



AGENDA

LOCAL PLANNING AGENCY

MARCH 15, 2023

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Kelly Laurine

Vice Chair - Margaret Bromfield

Board Member - Donald Cuozzo

Board Member - Laura Giobbi

Board Member - William Mathers

Board Member - Ryan Strom

Board Member - James "Mac" Stuckey

Ex Officio Board Member - Mark Sechrist

ADMINISTRATIVE

Development Director, Jodi Nentwick-Kugler

Board Secretary, Susej T. Meleqi

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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 02/09/2023 LPA MINUTES

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. COMPREHENSIVE PLAN TEXT AMENDMENT - ZONING IN PROGRESS (RC):

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE TEXT TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT 1, USE OBJECTIVE 1.A7. FUTURE LAND USE CATEGORIES, POLICY 1.A7.2. GROSS DENSITIES AND TABLE OF LAND USE DENSITIES AND INTENSITIES, OBJECTIVE 1.C1. URBAN CODE OVERLAY ZONE; AND OBJECTIVE 3.A7. DEVELOPMENT INCENTIVES; AMENDING THE TEXT TO THE FUTURE LAND USE ELEMENT 1; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. LAND DEVELOPMENT CODE TEXT AMENDMENT - ZONING IN PROGRESS (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS, TABLE 2.07.A. UPUD UNIT DENSITY AND PARKING SPACE CALCULATION TO REDUCE THE MINIMUM UNIT SIZE REQUIREMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

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

Meeting Date: 3/15/2023

Prepared by:

Title of Item:

APPROVAL OF 02/09/2023 LPA MINUTES

Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

ATTACHMENTS:

1. 02092023 LPA Minutes

**MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
FEBRUARY 9, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chair - Kelly Laurine
Vice Chair - Margaret Bromfield
Board Member - Donald Cuozzo
Board Member - Laura Giobbi
Board Member - William Mathers
Board Member - Ryan Strom
Board Member - James "Mac" Stuckey
Ex Officio Board Member - Mark Sechrist**

ADMINISTRATIVE

**Development Director, Jodi Nentwick-Kugler
Board Secretary, Susej T. Meleqi**

CALL TO ORDER

5:30 PM

ROLL CALL

PRESENT: Chair Laurine, Vice Chair Bromfield, Board Member Cuozzo, Board Member Giobbi, Board Member Mathers, Board Member Strom, Board Member Stuckey.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

**5:31 PM MOTION: Approve.
MOVED BY: Donald Cuozzo
SECONDED BY: Margaret Broomfield
Motion approved unanimously.**

APPROVAL OF MINUTES

1. APPROVAL OF 01/12/2023 LPA MINUTES

5:31 PM MOTION: Approve.

MOVED BY: Laura Giobbi

SECONDED BY: Ryan Strom

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Board Member Stuckey

- Announced to the Board that he will not be in attendance for the March 9, 2023 meeting.

ACTION ITEMS

2. FS PROPRTIES LLC., SUBMITTED A PETITION FOR A REZONE TO THE OFFICIAL ZONING ATLAS LOCATED AT 2970 SE DOMINICA TERRACE, STUART, FL 34994 (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REFLECT THE REZONING OF A 0.68 ACRE PARCEL; LOCATED AT 2970 SE DOMINICA TERRACE; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO BUSINESS – GENERAL (B-2) ZONING DISTRICT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Jodi Nentwick-Kugler, Development Director, presented the public notices, location, existing and proposed zoning. In the presentation she stated that the applicant failed to meet the timeline within the approved CPUD and has expired, staff recommends LPA approve the proposed zoning – B-2.

Attorney Tyson Waters provided a background on the property and stated he was available for any questions.

Board Member Stuckey stated he thought the PUD process is flawed because of the timetables the development projects are given.

Board Member Cuozzo asked Attorney Waters if any of the neighbors who received a letter object to the project, in which Attorney Waters stated no.

Board Members had a brief discussion about the PUD process and what the zoning was previously.

Board Member Cuzzo asked staff to see if the map could be bigger to see the location.

5:39 PM MOTION: Approve.
MOVED BY: Donald Cuzzo
SECONDED BY: William Mathers
Motion approved unanimously.

STAFF UPDATE

ADJOURNMENT

5:41 PM

Susej T. Meleqi, Deputy City Clerk

Kelly Laurine, Chair

**Minutes to be approved at the LPA
Meeting this 15th day of March, 2023.**

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Local Planning Agency

Meeting Date: 3/15/2023

Prepared by: Jodi Nentwick

Title of Item:

COMPREHENSIVE PLAN TEXT AMENDMENT - ZONING IN PROGRESS (RC):

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE TEXT TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELECMENT 1, USE OBJECTIVE 1.A7. FUTURE LAND USE CATEGORIES, POLICY 1.A7.2. GROSS DENSITIES AND TABLE OF LAND USE DENSITIES AND INTENSITIES, OJECTIVE 1.C1. URBAN CODE OVERLAY ZONE; AND OBJECTIVE 3.A7. DEVELOPMENT INCENTIVES; AMENDING THE TEXT TO THE FUTURE LAND USE ELEMENT 1; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On October 10, 2022, the City of Stuart City Commissioners, adopted by Resolution Number 93-2022, declared a “zoning in progress” declared that no plans, permits, licenses, or other development order of any kind shall be issued for any applications received after the effective date of the zoning in progress and directed staff to prepare an ordinance to adopt a text amendment to the land development regulations addressing Section 2.07.00(I), density and parking calculation within an Urban Planned Unit Development.

The City Commission directed staff to draft text amendments addressing the density and parking calculations within an urban planned unit development as currently described in Section 2.07.00(I) of the Stuart Land Development Regulations.

Funding Source:

N/A

Recommended Action:

Staff recommends the Local Planning Agency to forward a approval recommendation to the City Commission.

ATTACHMENTS:

1. Draft Ordinance Comprehensive Plan Text Amendment - Zoning in Progress



BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER XX-2023

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE TEXT TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT 1, USE OBJECTIVE 1.A7. FUTURE LAND USE CATEGORIES, POLICY 1.A7.2. GROSS DENSITIES AND TABLE OF LAND USE DENSITIES AND INTENSITIES, OBJECTIVE 1.C1. URBAN CODE OVERLAY ZONE; AND OBJECTIVE 3.A7. DEVELOPMENT INCENTIVES; AMENDING THE TEXT TO THE FUTURE LAND USE ELEMENT 1; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City’s Comprehensive Plan to initiate Land Development Code to provide for a variety of housing units; and

WHEREAS, the City Commission discussed the need for modification of the Land Development Code and the potential for a “zoning in progress” during its regularly scheduled City Commission meeting on September 12, 2022; and

WHEREAS, the City Commission scheduled an agenda item to discuss the zoning in progress for the City Commission Meeting on September 26, 2022. During the discussion, the Commission directed staff to follow the Land Development Regulations pertaining to zoning in progress to consider amendments to the density and parking calculations within an urban planned unit development; and

WHEREAS, On October 10, 2022, the City Commission adopted Resolutions 93-2022 and 95-2022 initiating the Zoning in Progress procedure authorized in Section 1.04.04 of the Stuart Land Development Code; and

WHEREAS, the City Commission adopted the Zoning in Progress procedure on October 12, 2022 for a period of 90 days, and

WHEREAS, the City Commission has held workshops, accepted public input and evaluated professionally acceptable material related to the issues in the Zoning in Progress. The issues addressed in the Zoning in Progress are complicated and additional time is necessary to ensure that any changes are appropriate. There is good cause for additional time to be spent evaluating and drafting any text amendments that may be necessary, and

WHEREAS, On January 9, 2023, the City Commission adopted Resolution 04-2023 extending the Zoning in Progress for 90 days from January 12, 2023, until such time as the Commission has adopted text amendments and terminated Zoning in Progress.

WHEREAS, the Local Planning Agency reviewed the proposed amendments to the Plan Text Amendments at a public hearing on March 15, 2023, and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Comprehensive Plan Text Amendments.

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

SECTION 1: The Comprehensive Plan is hereby amended as follows:

ELEMENT 1 - FUTURE LAND USE ELEMENT

Policy 1.A7.1. The City of Stuart has designated the following land use categories and allowed uses for all land within the City of Stuart:

- D. *Office/Residential*: This mixed-use category allows offices and living residential quarters in the same building and/or in adjacent buildings. Zoning controls the
- I. *Downtown Redevelopment*: The Downtown Redevelopment future land use designation applies only to ~~includes the~~ land area within the Stuart Community Redevelopment Area. General uses permitted include low density residential, multi-family residential, office, commercial, recreation, lodging, public facilities, conservation, and mixed-use projects. Individual projects and sites may consist of single uses. However, a mix of residential uses and non-residential uses shall be required within this designation as a whole. Also, electric distribution substations are allowed.
- K. *East Stuart*: The East Stuart future land use designation applies only to land area within the Stuart Community Redevelopment Area. The designation is specific to the historic African American district and adjacent land areas. General uses permitted include low density residential, multi-family residential, office, commercial, recreation and mixed-use projects. Also, public facilities and electric distribution substations are allowed.

Policy 1.A.7. 2. Gross densities, gross intensities and proportional use amounts for each land use category are established in the “Table of Land Use Densities and Intensities” that is adopted as part of this element. In order to promote the efficient use of land and to provide an affordable house stock (Policy 3.A2.6. Housing opportunities), the City’s Land Development code shall provide adjustment, through the urban planned unit development process, to accommodate smaller residential units and allow smaller housing units to be calculated at 0.5 density. In accordance to the Land Development Code, Chapter II, Section 2.07 – Table 2.07.A. UPUD Unit Density and Parking Space Calculation. Per unit for units less than 900 sq. ft. and 0.75 density per units less than 1,100 sq. ft.

TABLE OF LAND USE DENSITIES AND INTENSITIES

Land Use Category	Inside or/ Outside Community	Residential Density ⁴		Intensity Non-Residential	
		General	By Commission Action UPUD RPUD or Major- UCE2	Composition of FLU	Floor Area Ratio (FAR)

	Redevelopment Area ¹		Planned Unit Development or Major UCCU Not ALF ⁴	Assisted Living Facility (ALF) ³	% Non-Residential	% Residential	General	>2.0 FAR ²
Low Density Residential	<u>Not applicable</u> NA	<8.72 du/ac for SFD, and to 11.62 du/ac for duplex ⁵	<8.72 du/ac for SFD, and to 11.62 du/ac for duplex ⁵	<u>Not applicable</u> none	<u>0-5%</u>	95-100%	<0.75 FAR	=
Multi-Family Residential	<u>Inside</u>	<15 du/ac	<30 du/ac	<30 du/ac	<u>0-30%</u>	70-100%	<3.0 FAR	<20 ac
	<u>Outside</u>	<10 du/ac for SFD, and to 11.62 du/ac for all others ⁹	<30 du/ac	<30 du/ac	<u>0-30%</u>	70-100%	<0.5 FAR	=
Commercial	<u>Inside</u>	<15 du/ac	<15 du/ac	<30 du/ac	<u>85-100%</u>	0-15%	<3.0 FAR	<50 ac
	<u>Outside</u>	<10 du/ac	<10 du/ac	<30 du/ac	<u>85-100%</u>	0-15%	<1.5 FAR	=
Office/Residential	<u>Inside</u>	<15 du/ac	<30 du/ac	<30 du/ac	<u>75-100%</u>	0-25%	<3.0 FAR	<10 ac
	<u>Outside</u>	<10 du/ac for SFD, and to 11.62 du/ac for all others ⁹	<30 du/ac	<30 du/ac	<u>75-100%</u>	0-25%	<1.5 FAR	=
Industrial	<u>Inside</u>	<u>Not applicable</u>	Not applicable	Not applicable	100%	0%	<3.0 FAR	<10 ac
	<u>Outside</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>100%</u>	0%	<1.0 FAR	=
Public	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>100%</u>	<u>0%</u>	<1.0 FAR	=
Institutional	<u>Not applicable</u>	<10 du/ac	<30 du/ac	<30 du/ac	100%	<u>0%</u>	<0.75 FAR	=
Recreation	<u>Not applicable</u>	<u>Not applicable</u> none	<u>Not applicable</u>	<u>Not applicable</u>	<u>100%</u>	0%	<0.5 FAR	=
Downtown Redevelopment	<u>Inside</u>	<15 du/ac	<30 du/ac	<30 du/ac	<u>0-70%</u> ²	0-70%	<4.0 FAR	<50 ac
Neighborhood/Special District	<u>Inside</u>	<15 du/ac	<30 du/ac	<30 du/ac	<u>10-70%</u>	30-90%	<3.0 FAR	<10 ac
	<u>Outside</u>	<u>Not applicable</u>	<15 du/ac	<30 du/ac	10-70%	30-90%	<2.0 FAR	=
East Stuart	<u>Inside</u> NA	<17 du/ac	<30 du/ac	<30 du/ac	0-30%	70-100%	<1.5 FAR	=

Conservation	<u>Not applicable</u>	<u>Not applicable</u> None	<u>Not applicable</u>	<u>Not applicable</u>	<u>100%</u>	0%	<10% ISR	=
Marine/Industrial	<u>Not applicable</u>	<15 du/ac	<15 du/ac	<u>Not applicable</u> NA	<u>0-75%</u>	0-25%	<3.0 FAR	<5 ac

Footnotes:

¹—CRA = Community Redevelopment Agency. A delineated area.

²—RPUD = Residential Planned Unit Development; Major UCCU = Major Urban Code Conditional Use.

³—The total number of acres in developments approved and constructed after the policy effective date that exceed 2.0 FAR shall not exceed the specified amount.

⁴—ALF = Assisted Living Facility

⁵—This designation is intended for parcels that are suited for single family attached and detached and duplex development ranging in density from 8.72 for single family units to 11.62 for duplex units.

⁶—Recreation uses shall not exceed 25 percent of the land area.

⁷—ISR = Impervious surface ratio. Not to exceed 10,000 square feet for any contiguous parcel.

⁸—Shall be interpreted on an Urban Subdistrict basis within the CRA (including Urban Neighborhood, Urban General, Urban Center, Urban Waterfront, and Urban Highway).

⁹—This designation is intended for parcels that are suited for single family attached and detached, duplex and multi-family development ranging in density from 10 for single family units to 11.62 for multi-family and duplex units.

Note: Throughout the City, properties located in the Coastal High Hazard Area (CHHA), as identified on the future land use map in the Coastal Element of the Comprehensive Plan, are limited to 15 dwelling units per acre unless the applicant can demonstrate to comply with Florida Statute 163.3178 (9)(a)1,2 and 3. ALFs shall continue to be prohibited within the Coastal High Hazard Area.

¹ The total number of acres in developments approved and constructed after the policy effective date that exceed 2.0 FAR shall not exceed the specified amount.

² Recreation uses shall not exceed 25 percent of the land area.

³ ALFs shall be prohibited within the Coastal High Hazard Area (CHHA) as identified on the CHHA Map in Coastal Element of the Comprehensive Plan.

⁴ Applied to platted lots approved prior to (insert date – 1928 or 1975?).

Abbreviations used:

ISR = Impervious surface ratio

Major UCCU = Major Urban Code Conditional Use

PUD = Planned Unit Development

du/ac = dwelling unit per acre

ac = acre

SECTION 2: This Ordinance becomes effective upon adoption.

SECTION 3: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code and the Florida Building Code.

SECTION 4: All Ordinances or parts of Ordinances in conflict with this Ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this Ordinance conflicts with any contractual provision between the City and the developer of the site, this Ordinance shall prevail.

SECTION 4: 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 5: This Ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 6: 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 7: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record in the Public Records of Martin County, Florida.

(The remainder of this page intentionally left blank)

Passed on first reading the ____ day of _____ 2023.

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:

TROY MCDONALD, MAYOR
BECKY BRUNER, COMMISSIONER
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____ 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
CITY MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

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

Meeting Date: 3/15/2023

Prepared by: Jodi Nentwick

Title of Item:

LAND DEVELOPMENT CODE TEXT AMENDMENT - ZONING IN PROGRESS (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS, TABLE 2.07.A. UPUD UNIT DENSITY AND PARKING SPACE CALCULATION TO REDUCE THE MINIMUM UNIT SIZE REQUIREMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On October 10, 2022, the City of Stuart City Commissioners, adopted by Resolution Number 93-2022, declared a "zoning in progress" declared that no plans, permits, licenses, or other development order of any kind shall be issued for any applications received after the effective date of the zoning in progress and directed staff to prepare an ordinance to adopt a text amendment to the land development regulations addressing Section 2.07.00(I), density and parking calculation within an Urban Planned Unit Development.

The City Commission directed staff to draft text amendments addressing the density and parking calculations within an urban planned unit development as currently described in Section 2.07.00(I) of the Stuart Land Development Regulations.

Funding Source:

N/A

Recommended Action:

Staff recommends the Local Planning Agency forward a recommendation of approval to the City Commission.

ATTACHMENTS:

1. Draft Ordinance Land Development Code Text Amendment - Zoning in Progress



BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER XX-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS, TABLE 2.07.A. UPUD UNIT DENSITY AND PARKING SPACE CALCULATION TO REDUCE THE MINIMUM UNIT SIZE REQUIREMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, the purpose of this Land Development Code Amendment is to support the objectives of the City's Comprehensive Plan to initiate Land Development Code to provide for a variety of housing units; and

WHEREAS, the City Commission discussed the need for modification of the Land Development Code and the potential for a "zoning in progress" during its regularly scheduled City Commission meeting on September 12, 2022; and

WHEREAS, the City Commission scheduled an agenda item to discuss the zoning in progress for the City Commission Meeting on September 26, 2022. During the discussion, the

Commission directed staff to follow the Land Development Regulations pertaining to zoning in progress to consider amendments to the density and parking calculations within an urban planned unit development; and

WHEREAS, On October 10, 2022, the City Commission adopted Resolutions 93-2022 and 95-2022 initiating the Zoning in Progress procedure authorized in Section 1.04.04 of the Stuart Land Development Code; and

WHEREAS, the City Commission adopted the Zoning in Progress procedure on October 12, 2022 for a period of 90 days, and

WHEREAS, the City Commission has held workshops, accepted public input and evaluated professionally acceptable material related to the issues in the Zoning in Progress. The issues addressed in the Zoning in Progress are complicated and additional time is necessary to ensure that any changes are appropriate. There is good cause for additional time to be spent evaluating and drafting any text amendments that may be necessary, and

WHEREAS, On January 9, 2023, the City Commission adopted Resolution 04-2023 extending the Zoning in Progress for 90 days from January 12, 2023, until such time as the Commission has adopted text amendments and terminated Zoning in Progress.

WHEREAS, the Local Planning Agency reviewed the proposed amendments to the Plan Text Amendments at a public hearing on March 15, 2023, and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Comprehensive Plan Text Amendments.

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

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

**CHAPTER II – ZONING DISTRICT USES ALLOWED, DENSITY, INTENSITY 2.07.00.
- DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)**

- I. Urban planned *development (UPUD) districts*.
 - a. Location. A UPUD may be located only within the defined community

redevelopment area of the city.

b. Density.

- i. A UPUD shall not exceed the density outlined in policy A7.2 of the City of Stuart Comprehensive Plan relating to gross densities of the underlying future land use designation as defined and described “low-density residential,” “office/residential,” “multi-family residential,” “commercial,” “industrial,” “marine-industrial,” “recreation,” “downtown redevelopment,” or “public,” by the future land use element of the City of Stuart Comprehensive Plan, and which is of suitable character and compatible with surrounding uses as determined by the city commission.
- ii. The table 2.07.A shall be used for the purpose of residential density and parking space calculation within a UPUD.

Table 2.07.A. UPUD Unit Density and Parking Space Calculation

<i>Maximum Unit Size</i>	<i>Maximum Bedrooms</i>	<i>Unit Density</i>	<i>Parking Space per Unit</i>
900 500 sq. ft.	1	0.5	1.25
1,100 700 sq. ft.	2	0.75	1.4
No maximum	No maximum	1	1.5

SECTION 2: This Ordinance becomes effective upon adoption.

SECTION 3: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City’s Land Development Code and the Florida Building Code.

SECTION 4: All Ordinances or parts of Ordinances in conflict with this Ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this Ordinance conflicts with any contractual provision between the City and the developer of the site, this Ordinance shall prevail.

SECTION 4: 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 5: This Ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 6: 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 7: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record in the Public Records of Martin County, Florida.

(The remainder of this page intentionally left blank)

Passed on first reading the ____ day of _____ 2023.

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:

TROY MCDONALD, MAYOR
BECKY BRUNER, COMMISSIONER
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____ 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
CITY MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY