file with the City on an annual basis. A registrant may request that the City return the permanent performance bond or approve the cancellation of the performance bond upon the expiration of a registrant's obligations pursuant to the City Code and in no event while a registrant maintains any obligations with respect to facilities in the public rights-of-way. If the City determines it is appropriate to return the permanent performance bond, a cash deposit retained by the City shall be returned without interest.

(3) For new registrants seeking to place or to maintain communications facilities in the public rights-of-way, the permanent performance bond required herein must be filed with the City prior to any construction associated with the placement or maintenance of a communications facility in the public rights-of-way. For existing registrants, permanent performance bonds currently on file with the City, either in the form of a cash deposit or letter of credit, shall satisfy the requirement of this subsection and shall continue to be maintained by the City. To the extent that a communications services provider, wireless provider, or pass-through provider with facilities in the public rights-of-way, does not have a permanent performance bond filed with the City as required herein, said person shall submit the permanent performance bond as provided herein, within ninety (90) calendar days from the effective date of this Ordinance. No permits shall be issued to a person for placement or maintenance of facilities within the public rights-of-way without a permanent performance bond filed with the City. For activity that does not require a permit, no placement or maintenance of a communications facility in the public rights-of-way shall be performed by or on behalf of a registrant that does not have a permanent performance bond on file with the City. In addition to other remedies provided herein, including but not

limited to, revoking a registration, denying or withholding permits, or issuing a stop work order, the City may pursue code enforcement actions against any person who violates this subsection.

(4) Any person who seeks a waiver of the requirement of a permanent performance bond or seeks to pursue a challenge to such requirement shall submit an appeal to the City Manager setting forth the basis for such person's position, pursuant to the procedures set forth in this Ordinance. The City Manager shall render a decision which the person may appeal to the City Commission, pursuant to the procedures set forth in this Ordinance.

(e) The rights reserved by the City with respect to any performance construction bond or permanent performance bond established pursuant to this division are in addition to all other rights and remedies the City may have under this Ordinance, or at law or equity, and no action, proceeding or exercise of a right with respect to the performance construction bond or permanent performance bond will affect any other right the City may have.

Sec. 36-145. – Construction methods for placing or maintain communications facilities in public rights-of-way.

(a) A registrant shall place and maintain its communications facility in public rights-of-way in a manner consistent with accepted industry practice and applicable codes and must comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual. For purpose of complying with the notice and approval requirements contained within the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual, the registrant shall provide notice and seek approval from the City Manager. All safety practices required by applicable codes or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities, including but not limited to, Chapter 33 of the Florida Building Code. Registrant shall use and exercise due caution, care and skill in performing work in the public rights-of-way, and shall take all reasonable steps to safeguard work site areas including maintenance of traffic.

(b) In connection with excavation in the public rights-of-way, the requirements of this Ordinance shall control to the extent of any conflict with inconsistent provision of the City Code.

(c) In addition, in connection with excavation in the public rights-of-way, a registrant shall, where applicable, comply with the Underground Facility Damage Prevention and Safety Act set forth in F.S. ch. 556, as it may be amended. In the event of any conflicts with existing utilities or utility service laterals, the proposed location of the communications facility will be adjusted, not the utility.

(d) To the extent not inconsistent with applicable codes, underground cables, where required, shall have consistent alignment parallel with the edge of pavement, a thirty-six-inch (36") depth of cover for the paved portion of roadways, sidewalks and driveway aprons a twenty-four-inch (24") to thirty-inch (30") depth of cover in all areas except the paved portion of roadways, sidewalks and driveway aprons, and shall have a three-foot (3') horizontal clearance from underground utilities and their appurtenances.

Below grade communication facility shall not be allowed under a swale or ditch unless such restriction is waived by the Public Works Operation Manager or City Manager with appropriate conditions of a permit that the registrant or permittee clean or re-excavate the swale or ditch to its appropriate grade prior to installation of the facility.

(e) Grounding rods and pull boxes. The grounding rod may not extend above the top of the public right-of-way or sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit. All pull boxes shall be vehicle load bearing, comply with applicable codes and FDOT Standard specification 635 and be listed on the FDOT Approved Products List. A concrete pad shall be installed around all pull boxes not located in the sidewalk. No new or replacement pull boxes shall be located in pedestrian ramps.

(f) Consistent with applicable codes and City regulations, the City may require the use of trenchless technology (i.e., directional bore method) or may prohibit underground missile boring for the installation of facilities underground in the public rights-of-way. The registrant shall be solely liable for the displacement, damage or destruction of any property, public rights-of-way, irrigation system, utility, or landscaping as a result of the placement or maintenance of its facility within the public rights-of-way. The City may issue such rules and regulations concerning the method for placement or maintenance of a communications facility in public rights-of-way as may be consistent with this Ordinance and other applicable codes and standards. The provisions of this subsection are not intended to prevent the use of any method of construction not specifically prescribed by this subsection, provided that any such method has been approved by the City.

(g) In an effort to minimize adverse impacts and disruption in the public rights-of-way and to other municipal improvements, the City may require a communications services provider to coordinate the placement or maintenance of its facilities with any work, construction, installation in or repairs of the subject public rights-of-way or other facilities therein, that is occurring or is scheduled to occur within a reasonable time from the date(s) requested in the communications services provider's permit application. The City may require a registrant to alter reasonably its placement or maintenance schedule as necessary to minimize disruptions and disturbance in the public rights-of-way. The City may provide a more definite time frame based on specific City construction or maintenance schedules. Within the public rights-of-way, every communications services provider shall make space available in its trench and/or conduit to other communications services providers to the extent consistent with the federal requirements of 47 U.S.C. § 224. Every communications services provider shall utilize existing conduits, pathways and other facilities whenever possible, and shall not place or maintain any new, different, or additional poles, conduits, pathways or other facilities, whether in the public rights-of-way or on privately-owned property, until written approval is obtained from the City or other appropriate governmental authority, and, where applicable, from the private property owner.

(h) Limits on excavation in restored rights-of-way. To avoid continual disruption and degradation to the public rights-of-way and in the interest of public safety, an area of the public rights-of-way that has been subject to excavation and restored shall not be subject to re-excavation until at least two (2) years following the completion of such restoration, to the extent not inconsistent with applicable codes and

law, unless waived by the City. If the areas where the excavation is to occur has not been fully restored by a permittee, the subsequent permittee may apply for and the City may issue a permit that requires the subsequent permittee to restore the public rights-of-way to the original condition and to warrant such restoration consistent with this Ordinance. Registrants seeking to place communications facilities in the public rights-of-way through excavation are strongly encouraged to contact other registrants and communications services providers to coordinate the placement of communications facilities in the public rights-of-way.

(i) Trees. A registrant shall comply with the requirements of the City's Land Development Regulations with respect to the proposed removal or disturbance of any trees on private property. A registrant shall not prune, remove or materially disturb trees during placement or maintenance of communications facilities, small wireless facilities, micro wireless facility, or utility poles in the public rights-of-way, unless approved pursuant to an applicable permit issued by the City, to the extent not inconsistent with applicable law. Tree removal or pruning is not permitted within the public rights-of-way to increase signal strength or to provide a line-of-sight for wireless facilities. Landscaping may only be disturbed or removed during placement or maintenance of communications facilities pursuant to a permit issued by the City. The City may require that any landscaping or trees so removed shall be replaced or mitigated in accordance with the approved restoration plan.

(j) Restoration of public rights-of-way. A registrant shall, at its own expense, restore the public rights-of-way to at least its original condition before such work in public rights-of-way was initiated, subject to the City's satisfaction upon inspection. Registrant shall warrant its restoration for a period of twelve (12) months after completion of such restoration. If the registrant fails to make such restoration within seven (7) calendar days after completion of construction, or such other time as may be required by the City, the City may, after written notice to the registrant, perform such restoration using City employees, agents or contractors, and charge all costs of the restoration to the registrant in accordance with F.S. § 337.402, as it may be amended, and require reimbursement within 30 days after the submission of the invoice by the City to the registrant. Consistent with the City Code, if the registrant fails to complete restoration work by the estimated date for completion listed in the permit, following notice to the registrant or permittee, the City shall have the right to restore the right-of-way and to charge the registrant or permittee for actual costs of such restoration work plus 25 percent of such costs for administrative expenses, to the extent not inconsistent with F.S. § 337.402, as it may be amended. The costs and administrative expenses shall not be eligible for credit against any other payments that may be owed by the registrant to the City. Consistent with the City Code, the City Manager shall make inspections to administer and enforce the provisions of this subsection. The registrant or permittee shall notify the City Manager 48 hours prior to commencing construction and at the time of completion of work under the permit. Upon completion, the City Manager shall inspect the work to determine whether the restoration has been acceptably completed. In such event, the City shall notify the applicant in writing that the 12-month restoration warranty period has begun.

(k) A registrant shall immediately notify the City of any damage to City utilities, City fiber or other City facilities as a result of a registrant's construction in the public rights-of-way. The registrant shall repair such damage at its expense within the time frame required by the City given the nature of the

damage and impact on City services. In its discretion, the City may repair or arrange for the repair of such damage and charge such expense to the registrant.

(l) Any communications facilities heretofore or hereafter placed upon, under, over, or along any public rights-of-way that is found by the City to be unreasonably interfering in any way with the convenient, safe or continuous use or the maintenance, improvement, extension or expansion of such public rights-of-way shall, upon thirty (30) days' written notice to the registrant or its agent, be removed or relocated by such registrant at its own expense except as explicitly provided under F.S. § 337.403. The City may waive or extend the time within which a registrant shall remove or relocate a communications facility for good cause shown.

(m) Removal or relocation at the direction of the City of a registrant's communications facility in public rights-of-way shall be governed by the provisions of F.S. §§ 337.403 and 337.404, as they may be amended. Subject to F.S. § 337.403, whenever an order of the City requires such removal or change in the location of any communications facility from the public rights-of-way, and the facility owner fails to remove or charge the same at its own expense to conform to the order within the time stated in the notice, the City may proceed to cause the communications facility to be removed. The expense thereby incurred except as provided in F.S. § 337.403(1)(a)—(c), shall be paid out of any money available therefor, and such expense shall be charged against the registrant of the communications facility and levied, collected and paid to the City.

(n) Subject to F.S. § 337.403, whenever it shall be necessary for the City to remove or relocate any communications facility, the registrant of the communications facility shall be given notice of such removal or relocation and an order requiring the payment of the costs thereof, and shall be given reasonable time, which shall not be less than twenty (20) nor more than thirty (30) days in which to appear before the City Commission to contest the reasonableness of the order. Should the registrant not appear, the determination of the cost to the registrant shall be final, in accordance with F.S. § 337.404.

(o) A final order of the City shall constitute a lien on any property of the registrant and may be enforced by filing an authenticated copy of the order in the office of the clerk of the circuit court of the county wherein the registrant's property is located and/or by drawing upon the registrant's bond.

(p) The City retains the right and privilege to cut or move any communications facilities located within the public rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall attempt to notify the registrant of the communications facility, if known, prior to cutting or removing a communications facility and shall notify the registrant of the communications facility, if known, after cutting or removing a facility.

(q) The City shall have the right to make such inspections of facilities placed or maintained in public rights-of-way as it finds necessary to ensure compliance with this Ordinance. The City shall have access without charge to any manholes or hand holes at any time, of a communications services provider in which the City has facilities, provided the City has given such provider reasonable prior notice so that such provider can have trained personnel present when the accesses such manholes. Notwithstanding the

foregoing, the City, in the proper exercise of its municipal police powers and duties with respect to the public rights-of-way, shall have access to all manholes and hand holes without charge of such provider. In the event the City determines that a violation exists with respect to registrant's placement or maintenance of facilities in the public rights-of-way that is not considered to be an emergency or danger to the public health, safety or welfare, the City will provide registrant no less than three days written notice setting forth the violation and requesting correction.

(r) Following the completion of construction to place a new or replace an existing communications facility in the public rights-of-way, the registrant shall promptly provide revised plans and "as-builts" upon completion of any installation or construction. The plans shall be in a digitized PDF and CAD (Computer Aided Design) file formats, showing the two-dimensional location of the facilities, based on the City's geographical database or other format acceptable to the City. The registrant shall provide such plans at no cost to the City. The City shall maintain the confidentiality of such plans and any other information provided in accordance with F.S. § 202.195, as it may be amended.

(s) The City reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other facilities, fiber, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in public rights-of-way occupied by the registrant. To the extent not inconsistent with applicable law, a registrant shall allow City facilities to be collocated within City's public rights-of-way through the use of a joint trench during registrant's construction project. Such joint trench projects shall be negotiated in good faith by separate agreement between registrant and City and may be subjected to other City rights-of-way requirements. The City further reserves without limitation the right to alter, change, or cause to be changed, the grading, installation, relocation or width of the public rights-of-way within the limits of the City and within said limits as same may from time to time be altered.

(t) A registrant shall, on the request of any person holding a permit issued by the City, temporarily raise or lower its communications facilities to permit the work authorized by the permit. The expense of such temporary raising or lowering of facilities shall be paid by the person requesting the same, and the registrant shall have the authority to require such payment in advance. The registrant shall be given not less than 30-days advance written notice to arrange for such temporary relocation. If the City requests a temporary raising or lowering of a facility for a public purpose, the City shall not be charged for the temporary raising or lowering of the facility.

(u) This Ordinance does not authorize a person to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a utility pole owned by an electric cooperative or a municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner.

(v) Abandonment. Upon determination by a registrant or communications services provider that one or more of its communications facilities in the public rights-of-way is to be abandoned, the provider shall notify the City no later than ninety (90) days from such determination, or no later than thirty (30) days

following such abandonment, whichever is sooner. The City may independently establish that a communications facility has been abandoned. In reaching such determination, the City may request documentation and/or affidavits from the communications services provider or registrant regarding the active use of the facility. If the provider or registrant fails to provide the requested documentation within thirty (30) days, a rebuttable presumption shall exist that the provider or registrant has abandoned the communications facility. Any small wireless facility, micro wireless facility, utility pole for collocation of a small wireless facility, or other communications facility installed within the public rights-of-way that is abandoned shall be removed by the registrant or communications services provider at its expense within thirty (30) days of receipt of notice from the City. Failure to remove an abandoned facility within the thirty (30) days' period shall be deemed to be the registrant's or communications provider's consent for the City to remove the facility at the registrant's or provider's expense or for the City to allow another person to remove the facility at the registrant's or provider's expense. The communications services provider or registrant shall be responsible for all damage to the public rights-of-way and any facilities or utilities damaged as a result of such removal, and shall restore the public rights-of-way as required in this subsection.

(w) If there are two (2) or more users of a single facility, then this provision shall not become effective until all users cease using the facility. Notwithstanding the foregoing, if the facility is attached to an existing structure that has an independent function such as a light pole, intersection signal, pedestrian signal, utility pole or the like, said abandonment of the facility requires removal of the facility only and does not require the removal of the existing structure.

Sec. 36-146. - Existing communications facilities in public rights-of-way.

A communications services provider with an existing communications facility in the public rights-of-way of the city has sixty (60) days from the effective date of this article to provide registration pursuant to this article or be in violation thereof.

Sec. 36-147. - Insurance.

- (a) A registrant shall provide, pay for, and maintain satisfactory to the city the types of insurance described herein. All insurance shall be from responsible companies duly authorized to do business in the State of Florida and having a rating reasonably acceptable to the city. All liability policies shall provide that the city is an additional insured as to the activities under this article. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representative of the insurance company and shall be filed and maintained with the city annually. Thirty (30) days' advance written notice by registered, certified mail, or facsimile must be given to the city of any cancellation, intent not to renew, or reduction in the policy coverages. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the city.
- (b) The limits of coverage of insurance required shall be not less than the following:
 - (1) Workers' Compensation and Employer's Liability Insurance Workers' Compensation-Florida Statutory Requirements Employer's Liability—\$1,000,000.00 limit each accident.
 - (2) Comprehensive general liability bodily injury and property damage—\$1,000,000.00 combined single limit each occurrence.

- (3) Automobile liability bodily injury and property damage—\$1,000,000.00 combined single limit each accident.

Sec. 36-148. - Indemnification.

- (a) A registrant shall, at its sole cost and expense, indemnify, hold harmless, and defend the city, its officials, boards, members, agents, and employees against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses incurred by the city arising out of the placement or maintenance of its communications system or facilities in public rights-of-way, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this article; provided, however, that a registrant's obligation hereunder shall not extend to any claims caused by the negligence, gross negligence, or wanton or willful acts of the city. This provision includes, but is not limited to, the city's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceedings. The city agrees to notify the registrant, in writing, within a reasonable time of the city receiving notice of any issue it determines may require indemnification. Nothing in this section shall prohibit the city from participating in the defense of any litigation by its own counsel and at its own cost if in the city's reasonable belief there exists or may exist a conflict, potential conflict, or appearance of a conflict. Nothing contained in this section shall be construed or interpreted: (a) as denying to either party any remedy or defense available to such party under the laws of the State of Florida; or (b) as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as it may be amended.
- (b) The indemnification requirements shall survive and be in effect after the termination or cancellation of a registration.

Sec. 36-149. - Development and objective design standards for the placement or maintenance of communications facilities in the public rights-of-way.

- (a) Terms and conditions for collocation on City utility poles.
- (1) The City utility poles do not constitute authority utility poles within the meaning of F.S. § 337.401(7). Accordingly, the City, in its discretion, may reject a registrant's request to collocate a communications facility on a City utility pole in the public rights-of-way. Any registrant allowed to collocate a communications facility on a City utility pole shall enter into an agreement with the City that is acceptable to the City Commission. The City shall not enter into an exclusive arrangement with any person for the right to attach equipment to City utility poles. The City reserves the right to enter into agreements for collocation on City utility poles in its discretion.
- (2) Reservation of space on City utility poles. The City may reserve the useable space of the vertical pole component of all City utility poles in the public rights-of-way for future public safety uses. The City may allow a registrant to replace a City utility pole at the registrant's sole cost if necessary to accommodate the collocation of the small wireless facility and the City's use. The replaced pole shall continue to be owned by the City.
- (3) The rate to collocate a small wireless facility on a City utility pole in the public rights-of-way shall be negotiated between the City and registrant.

(4) A collocation of a small wireless facility on a City utility pole shall comply with all applicable codes and this Ordinance, and shall not compromise the City utility pole's finish, functionality, or structural integrity particularly with respect to vulnerability to high velocity wind conditions.

(5) A collocation of a small wireless facility on a City utility pole shall not affect the City's ability to remove or to replace the pole in its sole discretion. A City utility pole that has been partially removed or has been designated to be removed by the City shall not be available for collocation or repurpose for collocation. Within thirty (30) days after receiving notification that the City intends to remove or to replace the utility pole, the registrant shall remove its collocated small wireless facility at its cost. In the interest of public safety and safety of City employees, a City structure in the public rights-of-way used to support an avian structure or facility shall not be available for collocation or repurpose or replacement for collocation. A City building or City utility pole extending from a building in the public rights-of-way shall not be available for collocation, or repurpose or replacement for collocation.

(b) Location context and public safety regulations. A proposed communications facility shall comply with the following location context requirements unless waived by the City. In conjunction with granting such waiver, the City may require conditions on the permit approving such facility.

(1) A registrant shall comply with and abide by all applicable provisions of the state law and City ordinances, applicable codes and regulations, quasi-judicially approved conditions for approvals, settlement agreements, applicable contracts, applicable court orders, and applicable provisions of federal statutes, FCC regulations and PSC regulations in placing or maintaining a communications facility in the public rights-of-way. Wireless facilities shall be considered to be structures under the Florida Building Code, Building Risk Category IV, Structures, Chapter 16 Section 1620—1621, High Velocity Hurricane Zone Area.

(2) All communications facilities shall be placed and maintained so as not to interfere with, create any safety hazard, or create a visual obstruction to the traveling public's the use of the public rights-of-way or the use of bicycle lanes or multipurpose trails. To avoid such visual obstructions, not utility poles for collocation of small wireless facilities or ground mounted small wireless facilities shall be located within traffic circles.

(3) For public safety purposes, aboveground communications facilities, including but not limited to, small wireless facilities, micro wireless facilities and utility poles for collocation of small wireless facilities, shall not be placed or maintained on multipurpose trails.

(4) Communications facilities shall be placed between the property line and the curb line of a street and shall not be located within a clear zone.

(5) All communications facilities shall be placed and maintained so as not to cause unreasonable interference with the rights, accessibility and safety of property owners who abut any of the public rights-of-way. By way of example, the placement or maintenance of a

communications facility in the public rights-of-way shall not cause excessive noise or light levels in violation of Chapter 22, Art. III, Section 22-69, of the City Code, shall not impede ingress and egress to adjacent property, materially block views from or into a business or residence, or materially block visibility of address or other signage on abutting properties.

(6) A registrant shall not place or maintain its communications facilities to interfere, displace, damage or destroy any facilities, including but not limited to, the City drainage plan, sewers, ponds, gas or water mains, storm drains, pipes, cables or conduits of the City or any other person's facilities or utilities lawfully occupying the public rights-of-way of the City, unless waived by the City.

(7) The City may prohibit or limit the placement of new or additional communications facilities within the public rights-of-way if there is insufficient space to accommodate all of the requests to place and maintain facilities and utilities in the proposed location of the public rights-of-way, to safely accommodate additional installations at any location, for the protection of existing facilities and utilities in the public rights-of-way, or to accommodate City plans for public improvements, other approved capital improvements projects as part of the City Comprehensive Plan, the City's smart technology or projects the City determines are in the public interest.

(8) Placement within Historic Downtown City of Stuart Geographic Area. Consistent with the City's Comprehensive Plan, to protect the history and character of the area designated as Historic Downtown City of Stuart, the City discourages and will not issue permits for following activities associated with facilities within the geographic area of historic downtown City, unless waived by the City Manager:

1. Excavation except to repair or to replace existing underground communications facilities;
2. Installation and maintenance of utility poles for the collocation of communications facilities, including small wireless facilities;
3. Installation and maintenance of small wireless facilities;
4. Installation and maintenance of micro wireless facilities;
5. Collocation of antenna; and
6. Installation and maintenance of ancillary services, including but not limited to, electric power for such facilities.

(9) Facilities to be installed underground.

- a) All facilities shall be subject to the City's non-discriminatory undergrounding requirements that prohibit above-ground structures and utilities in the public rights-of-way.

b) Unless waived by the City, pursuant to the City's undergrounding project described in the recitals, all communications facilities shall be placed underground, to the extent that utilities have previously been placed underground or are programed to be placed underground.

c) A registrant shall not place or maintain utility poles for the collocation of small wireless facilities or small wireless facilities in a location in the public rights-of-way where there are no existing electric or communications utility poles and where electric and communications utilities are required to be installed underground to the extent not inconsistent with applicable law.

d) For purposes of this subsection, unless inconsistent with applicable law, adoption of a final resolution by the City Commission shall constitute an undergrounding requirement over any area of the public rights-of-way. This subsection does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that if the City notifies the registrant of the micro wireless facility that aerial communications or electric distribution utilities will be converted to underground utilities, the registrant shall remove its micro wireless facility at its expense within the time frame required by the City.

e) Conversion of overhead utilities to underground. No utility poles for the collocation of small wireless facilities, micro wireless facilities, or communications facilities shall be placed in a location in the public rights-of-way where the City Commission has determined that existing above ground electric and communications utilities should be removed and relocated underground. The presence of small wireless facilities or micro wireless facilities shall not be a basis not to comply with the City's requirements to convert above ground utilities to underground. To comply with the City's undergrounding requirements, a registrant shall remove its small wireless facilities, micro wireless facilities, and utility poles for collocation of small wireless facilities at its expense within 60 days of being notified by the City that such facilities must be removed. The City shall have the right to remove such facilities at the registrant's expense if the registrant fails to do so. For small wireless facilities installed before the City adopts requirements that public utility lines in a particular area must be placed underground, the City, in its discretion, shall: (a) allow a wireless provider to maintain the small wireless facility in place subject to any applicable pole attachment agreement with the pole owner; or (b) allow the wireless provider to replace the associated pole within 50 feet of the prior location in accordance with the objective design standards contained within this Ordinance.

f) Notwithstanding the provisions of this subsection, the City may approve a permit for a new utility pole for collocation of a small wireless facility in an area where all public utility lines must be placed underground, if a wireless provider satisfies the following:

- i. The wireless provider provides information from a licensed engineer that the City has not allowed structures to remain above ground that are reasonably available to the wireless provider for the collocation of small wireless facility and that may be replaced by a wireless provider to accommodate the collocation of small wireless facilities;
- ii. The proposed utility pole otherwise complies with this Ordinance; and
- iii. The wireless provider provides information acceptable to the City from a licensed engineer that it is not reasonably able to provide wireless service by collocation on a remaining utility pole or other structure in the rights-of-way.

(10) Prohibition against placement in violation of OSHA or NESC or NERC rules and regulations. Communications facilities, including but not limited to small wireless facilities and utility poles for the collocation of small wireless facilities shall not be placed in a location which violates rules and regulations set by Occupational Safety and Health Administration or the National Electrical Safety Code or the North American Electric Reliability Corporation standards. By way of example and not limitation, if required by such rules and regulations, a small wireless facility or utility pole intended to support the collocation of a small wireless facility may not be placed within a ten (10) foot radius of an electric distribution facility or within a twenty (20) foot radius of an electric transmission line.

(11) Prohibition against placement within a location subject to homeowners' association restrictions. Small wireless facilities shall not be placed in a location subject to covenants, restrictions, articles of incorporation, or bylaws of a homeowners' association unless specifically authorized by the homeowners' association. For purposes of this subsection, to the extent not inconsistent with applicable law, a location in a public right-of-way that abuts parcels within a homeowners' association on both sides of its width shall be considered a location subject to covenants, restrictions, articles of incorporation, or bylaws of such homeowners' association. This subsection shall not apply to limit the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facility.

(12) Placement in relation to adjacent uses of property and building facades thereon. Where parking and/or loading spaces are not permitted between a building façade and the corresponding property line (i.e. front façade and front property line, side street façade and side street property line) by design standard, or such spaces do not exist in those locations on existing properties, new communication facilities and new utility poles for collocation of small wireless facilities shall be placed in-line with the common, interior side lot lines and shall not be placed in-line with the front/principal façade of a residence, place of business, or any other principal use building located on property that abuts the public rights-of-way.

(13) Specific locations, capital improvement projects, districts and community redevelopment agency areas.

(a) A registrant shall not place new utility poles for the collocation of small wireless facilities, small wireless facilities or micro wireless facilities within the public rights-of-way in such a location that would interfere with or impair the City's ability to pursue the projects identified within the City's Capital Improvement Program (CIP), unless waived by the City Manager. In conjunction with granting such waiver, the City may require conditions on the permit approving such facility so as to minimize the impact on the CIP. A registrant shall relocate at its expense, its utility poles, small wireless facilities and micro wireless facilities that need to be relocated to accommodate the City's CIP construction, to the extent not inconsistent with applicable law.

(b) Small wireless facilities, utility poles for collocation of small wireless facilities and aerial communications facilities shall not be permitted in an area within the public rights-of-way that would interfere with a public art program. The City may notify a registrant to relocate at its cost a utility pole used for collocation of a small wireless facility or ground mounted small wireless facility if such location interferes with a planned installation of art. A registrant that damages an object of art installed pursuant to an art program shall be responsible for the costs of the art and shall indemnify the City as required in this Ordinance. The City reserves the right to require an additional bond in conjunction with an application to place or maintain a communications facility in an area where an art object has been located.

(14) A structure granted a permit and installed pursuant to this Ordinance shall comply with F.S. ch. 333, and City or federal regulations pertaining to airport airspace protections.

(15) Historic preservation. This Ordinance does not limit the City's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement such laws. Communications facilities shall not be permitted to be collocated on or to interfere with historic property or landmark that may be within or adjacent to the public rights-of-way unless waived by the City. The City shall not allow small wireless facilities, utility poles for the collocation of small wireless facilities or micro wireless facilities to be located in a manner that would impact negatively historic property or landmark unless waived by the City. Historic properties and landmarks may be so designated as being listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, a property within a National Register-listed district, or individually listed in the Florida or City Register of Historic Places, consistent with City codes, administrative rules, or regulations that were adopted by City ordinance on or before April 1, 2017, which are applicable to a historic area designation by the state or City. Any person seeking a permit from any governmental entity with jurisdiction over any historic property within the City's boundaries shall first submit a request for historic impact review with the appropriate historic governmental authority and shall provide a copy of such request to the City.

(c) **OBJECTIVE DESIGN STANDARDS.**

(1) Intent and purpose. Small wireless facilities in the public rights-of-way and utility poles installed or repurposed in the public rights-of-way for collocation of small wireless facilities shall be designed in such a manner to maximize compatibility with the surrounding neighborhood and to minimize any negative visual impact on the surrounding neighborhood. The objective design standards contained in this Ordinance regulating the location context, color, stealth design, and concealment of the proposed small wireless facility shall apply, unless waived by the City.

(2) Applicants shall not place or maintain signage on communications facilities, including small wireless facilities or utility poles for collocation of small wireless facilities, in public rights-of-way, unless otherwise required by federal or State law, provided; however, existing structures that lawfully supported signage before being repurposed may continue to support signage as otherwise permitted by law.

(3) A small wireless facility shall not have any type of lighted signal, lights, or illuminations unless required by applicable codes, local codes or regulations, a permit issued by the City, or state and federal laws and regulations or as permitted by the City.

(4) Design standards for Utility Poles. Stealth design for new or replaced utility poles for collocation of small wireless facilities. All proposed new or replaced utility poles for collocation of small wireless facilities shall comply with applicable codes and shall meet the design standards contained in this subsection unless waived by the City.

(a) A replaced or restructured utility pole to accommodate the collocation of a small wireless facility shall be in substantially the same location as the original utility pole.

(b) The replaced or restructured utility pole shall be substantially similar in finish, base and pole design, diameter, material and height as the original pole being replaced, unless the City requires a different design, color or composition to be consistent with applicable City standards for new utility poles.

(c) Unless waived by the City, the height for a new utility pole or replaced utility pole installed pursuant to this Ordinance shall not exceed the height of the tallest existing utility pole as of July 1, 2017, in the same right-of-way, measured from grade, in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet in the same public right-of-way as of July 1, 2017, the height shall be limited to 50 feet measured from grade. Height shall include only the height of the utility pole and shall not include any light, antennas, masts or other attachments to the utility pole.

(d) Unless waived by the City, a new utility pole shall be designed to be substantially similar in design to the predominant type of other utility poles at the proposed location in the same block or vicinity of the public rights-of-way. Such design aspects to follow

include the material, base, pole diameter and style, location and style of attachments, finish, and cap, as applicable. By way of example, if existing utility poles in the same area of the public rights-of-way are light poles, the new utility pole should be designed substantially similar to such light poles and to the extent consistent with location context regulations, equidistant between existing poles. Unless waived by the City, any such stealth utility pole for collocation of a small wireless facility shall function in the same manner as the facility it is intended to resemble in compliance with the Code, at the expense of the registrant to the extent not inconsistent with applicable law. By way of example, if a registrant installs a utility pole for collocation of a small wireless facility to resemble a nearby light pole, the registrant is encouraged to include a light that is operated in the same manner as other light poles, at the registrant's expense. The City Manager may, in the exercise of discretion, approve a collocation of a small wireless facility on a City light pole that would otherwise not qualify for collocation under this Ordinance.

(e) Notwithstanding this subsection, if the proposed location of a new utility pole for collocation of a small wireless facility is within a public right-of-way that is within a particular zoning district, planned unit development, community development district, community redevelopment agency, or a homeowners' association that has design standards applicable to utility poles, such proposed utility pole shall substantially comply with such design standards.

(f) If there are no existing utility poles in close proximity to a proposed new utility pole for collocation of a small wireless facility, a proposed new utility pole shall be required to demonstrate the factors required for a proposed utility pole where all utility lines must be located underground.

(g) This subsection does not authorize the installation of a new utility pole for collocation of a small wireless facility in a location that is otherwise prohibited pursuant to court order, applicable codes, Florida law, or City Code including this Ordinance.

(5) Stealth design for collocation of small wireless facilities.

(a) Wires, cables and equipment to be collocated on a utility pole shall be within the utility pole or if not possible to being installed within the utility pole, covered with a shroud. No exposed wires or cables are permitted.

(b) If the utility pole for the proposed collocation of a small wireless facility is a light pole, a street light fixture substantially similar in design to the existing street light fixture shall be used to camouflage the small wireless facility such as through replacement of the cobra head with a new cobra head containing the small wireless facility, or a side-mounted light may be replaced with a substantially similarly designed side mounted light containing the small wireless facility, to the extent not inconsistent with applicable law. Unless consistent with the design of the utility pole, a small wireless facility shall not be

collocated on a mast of a utility pole. In no event shall a small wireless facility be collocated on the mast of a utility pole that serves as a traffic signal pole. Any street light fixture installed by the registrant shall be maintained in good working order by the registrant at its cost.

(c) Slim design shall be used wherein the top mounted antenna does not exceed the diameter of the supporting utility pole at the level of the antenna attachment by more than six inches, or if applicable for other than round poles, by more than six inches on each side, and side mounted enclosures, if any, do not extend more than twenty-four (24) inches beyond the exterior dimensions of the existing structure, repurposed structure or utility pole at the level of antenna attachment measured from the edge of the pole to the outermost surface of the antenna.

(d) Maximum height restrictions. A small wireless facility, including any attached antennas, shall not exceed ten (10) feet above the existing structure, repurposed structure or utility pole upon which the small wireless facility is to be collocated. A small wireless facility in the public rights-of-way shall not be used for the attachment of any communications facilities or fiber other than the equipment included within the small wireless facility.

(6) Small wireless facilities not collocated on utility poles or existing structures.

(a) Ground-mounted small wireless facilities up to 28 cu. ft. in dimension shall be located within a ten (10) foot radius of the existing structure or utility pole for the collocated small wireless facility.

(b) The ground-mounted small wireless facility shall be architecturally designed and of the same materials and color finish to be substantially similar to other at-grade infrastructure within 500 feet of the proposed location in the public rights-of-way such as waste receptacles or utility facilities. If the ground-mounted small wireless facility is not substantially similar to other at-grade infrastructure as set forth herein, the proposed small wireless facility shall be submitted to the City for review and approval.

(c) To the extent not inconsistent with applicable codes, at the City's direction, ground-mounted small wireless facilities shall be enclosed in a wrap the design of which has been approved by the City staff. The registrant shall maintain the wrap in good condition at its sole cost and expense. The City may designate specific areas of the City where all ground-mounted small wireless facilities must be enclosed in a wrap.

(d) To the extent not inconsistent with applicable codes, at the City's direction the registrant owner of a ground mounted small wireless facility or other ground mounted communications facilities in the public rights-of-way shall conceal the facility with landscaping and plantings. Landscaping and plantings pursuant to this subsection shall be subject to the City's approval and be maintained by the registrant at its sole cost and

expense consistent with the Code for so long as the small wireless facility or communications facility remains in the public rights-of-way.

(e) The City Manager or Development Director is authorized to create a manual showing figures of acceptable and unacceptable designs for facilities to be placed or maintained in the public rights-of-way.

(7) Development standards for communications facilities other than small wireless facilities and utility poles for collocation of small wireless facilities.

(a) Dimensional limits. No communications facility other than small wireless facilities located aboveground, excluding utility poles, having exterior dimensions greater than four feet high, by four and one-half feet long, by two and one-half feet wide, or having a total volume exceeding 45 cubic feet, shall be granted a permit for construction or installation nor shall be constructed within the corporate limits of the City on any public rights-of-way unless:

(1) The communication service provider can properly demonstrate in its permit application for placement of communication facilities in the public rights-of-way that strict compliance with the dimensional limits in this subsection will prevent the communications service provider from installing, constructing, maintaining, or providing its communications network; and

(2) The communication service provider demonstrates in its permit application that the proposed communications facilities it desires to construct which exceeds the dimensional limits set forth above in this subsection are necessary to provide adequate capacity to meet the requirements of the applicant at a specific location, or that said limits are otherwise technologically infeasible at the location, and that the proposed equipment the service provider desires to utilize is of the minimum size available to meet the requirements of the applicant's communications network; and

(3) The communications service provider demonstrates in its permit application that the proposed communications facilities are located and composed in a manner to minimize adverse impacts to abutting properties and the surrounding neighborhood and does not create a hazard by impairment of visibility to motorists or pedestrians at the proposed site and does not negatively impact or violate location and other regulations contained in this Ordinance: and

(4) The communications facility proposed by the communications provider does not otherwise create a hazard to the public health, safety and welfare.

(b) Notice to residential areas. Whenever a communications service provider subject to this subsection submits a permit application to locate communications equipment

which exceeds the dimensional limits in this subsection within residentially-zoned districts in the City, the applicant shall provide notice by posting an 18" x 24" sign, satisfactory to the City, at the proposed location advising residents that they may review the permit application at the City and provide their comments to the City. The sign shall be posted a minimum of 30 days prior to any decision being made on the permit application to allow adequate time for input by residents and so as not to unduly delay the processing of any application.

- (5) Small wireless facilities may not displace any existing street tree or landscape features unless:
- a) such displaced street tree or landscaping is replaced with native and/or trees, plants or other landscape features approved by the City, and
 - b) the applicant submits and adheres to a landscape maintenance plan or agrees to pay an appropriate in-lieu fee for the maintenance costs.

Sec. 36-150. - Security fund.

- (a) At or prior to the time a registrant receives its first permit to place or maintain a communications facility in public rights-of-way after the effective date of this article, the registrant may be required to file with the city, for city approval, an annual surety, cash deposit, or irrevocable letter of credit in the sum equal to \$50,000.00, having a surety a company qualified to do business in the State of Florida, and acceptable to the finance director and city attorney, which shall be referred to as the "security fund."
- (b) The security fund shall be maintained from such time through the earlier of:
 - (1) The transfer, sale, assignment, or removal of all communications facilities in public rights-of-way; or
 - (2) Twelve months after the termination or cancellation of any registration.
- (c) The security fund shall be conditioned on the full and faithful performance by the registrant of all requirements, duties, and obligations imposed upon the registrant by the provisions of this article. The security fund shall be furnished annually or as frequently as necessary to provide a continuing guarantee of the registrant's full and faithful performance at all times. In the event a registrant fails to perform its duties and obligations imposed upon the registrant by the provisions of this article, subject to section 36-154 of this article, there shall be recoverable, jointly and severally from the principal and surety of the security fund, any damages or loss suffered by the city as a result, including the full amount of any compensation, indemnification or cost of removal, relocation or abandonment of any facilities of the registrant in public rights-of-way, plus a reasonable allowance for attorneys' fees, up to the full amount of the security fund.

Sec. 36-151. - Abandonment of a communications facility.

- (a) At such time that a communications facility owned by a registrant in public rights-of-way ceases to be active for longer than thirty (30) days, the registrant shall notify the city within ninety (90) days.

- (b) The city may direct the registrant by written notice to remove all or any portion of such abandoned facility at the registrant's sole expense if the city determines that the abandoned facility's presence interferes with the public health, safety, or welfare, which shall include, but shall not be limited to, a determination that such facility: (a) compromises safety at any time for any public rights-of-way user or during construction or maintenance in public rights-of-way; (b) prevents another person from locating facilities in the area of public rights-of-way where the abandoned facility is located when other alternative locations are not reasonably available; or (c) creates a maintenance condition that is disruptive to the use of the public rights-of-way. In the event of (b), the city may require the third person to coordinate with the registrant that owns the existing facility for joint removal and placement, where agreed to by the registrant.
- (c) In the event the city does not direct the removal of the abandoned facility, the registrant, by its notice of abandonment to the city, shall be deemed to consent to the alteration or removal of all or any portion of the facility by the city or another person at such third party's cost.
- (d) If the registrant fails to remove all or any portion of an abandoned facility as directed by the city within a reasonable time period as may be required by the city under the circumstances, the city may perform such removal and charge the cost of the removal against the registrant.

Sec. 36-152. - Reservation of rights and remedies.

- (a) The city reserves the right to amend this article as it shall find necessary in the lawful exercise of its police powers.
- (b) This article shall be applicable to all communications facilities placed in the public rights-of-way on or after the effective date of this article and shall apply to all existing communications facilities in the public rights-of-way prior to the effective date of this article, to the full extent permitted by state and federal law.
- (c) The adoption of this article is not intended to affect any rights or defenses of the city or a communications services provider under any existing franchise, license, or other agreements with a communications services provider.
- (d) Nothing in this article shall affect the remedies the city or the registrant has available under applicable law.
- (e) Any person who uses the communications facilities of a registrant, other than the registrant that owns the facilities, shall not be entitled to any rights to place or maintain such facilities in excess of the rights of the registrant that places or maintains the facilities.

Sec. 36-153. - Enforcement Remedies.

(a) Nothing in this Ordinance shall affect or limit the remedies the City has available under applicable law. In addition to any other remedies available at law, including but not limited to F.S. §§ 166.0415 (municipalities) and ch. 162, (municipalities and counties), or equity or provided in this section, the City may apply any one or combination of the following remedies in the event a registrant violates this Ordinance, or applicable local law or order related to the public rights-of-way.

(b) In addition to the City's ability to terminate a registration pursuant to this Ordinance or to deny, suspend or revoke permits, the failure to comply with the provisions of this Ordinance or other law applicable to occupants of the public rights-of-way may result in imposition of penalties to be paid by the responsible person to the City in an amount of not less than \$100.00 per day or part thereof that the violation continues. A registrant's or person's failure to obtain a permit before commencing work, except

where a permit is not required pursuant to this Ordinance, may result in imposition of penalties to be paid to the City in an amount of not less than \$1,000.00 or maximum amount allowed under applicable law, per day or part thereof that the violation continues.

(c) In addition to or instead of any other remedy, the City may seek legal or equitable relief from any court of competent jurisdiction.

(d) Before imposing a fine, the City shall give written notice of the violation and its intention to assess such penalties, which notice shall contain a description of the alleged violation. Following receipt of such notice, the person shall have 30 days to either:

i. Cure the violation to the City's satisfaction, and the City shall make good faith reasonable efforts to assist in resolving the violation; or

ii. File an appeal with the City to contest the alleged violation pursuant to this Section, which shall govern such appeal. If no appeal is filed and if the violation is not cured within the 30-day period, the City may collect all fines owed, beginning with the first day of the violation, through any means allowed by law.

(e) In determining which remedy or remedies are appropriate, the City or Special Magistrate shall take into consideration the nature of the violation, the person or persons bearing the impact of the violation, the nature of the remedy required to prevent further violations, and such other matters as the City or Special Magistrate determines are appropriate to the public interest.

(f) Failure of the City to enforce any requirements of this Ordinance shall not constitute a waiver of the City's right to enforce that violation or subsequent violations of the same type, or to seek appropriate enforcement remedies.

(g) In any proceeding before the City where there exists an issue with respect to a registrant's performance of its obligations pursuant to this Ordinance, the registrant shall be given the opportunity to provide such information as it may have concerning its compliance with the terms and conditions of this Ordinance. The City may find a registrant that does not demonstrate compliance with the terms and conditions of this Ordinance in default and apply any one or combination of the remedies otherwise authorized by this Section.

(h) Force majeure. In the event a registrant's performance of or compliance with any of the provisions of this Ordinance is prevented by a force majeure cause or event not within the registrant's control, such inability to perform or comply shall be deemed excused and no penalties or sanctions shall be imposed as a result, provided, however, that such registrant uses all practicable means to cure or correct any such inability to comply expeditiously.

Secs. 36-155 through 36-173. – Reserved.