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LAND DEVELOPMENT REGULATIONS

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Chapter I

GENERAL PROVISIONS

1.00.00 TITLE

1.01.00 PURPOSE AND INTENT

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1.02.00 FINDINGS

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1.07.00
DETERMINATION OF CONSISTENCY



GENERAL PROVISIONS

1.00.00. TITLE

This document shall be titled the "City of Stuart Land Development Code ".

1.01.00. PURPOSE AND INTENT

Sec. 1.01.01. General intent.

- A. *Implementation of the plan.* The primary purpose of the Code is the implementation of the Stuart Comprehensive Plan, as adopted pursuant to F.S. Ch. 163, pt. II, and in accordance with the Florida Administrative Code.
- B. *Purposes.* The city commission of the City of Stuart deems it necessary to adopt the Code to accomplish the following purposes:
 1. Guiding and accomplishing coordinated and harmonious development in accordance with the existing and future needs of the city.
 2. Protecting, promoting, and improving the public health, safety, and general welfare.
 3. Balancing the interest of the general public in Stuart and that of individual property owners and protecting landowners from adverse impacts of surrounding developments.
 4. Protecting the character, maintaining the stability, and promoting the orderly development of residential, agricultural, business, industrial, recreation, and public areas.
 5. Controlling and regulating the growth of the city, through the establishment of appropriate standards, including the type, distribution and intensity of development, consistent with the future land use element of the comprehensive plan.
 6. Protecting the City's tax base by enhancing business opportunities and increasing property values through promoting quality improvements, infill development, and redevelopment;
 7. Preserving and protecting the City's natural resources, such as floodplains, environmentally sensitive lands, and potable water well fields.

1.02.00. FINDINGS

Sec. 1.02.01. General findings.



- A. *Statutory requirement.* F.S. Ch. 163 requires each Florida local government to enact a single land development code which implements, is consistent with the local comprehensive plan, and which contains all land development regulations for the jurisdiction. This Code is designed to meet that requirement for the City of Stuart.
- B. *General public need.* The city commission of the City finds that controlling the location, design and construction of development within Stuart is necessary to maintain and improve the quality of life. The city commission of the City of Stuart further finds:
1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.
 2. All development proposals must undergo a development review process to assure compliance with the requirements of this Code.
 3. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.
 4. A quick and efficient avenue of appeal should be available for all ministerial and administrative decisions.
 5. Enforcement of development permits and the provisions of this Code should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by state law.

1.03.00. AUTHORITY

This Code is enacted pursuant to the requirements and authority of F.S. § 163.3202 (the Local Government Comprehensive Planning and Land Development Regulation Act), as amended; the City Charter effective March 25, 1991, as amended; and the general powers in F.S. §166.021. Nothing in this Code shall be construed to authorize development that is inconsistent with the City of Stuart Comprehensive Plan.

1.04.00. APPLICABILITY

Sec. 1.04.01. General applicability.

The provisions of this Code shall apply to the City of Stuart.

Sec. 1.04.02. General requirements.

- A. No development shall be undertaken without prior authorization pursuant to the provisions of this Code.
- B. No building shall exceed four stories and forty-five feet in height, except as otherwise provided within this Code.



- C. Development shall not exceed the established density requirements, except as otherwise provided within of this Code.
- D. Occupancy of all structures shall comply with provisions established herein.
- E. *Only one principal building.* Every building or structure hereafter erected in an R-1A, R-1, or R-2 zoning district shall be located on a lot or tract as defined in Chapter XII of this Code; and in no case shall there be more than one principal building on one lot, plus its accessory structures.
- F. *Street frontage.* No building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, publicly approved, or publicly maintained street.
- G. *On-site and off-site improvements.* With the exception of infill single-family and duplex development, all other development shall be reviewed for adverse traffic impact by the city development department. If it is determined upon review that there exists reasonable grounds to believe that specific improvements are needed to accommodate the perceived adverse traffic impact of the development, such specified improvements shall be included as condition of approval and completed prior to certificate of occupancy. Such improvements are defined as, but not limited to; roads, alleyways, sidewalks or curbing, drainage structures, acceleration and deceleration lanes, traffic control devices including signalization, directional signs, regulatory or any other device or construction for the benefit of the public.

Sec. 1.04.03. Exceptions.

A. *Previously issued development permits.* The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if a permit was issued for the development activity prior to October 18, 2010, provided further that the development activity continues without interruption until the development is complete, or permit extension(s) are obtained. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code.

Sec. 1.04.04. Zoning in progress.

- (1) *Purpose.* The purpose of zoning in progress is to allow the city to make a text amendment or district map change to the Stuart Land Development Code, and apply that change to development applications submitted following the declaration of zoning in progress. Additionally, zoning in progress allows a temporary hold on permits, licenses and other development orders already in progress, if there is a pending change in the Land Development Code that would affect the permit, license or other development order.
- (2) *No permits issued; and period of time.* During the period of time that the land planning agency or the city commission is considering either a text amendment or a change of zoning district to the Stuart Land Development Code, no plans, permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property in the event that the text amendment or zoning district change be enacted by the city commission (freeze period). The maximum freeze period allowed for zoning in progress shall be three months, except that the city



commission may extend the period for up to an additional three months for good cause, and upon making a finding that it is in the public interest to do so.

- (3) *Notice of declaration.* The declaration of zoning in progress, and the freeze period on development orders, permits and licenses shall begin on the earlier of:
- (a) Publication of a notice of a public hearing before the city commission to consider a resolution declaring zoning in progress; or
 - (b) Publication of a notice of a public hearing before the local planning agency on a text amendment or zoning district change, which notice also includes a notice of zoning in progress.
- (4) *Applicability.*
- (a) Upon adoption of a text amendment or district map change, all pending applications, permits, licenses, and other development orders shall conform to the new provisions.
 - (b) Notwithstanding anything contained in this section to the contrary, no application for a text amendment to the Code, or map rezoning, plan approval, permit, or other development order shall be held up by this procedure for more than a total of six months, including all time periods described herein. Any such approval shall be deemed granted, if so affected, except as provided in subsection (c) below.
 - (c) Where an affected property owner requests a postponement or other delay of an application, such period of delay shall toll the running of the freeze period.
 - (d) If it is determined by the city development director that an application for a text amendment or map rezoning, plan, permit, license, or other development order would not violate the provisions of a pending zoning measure, such application, shall be exempt from this section.
(Ord. No. 2056-05, § 1, 11-28-05)

1.05.00. INCORPORATION BY REFERENCE

Sec. 1.05.01. Maps.

The approximate boundaries of the zoning districts, special districts, overlay zones, Old Downtown District, and Formula Business district, of the City of Stuart are shown on the map entitled "Official Zoning Map, City of Stuart, Florida," dated and certified by the city clerk. Said map is hereby incorporated into and made a part of this Code by reference.

Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map of the City of Stuart, Florida, in the office of the city clerk shall be the final authority for zoning districts in the city.



Sec. 1.05.02. Reserved.

1.06.00. RULES OF INTERPRETATION

Sec. 1.06.01. Generally.

In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of the community. In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the City of Stuart and deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 1.06.02. Abrogation.

It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties.

Sec. 1.06.03. Stricter provisions apply.

Where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings; or requires larger open spaces than are imposed or required by other laws, ordinances, rules, regulations, or by easements, covenants or agreements, the provision of this Code shall control.

Sec. 1.06.04. Interpretation.

- A. *Responsibility.* In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the city development director shall be responsible for interpretation and shall look to the City of Stuart Comprehensive Plan for guidance. Responsibility for interpretation by the city development director shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.
- B. *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the "Official Zoning Map, City of Stuart, Florida," the following rules shall apply:
1. Where district boundaries are indicated as approximately following the centerlines of streets or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
 2. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.



3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of highway right-of-way, such district boundaries shall be construed to being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such distance shall be determined by the use of the scale on said zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where district boundaries are indicated that they approximately follow shorelines, the mean high water line of shorelines shall be construed to be such boundaries.

Sec. 1.06.05. Computation of time.

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

Sec. 1.06.06. Delegation of authority.

Whenever a provision appears requiring a city officer to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision specify otherwise.

Sec. 1.06.07. Relationship of specific to general provisions.

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.07.00. DETERMINATION OF CONSISTENCY

As this land development code is intended to fully implement the comprehensive plan, a determination of consistency with the adopted City of Stuart Comprehensive Plan shall not be required. However, if the consistency of a proposed development with the comprehensive plan is challenged, a specific determination and finding of consistency shall be required of the city development director.



Chapter II

ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

2.00.00 GENERALLY

- Sec. 2.00.01. Purpose
- Sec. 2.00.02. Exception

2.01.00 ZONING DISTRICTS

- Sec. 2.01.01. Relationship of zoning districts to future land use categories
- Sec. 2.01.02. Designation of districts
- Sec. 2.01.03. Table 1 – Zoning district/future land use category compatibility

2.02.00 USES ALLOWED IN ZONING DISTRICTS

- Sec. 2.02.01. Generally
- Sec. 2.02.02. Table 2 – Zoning Districts Uses

2.03.00 DENSITY

- Sec. 2.03.01. Generally
- Sec. 2.03.02. Density
- Sec. 2.03.03. Planned Unit Development Density
- Sec. 2.03.04. ALF Density
- Sec. 2.03.05. Maximum dwelling unit per acre table
- Sec. 2.03.06. Intensity of development: Lot area and Floor Area Ratio (FAR) Tables 3 and 4

2.04.00 AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

- Sec. 2.04.01. Generally; Tables 5, 6, & 7
- Sec. 2.04.02. Supplemental Area Requirements
- Sec. 2.04.03. Supplemental Impervious Surface Coverage Requirements
- Sec. 2.04.04. Supplemental Building Setback Requirements
- Sec. 2.04.05. Supplemental Building Setback on Certain Streets
- Sec. 2.04.06. Supplemental Building Height, Maximum Number of Stories and Minimum Living Area Requirements



2.05.00 COTTAGE LOTS

- Sec. 2.05.01. Purpose
- Sec. 2.05.02. Applicability
- Sec. 2.05.03. Permitted uses
- Sec. 2.05.04. Future annexed area
- Sec. 2.05.05. On-site parking standards
- Sec. 2.05.06. Development standards
- Sec. 2.05.07. Exhibit A – Building Form Standard Cottage Lots

2.06.00 SUPPLEMENTAL USE STANDARDS

- Sec. 2.06.01. Generally
- Sec. 2.06.02. Manufactured/Mobile home/Recreational vehicle developments
- Sec. 2.06.03. Assisted living facility (ALF)
- Sec. 2.06.04. Child care centers
- Sec. 2.06.05. Automobile/boat sales and service facilities
- Sec. 2.06.06. Automatic amusement centers and game rooms
- Sec. 2.06.07. Industrial uses
- Sec. 2.06.08. Urban agriculture
- Sec. 2.06.09. Home occupations
- Sec. 2.06.10. Adult businesses
- Sec. 2.06.11. Telecommunication facilities
- Sec. 2.06.12. Formula businesses
- Sec. 2.06.13. Dog-friendly restaurants
- Sec. 2.06.14. Pain Management Clinics
- Sec. 2.06.15. Minimum Single-Family and Duplex Residential Design Standards for New Construction
- Sec. 2.06.16. Shooting ranges, indoor
- Sec. 2.06.17. Supplemental parking standards for parking intensive vessel slips
- Sec. 2.06.18. Kennels, veterinarians, or similar facilities
- Sec. 2.06.19. Rooftop dining
- Sec. 2.06.20. Conditional use approval required for the location of any gasoline or other motor fuel stations on certain properties fronting U.S. Highway-1 and Palm City Road.
- Sec. 2.06.21. Conditional Use Approval required for fuel production facilities.

2.07.00 DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)



2.00.00. GENERALLY

Sec. 2.00.01. Purpose.

The purpose of this chapter is to: (a) identify the implementing zoning districts for the future land use categories contained in the City's Comprehensive Plan; (b) establish development approval processes for specific uses and (c) identify measurable development standards (e.g. building height, setback, lot size, density).

Sec. 2.00.02. Exception.

The Urban Code District, East Stuart District and S.E. Ocean Boulevard Overlay Zone are established by the City of Stuart based on the need for special protective measures, additional design standards, and redevelopment incentives in those areas. Due to the special nature of these areas, the uses and development standards allowed are described in Chapter 3 of this Land Development Code.

2.01.00. ZONING DISTRICTS

Sec. 2.01.01. Relationship of zoning districts to future land use map categories.

Land use classifications for Stuart are identified and described in the Future Land Use Element of the Comprehensive Plan and delineated on the future land use map. *Table 1 – Zoning District/Future Land Use Category Compatibility* reflects the zone districts and the future land use categories that the zone districts implement.

Sec. 2.01.02. Designation of districts.

The designated zoning districts within the City are:

- A. R-1A Residential - Single Family Estate; R-1 Residential - Single Family General;
- B. R-2 Residential - Duplex;
- C. R-3 Residential - Multi-Family/Office;
- D. B-1 Business Limited;
- E. B-2 Business General;
- F. B-3 Business Restricted;
- G. B-4 Limited Business/Manufacturing;
- H. P Public Service;
- I. I Industrial;
- J. H Hospital;
- K. Planned Unit Development (PUD)
 - 1. Residential (RPUD)
 - 2. Commercial (CPUD)
 - 3. Public Service (PSPUD)
 - 4. Industrial (IPUD)
 - 5. Mixed Use (MXPUD);
- L. Urban District



1. Urban General (UG)
 2. Urban Center (UC)
 3. Urban Neighborhood (UN)
 4. Urban Highway (UH)
 5. Urban Waterfront (UW);
- M. East Stuart District
1. Business and Mixed Use (BMU)
 2. General Residential and Office (GRO)
 3. Single-family and Duplex (SFD)
- N. S.E. Ocean Boulevard Overlay



Sec. 2.01.03. - TABLE 1

ZONING DISTRICT/FUTURE LAND USE CATEGORY COMPATIBILITY

		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
FUTURE LAND USE CATEGORIES	Low Density Residential	X	X	X									RPUD			X
	Multi-family Residential				X								RPUD CPUD MXPUD			X
	Office/Residential				X								RPUD CPUD MXPUD			X
	Commercial					X	X	X	X				CPUD IPUD MXPUD			X
	Industrial								X		X		CPUD IPUD MXPUD			
	Public					X	X	X	X	X	X	X	CPUD PSPUD MXPUD	X	X	X
	Institutional			X	X	X	X	X		X		X	RPUD MXPUD	X		X
	Recreation	X	X	X	X	X	X	X		X			PSPUD MXPUD	X		X



		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
	Downtown Re-development	X	X	X	X	X	X	X	X	X			RPUD CPUD PSPUD MXPUD	X		
	Neighborhood Special District												RPUD CPUD MXPUD PSPUD	X		
	East Stuart	X	X	X	X	X	X	X	X	X			RPUD CPUD MXPUD PSPUD	X	X	
	Conservation	X	X	X	X	X	X	X	X	X	X	X	PSPUD	X		
	Marine Industrial											X	RPUD CPUD PSPUD IPUD MXPUD	X		



2.02.00. USES ALLOWED IN ZONING DISTRICTS

Sec. 2.02.01. Generally.

It is the purpose of this section to identify the uses allowed in each zoning district (See Table 2 – Residential and PUDs (Planned Unit Development) Districts Uses; Table 3 – Business and PUD Districts Uses; and Table 4 – Public Service, Industrial, Agriculture, Hospital and PUD Districts Uses).

- A. Consideration of uses not specifically listed. If a use is not listed within a specific zoning district, then the use is not allowed. However, a proposed use that is not listed within a particular zoning district, but which is determined by the city development director to have a character, similar nature, and impact to a permitted use in that district, the city development director may make a determination of comparability to the applicant. Conditions may be placed on the decision. A determination by city development director that a proposed use is not similar to a permitted use may be appealed according to procedures in Chapter VIII.

In making such finding, the city development director may assess all relevant characteristics of the proposed use, including but not limited to the following, as applicable:

- a. The typical volume and type of sales (retail or wholesale); size and type of items sold; and nature of inventory on the premises;
- b. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
- c. The nature and location of storage and outdoor display of merchandise; whether storage is enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders hazardous or not);
- d. The type, size, and typical massing of buildings and structures associated with the unlisted use;
- e. Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site; trip purposes and whether trip purposes can be shared by other uses on the site;
- f. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;



- g. The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
- h. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- i. The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses allowed in the zoning district.



Sec. 2.02.02. TABLE 2

Residential and PUD Districts Uses	R-1A	R-1	R-2	R-3	R-M	RPUD	CPUD	MPUD
Accessory dwelling units, detached (refer to Section 6.09.02)	P	P	P	P		A		A
Assisted living facilities of 4 or fewer persons (refer to supplemental standards in Section 2.06.03)	P	P	P	P	P	A		
Assisted living facilities of 5 or more persons (refer to supplemental standards in Section 2.06.03)				CU	CU	A		
Adult day care centers (less than 5 acres)				CU	P	A	A	A
Bed & breakfast inns				P		A	A	A
Child care center (less than 5 acres) (refer to supplemental standards in Section 2.06.05)				CU	P	A	A	A
Community centers			P	P		A	A	A
Community garden (refer to supplemental standards in Section 2.06.08)	P	P	P	P	P	A	A	A
Community residential home of 7- 14 residents				CU	CU	A	A	A
Duplex dwelling units			P	P		A		A
Family day care home in a residence	P	P	P	P	P	A	A	A
Golf course						A	A	A
Governmental buildings			P	P		A	A	A
Group home of six or fewer residents	P	P	P	P		A	A	A
Home occupations (refer to supplemental standards in Section 2.06.10)	P	P	P	P		A	A	A
Libraries			P	P		A	A	A
Massage therapy establishments				P		A	A	A
Multi-family dwelling units				P	P	A		A
Nursing homes				P		A	A	A
Office, business or professional				P		A	A	A
Office, low intensity medical				P		A	A	A
Office, medical				P		A	A	A
Pain management clinics (refer to supplemental standards in Section 2.06.16)				CU			CU	
Public facilities and services	P	P	P	P	P	A	A	A
Public parks	P	P	P	P	P	A	A	A
Public utilities ⁴	P	P	P	P	P	A	A	A
Religious institution (less than 5 acres)			CU	P		A	A	A
Religious institution (more than 5 acres)				CU		A	A	A
Residential units combined with non-residential uses				P		A	A	A



Residential and PUD Districts Uses	R-1A	R-1	R-2	R-3	R-M	RPUD	CPUD	MXPUD
Rooming and boardinghouses				P		A	A	A
Schools – private, parochial, , or technical (less than 5 acres)	CU	CU	CU	CU		A	A	A
Single-family dwelling unit	P	P	P	P		A		A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)				P		A	A	A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in Section 2.06.12).				CU		A	A	A
Studio (art, dance, music, exercise)				P		A	A	A

Footnotes:

P - Use Permitted By Right; subject to all other applicable requirements of the Code.

CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process

A - Allowed through city commission public hearing process

- Prohibited



Sec. 2.02.03. TABLE 3

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Adult businesses (refer to supplemental standards in Section 2.06.11)		CU				
Adult day care centers	P	P	P	CU	A	A
Automatic amusement center and game room		P			A	A
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.06)		P			A	A
Automobile sales provided all repair and service shall be done within an enclosed building (refer to supplemental standards in Section 2.06.06)		P			A	A
Bakery, retail and/or wholesale warehouses		P		P	A	A
Banks/financial institutions	P	P		P	A	A
Barbershop, beauty salons, specialty salons	P	P			A	A
Bars	P	P			A	A
Boat building, indoors					A	
Boat sales and service (refer to supplemental standards in Section 2.06.06)		P			A	A
Boat storage, dry		P		P	A	A
Bowling alleys		P			A	A
Bus and train (passenger) station/terminals		P			A	A
Car wash		P			A	A
Catering shops	P	P			A	A
Cemeteries		P			A	A
Child care center (refer to supplemental standards in Section 2.06.05)	P	P	P	CU	A	A
Clubs, lodges, and fraternal organizations		P			A	A
Cold storage					A	
Community garden (refer to supplemental standards in Section 2.06.08)	P	P	P	P	A	A
Craft distillery	P	P		P	A	A
Crematoriums		CU			A	A
Dry boat storage		P		P	A	A
Drycleaning establishment		P		P	A	A
Family day care home in a residence	P	P			A	A
Farm equipment and supply sales establishments, including open storage					A	A
Flea markets					A	
Funeral homes		P			A	A
Funeral homes with crematorium		CU			A	A
Gasoline or other motor fuel stations (refer to supplemental standards in Section 2.06.06)		P			A	A



Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Golf course					A	A
Golf driving range (not accessory to golf course)		P			A	A
Golf course, miniature		P			A	A
Health club		P			A	A
Health spas		P			A	A
Hotels, motels	P	P			A	A
Industrial, low-impact within enclosed facility				P		A
Kennels		P			A	A
Laundry establishments (self service)		P		P	A	A
Libraries	P		P		A	A
Massage therapy establishments	P	P	P		A	A
Microbrewery	P	P		P	A	A
Manufactured/mobile home park/RV park					A	
Multi-family dwelling units	P					A
Museums	P	P			A	A
Newspaper or publishing plant				P	A	A
Office, business or professional	P	P	P	P	A	A
Office, low intensity medical	P	P	P	P	A	A
Office, medical	P	P	P	P	A	A
Office, veterinary	P	P	P	P	A	A
Outdoor storage (refer to standards in Section 6.10.00)	P	P		P	A	A
Parking garages (private or government provided public)	P	P			A	A
Parking lots (private or government provided public)	P	P			A	A
Place of public assembly		P			A	A
Pool hall/billiard parlor		P			A	A
Public facilities and services	P	P	P	P	A	A
Public parks	P	P	P	P	A	A
Public utilities ¹	P	P	P	P	A	A
Radio and/or television broadcast stations		P		P	A	A
Religious institutions		P			A	A
Repair services		P		P	A	A
Residential units combined with non-residential uses	P	P	P		A	A
Restaurants, convenience and general	P	P			A	A
Restaurants, limited				P		A
Retail, bulk merchandise		P		P	A	A
Retail, department store		P			A	A
Retail, furniture stores		P			A	A
Retail, intensive sales and service	P	P			A	A
Retail, non-intensive sales and service		P		P	A	A



Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Retail, regional mall		P			A	A
Retail, strip shopping center		P		P	A	A
Rooftop dining area (refer to supplemental standards in Section 2.06.19)	CU	CU			CU	CU
Skating rink, rolling or ice		P			A	A
School-private, parochial, technical	P	P			A	A
Shooting range, indoor (refer to Supplemental Standards Sec. 2.06.16)		P		P	A	
Sign painting and/or sign manufacturing shops within enclosed facility without outdoor storage		P		P	A	A
Stealth telecommunications facilities in excess of 45 feet in height (refer to supplemental standards in Section 2.06.12)	CU	CU		CU	A	A
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	P	P		P	A	A
Studio (art, dance, music, exercise)		P			A	A
Swimming pools		P			A	A
Telecommunications towers		CU		CU	A	A
Theaters	P	P			A	A
Urban farm (refer to supplemental standards in Section 2.06.08)	P	P	P	P	A	A
Warehouse, general storage				P	A	A
Warehouse, mini-storage				P	A	A
Warehouse, wholesale and distribution				P	A	A

Footnotes:

P - Use Permitted By Right; subject to all other applicable requirements of the Code.

CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process

A- Allowed through city commission public hearing process

- Prohibited

1 – Refer to Section 6.02.00. Utilities



Sec. 2.02.04. TABLE 4

Public Service (P), Industrial (I), Hospital (H) and PUD Districts Uses	P	I	A-1	H	PSPUD	IPUD	MXPUD
Adult businesses (refer to supplemental standards in Section 2.06.11)		CU				A	
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.06)		P				A	A
Boat building, outdoors		P				A	
Boat storage, dry		P				A	A
Religious institutions	P				A		A
Governmental buildings	P	P			A	A	A
Cold storage		P				A	A
Commercial nursery or tree farm		P				A	A
Community centers	P				A		A
Community garden (refer to supplemental standards in Section 2.06.08)	P	P		P	A	A	A
Drycleaning plants		P				A	A
Farm equipment and supplies sales establishment, including open storage		P				A	A
Gasoline or other motor fuel stations, including tank farms		P				A	A
Golf course	A				A		A
Hospital (new hospital construction shall not exceed over 45 feet in height) 1				P			
Hospital auxiliary uses (within main hospital or freestanding building) 2				P			
Industrial, high-impact		P				A	A
Industrial, low-impact		P				A	A
Libraries	P				A		
Museums	P				A		A
Newspaper or publishing plants		P				A	A
Pain management clinics (refer to supplemental standards in Section 2.06.16)				CU			
Places of public assembly	P						
Planned industrial parks (refer to supplemental standards in Section 2.06.07)		P				A	A
Public facilities and services	P	P	P	P	A	A	A
Public parks	P	P	P	P	A	A	A
Public utilities ³	P	P	P	P	A	A	A
Radio and/or television broadcast stations	P				A		A
Railroad freight stations/terminals		P				A	A
Repair services		P				A	A
Retail, intensive and non-intensive		CU				A	A



Public Service (P), Industrial (I), Hospital (H) and PUD Districts Uses	P	I	A-1	H	PSPUD	IPUD	MXPUD
Schools – private, parochial at the elementary, junior high, or technical level	P				A		A
Shooting range, indoor (refer to supplemental standards in Section 2.06.16)		P				A	
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in an enclosed building		P				A	A
Stealth telecommunications facilities in excess of 45 feet in height (refer to supplemental standards in Section 2.06.12)	CU	CU			A	A	A
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	P	P			A	A	A
Storage yards		P				A	A
Swimming pools	P				A		A
Telecommunication towers (refer to supplemental standards in Section 2.06.12)		CU				A	A
Telecommunications towers to be located on real property not owned by the City of Stuart (refer to supplemental standards in Section 2.06.12)	CU				A		A
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the City Commission (refer to supplemental standards in Section 2.06.12)	P				A		A
Truck terminals		P				A	A
Urban farm (refer to supplemental standards in Section 2.06.08)		P				A	A
Warehouse, general storage		P				A	A
Warehouse, mini-storage		P				A	A
Warehouse, wholesale or distribution		P				A	A

Footnotes:

P - Use Permitted By Right; subject to all other applicable requirements of the Code.

CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process

A - Allowed through city commission public hearing process

Prohibited



1 - Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.

2 - e.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.

3 - Refer to Section 6.02.00. Utilities.



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Residential Land Uses																
Accessory dwelling units, detached (refer to Section 6.09.02)	P	P	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Assisted living facilities of 4 or fewer persons (refer to supplemental standards in Section 2.06.03)	P	P	P	P	-	-	-	-	-	-	-	A	-	-	-	-
Assisted living facilities of 5 or more persons (refer to supplemental standards in Section 2.06.03)	-	-	-	CU	-	-	-	-	-	-	-	A	-	-	-	-
Community residential home of 7- 14 residents	-	-	-	CU	-	-	-	-	-	-	-	A	A	A	-	-
Duplex dwelling unit	-	-	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Family day care home in a residence	P	P	P	P	P	P	-	-	-	-	-	A	A	A	-	-
Group home of 6 or fewer residents	P	P	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Home occupations (refer to supplemental standards in Section 2.06.09)	P	P	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Multi-family dwelling units	-	-	-	P	P	-	-	-	-	-	-	A	-	A	-	-
Residential units combined with non-residential uses	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Single-family dwelling unit	P	P	P	P	-	-	-	-	S	-	-	A	-	A	A	-
Transient Residential Land Uses and Overnight Accommodations																
Bed and Breakfast Inns	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Hotels/motels	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Rooming and boardinghouses	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Institutional Uses																
Adult day care centers																



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
(< 5 acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
(> 5 acres)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-
Cemeteries	-	-	-	-	-	P	-	-	-	-	-	-	A	-	-	-
Child care center (< 5 acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
(> 5 acres)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-
(refer to supplemental standards in Section 2.06.04)																
Community centers	-	-	P	P	-	-	-	-	P	-	-	A	A	A	A	-
Crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Funeral homes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Funeral homes with crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Governmental buildings	-	-	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Libraries	-	-	P	P	P	-	P	-	P	-	-	A	A	A	A	-
Museums	-	-	-	-	P	P	-	-	P	-	-	-	A	A	A	-
Religious institutions (<5 acres)	-	-	CU	P	-	P	-	-	P	-	-	A	A	A	A	-
(>5 acres)	-	-	-	CU	-	P	-	-	-	-	-	-	A	A	A	-
Schools – private, parochial, or technical (< 5 acres)	CU	CU	CU	CU	P	P	-	-	P	-	-	A	A	A	A	-
(>5 acres)				-	P	P	-	-	-	-	-	A	A	A	A	-
Health Care Uses																
Hospital (new hospital construction shall not exceed over 45 feet in height) ⁱ	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Hospital auxiliary uses (within main hospital or freestanding)												P				

ⁱ Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
building) ⁱⁱ																
Massage therapy establishment	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Nursing homes	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Pain management clinics (refer to supplemental standards in Section 2.06.14)	-	-	-	CU	-	-	-	-	-	-	CU	-	CU	-	-	-
Commercial Uses																
Adult business (refer to supplemental standards in Section 2.06.10)	-	-	-	-	-	CU	-	-	-	CU	-	-	-	-	-	A
Automatic amusement center and game room	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile rental/leasing	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	P	-	-	A	-	-	A
Automobile sales provided all repair and service shall be done within an enclosed building (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Bakeries, retail and/or wholesale warehouses	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Banks/financial institutions	-	-	-	-	P	P	-	P	-	-	-	-	A	A		

ⁱⁱ e.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Barbershop, beauty salons, specialty salons	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Bars	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Boat building, indoors	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Boat building, outdoors	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A
Boat sales and service (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Boat storage, dry	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Bowling alleys	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Car washes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Catering shops	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Clubs, lodges, fraternal organizations	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Craft distillery	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-
Drycleaning establishment	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Drycleaning plant	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Farm equipment and supply sales establishments, including open storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Flea markets	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Gasoline or other motor fuel stations (refer to supplemental standards in Section 2.06.05 and 2.06.20)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Gasoline or other motor fuel stations, including tank farms (refer to supplemental standards in Section 2.06.05 and 2.06.20)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Health clubs	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Health spas	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Kennels	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Laundry establishments (self-service)	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Manufactured home, mobile home or RV parks	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Marinas including the sale, display, and storage of new and used boats for sale, and the repair and maintenance of boats.	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Microbrewery	-	-	-	-	P	P	-	P	-	P	-	-	A	A	-	-
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Office, business or professional	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, veterinary	-	-	-	-	P	P	P	P	-	-	-	-	A	A	-	-
Outdoor storage (refer to standards in Section 6.10.00)	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-
Place of public assembly	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Pool hall/billiard parlor	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Repair services	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Restaurants, convenience and general	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Restaurants, limited	-	-	-	-	-	-	-	P	-	-	-	-	-	A	-	-
Retail, bulk merchandise	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Retail, department store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, furniture store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, intensive sales	-	-	-	-	P	P	-	P	-	CU	-	-	A	A	-	A
Retail, non-intensive sales and service	-	-	-	-	-	P	-	P	-	CU	-	-	A	A	-	A
Retail, regional mall	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, strip shopping center	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Rooftop dining areas (refer to	-	-	-	-	CU	CU	-	-	-	-	-	-	CU	CU	-	-



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
supplemental standards in Section 2.06.19)																
Shooting range, indoor (refer to supplemental standards in Section 2.06.16)	-	-	-	-	-	P	-	P	-	P	-	-	A	-	-	A
Skating rink, rolling or ice	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Studio (art, dance, music, exercise)	-	-	-	P	-	P	-	-	-	-	-	A	A	A	-	-
Theaters	-	-	-	-	P	P	-	-	-	-	-	-	A	A		
Recreational Uses																
Golf course	-	-	-	-	-	-	-	-	P	-	-	A	A	A	A	-
Golf driving range (not accessory to golf course)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Golf course, miniature	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Public parks	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Swimming pools	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Utility and Service Uses																
Public facilities and services	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Public utilities (refer to Section 6.02.00)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Industrial Uses																
Cold storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Fuel production facilities	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	CU
Industrial, high-impact	-	-	-	-	-	-	-	-	-	P	-	-	-	CU	A	A
Industrial, low-impact *within enclosed facility	-	-	-	-	-	-	-	p*	-	P	-	-	-	A	-	A
Industrial parks, planned (refer to supplemental standards in Section 2.06.07)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Sign painting and/or sign manufacturing shops providing	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
all storage and work is conducted in enclosed facility																
Telecommunications Uses																
Radio and/or television broadcast stations	-	-	-	-	-	P	-	P	P	-	-	-	A	A	A	-
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.11)	-	-	-	P	P	P	-	P	P	P	-	A	A	A	A	A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in Section 2.06.11).	-	-	-	CU	CU	CU	-	CU	CU	CU	-	A	A	A	A	A
Telecommunications towers (refer to supplemental standards in Section 2.06.11)	-	-	-	-	-	CU	-	CU	-	CU	-	-	A	A	-	A
Telecommunications towers to	-	-	-	-	-	-	-	-	-	CU	-	-	-	A	-	A



Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
be located on real property not owned by the City of Stuart (refer to supplemental standards in Section 2.06.11)																
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the City Commission (refer to supplemental standards in Section 2.06.12)	-	-	-	-	-	-	-	-	CU	-	-	-	-	A	A	-
Storage, Transportation and Logistics Uses																
Accessory structures (refer to Section 6.09.00)	P	P	P	P								A		A		
Bus and train (passenger) station/terminals	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Parking garages (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Parking lots (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Railroad freight stations and terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Truck terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Storage yards	-	-	-	-	-	-	-	-	-	P	-	-	-	-	A	A
Warehouse, general storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Warehouse, mini-storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Warehouse, wholesale and distribution	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Agricultural Uses																
Commercial nursery/tree farm	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A
Community gardens (refer to supplemental standards in Section 2.06.08)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A



Land Use	Zoning Districts															
	Residential				Nonresidential								PUD			
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Urban farms (refer to supplemental standards in Section 2.06.08)	-	-	-	-	P	P	P	P	-	P	-	A	A	A	-	A



2.03.00. DENSITY

Sec. 2.03.01. Generally.

Except as expressly provided herein, the densities for all zoning districts are set forth in *Table 3 – Maximum Dwelling Units per Acre* and percentages of residential and non-residential uses and Floor Area Ratio (FAR) for all zoning districts are set forth in *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR)*.

Sec. 2.03.02. Density.

- A. The residential density for R-3, R-M, and B-1 of up to ten dwelling units per acre shall not be applicable to existing PUD zoning districts nor to those created hereafter.
- B. Nothing in this section shall prevent a land owner from requesting a change of zone from a multi-family zone to RPUD. In such an event, however, the densities set forth in *Table 3 – Maximum Dwelling Units per Acre* for an RPUD must be followed. Such lands as may be used in creating such density calculations, shall not be used in any other calculation at any time, and a unity of title declaration shall be required to be recorded in the public records of Martin County, Florida.

Sec. 2.03.03. Planned Unit Development (PUD) density.

The density for a planned unit development shall not exceed those densities set forth in *Table 3 – Maximum Dwelling Units per Acre*, unless a density bonus has been granted by the city commission as part of a planned unit development zoning agreement.

Sec. 2.03.04. ALF density.

The residential density for an ALF is set forth in *Table 3 – Maximum Dwelling Units per Acre* for each respective zoning district. This density does not include adult care facilities. They will be governed by the residential district density in which they are located.

Sec. 2.03.05 Maximum dwelling units per acre table

The following *Table 3 – Maximum Dwelling Units per Acre* reflects the potential maximum dwelling units per acre for each zoning district.

Sec. 2.03.06 Intensity of development: Lot area and Floor Area Ratio (FAR) table

The following *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR)* reflects the percentages of residential and/or non-residential uses allowed on a lot and a ratio of the floor area of a building to the area of the lot in the future land use categories.



TABLE 3

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts																			
	R1-A	R-1	R-2	R-3	RPUD ¹	B-1	B-2	B-3	B-4	CPU D	P	I	IPUD	H	PSP UD	MXP UD	Urban Code District	East Stuart		
																		GR O	BM U	SF D
Low Density Residential	4	5	7		4 ² /7 ³ / 15 ⁴															
Multi-family Residential				10	4 ² /7 ³ / 15 ⁴	10	L	L								15 ⁵				
Office/Residential				10	15	10	10	10		5 ⁷ /7 ⁸ / 10 ⁹						15 ⁵				
Commercial				10		10	L	L		5 ⁷ /7 ⁸ / 10 ⁹						15 ⁵				
Downtown Redevelopment				15/ 30 ⁷	15	15/ 30 ⁷	15/ 30 ⁷			5 ⁷ /7 ⁸ / 10 ⁹						15 ⁵	15/3 0 ⁶			
Neighborhood/Special Dist.					15					5 ⁷ /7 ⁸ / 10 ⁹						15 ⁵	15/3 0 ⁶			
Industrial																				
East Stuart																15 ⁵		15/3 0 ¹⁰	15/3 0 ¹⁰	17
Marine/Industrial				15			15									15 ⁵	15/3 0 ⁶			
Public											E									
Recreation																				
Institutional					4 ² /7 ³ / 15 ⁴															
Conservation																				



R-1A Single Family - Estate; R-1 Single Family - General; R-2 Duplex; R-3 Multi-Family/Office; R-M Residential Multi-Family; B-1 Business -Limited; B-2 Business-General; B-3 Business-Restricted; B-4 Limited Business/Manufacturing; P Public Service; I Industrial; H Hospital; Planned Unit Development (PUD) includes Residential (RPUD), Commercial (CPUD), Public Service (PSPUD), Industrial (IPUD), and Mixed Use (MXPUD); Urban Code District includes Urban General (UG), Urban Center (UC), Urban Neighborhood (UN), Urban Highway (UH), Urban Waterfront (UW); East Stuart District includes Business and Mixed Use (BMU), General Residential and Office (GRO), Single-family and Duplex (SFD).

Footnotes:

- 1 = Assisted Living Facility (ALF) is allowed a maximum of 30 units per acre in land use classification multi-family residential, office/residential, and downtown redevelopment.
- 2 = Single Family Detached Dwelling Unit
- 3 = Single Family Attached Dwelling Unit
- 4 = Multi-Family Dwelling Unit
- 5 = Potential Bonus Units Allowable. Where not less than 50% of the total residential units of site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded (Refer to Land Development Code Table 2.07.00.C).
- 6 = Up to 30 units with Major Urban Code Conditional Use
- 7 = Based on R-1 Density Requirements
- 8 = Based on R-2 Density Requirements
- 9 = Based on R-3, B-1 and B-2 Density Requirements
- 10 = Up to 30 with East Stuart District Conditional Use Approval
- E = Only Residential dwelling unit allowed and only by Conditional Use
- L = Limited. No maximum density established by Land Development Code or Comprehensive Plan at this time. Rather, the term "Limited" is used instead of a numerical value.
- = Not Permitted



TABLE 4
INTENSITY OF DEVELOPMENT – LOT AREA AND FLOOR AREA RATIO (FAR)

Future Land Use Categories	% Lot Area Residential	% Lot Area Non-Residential	Non-Residential (maximum FAR)	>2.0 FAR
Low Density Residential	95-100	0-5	<0.75 FAR	N/A
Multi-family Residential	70-100	0-30	<3.0 FAR ¹ / ¹ <.5 FAR ²	<20 Acres ¹
Office/Residential	0-25	75-100	<3.0 FAR ¹ / ¹ <1.5 FAR ²	<10 Acres ¹
Commercial	0-15	85-100	<3.0 FAR ¹ / ¹ <1.5 FAR ²	<50 Acres ¹
Downtown Redevelopment	0-70	0-70	<4.0 FAR	<50 Acres ¹
Neighborhood/Special Dist.	30-90	10-70 ³	3.0 FAR ¹ / ¹ <2.0 FAR ²	<10 Acres ¹
Industrial	N/A	100	3.0 FAR ¹ / ¹ <1.0 FAR ²	<10 Acres ¹
East Stuart	70-100	0-30	<1.5 FAR	N/A
Marine/Industrial	0-25	0-75	<3.0 FAR	<5 Acres ¹
Public	N/A	100	<1.0 FAR	N/A
Recreation	N/A	100	<0.5 FAR	N/A
Institutional	N/A	100	<.75 FAR	N/A
Conservation	N/A	100	<10% ISR ⁴	N/A

Footnotes:

- 1 = Inside Community Redevelopment Agency (CRA) Boundary
- 2 = Outside CRA Boundary
- 3 = Recreation Uses Shall Not Exceed 25 Percent of the Land Area
- 4 = ISR: Impervious Surface Ratio. Not to exceed 10,000 sq. feet

Note: The numbers in this table should be interpreted as follows (using a 1 acre lot and the Low Density Residential Future Land Use Category as an example):

1. The maximum amount of a 1 acre lot (43,560 square feet) that can be used for non-residential activities is 5% or 2,178 square feet.
2. The maximum Floor Area Ratio (FAR) allowed in this land use category is .75.
3. .75 of 2,178 square feet is 1,633 square feet which represents the maximum size of the non-residential structure that could be constructed within this land use category.



2.04.00. AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

Sec. 2.04.01. Generally.

The following tables 5, 6, and 7 reflect lot area, impervious surface coverage, setback and height requirements.

TABLE 5 – RESIDENTIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

Standard	R-1A	R-1	R-2 (Single-family)	R-2 (Two-Family)	R-3 (Single-family)	R-3 (Two-family)	R-3 (Multi-family)	R-3 (Professional Bldg.)	R-3 (Residential units with business)
Minimum zoning lot size:									
Minimum lot area (sq feet)	10,000	7,500	6,000	7,500	6,000	7,500	10,000	10,000	10,000
Minimum lot width (feet)	100'	75'	60'	75'	60'	75'	100'	100'	100'
Maximum Impervious Surface Coverage	50%	50%	50%	50%	50%	50%	40%	40%	40%
Building Setback (Minimum Yards):									
Minimum front	25'	25'	25'	30'	25'	30'	25'	25'	25'
Minimum side	10'	7.5'	7.5'	10'	8'	10'	15'	15'	25'
Minimum rear	15'	15'	15'	20'	20'	20'	20'	20'	20'
Maximum Building Height	35'	35'	35'	35'	35'	35'	35'	45'	45'
Maximum Number of Stories	3	3	3	3	3	3	3	4	4

Note: The above table does not apply to the CRA except for footnotes 1 and 2 noted below. Refer to Chapter III, Special Zoning Codes for the development standards for the CRA.



TABLE 6 – COMMERCIAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK, AND HEIGHT REQUIREMENTS

Standard	<i>B-1 (Business Limited)</i>	<i>B-1 (Residential Units with Business)</i>	<i>B-2 (Business General)</i>	<i>B-2 (Residential Units with Business)</i>	<i>B-3 (Business Restricted)</i>	<i>B-4 (Limited Business and Manufacturing District)</i>
Minimum zoning lot size: Min. lot area (square feet) Min. lot width	7,500 75'	10,000 100'	10,000 100'	15,000 100'	Not Provided	20,000 100'
Maximum Impervious Surface Coverage	65%	65%	65%	65%	65%	65%
Building Setback (Minimum Yards): Min. front Min. side Min. rear	20' 5' 20'	20' 5' 20'	30' 5' 20'	30' 5' 20'	Not Provided	20' 10' 30'
Maximum Building Height	45'	45'	45'	45'	Not Provided	45'
Maximum Number of Stories	4	4	4	4	Not Provided	4



TABLE 7 – PUBLIC SERVICE, INDUSTRIAL AND HOSPITAL AREA, IMPERVIOUS SURFACE COVERAGE, SETBACK AND HEIGHT REQUIREMENTS

<i>Standard</i>	<i>Public Service</i>	<i>Industrial</i>	<i>Hospital</i>
Minimum zoning lot size: Min. lot area (square feet) Min. lot width	None	15,000 100'	None
Maximum Impervious Surface Coverage	65%	65%	Not Provided
Building Setback (Minimum Yards): Min. front Min. side Min. rear	25' 15' 25'	Not Provided	25' 15' 25' ¹
Maximum Building Height	45'	45'	45' ¹
Maximum Number of Stories	4	4	4

Footnotes:

1. This provision is subject to amendment at such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.

Sec. 2.04.02. Supplemental area requirements

A. Minimum width and area of lots.

1. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced so that the lot width or depth, front, side or rear yard, minimum lot area or other requirements of this Code are not maintained. This section shall not apply when a portion of a lot is subsequently acquired for public purposes.
2. No residential lot shall be less than 60 feet in width. In the case of irregularly shaped lots, the average lot width shall be measured and determined in accordance with the definition of average lot width set forth in Chapter XII.
3. No platted lot shall contain less than 6,000 square feet.



B. Adjoining lots of record.

1. If two or more adjoining lots with continuous frontage are in a single ownership at any time and such lots individually are less than the lot width requirements for the zone in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this chapter.



Sec. 2.04.03. Supplemental impervious surface coverage requirements

A. Generally.

Impervious surface coverage on a development site shall not exceed the maximum coverage amounts provided in the Table 5, 6, and 7 of this Chapter. Land within the Urban District, East Stuart District, and S.E. Ocean Boulevard Overlay may be subject to different maximum coverage amount.

B. Impervious surface coverage calculation.

Impervious surface coverage is determined by calculating the total impervious surface area as a percentage of the gross site area. Water bodies are impervious and shall be included as such in the calculation of impervious surface coverage.

C. Increased impervious surface coverage allowances for residential zoning districts.

Up to 65% of the building site for single-family and two-family dwellings in R-1A, R-1, R-2, and R-3 may consist of impervious surface coverage in which may be located building additions, accessory structures, patios, and pools. To utilize this additional coverage, the applicant must show either that the soils of the site can be proven to accommodate the additional runoff via soil boring tests by a registered professional engineer, or

- (a) The runoff created by the additional coverage will be retained on-site via retention facilities for a ten-year, three-day storm event for lots which are not more than one acre and for a 25-year, three-day event for lots which are one acre or greater in area; and
- (b) Retention areas will not be located above drainfields; and
- (c) Retention areas shall be not more than two feet deep unless a professional engineer certifies the appropriate plans and installation; and
- (d) All improvements will show compliance with section 6.03.00, Stormwater Management, of this Code.
- (e) The applicant shall be required to install one tree as defined in section 6.04.00 on the site for every 500 square feet, or fraction thereof, of additional impervious surface coverage as permitted in Table 7 above. The applicant shall also replace not less than 50 percent of all trees and shrubs removed for the installation of additional impervious surface coverage. (Ord. No. 1432-95, 9-25-95, § 6.01.02.E; Ord. No. 1451-96, 3-25-96; Ord. No. 1720-00, 3-27-00)

D. Treatment of cluster development.

Because impervious surface coverage is calculated for the gross site, cluster development or other site design alternatives may result in individual lots within a development project exceeding the amount of impervious surface coverage, while other lots may be devoted entirely to open space.



The city development director or city commission may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

E. Alternative paving materials.

If pervious concrete is proposed for a project, then 50 percent of the area covered with pervious concrete shall be considered as a pervious surface provided it is installed and maintained in accordance with section 6.01.14 of this Code. Other porous paving materials may be utilized with a credit for pervious coverage as determined by the city development director and as per section 6.01.14 of this Code.

Sec. 2.04.04. Supplemental building setback requirements.

A. Construction prohibited within setback lines.

1. No person shall construct or erect a building or other permanent structure with the exception of fences, sidewalks, pools, walls, terraces, decks, driveways, or accessory structures (see section 6.09.00 for setback requirements) on any lot or tract for which a setback line has been established by this chapter, between such setback line and the property line from which the setback has been established.
2. Notwithstanding the foregoing, in order to accommodate reasonable residential growth while maintaining the character of older neighborhoods, setback requirements for additions to existing houses on 50 feet x 125 feet and smaller lots shall be lessened as follows: front yard--15 feet, side yard--five feet, and rear yard--ten feet. The front yard setback shall be lessened to ten feet with the construction of a porch along, at a minimum, 50 percent of the first (1st) floor street facade. (Ord. No. 1720-00, 3-27-00)
3. Notwithstanding the foregoing, the front yard setback for construction on a lot in the R-1 district and the R-1A district shall be the lesser of 25 feet, as set forth above, or the average of the front yard setback distances existing on the adjacent lots which are located on each side of said lot.
4. Excluding streetwalls, fences, and entryway arbors and bowers a setback must be free of structures that are higher than four feet.
5. Architectural features such as cornices, eaves, gutters, fireplaces, flower boxes, bay windows, decorative molding and balconies, and front staircases designed complementary to the principle structure, which are part of the structure or attached thereto, may project no more than three feet into a required setback area. Equipment tanks, filters, stairwells, stairways attached post construction, and enclosed floor space are not considered architectural features and, therefore, must meet principal structure setbacks, unless otherwise varied pursuant to other sections of the land development regulations.
6. Where a lawful porch or screened porch existed on or before July, 1999, except those detached and constructed as an accessory structure within the required rear setback



area, such structure may be enclosed without application to or approval by the board of adjustment for a variance to a required setback area, provided no part of the structure, excluding eaves, is closer than 15 feet to the rear property line or eight feet to the side property line.

7. The address of a house or location of the front door shall have no effect on the setback regulations outlined above.

B. Required building setbacks for corner lots and/or lots abutting alleyways or streets.

1. The following specific setbacks shall apply to the streets so designated, unless other provisions of the unified code provide a greater setback:
 - a. A minimum setback line of ten feet from a street or alley on every corner lot, or lot which abuts a street or alley; or which shall hereafter abut a street or alley by virtue of the platting or construction of an alley or street.

C. Required building setbacks for attached garages in residential zoning districts.

1. A street facing, front entry garage or carport exceeding one automobile capacity shall have a front yard setback of minimum of 35 feet.

D. Front setback reduction in single-family residential zoning districts.

1. Applicable to R-1A Single-family, R-1 Single-family; R-2 Single-family; and R-3 Single-family: In an effort to retain a sense of community as well as preserve a more neighborhood oriented architectural styling, the front setback shall be lessened to 15 feet with the construction of a porch along, at a minimum, 50 percent of the first floor street facade. (Ord. No. 1720-00, 3-27-00)

E. Non-residential use common boundary setback.

1. For a proposed non-residential use adjacent to a residential use or residential zoning district a common boundary setback of the greater of 30 feet or the height of the highest non-residential building shall be provided. This common boundary setback does not apply to a proposed multi-family development.
2. For a proposed non-residential use in the "R-3" residential district adjacent to an undeveloped property in the "R-3" residential district a common boundary setback of the greater of 15 feet or the highest proposed non-residential building.
3. Each/any setback requirement for R-3 Professional Building, R-3 Residential Units with Business listed in Table 7 and those districts listed in Tables 8 and 9 are subject to amendment in accordance with section 2.04.04.E. 1 and 2 above.
4. All requirements relative to front, side, and rear yards shall be the same as required in the residential district to which the front, side, or rear property in a B-1, B-2, B-3, B-4 or I district adjoins or lies directly across a street or alley from a residential district.



5. For all commercial and non-residential structures, more than one story in height, the entire building must meet additional setbacks of ten feet on side yards and five feet on the rear yard, per each additional story above the ground floor. (Ord. No. 1720-00, 3-27-00)
6. Greater setbacks may be required to meet transitional landscape buffer requirements per Section 6.04.06.

Sec. 2.04.05 Supplemental building setbacks for waterfront properties.

All waterfront properties shall conform to the Comprehensive Plan and Code section 5.06.00 mandated waterside setbacks of 25 feet citywide and 10 feet CRA, measured from the waterside lot line or perpendicular to the mean high waterline as established by a licensed surveyor, whichever is nearer to the principal structure on the same lot; or perpendicular to the centerline of a seawall. (Ord. No. 1720-00, 3-27-00)

Sec. 2.04.06. Supplemental building setbacks on certain streets.

The following specific setbacks shall apply to the streets so designated, unless other provisions of this Code provide a greater setback:

Street	Side	From	To	Setback (feet)
b S. Dixie	West	E. (Eleventh) St.	Cut-off road	10
j Palm City Ave.	Both	S. Federal Hwy.	City Limits	50 (from centerline)
m E. Ocean Blvd.	Both	(sections East of CRA)		50 (from centerline)
o U. S. Hwy. #1	Both	W. Ocean Blvd.	S. City Limits	20 (from right-of-way)

Note: The preceding table establishes applicable setbacks to streets so designated. Due to the level of specificity provided in Chapter III , which applies to the Community Redevelopment Area (including the Urban District and East Stuart District) and the S.E. Ocean Boulevard Overlay Zone, the setbacks which shall apply to certain parcels within those areas are not shown. In cases where the above setbacks differ from those contained in the Chapter III, those contained in the Chapter III shall apply. Refer to Chapter III for a complete description of all building setbacks applicable to the CRA and S.E. Ocean Boulevard Overlay Zone.

Sec. 2.04.07. Supplemental building height,.

A. Building Height.

1. Building height is measured from the lowest permissible finished first-floor elevation set forth in LDR Section 6.03.02 B.4. to the surface of a flat roof and the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above maximum building height.



2. A parapet wall shall not exceed 24 inches in height, provided however, a greater height of up to 10 feet may be permitted by the city development director if necessary to conceal rooftop utilities such as stairway and elevator bulkheads and other roof equipment. No height of greater than 24 inches shall be permitted for more than 40 percent of any facade of a building. A parapet wall shall be designed to be consistent and compatible with the design and treatment of the facade of the structure.

B. Roof top occupancy.

1. Occupancy Residential uses of a flat rooftop, which are ancillary to residential occupancies, shall be limited to uses which are ancillary to residential occupancies and shall be enclosed by a code-compliant safety railing or other approved barrier. Except as otherwise permitted by this code, no permanently affixed structures, including, gazebos, trellises, or other similar structures shall be allowed on the roof of a four-story building. Maintenance and repairs shall not be deemed occupancy as that term is used in this paragraph.
2. Rooftop dining, as defined by this Code, is permitted as a major conditional use, and in accordance with the supplemental standards in Section 2.06.19.

2.05.00. COTTAGE LOTS

Sec. 2.05.01. Purpose.

- A. Support the Comprehensive Plan Growth Management goal of more efficient use of urban residential land, including the development potential for existing substandard lots;
- B. Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households);
- C. Provide opportunities for ownership of small, detached dwelling units within single-family neighborhoods;
- D. Provide guidelines to ensure compatibility with surrounding land uses.

Sec. 2.05.02. Applicability.

The developments eligible for consideration include:

- A. New single-family residential construction; and
- B. Single-family residential redevelopment, including retrofitting/remodeling; but
- C. The cottage lot provisions shall be applicable in the R-1, R-2, and R-3 land use districts, but shall not be applicable in the R-1A, or the Community Redevelopment Area (CRA) districts.



Sec. 2.05.03. Permitted uses.

- A. Single-family residential structures;
- B. Accessory structures incidental to the principal use;
- C. Home occupations (as defined in the LDC).

Sec. 2.05.04. Future annexed area.

All residentially zoned land annexed into the city that does not meet minimum standards for development, such as minimum lot area or minimum lot width, shall be eligible for development under the provisions of these cottage lot provisions.

Sec. 2.05.05. On-site parking standards.

- A. Each new single-family residential unit shall provide two parking spaces.
- B. Parking shall be located behind the front facade of the structure, where possible.

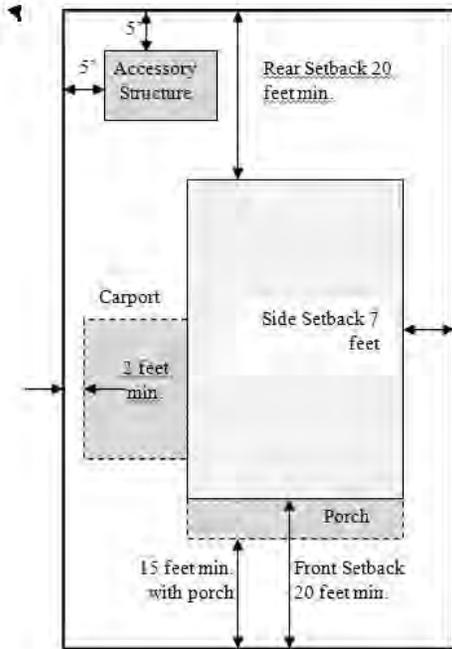
Sec. 2.05.06. Development standards.

New single-family development, and redevelopment or remodel of single-family residences, on existing substandard lots (Exhibit A), shall be permitted to meet the cottage lot standards set forth below, on lots of record as of December 10, 2007. However, it is not the intent of the city commission to allow the creation, partition, or subdivision of lots of record after December 10, 2007, to create substandard lots, and thus come under the development rights provisions of the cottage lot section. To address stormwater and other potentially negative impacts on adjoining properties, the City Development Director may require stem wall construction and limited window opens, including privacy windows, at the side yard second floor level.



Sec. 2.05.07 Exhibit A – BUILDING FORM STANDARD

**BUILDING FORM STANDARD
COTTAGE LOTS**



Siting

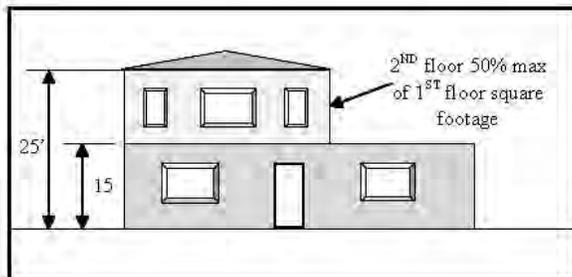
- No minimum lot size requirement.
- No minimum lot width requirement.
- Front building setback a minimum of 20 feet or the average setback along the street (excludes front setbacks in excess of 50 feet).
- Side building setback a minimum of 7 feet.
- Rear building setback a minimum of 20 feet.
- Front setback encroachment of up to 5 feet allowed for a porch provided.
- Maximum impervious surface of 65% allowed provided requirements of Sec. 2.04.03 are met.

Accessory Structures

- No accessory dwelling units allowed.
- Limited to single story and 12 feet in height
- Subject to General Standards and Requirements found in Sec. 6.09.02.A-D
- Limited to a maximum 2 car garage with a maximum of 440 square feet.

Allowable Setback Encroachment

- Front porch with no enclosed floor area may encroach up to 5 feet into front setback.
- Driveways and carports or other open-sided structure may encroach up to 5 feet provided there is no habitable structure above.



Principal Building Requirements

- Maximum first floor building height 15 feet.
- Maximum second story height 25 feet.
- Building height measurement must comply with Sec. 2.04.07.A of the City of Stuart Land Development Code.
- 2 story maximum.
- First floor gross living floor area (under air) not to exceed 30% of lot square footage.
- Second story allowed, but shall not exceed 50% of first floor square footage.

Use Specifications

- Single-family residential structures.
- Accessory structures incidental to principal use.
- Home Occupations (as defined in the LDC)



2.06.00. SUPPLEMENTAL USE STANDARDS

Sec. 2.06.01. Generally.

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards which may pertain to the general group of uses encompassing the use. These uses are listed in this part together with the specific standards that apply to the development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Code, unless specifically exempted.

Sec. 2.06.02. Manufactured/Mobile Home/Recreational Vehicle Developments.

A. Water supply.

- (1) Each site used as a manufactured/mobile home/recreational vehicle development shall be provided with an adequate supply of water of safe sanitary quality, approved by the Florida Department of Environmental Protection.
- (2) Where water from sources other than the municipal supply is proposed to be used, the source of the supply shall first be approved by the Florida Department of Environmental Protection.

B. Waste and sewage disposal.

Each manufactured/mobile home/recreational vehicle development shall be provided with safe and adequate means for the collection and removal of waste and garbage, and shall be either connected to the city sewer system, where such is available, or to a septic tank, all of which shall comply fully with all laws, ordinances or regulations prescribed by the city or the state.

C. Size, condition of manufactured/mobile home/recreational vehicle site.

- (1) Each unit or site reserved for the accommodation of any manufactured/mobile home/recreational vehicle shall be not less than 25 by 35 feet, and shall be clearly defined by markers at each corner.
- (2) The site shall be level, free from rocks and weeds, and well drained.
- (3) The site shall be landscaped in accordance section 6.04.00, Landscaping. Compliance is required due to the classification of mobile homes as vehicles.

D. Distance between manufactured/mobile homes/recreational vehicle; setback of manufactured/mobile home/recreational vehicle.

- (1) No manufactured/mobile home/recreational vehicle shall be located on any site where there is less than ten feet between the trailer and a building or another manufactured/mobile home/recreational vehicle.



- (2) No manufactured/mobile home/recreational vehicle site shall be placed or erected within less than five feet from the property line separating the development from adjoining property, measured from the nearest point of the manufactured/mobile home/recreational vehicle site.
- (3) No manufactured/mobile home/recreational vehicle development abutting on any public street, avenue, boulevard, terrace, court or place shall locate any manufactured/mobile home/recreational vehicle site beyond the established setback line and in no case closer than 20 feet to such street, avenue, boulevard, terrace, court or place.

E. *Roadways; entrances and exits.*

- (1) Hard surfaced roadways or driveways shall be provided in a manufactured/mobile home/recreational vehicle development, not less than 18 feet in width.
- (2) Roadways or driveways shall be so located that each unit in the development is easily accessible.
- (3) All entrances and exits shall be well marked and so arranged that they can be easily controlled and supervised.

F. *Density.*

- (1) No manufactured/mobile home/recreational vehicle development shall exceed ten units per acre.

G. *Prevention of trespass.*

- (1) Each manufactured/mobile home/recreational vehicle development shall clearly indicate one or more entrances and exits, the use of which shall be enforced.
- (2) Where it is established by complaint of adjoining property owners that their property is being trespassed upon by patrons of any manufactured/mobile home/recreational vehicle development, the owner, manager or other person responsible, shall provide a fence or other effective barrier to insure the owners of adjoining property protection against trespass.

Sec. 2.06.03. Assisted living facilities (ALF).

A. *Purpose.*

The purpose of this section is to provide standards, regulations and guidelines for the development of assisted living facilities (ALFs).

B. *Application.*



The provisions of subsections 2.06.03 C. and 2.06.03 D. shall only apply to facilities which provide housing to more than 12 persons or which are one or more acres in size.

C. *Procedures and prerequisites for use.*

Assisted living facilities which house four or fewer unrelated persons shall be a use by right in all residential zones. Licensed ALF's for five or more unrelated persons shall be a use allowed within RPUD districts or by conditional use in all zones that allow multi-family uses.

(1) For facilities intended for RPUD districts, the provisions of section 2.07.00, planned unit development requirements, together with a site plan shall be required.

(2) Standards.

- a. For facilities allowed by conditional use in multi-family zones, the permitted density of any facility shall be ten units per acre. For facilities intended for RPUD districts, the permitted density of any facility shall be up to a maximum of 30 units per acre.
- b. For all facilities, off-street parking shall be provided on the minimum basis of one space for every four living units, and one space for each staff person employed as determined by the maximum working shift. The city commission may require the provision of additional parking in the reasonable exercise of its discretion.
- c. For all facilities, each unit in the facility to be occupied by one person shall be a minimum of 250 square feet; each unit in the facility to be occupied by two persons shall be a minimum of 450 square feet. Additionally, at least 100 square feet of interior common area shall be provided for each unit. For facilities in excess of 150 units, the city commission may reduce the square footage requirements for common areas in exchange for increased area of the units, additional exterior common areas, or recreational facilities.
- d. All facilities shall provide facilities sufficient, as determined by the city commission, in size to serve meals to residents, and shall provide at least two meals a day to its residents which shall be included in the monthly fee.
- e. All facilities shall also provide the following amenities or services for its residents:
 1. An office or examination room for the purpose of housing a qualified and properly licensed nurse or nursing staff.
 2. T.V. and game room, library, arts and crafts center or other similar facility to provide leisure activities for facility residents.
 3. Laundry facilities for the residents.



- f. All facilities may also provide the following amenities for its residents:
 - 1. Sauna, swimming pool, tennis or other appropriate recreation facilities.
 - 2. A small scale convenience store to provide personal items such as toiletries, magazines, a small selection of groceries, prescriptions. Said facility shall be self-contained within the structure and open only to the residents of the facility.
- g. All facilities shall be subject to a 45-foot height maximum.
- h. All facilities shall be subject to the regulations applicable in R-3 districts which pertain to lot coverage, and setbacks.
- i. At least 20 percent of each facility site intended for an R-3 district shall be maintained as open space to be either a lawn or landscaped area which can be used for recreation and other leisure activities. Facilities intended for RPUD shall be subject to a 30 percent open space requirement.
- j. All signs in conjunction with any facility shall meet the applicable requirements pertaining to the R-3 zoning district.
- k. Accessory uses shall be limited to those normal and incidental to residential dwelling units, as determined by the city.
- l. Each facility and all its units shall be served by one master meter for water, sewer, and electric utilities.
- m. Any plan for a facility must establish not only compliance with those requirements set forth in subsections 2.06.03 C.2.a. through e. above, but also that such use will be reasonably compatible with the surrounding neighborhood on the basis of the following considerations:
 - 1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire.
 - 2. Off-street parking and loading areas where required, with particular attention to the economic, noise, glare or odor effects of the plan approval on adjoining properties and properties generally in the district.
 - 3. Location of refuse and service areas.
 - 4. Utilities with reference to locations, availability, and compatibility.
 - 5. Screening and buffering with reference to the type, dimensions, and character.



6. Signs, if any, proposed exterior lighting with reference to glare, traffic safety, economic effect, compatibility and harmony with property in the district.
7. Required yards and other open space.
8. Height
9. Landscaping.
10. Renewal and/or termination dates.
11. Function, hours of operation, type and amount of traffic to be generated, building size and setbacks, relationship to land values and other factors that may be used to measure compatibility.
12. In particular, the city commission may consider the size, location and state of repair of the facility, the ability of the site to accommodate required parking, ancillary service and outdoor activity requirements in the use and such off-site characteristics as may be documented including traffic generation and noise.

D. *Individual ownership; change in use.*

- (1) No facility may offer or provide for individual ownership of its units unless the units fully comply with requirements of the City Code and applicable building codes in regard to multifamily structures.
- (2) In the event a facility is no longer used for an assisted living facility or is modified for the purpose of creating individual ownership of units by the conversion of the facility to a condominium or to any use other than as an assisted living facility, the plan approval provided for herein shall automatically terminate and the project, its buildings and facilities shall be subject to all requirements of multi family structures as permitted by the Code in the applicable district.

E. *Notice of conversion.*

If application is made to convert any condominium, apartment complex, or other multi-family residential complex to an assisted living facility or to construct an assisted living facility on property encompassed within the site plan of any residential complex as described above, the applicant shall, as a condition precedent to proceeding with the application, submit proof that all residents of the affected complex have received notice of the application and the date and time of the public hearing at which said application shall be considered.

Sec. 2.06.04. Child care centers.

A. *Generally.* Child care centers,



are permitted in B-1, B-2, B-3, and the Urban Code District, may be allowed in RPUD (if under 5 acres), CPUD, MXPUD, and by conditional use in R-3 (if under 5 acres), B-4, and the BMU and GRO of the East Stuart District (if under 3 acres), subject to the following standards:

- (1) Required square footage of outdoor play area per child shall meet Florida Department of Children and Family Services standards and provide proof of issuance of a state license for such facility;
- (2) The outdoor play area is enclosed by a fence having a height of at least five feet in order to prevent passage through the planting;
- (3) One non-illuminated sign may be permitted to identify the principal structure, but such sign cannot exceed the size and height requirements of the respective zoning district, and cannot contain any advertising other than the name of the business;
- (4) The location of outdoor play equipment shall be determined in the site plan review;
- (5) The principal and accessory buildings shall meet all yard setback and height requirements of the applicable zoning district; and
- (6) Proof of application of a state license for such facility before approval of the Conditional Use shall be shown and such license must be issued before, or at the same time, of any certificate of occupancy or business tax receipt may be issued for such facility.

Sec. 2.06.05. Automobile/boat sales and service facilities.

- A. Gasoline or other motor fuel stations, including storage tanks but excluding principal use signs, must be placed not less than 25 feet from any side or rear property lines, except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets measured from the street centerline. All buildings or structures including gas pumps and storage tanks, except principal use signs, shall comply with the setback requirements of any abutting street. If on a corner lot, the means of access and egress shall be determined by the local or state department that owns the right-of-way. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of traffic.
- B. Auto/boat sales facilities must provide room for all repair and servicing inside an enclosed building, unless within an Industrial zoned district.
- C. Garages and repair shops must provide room for all repair and servicing inside an enclosed building, unless within an Industrial zoned district.

Sec. 2.06.06. Automatic amusement center and game rooms.

Video game rooms must be at least 500 feet from any school or church. Unless entrance by minors is prohibited, bicycle racks to park one bicycle per every two machines must be provided.



Sec. 2.06.07. Industrial uses.

The following standards shall apply when a proposed industrial development requires major development plan approval (over 50,000 square feet in gross floor area), or if an industrial planned unit development is proposed.

- A. Industry shall be of a nature as not to be injurious or offensive or detrimental to the present or intended character of the “B-4”, “I” or “IPUD” zoning districts or vicinity by reason of emission of noise, dust, glare, smoke, gas, fire, odors, vibration, fumes, toxic waste materials.
- B. Planned industrial parks and new industrial developments must provide that abutting residential properties will be protected from drainage of surface water, noise, odor, glare, dust, and fumes or other objectionable conditions; that provision is made for adequate vehicular and pedestrian access and circulation so as not to present problems of safety on the site or unduly impeded normal traffic movement on adjacent streets; that requirements for parking as provided in Chapter VI are met. Further, no building structure, or land within 100 feet of any lot line or a lot located in a residential district shall be used in connection with the operations of any establishment. Off-street parking and off-street loading space may be located within this setback area in accordance with regulations on parking in Chapter VI. Within 300 feet of a residential district boundary line, all activities and operations shall be completely screened by a solid wall at least eight feet in height, and open storage shall not be of greater height than that of the enclosed fence, except that off-street loading and unloading spaces may be located in accordance with parking provisions of Chapter VI.
- C. Sign painting and/or manufacturing shops must contain such activities within an enclosed building.

Sec. 2.06.08. Urban agriculture.

- A. Purpose and intent. The purpose of permitting urban agriculture is to promote local food production for local consumption and promote the health, environmental and economic benefits of having such uses. Urban farms and community gardens are types of urban agriculture. Urban farms promote the local production of food primarily for sale to local sellers and consumers residing or doing business in Martin County, Florida. Community gardens promote the local production of food for use or consumption by the individuals directly involved in the food production. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively.
- B. Applicability.
 - 1. This section shall apply to urban farms and community gardens.
 - 2. This section does not apply to a private garden which is accessory to an existing principal residential dwelling unit or multi-family residential development.
- C. Development standards



1. Maintenance responsibilities. The owner of the property on which the community garden or urban farm is located shall be responsible for maintaining the property so that it does not become overgrown with weeds, infested by invasive exotic plants or vermin, or a source of erosion or stormwater runoff and shall meet the applicable requirements of this Code.
 - a. Abandonment. In the event that a property is not used as a community garden or urban farm for 60 or more consecutive days, the approval for such use shall expire and the site shall be restored by the property owner so as not to conflict with Chapter 20, Article II of the City Code of Ordinances.
2. Size limitation. Community gardens shall not be greater than one-quarter acre in size without conditional use approval. Urban farms shall not be greater than five acres in size without conditional use approval. At least 50% of an urban farm site must be used for cultivation.
3. Environmental assessment. Any person or group who wishes to establish an urban farm with plant beds that are not separated from the ground by a physical barrier shall obtain a phase I environmental site assessment to determine if any soil contamination exists. Such soil must be tested for any contaminants that would render it unsuitable for cultivating food on topsoil, including, but not limited to, lead and other toxic heavy metals; industrial solvents; gasoline; oils and greases; perchlorethylene; and other chemicals that can be transmitted to people via soil contact or consumption of foods grown in such soil.

If any historical sources of contamination are identified in the environmental site assessment, the applicant shall conduct all appropriate testing to determine the type and level of contamination, and conduct the appropriate remediation procedures to ensure that soil is suitable for gardening
4. Permitted structures.
 - a. Community gardens are permitted to have greenhouses, hoophouses, coldframes, storage sheds (as defined in Chapter XII), shade pavilions, and planting preparation houses.
 - i. Location. All structures shall meet the requirements of the underlying zoning district for setbacks.
 - ii. Height. No building or other structure may be greater than 15 feet in height.
 - iii. Impervious surface coverage. All structures shall not exceed the maximum impervious surface coverage of the underlying zoning district. Walkways should be unpaved and covered with mulch, gravel, or shell except as necessary to meet the needs of individuals with disabilities.
 - b. Urban farms are permitted to have greenhouses, hoophouses, coldframes, and similar structures used to extend the growing season, as well as sheds, shade pavilions, farm stands, restrooms, and offices.



- i. Location and height. All structures shall meet the requirements of the underlying zoning district for setbacks. No permitted structure may be greater than 15 feet in height.
 - ii. Impervious surface coverage. All structures shall not exceed the maximum impervious surface coverage of the underlying zoning district. Sheds, shade pavilions, farm stands, restrooms, offices or other structures that are not used for cultivating crops shall not exceed 15 percent of the gross urban farm area. Walkways should be unpaved and covered with mulch, gravel, or shell except as necessary to meet the needs of individuals with disabilities.
5. Required planting setbacks. All plantings shall be planted no closer than five feet from the front, side or rear property lines. Cultivated area shall not encroach onto adjacent properties. All plantings shall comply with the visibility at intersection requirements pursuant to section 6.04.03.B.8 of this Code.
6. Hours of operation and equipment. No gardening activities for urban farms and community gardens shall take place before sunrise or after sunset. Motorized-powered equipment for cultivating or maintenance purposes shall be operated in accordance with Chapter 20, Article VI (Noise) of the Code of Ordinances. The use of hand tools and domestic gardening tools is encouraged.
7. Chemical application. Gardening in accordance with the University of Florida's Institute of Food and Agricultural Sciences, Florida Friendly Landscaping program is strongly encouraged. The use of fertilizer, pesticide, insecticide, herbicide or agricultural use chemicals must be consistent with label instructions and be in compliance with applicable sections of Chapter 20, Article VIII (Fertilizer) of the Code of Ordinances. All chemicals and fuels shall be stored in an enclosed, locked structure when the site is unattended.
8. Fences. All fencing shall comply with the applicable fencing requirements of the underlying zoning district, except that fencing for community gardens within the R-1A, R-1, R-2, R-3 and R-M zoning districts shall not exceed four feet in height along road right-of-ways.
9. Signage.
 - a. Community gardens are permitted one sign, which shall not exceed four square feet in area, shall not exceed five feet in height, and shall have minimum property line setback of ten feet.
 - b. Urban farms shall comply with section 6.11.00 of this Code.
10. Composting and trash storage. Compost and organic matter shall be contained in appropriate containers or a contained area which shall be located with a 25-foot setback from all rights-of-way and a five-foot setback from all property lines. No trash or debris shall be stored or allowed to remain on the property unless contained in City approved receptacle (e.g. carts or dumpsters).



11. Sales of produce and plants.

- a. A community garden is not intended to be a commercial enterprise; however, there may be occasions when surplus of produce and horticultural plants are available, which may be sold off the premises or on-site via an approved special events permit pursuant to Chapter 36, Article III of the Code of Ordinances.
- b. The produce and horticultural plants grown in an urban farm may be sold on or off the premises and the property owner or garden coordinator shall obtain a business tax/certificate of use pursuant to the City Code of Ordinances prior to making any sales.

12. Pursuant to Chapter 8, Article I of the Code of Ordinances, livestock shall be prohibited, with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to an urban farm, subject to the following restrictions:

- a. No more than thirty (30) chickens per acre may be kept on an urban farm, with roosters prohibited;
- b. The chickens shall be provided with a covered enclosure (i.e. "henhouse/coop") and must be kept in the covered enclosure or a fully enclosed run at all times. Chickens must be secured within the henhouse/coop during non-daylight hours;
- c. Covered enclosures and fully enclosed runs must meet the standards of permitted structures included in Section 2.06.09.C.4, and shall not be placed within ten (10) feet to any property line of an adjacent property or twenty-five (25) feet of any adjacent residential structure;
- d. The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird, and the space per bird in the fully enclosed run shall not be less than ten (10) square feet per bird;
- e. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries. Enclosures shall be adequately ventilated, kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly, and shall not be allowed to accumulate and cause a hazard or nuisance to the health, welfare, or safety of humans or animals;
- f. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impenetrable to rodents, wild birds, and predators, including dogs and cats;



Sec. 2.06.09. Home occupations.

A. *Standards.* The following specific standards shall apply to all home occupations:

- (1) The home occupation shall involve no more than one employee on site at any one time, not including members of the family residing in the dwelling unit who may be engaged in the home occupation, provided that there is sufficient off-street parking on an “approved paved surface” as defined in Section 10-69(a) of the Code of Ordinances. .
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to the residential use and shall under no circumstances change the residential character of the dwelling.
- (3) The floor area dedicated to the home occupation shall not exceed 25 percent of the floor area of the dwelling unit.
- (4) No building or yard space other than the principal building shall be used for home occupation purposes. There shall be no on-site, indoor or outside display or storage of materials or supplies.
- (5) There shall be no change in the outside appearance of the building or premises as a result of such occupation.
- (6) No signage of any kind may be displayed, with the exception of licensed real estate brokers who shall be permitted one sign, one square foot in size, to be placed at the home entrance.
- (7) No home occupation shall be conducted in any accessory building.
- (8) Advertisements for the business shall not state the residential address, only the phone number.
- (9) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- (10) No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes, odors detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (11) No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.
- (12) No commercial vehicle may be parked or stored on-site for use in conjunction with the home occupation.



- (13) The home occupation shall not generate pedestrian or vehicular traffic in greater volume than would normally be expected to the home.
- (14) The use can qualify for all local, state and federal licenses, certificates and permits.
- (15) Any violation of these regulations may result in the revocation of any home occupation business tax receipt, in addition to any other remedy for such violation provided in the city's Code.
- (16) The issuance of a business tax receipt to engage in a home occupation in accordance with this ordinance shall not be deemed to be a change in zoning nor an official expression of opinion as to the proper zoning for the particular property.

Sec. 2.06.10. Adult businesses.

A. Adult business premises regulations.

- (1) All adult materials shall be located and the activities of employees which include the exposure of specified anatomical areas shall take place within the adult business premises.
- (2) No adult materials or activities of employees which include the exposure of specified anatomical areas shall be visible from the exterior of the adult business premises in any way including but not limited to exterior apertures such as opened doors and unobscured windows.
- (3) No merchandise, advertising or depictions of the activities of an adult business shall be displayed on the exterior of the adult business premises or in any location where they are visible from public right-of-way.
- (4) No adult business shall display a sign:
 - a. Advertising the presentation of any activity prohibited by Florida statute law or any applicable city ordinance; or
 - b. Capable of leading a reasonable person to believe that the establishment engages in an activity prohibited by Florida statute law or any applicable city ordinance.
- (5) Additional landscaping shall be provided adjacent to public right-of-way and adjacent to private property:
 - a. A landscaped strip at least five feet wide shall be provided along the boundary of adjacent public right-of-way between the right-of-way and all on-site parking areas and other vehicular use areas to consist of one tree for every 50 feet or portion thereof and a fence, wall or hedge not less than four feet in height at planting; and



- b. An opaque fence, wall or hedge shall be provided along the boundary of adjacent private property of a height of not less than four feet nor more than eight feet at planting.
- B. *Distance requirements.* The following distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed adult business is to be located to the nearest point of the lot, use, right-of-way line or district from which the proposed adult business is to be separated.
- (1) No adult business shall commence operation within 1,000 feet of the "R-1A," "R-1," "R-2," "R-3" and "RPUD" residential zoning districts, as well as any existing residential use regardless of the parcel's zoning designation.
 - (2) No adult business shall commence operation within 1,000 feet of any other adult entertainment establishment.
 - (3) No adult business shall commence operation within 1,000 feet of a church or school.
 - (4) No adult business shall commence operation within 250 feet from the nearest right-of-way line of State Road 5, commonly known as "U.S. 1." as laid out and in use on July 26, 1995. This requirement shall also include that portion of State Road 5 consisting of the Roosevelt Bridge and the approaches thereto.
- C. *Prohibited activities.*
- (1) It shall be unlawful for an employee of an adult business to engage in specified sexual activities within the adult business premises in the presence of a patron or spectator of the business or for any form of compensation.
 - (2) It shall be unlawful for an employee of an adult business to physically touch a patron or spectator of an adult business while simultaneously revealing specified anatomical areas.
- D. *Amortization of non-conforming adult businesses.*
- (1) An adult business in violation of the location or distancing requirements of this ordinance at the time of its enactment on June 26, 1995 shall be deemed a nonconforming use which may remain in operation until January 1, 1998. No such nonconforming use shall continue to operate as an adult business after January 1, 1998 except in compliance with the requirements of this ordinance.
 - (2) If any nonconforming adult business ceases to do business for a continuous period of six months, it shall be deemed abandoned and shall not thereafter reopen except in conformance with these regulations. (Ord. No. 1420-95, 6-26-95)

Sec. 2.06.11. Telecommunication facilities.



- A. *Purpose.* The purpose and intent of this article is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antenna support structures, antennas and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the city, while at the same time not unduly restricting the development of needed telecommunication facilities or denying wireless communications suppliers access to the public switched telephone network (PSTN). This regulation encourages managed development of telecommunication infrastructure.
- B. *Submittal requirements.* In addition to the applicable site plan or PUD submittal requirements, applications for all towers shall include the following documentation:
- 1) Identification of all land uses within 1,000 feet and existing towers within one mile of the proposed tower site.
 - 2) *Proof of necessity.* No new telecommunication facility shall be permitted unless the applicant demonstrates that there is no existing tower or structure that can accommodate the applicant's proposed antenna and facilities. All evidence submitted by the applicant regarding necessity shall be signed and sealed by appropriate licensed professionals. The applicant shall demonstrate that there is no existing tower or structure that can accommodate the proposed antenna and facilities using the following criteria:
 - a. No existing towers or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
 - b. No existing towers or structures are of sufficient height to meet the applicant's engineering requirements.
 - c. No existing towers or structures have sufficient structural strength to support the applicant's antenna and related equipment.
 - d. Existing towers that may be geographically and structurally suitable for co-location cannot be used due to predictable electromagnetic interference between existing radiators and proposed co-locators. Proof of unsuitability by applicant shall be provided to the city.
 - e. The applicant is unable to make use of existing towers or structures because of excessive economic demands or other conditions of use that the applicant cannot meet. The estimated cost of the construction of a new tower shall be one criterion to determine whether the economic demand of the tower owner is excessive.
 - 3) *Demonstration of intended service area.* The applicant shall demonstrate that the antenna or tower must be placed in the location proposed for the intended service area. The demonstrations shall be provided using relevant technological evidence. The demonstration shall include a drawing showing the boundaries of the intended



service area around the proposed location and its relationship to the applicant's grid system. In relation to the intended service area, the applicant shall also demonstrate that the proposed antenna or tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirement.

- 4) *Authorization.* Telecommunication towers and STFs (stealth telecommunications facilities) shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to issuance of building permits for construction. The Martin County Airport Manager shall be notified by the applicant of all applications within ten days of filing. All new telecommunication towers and STFs shall include an FAA study for the proposed site.
 - 5) *Certification.* All certifications required for the construction of telecommunication towers and STFs shall be sealed by a Florida registered engineer.
 - 6) *Design.* All telecommunication towers and STFs must be structurally certified to withstand a category four hurricane and ANSI/TIA 22 or the most recent wind loadings required by the State of Florida Building Code for the City of Stuart area, whichever is most restrictive. This documentation shall be submitted with the application.
- C. *Setbacks.* All telecommunication towers, STFs and accessory and support structures including guy anchors shall comply with the applicable zoning district setbacks. For guyed towers, applicants should submit certified break-apart area calculations in order for the property boundary setbacks of the tower to be determined. The break-apart calculations shall be verified by the city development director. If the applicant does not submit break-apart calculations, the minimum setbacks from all property lines shall be 110 percent of the height of the tower.
- D. *Fencing.* A wall or fence no less than ten feet in height from finished grade shall be constructed around each telecommunication tower and around related support or guy anchors. Access to the tower shall be locked.
- E. *Warning signs.* Warning signs with six inch lettering shall be installed five feet above finished grade on the required fence. "NO TRESPASSING" warning signs shall be attached to the fence and be spaced no more than 40 feet apart. If voltage above 220 volts is necessary for the operation of the tower and is present at the base of the tower, signs located no more than 40 feet apart and attached to the fence shall indicate "DANGER HIGH VOLTAGE." In the event that warning signs intended to be attached to a fence would be obstructed by landscaping, then the applicant shall attach warning signs to free-standing poles that are properly spaced around the site so as to be clearly visible. FCC required signage shall be displayed and visible outside of the fencing.
- F. *Maintenance of facilities.* Telecommunication towers and STFs shall be maintained and inspected by the telecommunications provider once every five years, or within 90 days following a catastrophic act of nature or other emergency that may affect the structural integrity of the tower, to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends that repairs are required, then a



letter shall be submitted to the city to verify that such repairs have been completed along with the inspection records. The city may require repair or removal of the tower based on inspection records. The city shall have no responsibility regarding such repairs. The applicant shall be required to keep all inspection, maintenance, and similar records on file and shall make these records available to the city for review upon request.

- G. *Shared use.* To discourage the proliferation of telecommunication towers, and to promote shared use of facilities, all monopoles shall be designed to accommodate not less than one additional similar provider in addition to the applicant, and all other self-supporting type towers shall be designed to accommodate not less than two additional providers in addition to the applicant. Land space at the tower site shall also be adequate to accommodate these additional collocations. Placement of more than one tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each facility. The applicant must demonstrate to the satisfaction of the city development director that no existing or planned tower can accommodate the applicant's requirements.
- H. *Dedication of tower use to the city.* The city may require, as a condition of approval, the dedication of space on a tower for communications equipment required for public safety. The need for such public use shall be indicated to the applicant prior to formal approval of an application. Space which has been dedicated to the city for public safety shall constitute one additional provider per shared use requirements of this Code. In the case of co-use with the city, the applicant shall certify that none of the proposed or future users of the tower shall interfere with its use by the city for public safety.
- I. *Landscape buffers.* In addition to landscaping requirements per Chapter VI of this Code, landscape buffers shall be required around the perimeter fencing of the telecommunication tower and any accessory uses, including guy anchors. Landscape buffers shall be located outside and within ten feet of the required fence and shall include not less than one tree and suitable ground cover for every 20 linear feet of fence. In addition, a hedge shall be installed around the exterior perimeter of fences per the Chapter VI of this Code.
- J. *Architectural design, colors and warning lights.* Except where superseded by the requirements of other governmental agencies possessing jurisdiction over telecommunications facilities, telecommunications towers shall be gray galvanized steel. Warning lights for telecommunications towers and STFs shall be blinking red lights and not strobe lights unless otherwise required by applicable regulations.
- K. *Access.* A 12-foot wide stabilized access driveway is acceptable to a telecommunication tower, unless the city development director determines, based on public safety concerns, that circumstances require paved access. The turn-around area shall be approved by the city engineer, police chief and fire chief.
- L. *Parking.* For new telecommunication towers exceeding 150 feet in height, a minimum of one on-site parking space shall be provided. The parking area shall be paved if the access road is paved. After evaluation of the proposed telecommunication tower and



related facilities, staff may determine that additional spaces are required as a condition of approval.

- M. *Occupancy.* Telecommunication towers and accessory structures shall be unoccupied.
- N. *Accessory or principal use.* A tower may constitute an accessory use on a lot containing a separate principal use. If a tower constitutes a principal use, then it must be located on a property which meets the minimum lot size requirements of the district in which the tower is located and is large enough to accommodate the tower, accessory structures, landscaping, parking and other required improvements.
- O. *Signs and advertising.* The use of any portion of a tower for signs or advertising is prohibited.
- P. *Telecommunication tower distance requirements.* The following distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed telecommunications tower is to be located to the nearest point of the lot, use, right-of-way line or district from which the proposed telecommunications tower is to be separated.
- (1) No telecommunications tower shall be constructed within 500 feet of the "R-1A," "R-1," "R-2," "R-3" and "RM" residential zoning districts within the city or within 500 feet of a residential area outside the city.
 - (2) No telecommunications tower shall be constructed within 500 feet of a school.
 - (3) No telecommunications tower shall be constructed within 100 feet from the nearest right-of-way line of State Road 5, commonly known as "U.S. 1." as laid out and in use on July 26, 1995. This requirement shall also include that portion of State Road 5 consisting of the Roosevelt Bridge and the approaches thereto.
- Q. *Fire protection.* Tower support buildings shall be built of non-combustible construction with built-in ventilation. A smoke detector shall be installed which upon activation will shunt trip the electrical power to the building. Except for emergency power operation, no combustible storage is permitted in tower support buildings. Prefabricated tower support buildings which comply with provisions of applicable NFPA standards shall be permitted.
- R. *Tower removal.* An unused tower shall be removed within three months of cessation of all telecommunications uses.
- S. *Tower replacement.*

Existing non-conforming towers and STFs established prior to February 24, 1997 shall not be considered in conflict with this Code but shall be governed as follows:



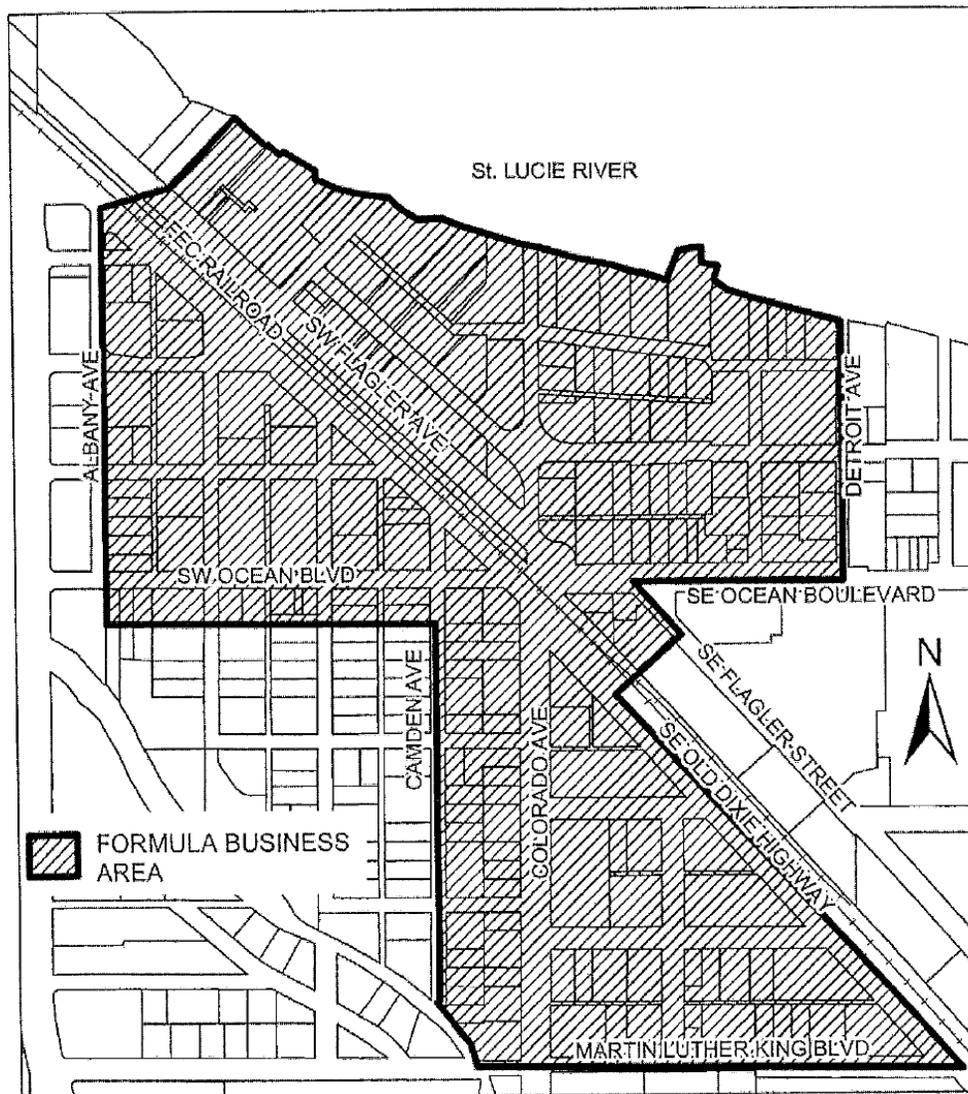
1. Nothing in this Code shall prohibit routine maintenance on a nonconforming tower or STF or prohibit the placement of additional antennas (co-location) on a nonconforming tower.
 2. To promote shared use of towers, if an applicant can demonstrate that an existing telecommunications tower location which has been approved by the commission by resolution or Conditional Use is needed by an additional telecommunications provider, the existing telecommunications tower may be replaced with a tower not to exceed 120 percent of the height of the existing tower.
- T. *Temporary facilities.* Temporary facilities known as "cells on wheels" shall be allowed for periods up to 30 days during documented states of emergency as declared by the city manager, and for testing purposes as authorized by the FCC, and for special events subject to the review and approval of the airport manager and city development director. The development director has the authority to extend the period for one additional 30-day period. Extensions beyond 60 days may be granted by the city commission based upon proper justification and necessity. All locations for temporary facilities shall be governed by the requirements set forth in this section and subject to airport manager's acceptance for height limitations. Applications for temporary facilities shall be made on the same applicable form as regular towers, submitted to the city development director and accompanied by an application fee of \$500.00 payable to the city.

Sec. 2.06.12. Formula businesses.

- A. *Procedure.* Review of an application to locate a formula business within the formula business area described below shall follow the procedures set forth in section 3.01.06 for a major urban code conditional use.
- B. *Formula business area.* A formula business may be located in the area within the following boundaries only by major urban code conditional use. Commence at the northernmost point of Lot 10 Danforth's Addition, thence along the St. Lucie River to Detroit Avenue, thence south along Detroit Avenue to East Ocean Boulevard, thence west along East Ocean Boulevard to the intersection with S.E. Flagler Street, thence south along S.E. Flagler Street to the easternmost point of Lot C of Lainhart and Potter addition and southwest across the F.E.C. Railroad right-of-way to S.E. Old Dixie Highway, thence southeast along S.E. Old Dixie Highway to Martin Luther King Jr. Boulevard, thence west along Martin Luther King Jr. Boulevard to the southerly extension of Camden Avenue, thence north along Camden Avenue to a point directly west of the northernmost point of lot 14, Block 15 Frazier Addition, thence west to the southerly extension of S.W. Albany Avenue, thence north along S.W. Albany Avenue to the F.E.C. Railroad right-of-way, thence across the F.E.C. Railroad right-of-way to the westernmost point of Lot 10 Danforth's Addition, thence northeasterly along the west boundary of Lot 10 Danforth's Addition to the point of beginning. The following graphic depicts this area.



EXHIBIT A: FORMULA BUSINESS AREA



C. *Standards.* The following specific standards shall apply to formula businesses in the Urban Center, Urban Neighborhood, Urban General and the Urban Waterfront sub-districts of the Urban District.

- (1) The proposed formula business will not alter the identity of the urban district in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized downtown offerings.
- (2) The proposed formula business will contribute to a diverse and appropriate blend of businesses in the urban district.
- (3) The proposed formula business will complement those businesses already in the urban district and help promote and foster the local economic base as a whole.



- (4) The proposed formula business will be compatible with existing surrounding uses.
- (5) The proposed formula business has been designed and will be operated in a nonobtrusive manner to preserve the community's character and ambiance and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites.
- (6) The proposed formula business meets all of the following fixed criteria:
 - a. The size of the business shall not exceed 1,500 square feet of gross floor area.
 - b. The first floor street frontage of the business shall not exceed 35 feet in width.
 - c. Corporate advertising shall not be used which is visible from the exterior of the premises.
 - d. Exterior facade colors shall comply with the requirements of the urban code.
 - e. Corporate structural elements and signage will be designed to be in harmony with architectural features and elements of the building as approved by the city development director.
 - f. Signage colors shall be muted to minimize visual intrusion as approved by the city development director.
 - g. No drive thru windows shall be used.
- D. *Distance requirements.* A formula business shall not locate within 300 feet of an existing formula business establishment.
- E. *Existing formula business.* A business may be a formula business that exists on the 14th day of February, 2005, the effective date of this ordinance. Any such business, and any business that becomes a formula business by virtue of the creation of six or more other such businesses, shall be deemed a legal nonconforming use of a building subject to the provisions of section 8.03.00 of this Code.

Sec. 2.06.13. Dog-friendly restaurants.

- A. *Purpose.* The Dixie Cup Clary Local Control Act, F.S. § 509.233, grants the city the authority to provide exemptions from § 6-501.115, 2001 FDA Food Code, as adopted and incorporated by the division of hotels and restaurants in F.A.C. (2006) ch. 61C-4.010(6). The purpose of this section is to allow dogs in public food service establishments in a manner consistent with the three-year pilot program approved by state statute. The procedure adopted pursuant to this section provides an exemption, for those public food service establishments which have received a permit, to those sections of the Food and Drug Administration Food Code that prohibit live animals in public food service establishments.



- B. No dog shall be in a public food service establishment unless allowed by state law and the public food service establishment has received and maintains an unexpired permit pursuant to this section allowing dogs in designated outdoor areas of the establishment.
- C. *Application requirements.* Public food service establishments must apply for and receive a permit from the city development department, before patrons' dogs are allowed on the premises. The city development director shall establish a reasonable fee to cover the cost of processing the initial application and renewals. The application for a permit shall require such information from the applicant as is deemed reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:
- (1) Name, location, mailing address and division of hotels and restaurants-issued license number of the public food service establishment.
 - (2) Name, mailing address and telephone contact information of the permit applicant. The name, mailing address and telephone contact information of the owner of the public food service establishment shall be provided if the owner is not the permit applicant.
 - (3) A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of the other outdoor dining areas no surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information as is deemed necessary by the city development director. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.
 - (4) A description of the days of the week and hours of operation those patrons' dogs will be permitted in the designated outdoor area.
 - (5) For permits authorizing "dog-friendly restaurants" within the outdoor areas of public food service establishments located on a city right-of-way, the city development director shall require the applicant to produce evidence of the following:
 - a. A valid unexpired revocable permit under section 70-91, et seq. of the City Code; and
 - b. A properly executed certificate of insurance on forms which are to be furnished by the city providing commercial general liability insurance in the amount of five hundred thousand dollars (\$500,000.00) per occurrence, and one million dollars (\$1,000,000.00) aggregate. The policy shall not have exclusions for animals and animal bites. All insurance shall be from companies duly authorized to do business in the State of Florida. All liability policies shall provide that the city is an additional insured as to the operation of the sidewalk cafe and shall provide



for the severability of interest. Thirty days written notice must be given the city of any cancellation or reduction in the policy coverage.

D. *Regulations.* Public food service establishments that receive a permit for a designated outdoor area pursuant to this section shall require that:

- (1) Employees shall wash or otherwise sanitize their hands promptly after touching, petting or otherwise handling any dog(s) and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor area.
- (2) Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware.
- (3) Patrons in a designated outdoor area shall be advised by appropriate signage, at conspicuous locations, that they should sanitize their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
- (4) Patrons shall not leave their dogs unattended for any period of time. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- (5) Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved with food service operations. Patrons shall be advised of this requirement by appropriate signage at conspicuous locations.
- (6) Employees and patrons shall not allow any part of a dog to be on chairs, tables or other furnishings.
- (7) Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.
- (8) Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible, but in no event less frequently than between seating of patrons at the nearest table.
- (9) Employees and patrons shall remove all dog waste immediately and the floor or ground shall be immediately cleaned and sanitized with an approved product. The public food service establishment shall keep a kit with the appropriate materials for this purpose near the designated outdoor area. Dog waste shall not be carried in or through indoor portions of the public food establishment.
- (10) Employees and patrons shall not permit dogs to be in or to travel through, indoor or non-designated outdoor portions of the public food service establishment.
- (11) A sign or signs notifying the public that the designated outdoor area is available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner and



place, as determined by the city development director that places the public on notice.

- (12) A sign or signs informing patrons of these laws shall be posted on premises in a conspicuous manner and place as determined by the city development director.
- (13) A sign or signs informing employees of these laws shall be posted on the premises in a conspicuous manner and place as determined by the city development director.
- (14) Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or non-designated outdoor portions of the public food service establishment.
- (15) The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.
- (16) Employees and patrons shall not allow any dog to be in the designated outdoor area of the public food service establishment if the public food service establishment is in violation of any of the requirements of this section.
- (17) Permits shall be conspicuously displayed in the designated outdoor area.
- (18) It shall be unlawful to fail to comply with any of the requirements of this section. Each instance of a dog on the premises of a public food service establishment without a permit is a separate violation.

E. *Expiration and revocation.*

- (1) A permit issued pursuant to this section shall expire automatically upon the sale of the public food service establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a revocable permit pursuant to this section if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the public food service establishment.
- (2) Permits are renewed and inspected annually by the Development Department. In the event the permittee does not pay the renewal fee, the permit is revoked
- (3) A revocable permit may be revoked by the city development director if, after notice and reasonable time in which the grounds for revocation may be corrected, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license or is found to be in violation of any provision of this section. If the grounds for revocation is a failure to maintain any required state or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.



- (4) If a public food service establishment's permit is revoked, no new revocable permit may be approved for the establishment until the expiration of 180 days following the date of revocation.

F. *Complaints and reporting.*

- (1) Complaints may be made in writing to the city development director, who shall timely accept, document, and respond to all complaints. The city development director shall timely report to the division of hotels and restaurants all complaints and the response to such complaints.
- (2) The city development director shall provide the division of hotels and restaurants with a copy of all approved applications and permits issued.
- (3) All applications, permits and other related materials shall contain the division of hotels and restaurants-issued license number for the public food service establishment.

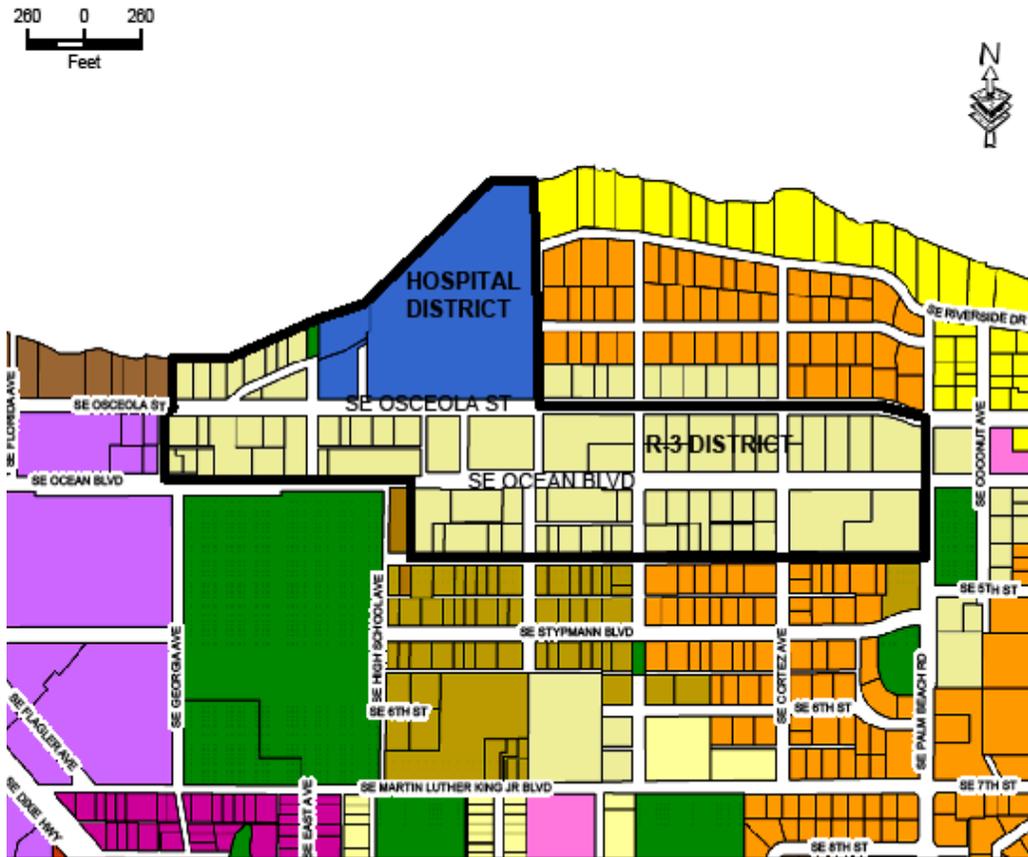
Sec. 2.06.14. Pain Management Clinics.

- A. *Definitions.* The following terms, as used in this code, “*approved pain specialist*”, “*pain management clinic or clinic*”, and “*pharmacy*” are found in Chapter XII, Definitions, of this code.
- B. *General requirements; conditional use.*
 1. Each pain management clinic shall at all times, be in compliance with each and every provision of this section, as well as all applicable federal laws, state laws, administrative rules, and city codes. It is the intention of this section to insure compliance with all provisions of Chapter 2010-211, Laws of Florida, as incorporated in the Florida Statutes, and Rule 64B8-9.0131 (medical doctors), or Rule 64B15-14.005 and Rule 64B15-14.009 (osteopathic physicians), Florida Administrative Code, all as amended from time to time, and to provide additional city regulations not covered or regulated thereby; and
 2. A pain management clinic, as defined herein, shall be permitted only as a conditional use, as provided in Sec. 11.01.10, Stuart Land Development Code (LDC), and must be operated by an *approved pain specialist*, or as a Florida Agency for Health Care Administration (ACHA) licensed operation, under Chapter 400, Part X, Florida Statutes, and as otherwise required by Florida law; and
 3. In the event the owner or operator of a state licensed or designated pain management clinic has such license or designation revoked by the Florida Board of Medicine, the Florida Board of Osteopathic Medicine or by ACHA, any conditional use approval granted hereunder shall simultaneously be revoked, and shall thereafter be null and void.



C. *Location.* On or after September 13, 2010, any new pain management clinics shall only be located in the following zoning districts, subject to the other requirements of this section:

1. In the “H” Hospital zoning district, and in those portions of the “R-3” (multi-family) residential zoning district, which allow for professional office use, and which are shown on the boundary map below:



2. In the “CPUD” commercial planned unit development districts. Pain management clinics shall only be permitted in CPUD locations where the predominate use within the CPUD is office or professional office. Any existing CPUD shall qualify for a new or expanded pain management clinic use, by obtaining a major PUD amendment, and demonstrating strict compliance with all of criteria contained in this section.
3. Pain management clinics, regardless of location, which exist on September 13, 2010 shall be deemed a lawful use, and not subject to the provisions of Sec. 8.03.00, LDC, regarding non-conforming uses.

D. *Distance requirements.* The following distances shall be measured by straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed clinic is to be located to the



nearest point of the lot, use, right-of-way line or district from which the proposed clinic is to be separated.

1. No pain management clinic shall commence operation within 300 feet of any other pain management clinic.
2. No pain management clinic shall be co-located in the same office or building with a pharmacy, unless such pharmacy shall have pre-dated the pain management clinic by at least one (1) year.
3. No pain management clinic shall commence operation within 200 feet of a pharmacy, unless such pharmacy shall have pre-dated the pain management clinic by at least one (1) year.
4. Regardless of the other provisions of subsection C, above, no pain management clinic shall commence operation within 250 feet from the nearest right-of-way line of State Road 5, commonly known as "U.S. Highway 1." as laid out and in use on July 26, 1995. This requirement shall also include that portion of State Road 5 consisting of the Roosevelt Bridge and the approaches thereto.

E. Other regulations.

1. It shall be unlawful for any clinic to be open for operation between the hours of 6:00 p.m. and 7:00 a.m.
2. It shall be unlawful for a clinic owner or operator to direct or encourage any patient or business invitee to stand, sit, or gather outside of the building in which the clinic operates, on the adjoining sidewalk or in the area(s) designated for parking, in such manner as to restrict or interfere with the lawful entry into or out of such clinic or other uses co-located within a building. This prohibition includes sitting in or on a vehicle. The clinic owner(s) and operator(s) shall be responsible to actively monitor and apply this regulation. Clinics shall provide sufficient inside seating to insure and provide adequate seating for all patients or business invitees, and those who accompany such persons.
3. The number of parking spaces required for pain management clinics shall be the same as for those required of medical offices, but may be subject to a parking analysis study as provided in Sec. 6.01.17, LDC when the Development Director has reasonable doubt as to the safety, sufficiency or configuration of available vehicle parking.

F. Signage.

1. Approved signage for a pain management clinic shall not include any word(s) or phrase(s) which offers or suggests goods, drugs, prescriptions or services in violation of any applicable state law or which otherwise violates state law, including without limitation, the provisions of Sections 456.037



(active license required), 456.057 (patient records requirements), 458.3265 (pain management clinic registration – MD), 458.327 (medical practice violations & penalties), 458.331 (medical disciplinary actions), 459.0137 (pain management clinic registration – DO), 459.013 (osteopathic practice violations & penalties), 459.015 (osteopath disciplinary actions), 465.0276 (dispensing practitioners) or 893.055 (drug monitoring program), Florida Statutes, as currently written or amended.

2. Signage for a pain management clinic shall not contain any word or phrase that uses the word “pain,” unless the clinic is operated by an approved pain specialist or as an AHCA licensed operation (Chapter 400, Part X, F.S.). No off-premise signage, including billboards wherever located, shall be permitted for the advertisement of pain management clinics.
3. Signage for a pain management clinic must contain the correct name of the physician or physicians designated by the clinic pursuant to Sec. 458.3265(1), Florida Statutes, as amended from time to time, and such signage shall be kept current at all times with the correct name of the practice, the correct name of the physician(s) designated, and other relevant information.
4. Nothing contained in this section shall be interpreted to restrict the use of the word “pain” in advertising by Florida licensed chiropractors, physical therapists, nurse practitioners, naturapaths, acupuncturists, massage therapists, dentists, oral surgeons, or similar treating or dispensing professionals not licensed under Chapters 458 or 459, Florida Statutes.

- G. *Landlord Responsibilities.* Owners or landlords who lease space to a pain management clinic must expressly incorporate the provisions of this Sec. 2.06.16 into their lease(s) with the clinic. Any such lease, whether oral or written, must provide that a violation of any federal or state law or municipal ordinance regulating or affecting pain management clinics shall be a material breach of the lease and shall constitute grounds for termination and eviction by the owner or landlord.

2.06.15. Minimum Single-Family and Duplex Residential Design Standards for New Construction

These design standards shall apply to all new single-family and duplex residential development. Mobile homes, properties within the Urban Code District, additions and restoration development are excluded from these provisions.

- A. Purpose. The purpose and intent of this article is to provide minimum design standards for single-family and duplex residential development, which shall apply to all new single-family detached structures and duplexes.
- B. New single-family and duplex residential development shall meet the following minimum design standards:



- (1) Driveways and walkways shall consist of concrete, brick or concrete pavers, asphalt, stamped pattern concrete systems, rock salt textured concrete with integral color, grass block, or other similar material approved by the City Development Director.
- (2) Yards shall be sodded or otherwise landscaped in accordance with Section 6.04.08.A.
- (3) Roofs shall have a minimum pitch of 3: 12, provided a flat roof may be permitted if designed by a Florida licensed architect and upon clear demonstration that the flat roof s design is an integral part of the building's overall architectural character.
- (4) Roof overhangs shall be a minimum of 8 inches on the rake and 16 inches on the eaves.
- (5) Foundations shall consist of slab on grade, stem wall, poured concrete piers or pilings and shall be the sole means by which load and uplift standards are met. Dry stack foundations and cable tie down systems are not permitted.
- (6) For the purpose of minimizing storm water impacts, the finished floor elevations of surrounding properties shall be taken into consideration in establishing the finished floor elevation of the new structure. Fill may be placed on site to the level of natural grade, maintaining the overall drainage of the neighborhood. If new construction has a floor level higher than natural grade, the foundation is to provide for the rise in floor level, rather than mounding fill to building perimeter. Minor grading directing water away from house to natural established drainage is allowed.
- (7) Exterior equipment, including but not limited to air conditioning equipment, heat pumps, generators and pool equipment, shall be shielded from view.
- (8) Main entries shall be prominent and orientated to the street unless another pattern is well established in the surrounding neighborhood. Variation from this standard may be permitted if the home is designed by a Florida licensed architect and upon clear demonstration that the variation in design is an integral part of the building's overall architectural character.
- (9) Additionally, at a minimum, (3) three of the following (8) eight building characteristics must be provided:
 - a. Ornamental and structural details which are integrated into the building 's structure and overall design.
 - b. A front porch, minimum 6 feet deep and 8 feet wide.
 - c. Window shutters, decorative or real, at the same height as the window.
 - d. A minimum of two different roof bearing heights on primary buildings or porches.



- e. A minimum of two different wall planes on the front elevation separated by a minimum of 18 inches.
- f. Trim color accenting the main wall color.
- g. Contrasting materials on front elevation for architectural effect.
- h. Arbors, pergolas or lattice screens attached to building for architectural effect.

Sec. 2.06.16. Shooting ranges, indoor

- A. All firing shall take place within a completely enclosed building.
- B. No shooting range shall be located within 50 feet of a residential district.
- C. Applications for the development of an indoor shooting range shall include a plan by a Florida registered engineer demonstrating that the building is soundproof and appropriately designed for such use.

Sec. 2.06.17. Supplemental parking standards for live aboard vessels

- A. Any property owner or business entity seeking a Utility Services Agreement from the City for the purpose of obtaining or amending a marine related environmental permit or submerged land lease from any state agency shall provide and maintain one parking space for each parking intensive vessel slip, as defined herein, the number and location of which shall be identified and agreed to in the Utilities Services Agreement. The number of parking spaces required for each non-parking intensive vessel slip shall comply with the off-street parking standards set forth in Chapter 6 of this Code. A conditional use to the parking intensive vessel slip standard referenced above may be granted as set forth in this Code.
- B. Notwithstanding any provision in this Code to the contrary, including Sections 8.03.00 – 8.03.02 “Non-conforming uses”, for existing, legal non-conforming marinas, which already have a Utility Services Agreement with the City, the supplemental parking standard for parking intensive vessel slips, shall only apply to parking intensive vessel slips created after the adoption date of this provision.

Sec. 2.06.18. Kennels, veterinarians or similar facilities

- A. Outdoor exercise areas accessory to kennels, veterinarians or similar facilities shall be screened with an opaque six-foot high fence or wall and shall only be utilized between the hours of 6:00 a.m. to 8:00 p.m.

Sec. 2.06.19. Rooftop dining

- A. *Definitions.* The term “rooftop dining” is found in Chapter XII of this Code.
- B. *Procedure and locations.* Rooftop dining shall be permitted in the B-1 and B-2 zoning districts by Major Conditional Use Approval; in the Urban District by a Major Urban Code



Conditional Use Approval; in East Stuart by an East Stuart District Major Conditional Use Approval, or in Commercial Planned Unit Development (CPUD) or Mixed Use Planned Unit Development (MXPUD). Any existing CPUD or MXPUD may qualify for a rooftop dining area by obtaining a major PUD amendment.

C. *Standards.* Rooftop dining areas shall be subject to the following conditions:

- a. The rooftop dining area shall be associated with an establishment doing business within the principal building. The floor immediately below the rooftop area must be occupied by a nonresidential use.
- b. The preferred main access to the rooftop shall be from the interior space of the business within the principal building, provided an exterior access may be permitted upon demonstration of a de minimum impact on surrounding properties.
- c. Use of the rooftop shall not exceed the hours of operation for the principal use, but in no event shall the rooftop be open and occupied later than 10:00 PM.
- d. No live entertainment, music, speakers, television, or public address system shall be permitted on the rooftop. The windows and doors to areas where such noise originates shall be closed (except when being used as permitted means of egress), or such areas must be sound-proofed so as to prevent sound from being heard at the street level of the building.
- e. Service areas, preparation stations and similar facilities shall be ancillary in nature, as determined by the City Commission, and shall service the rooftop dining area only.
- f. All lights associated with the rooftop dining area shall be designed to effectively eliminate glare and not be directed towards property lines. All lighting associated with rooftop dining areas shall be turned off when the area is not in use.
- g. Walls or railings shall comply with the applicable Florida Building Code requirements.
- h. All applications for rooftop dining shall be accompanied by an engineer's or architect's certification that the proposed use is compliant with all applicable codes, including ADA, Building Code and Life Safety Code standards, and that the subject building is structurally capable of supporting the additional loads.
- i. Seats associated with rooftop dining areas shall not be creditable towards obtaining a 4COP-SRX license; and the square footage of rooftop dining area will not be subject to the 30% gross floor area limitation in the Old Downtown Section as regulated by Section 4-3 of the Stuart Code of Ordinances.
- j. The number of rooftop seats permitted in the Old Downtown District shall be capped at 24 per establishment unless a supplemental parking arrangement is proposed by the applicant and accepted by the City Commission.



- k. To prevent litter and the possibility of intrusion by rodents, birds or other pests, rooftop dining areas shall at all times, when the area is not in use, be kept free of trash, debris and food waste.

D. Expiration and revocation.

- a. Approval for a rooftop dining area shall expire automatically upon the sale of the establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a new conditional use permit.

Sec. 2.06.20. Conditional Use Approval required for the location of any gasoline or other motor fuel stations on certain properties fronting U.S. Highway 1 and Palm City Road.

Effective June 8, 2015, approval of any gasoline or other motor fuel stations, as defined by this code, on certain commercially zoned properties fronting the west side of U.S. Highway 1 and a portion of Palm City Road, located approximately between State Road-76 and Frasier Creek and identified by the Exhibit 1A below, shall require "Major Conditional Use Approval Application" as set forth in Chapter 11, Section 11.01.01 of this Code.

Exhibit 1A (shaded parcels are subject to this section)



Sec. 2.06.21. Conditional Use Approval required for fuel production facilities.

Effective July 20, 2015, approval of any fuel production facility shall require a “Major Conditional Use Approval Application” as set forth in Chapter 11, Section 11.01.01 of this Code. For the purposes of this section, a fuel production facility shall mean any establishment engaged in the manufacturing, processing, distilling, refining, transporting, or distributing of petrochemicals, ethanol or biodiesel fuels, or any liquid or gaseous hydrocarbon products, including the conversion of products to fuel, and including the storage of any materials associated therewith. Fuel production facilities shall be limited to Industrial or IPUD zoning districts. This definition shall not include gasoline or other motor fuel stations, nor shall it apply to research and development activities involving incidental volumes of materials, as determined by the City Development Director, which are stored in accordance with all applicable laws and regulations.



2.07.00 DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

- A. *Purpose.* The purpose of this section 2.07.00 is to provide an alternative means of residential, commercial, public service and industrial land development and an alternative zoning procedure that may be used to establish residential, commercial, public service and industrial planned unit development zoning districts at appropriate locations and in accordance with the planning and development objectives of the city.

A planned unit development (PUD) established according to the provisions of this section may depart from the strict application of use, setback, parking requirements, and other requirements of standard zoning districts. A PUD shall be consistent with the overall planning and development goals and objectives of the city as reflected by the City of Stuart Comprehensive Plan. A primary purpose of this section is to provide standards by which such flexibility may be accomplished while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A PUD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development and the protection of adjacent existing and future development. Therefore, the PUD alternative may allow uses which are not specifically allowed in standard zoning districts.

To the extent that any provisions of this section conflict with any other provisions of this Code, the provisions of this section shall prevail.

(Ord. No. 1877-02, § 2, 7-22-02)

- B. *PUD defined.* A PUD may be a residential planned unit development (RPUD), a commercial planned unit development (CPUD), a mixed-use planned unit development (MXPUD), and industrial planned unit development (IPUD) or a public service planned unit development (PSPUD). A PUD shall consist of land under unified control which may be planned and developed as a whole as a single development operation or as an approved programmed series of development operations by multiple developers. A typical PUD will include principal and accessory uses and structures substantially related to the character of the development itself and to the surrounding area of which it is a part.

As used above, "unified control" means that all land to be included within a PUD shall be owned or otherwise under the legal control of the person or legal entity which has applied for PUD district zoning. Such person or entity shall be legally capable of providing a commitment to the city that the PUD development will comply with all PUD documents, plans, standards and conditions ultimately approved by the city.

A PUD district shall consist of the approved PUD classification and the regulations thereof set forth in this section 2.07.00, and as well as any other documents specifically included within the PUD ordinance adopted by the city commission. The ordinance



approving a PUD shall be deemed a zoning ordinance. The provisions of the PUD zoning ordinance shall replace all conflicting development regulations set forth in this Code which would otherwise apply to the development site. The PUD ordinance shall be recorded in the public records of Martin County. The PUD applicant shall also execute a PUD agreement that incorporates the terms and conditions that are set forth in the PUD ordinance.

The applicant may proceed with development only after a plat, if required by the city commission, is recorded in the Martin County public records and after certification by the city development director that the construction plans and other required documents substantially conform to all documents approved as part of the PUD ordinance. The applicant must produce evidence that would bind his successors in title to any commitments made upon approval of PUD.

(Ord. No. 1777-01, § 1, 4-9-01; Ord. No. 1865-02, § 1, 6-24-02; Ord. No. 1877-02, § 2, 7-22-02; Ord. No. 2077-06, § 2, 7-10-06)

- C. *PUD district to be shown on official zoning map of the city.* The boundaries of land zoned PUD by ordinance of the city commission shall be indicated as such on the official zoning map of the city.
- D. *Residential planned unit development districts.*
 - 1. *Location.* An RPUD may be located anywhere in the city in any area defined and described as "low density residential," "multi-family residential," "office/residential," "institutional," "downtown redevelopment", "neighborhood/special district", "East Stuart", or "marine/industrial" by the Future Land Use Element of the City of Stuart's comprehensive plan.
 - 2. *Uses.* The buildings, structures, land and water within an RPUD may be used for any of the following uses:
 - a. A combination of uses permitted in the zoning classifications of R-1A, R-1, R-2 and R-3 districts.
 - b. Residential uses not specifically permitted in the R-1A, R-1, R-2 or R-3 districts but which are of a like nature and quality to those uses permitted in said districts as determined by the City Commission.
 - c. Commercial uses which are compatible with the residential uses permitted in the RPUD district provided the commercial uses shall not comprise more than 30 percent of the total development site and shall be buffered from the residential uses by site design and landscaping.
 - d. A vertical as well as horizontal combination of residential and commercial uses which are mutually compatible as determined by the City Commission provided the commercial uses shall not comprise more than 30 percent of the total development gross square footage



3. *Density.* The net residential density for an RPUD shall not exceed the maximum permitted as prescribed by the following:
 - a. Single-family, detached: Four dwelling units per acre.
 - b. Single-family, attached: Seven dwelling units per acre.
 - c. Multiple-family residential: 15 dwelling units per acre.
4. *General.* The following general requirements shall apply to an RPUD district:
 - a. RPUD standards regarding circulation, parking, utilities, drainage, open space and other standards shall apply as described in this code except as modified by the city commission as reflected by the adopted RPUD ordinance.
 - b. Open space. Not less than 30 percent of the RPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the RPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.
 - c. Maximum building area. Not more than 30 percent of the total development site shall be covered by buildings.
 - d. Native vegetation. Excluding wetlands defined by the SFWMD, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

(Ord. No. 2054-05, § 1, 11-28-05)

E. *Commercial planned unit development (CPUD) districts.*

1. *Location.* A CPUD may be located anywhere in the city in any area defined and described "multi-family residential", "office/residential," "commercial", "industrial", "public", "downtown redevelopment", "neighborhood/special district", "East Stuart", or "marine/industrial" by the Future Land Use Element of the City of Stuart's comprehensive plan, and which is of suitable character and compatible with surrounding uses as determined by the City Commission.
2. *Uses permitted in a CPUD district.* The buildings, structures, land or water within a CPUD district may be used only for the following purposes:



- a. Any and all uses set forth in the present zoning classifications of R-1A, R-1, R-2, R-3, B-1, B-2, B-3 and B-4 inclusive, providing such uses are compatible with uses on adjacent property as determined by the City Commission.
 - b. Residential uses which are designed to be compatible with the adjacent commercial uses. The residential uses shall not comprise more than 30 percent of the development site excluding the open space, natural vegetation area and wetlands.
 - c. Commercial residential uses such as apartments, hotels and resorts provided said uses do not comprise more than 30 percent of the development site excluding the open space, natural vegetation area and wetlands.
 - d. Commercial uses not specifically set forth in any of the standard zoning categories, but which are compatible and of like nature and quality to those commercial uses allowed on B-1, B-2, B-3 or R-3 zoning classifications as determined by the City Commission.
3. *Commercial PUD standards.* The following standards shall apply to a CPUD district:
- a. CPUD standards regarding circulation, parking, utilities, drainage, open space and other standards shall apply as described in this code except as modified by the city commission as part of the CPUD ordinance.
 - b. Open space. Not less than 25 percent of the CPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the CPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.
 - c. Native vegetation. Excluding wetlands defined by the South Florida Water Management District, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

F. *Public service planned unit development (PSPUD) districts.*

1. *Location.* A PSPUD may be located anywhere in the city in any area defined and described "public", "recreation", "downtown redevelopment", "neighborhood/special district", "East Stuart", "conservation", or "marine/industrial" by the Future Land Use Element of the City of Stuart's comprehensive plan and which is of suitable character and compatible with surrounding uses as determined by the City Commission.



2. *Uses permitted in a PSPUD district.* The buildings, structures, land or water within a PSPUD district may be used only for the uses permitted by right in the public service district.

3. *Public service PUD standards.* The following standards shall apply to a PSPUD district:

- a. PSPUD standards regarding circulation, parking, utilities, drainage, open space and other standards shall apply as described in this code except as modified by the city commission as part of the PSPUD Ordinance.
- b. Open space. Not less than 25 percent of the PSPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the PSPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.
- c. Native vegetation. Excluding wetlands defined by the South Florida Water Management District, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of the existing vegetation. (Ord. No. 1711-00, 2-14-00)

G. *Industrial planned unit (IPUD) development.*

1. *Location.* A IPUD may be located anywhere in the city where the area is defined and described "industrial" or "marine/industrial" by the Future Land Use Element of the City of Stuart's comprehensive plan and which is of suitable character and compatible with surrounding uses as determined by the City Commission.

2. *Uses permitted in an IPUD district.* The buildings, structures, land and water within a IPUD district may incorporate only those uses identified in the industrial zoning district.

3. *Industrial PUD standards.* The following standards shall apply to a IPUD district:

- a. *IPUD standards.* IPUD standards regarding circulation, parking, utilities, drainage, open space and other standards shall apply as described in this code except as modified by the city commission as part of the IPUD ordinance.
- b. *Open space.* Not less than 25 percent of the IPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the IPUD is



comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.

- c. *Native vegetation.* Excluding wetlands defined by the South Florida Water Management District, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

(Ord. No. 1877-02, § 1, 7-22-02)

H. *Mixed use planned unit development (MXPUD) districts.*

1. *Location.* An MXPUD may be located anywhere in the city in any area defined and described "office/residential," "multi-family residential", "commercial", "industrial", "institutional", "recreation", "downtown redevelopment", "East Stuart", "marine/industrial", or "neighborhood/special district", and "public", by the Future Land Use Element of the City of Stuart's comprehensive plan. and which is of suitable character and compatible with surrounding uses as determined by the City Commission.
2. *Uses permitted in an MXPUD district.* The buildings, structures, land or water within a MXPUD district are subject to the following requirements:
 - a. An MXPUD shall be any combination of two or more integrated residential, commercial, hospital, governmental and light industrial uses, providing such uses are compatible with existing conforming uses on adjacent property as determined by the City Commission.
 - b. Residential uses integrated into the MXPUD shall be designed to be compatible, and developed in combination, with any associated commercial, retail, medical, governmental, and light industrial uses.
 - c. Commercial uses not specifically set forth in any of the standard zoning categories, but which are compatible and of like nature and quality to those commercial uses permitted in B-1, B-2, B-3 and B-4 or R-3 zoning classifications are allowed, as determined by the City Commission
 - d. Industrial (high-impact) uses as identified in section 2.02.02., Table 2, of the code may be permitted subject to a major conditional use approval as approved by the City Commission.
 - e. Governmental or other public uses as permitted by the city commission.
 - f. Adult business uses or agricultural uses as specified in section 2.02.02, Table 2 are not permitted.



4. *Mixed use PUD standards.* The following standards shall apply to a MXPUD district:

- a. *[Standards.]* MXPUD standards regarding circulation, parking, open space, utilities, drainage, and other standards shall apply as described in this section, except as modified by the city commission as part of an individual MXPUD ordinance.
- b. *Parking standards.* The standards and peak parking analysis contained in the most current edition of the ITE Manual shall be referenced in any calculation of shared parking provision within an MXPUD. Reference to the ITE standards may be made by the city and applicant in order to calculate the parking requirement for an MXPUD.
- c. *Parking requirement.* Subject to approval by the city commission as provided in subsection 4.d. below, minimum parking requirements for a mixed use development may be reduced by a calculation of shared parking requirements for the development, utilizing an accumulation factor table based upon standards in the most current edition of the ITE Manual. The required parking shall conform to the ITE Manual standards unless specifically waived by the city upon acceptance and approval of an independent parking study by a recognized traffic engineer with a specialty in parking generation acceptable to the city development director. The total aggregate reduction in the minimum parking requirement for uses shall not exceed 20 percent of the minimum conventional parking requirement, otherwise applicable. Car parking stalls located in front of residential garages or within individual residential unit garages or allocated or designated parking space shall not be included in any shared parking calculation.

Table 2.07.00A: Mixed Use Parking Accumulation Factor
(time of day/use) shown as % of conventional demand)

Use	Weekday 9 a.m.--4 p.m.	Weekday 4 p.m.--8 p.m.	Weekday 8 p.m.-12 a.m.	Weekend 9 a.m.--4 p.m.	Weekend 4 p.m.--12 a.m.	Night- time 12 a.m.--9 a.m.
Residential	45%	75%	95%	75%	100%	100%
Office	100%	40%	10%	10%	5%	5%
Retail	90%	100%	90%	100%	75%	5%
Hotel	95%	75%	100%	75%	100%	100%
Restaurant	100%	100%	90%	100%	100%	15%
Medical office	100%	90%	5%	80%	60%	10%



Table 2.07.00B: Example calculation.

In this example the shared parking demand, using the ITE parking standards as a reference, is calculated using the appropriate % of the conventional parking requirement at specified periods of the day. The highest resultant mixed use accumulation is used to determine the maximum shared parking demand. In this case 530 shared spaces compared to the standard code requirement of 600 spaces.

Use	Standard Parking Requirement	Weekday 9 a.m.--4 p.m.	Weekday 4 p.m.--8 p.m.	Weekday 8 p.m.--12 a.m.	Weekend 9 a.m.--4 p.m.	Weekend 4 p.m.--12 a.m.	Night-time 12 a.m.--9 a.m.
Residential	100	45	75	95	75	100	100
Office	100	100	40	10	10	5	5
Retail	100	90	100	90	100	75	5
Hotel	100	95	75	100	75	100	100
Restaurant	100	100	100	90	100	100	15
Medical office	100	100	90	5	80	60	10
Total parking	600						
Mixed-use accumulation		530	480	390	440	440	235

- d. The parking reductions allowed by shared parking accumulation described in table 2.07.00A above may be allowed as part of an MXPUD approval only if it is demonstrated to the satisfaction of the city commission that a combination of the following vehicular, pedestrian, bicycle and parking issues are addressed and that, where appropriate, measures are incorporated by the proposed development to mitigate potential material adverse impacts on parking conditions in the immediate vicinity by providing some or all of the following:
- i. The creation of new or upgraded sidewalks and bikeways, where appropriate, to help foster non-vehicular movement within, around and to the site.
 - ii. The creation of public or private amenity spaces to help foster and provide pedestrian and bikeway attractions (i.e., bicycle racks, benches, open and landscaped areas, pedestrian landings, lighting, etc.).
 - iii. The provision of additional landscape measures that are at a minimum 150 percent above City Code requirements.



- iv. The provision of safety signs, traffic signals, traffic calming and crosswalks implemented to help reduce any potential conflicts between pedestrians and vehicles.
 - v. The inclusion of "crime prevention through environmental design" (CPTED) concepts in the site design, arrangement and form of the proposal to reduce opportunities for crime to occur and to improve overall quality of life by the positive utilization of amenity space.
- e. *Amenity space.* Not less than 35 percent of the MXPUD shall be amenity space. Credit not exceeding five percent shall be permitted for street improvements that are contiguous with the site at the sole discretion of the city commission.
- f. *Native vegetation.* A minimum of 25 percent of the total development site area shall remain as undeveloped native vegetation area, excluding wetlands defined by the South Florida Water Management District where the same exist. In the event that less than 25 percent of the MXPUD is comprised of native vegetation area, then the existing native vegetation area shall be maintained as part of the required amenity space. The required native vegetation area may include the landscape buffer between the site and adjacent property. The location of the existing native vegetation area(s) shall be determined using a study of the site that enables consideration as to its value and retention as a native vegetation area. Any deficit in naturally occurring required native vegetation shall be made up in offsite mitigation of preservation areas, within the city.
- g. *Residential unit variety bonus.* Where not less than 50 percent of the total residential units on site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded based on the following table:

Table 2.07.00C: Residential Unit Variety Bonus

Minimum 50% of dwelling units at an average floorspace of less than (sq. ft.)	1,000 sq. ft.	1,250 sq. ft.	1,500 sq. ft.
Residential unit variety bonus (du/Ac)	5	3	1

- h. *Mixed use density calculation.* The net residential density for an MXPUD shall be based on 15 units per acre, with any density bonus added in accordance with the small residential unit bonus table 2.07.00C above. If the project is located within the urban district overlay an increase in density (to a maximum of 30 units per acre, including any unit bonus) may be granted in accordance with the urban code conditional use procedure (section 3.01.06). The net residential density shall be calculated using the following formula:

Total residential floor space	=	TRF
Total development floor space	=	TDF



Residential unit variety density bonus	=	RUVDB
$(TRF/TDF) \times (15du/ac+SUDB)$	=	Net mixed use residential density
Example:		
Total residential floor space	=	75,000 sq. ft. (TRF)
Total development floor space	=	120,000 sq. ft. (TDF)
Residential unit variety density bonus	=	3du/ac (RUVDB)
$(TRF / TDF) \times (15 du/ac RUVDB)$	=	Net mixed use residential density
$(75,000/120,000) \times (15) 3$	=	12.375 du/acre

- i. *Net acreage of a mixed use PUD parcel.* The net acreage of a mixed use PUD parcel shall be the total site area less all bodies of water (excluding water features with fountains) and protected environmentally sensitive areas.
- j. *Architectural standards.* Buildings within an MXPUD shall, at a minimum, incorporate architectural detailing and use materials that meet the standards outlined in section 3.01.04 of this Code in respect of building walls, roofs and gutters, arcades and porches, windows and doors, architectural features, balconies and parapet walls.

(Ord. No. 2077-06, § 2, 7-10-06)



Chapter III

SPECIAL ZONING CODES

3.00.00 PURPOSE

3.01.00 URBAN CODE

- Sec. 3.01.01. Generally.
- Sec. 3.01.02. Administration, enforcement, procedures, and penalties.
- Sec. 3.01.03. Urban standards and regulations for designated urban code subdistricts.
- Sec. 3.01.04. Architectural standards and regulations.
- Sec. 3.01.05. Old Downtown District regulations.
- Sec. 3.01.06. Urban code conditional use requirements.
- Sec. 3.01.07. Public art.

3.02.00 EAST STUART CODE

- Sec. 3.02.01. Area defined.
- Sec. 3.02.02. East Stuart District.
- Sec. 3.02.03. Generally.
- Sec. 3.02.04. Administration, enforcement, procedures and penalties.
- Sec. 3.02.05. Development standards for the East Stuart District.
- Sec. 3.02.06. Additional development standards.
- Sec. 3.02.07. Uses prohibited in the East Stuart District.
- Sec. 3.02.08. Density.
- Sec. 3.02.09. Landscaping.
- Sec. 3.02.10. Architectural character.
- Sec. 3.02.11. Signage.
- Sec. 3.02.12. Replication of historic buildings.
- Sec. 3.02.13. Re-construction of grandfathered business.
- Sec. 3.02.14. East Stuart District conditional uses.

3.03.00 S.E. OCEAN BOULEVARD OVERLAY ZONE

- Sec. 3.03.01. Generally.
- Sec. 3.03.02. Development standards.
- Sec. 3.03.03. Exempt uses.
- Sec. 3.03.04. S.E. Ocean Boulevard Overlay District Conditional Use.



3.00.00 PURPOSE

The purpose of this section is to describe specific designated areas with special development regulations. The locations of these areas are established by the City of Stuart based on the need for special protective measures, additional design standards, and redevelopment incentives. At present, the Urban Code District and East Stuart District are located within the City of Stuart Community Redevelopment Area. The boundaries of the Community Redevelopment Area are illustrated in the map below.



(Ord. 1872-02, § 1, 10-10-02; Ord. No. 1978-04, § 1, 6-28-04; Ord. No. 2062-05, § 1, 1-9-06)



3.01.00. URBAN CODE

- A. *Title.* The provisions of this section 3.01.00 shall be known as the "urban code."

Sec. 3.01.01. Generally.

- A. *Intent.* The purpose of the urban code is to encourage redevelopment, historic restoration, and infill development, and generally to promote a sense of place within the urban code district, described below, by providing standards and development incentives that are not otherwise available. This includes the promotion of traditional building types with arcades, balconies, railings, and porches and the enabling of social interaction on downtown streets. This urban code provides for mandated building alignments to define coherent streets spaces, the location of outbuildings at the rear of lots for affordable housing, the visual protection of the streetscape from parking lots, and traditional, historically relevant, durable construction which is harmonious with the architectural heritage of downtown Stuart.
- B. *The urban code district.* There is hereby established within the City of Stuart an "urban code district", including subdistricts, the boundaries of which are generally shown in the map below.

(Ord. No. 1978-04, § 1, 6-28-04)



Legend

Zoning

- R-1A
- R-1
- R-2
- R-3
- RPUD
- B-1
- B-2
- B-3
- B-4
- CPUD
- PUBLIC
- INDUST
- IPUD
- HOSPITAL
- PSPUD
- MXPUD
- UN
- UW
- UC
- UG
- UH
- GRO
- SFD
- BMU



- C. *Applicability.* The provisions of this urban code shall apply to new development, new construction, and to substantial renovation, as defined in Chapter XII of the Code within the urban code district. .

(Ord. 1453-96, 6-1-96; Ord. No. 2014-05, § 1, 2-14-05)

- D. *Effective date.* The provisions of this urban code shall apply to all development within the urban code district for which a complete application for a development permit pursuant to submittal requirements of plan document as defined in Chapter XII of this Code has not been filed with the city development department on or before December 2, 2003.

(Ord. No. 1872-02, § 1, 10-10-02; Ord. No. 1978-04, § 1, 6-28-04)

- E. *Non-conforming uses.* Non-conforming uses created by the adoption of this ordinance code on the 28th day of June 2004, shall be deemed legal non-conforming uses subject to the provisions of section 8.03.00 of this Code.

(Ord. No. 1978-04, § 1, 6-28-04)

Sec. 3.01.02. Administration, enforcement, procedures, and penalties.

- A. *Administration.* The provisions of this urban code shall be administered and enforced by the city development director whose duties shall include receiving and reviewing building permit and other land development permit applications, assisting applicants in procedures required hereunder, making decisions regarding the application of this urban code to particular properties, inspecting premises, and issuing permits and certificates of occupancy. Nothing in this urban code is intended to conflict with the building and fire prevention codes of the city.
- B. *Application permits.* No building or other land development permit shall be issued by the city development director unless all provisions of this urban code have been met, including approved conditional use approvals, based on the development review and approval process.
- C. *Procedures for application.*
1. *Pre-application conference.* Before beginning any new development, substantial renovation, renovation development, renovation, or demolition on private or public land, a pre-application conference with the city development department is strongly encouraged. Upon submittal of a conceptual site plan, floor plans, and elevations a non-binding preliminary written response of the city development director may be requested by the applicant.
 2. *Application.* After the pre-application conference, if any, an application for development shall be submitted to the city development department in accordance with this Code. Applications for development permits, excluding interior tenant finishes, within the urban code district shall meet the requirements of plan documents as defined in Chapter XII of this Code. Completed applications shall



include a general vicinity or location map, legal description, map of vegetative cover, proposed development activities and design, building plans, front, rear, and side architectural elevations, floor elevations, documentation related to streets, parking, and loading; tree removal and protection, landscaping, signs, , and any other documentation as required by the city development director in order to demonstrate compliance with this urban code.

(Ord. No. 1715-2000, 2-28-00; Ord. No. 1849-02, § 1, 4-8-02; Ord. No. 1978-04, § 1, 6-28-04)

D. *Violations and remedies.* It shall be unlawful and a violation of this Code for any person to construct, renovate or remodel a building within the urban code district except in compliance with the provisions of this urban code. A violation of this urban code shall be deemed a zoning violation. In such event the city development director may initiate code enforcement proceedings to compel compliance. The city commission may initiate appropriate civil proceedings including but not limited to a declaratory action, injunction action and mandamus action to compel compliance.

E. *Reserved.*

(Ord. No. 1849-02, § 1, 4-8-02; Ord. No. 1872-02, § 1, 10-10-02; Ord. No. 1978-04, § 1, 6-28-04)

Sec. 3.01.03. Urban standards and regulations for designated urban subdistricts.

The geographic locations and current characteristics of the five urban subdistricts are broadly described below:

Urban center ("UC"), inclusive of the "historic downtown", characterized by relatively dense, walkable, mixed-use, development pattern generally located at or near the established downtown area. The UC is the most urban in terms of density, mix of uses, pedestrian activity, historic restoration, shared parking and civic/cultural venues. In the South Point, UC is generally located in portions of the Potsdam subdivision (that triangular portion bound by Albany Avenue, West Ocean Boulevard, and SR 707/Dixie Highway), along both sides of the historic downtown core block (Osceola Street and Flagler Avenue), along portions of SE Ocean Boulevard, and along both sides of Colorado Avenue.

Urban general ("UG"), characterized by less intensive mixed-use development, with substantial residential uses, generally located adjacent to the urban center. In the North Point, UG is generally located along the triangular area bound by Wright Boulevard, SE Federal Highway and SR 707/Dixie Highway. In the South Point, UG is generally located along portions of SE Ocean Boulevard (both north and south) and in portions of the Woodlawn Park subdivision (that triangular portion generally bound by SR 707/Dixie Highway, Frazier Creek, and the properties fronting Colorado Avenue).

Urban neighborhood ("UN"), characterized by a predominantly residential nature located along low-volume, pedestrian-friendly streets. In the North Point, UN is generally located in the non-waterfront portions of the Riverside Park subdivision (that portion generally bound by North River Drive, Palm Street, SR 707/Dixie Highway, and Fern Street). In the south point, UN is generally located in the Frazier Addition (the triangular area generally bound by Frazier Creek,



West Ocean Boulevard, and the properties fronting Colorado Avenue) and the non-waterfront portions of the Frazier Crescent subdivision (along Channel Avenue and 6th and 7th Streets).

Urban highway ("UH"), occurs along both sides of SE Federal Highway as it traverses the urban code district. This area allows large front setbacks and highway-oriented commercial or high density residential uses with generous parking lots. In the North Point, UH is generally located along the western side of SE Federal Highway and along the western side of the proposed Green River Parkway. In the South Point, UH is generally located along both sides of SE Federal Highway.

Urban waterfront ("UW"), refers to special waterfront-oriented uses, including marinas, restaurants, entertainment, hotels, and higher-density residential. Existing "marine industrial" uses are conditionally permitted. In both the North and South Points, UW is generally located along all waterfront properties throughout the CRA with the exception of those waterfront properties on the north side of Frazier Creek and on the east side of the "North Point" peninsula south of Fern Street.

(Ord. No. 1978-04, § 1, 6-28-04)

The following urban standards and regulations of "building placement," "building height," "parking," "architectural requirements," "outbuildings," "signage," and "curb cuts" apply to each respective urban subdistrict.

A. *Urban center (UC).*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a required build-to line of zero feet.
- b. The side setbacks may be zero feet.
- c. The rear setback may be zero feet.
- d. The front street facade width of the principal building shall not be less than 80 percent of the lot width. A ten-foot driveway may be allowed if no alley access is available in the rear or side of the lot.
- e. If a property abuts public rights-of-way at its front and rear property lines, any building facade which is 100 feet or more in facade width measured parallel to the public right-of-way shall include a via to allow for pedestrian access to the public rights-of-way. A via shall be not less than six feet in width and not less than ten feet in height. A via may be enclosed; however, a via shall be open to the public during the business hours of operation of the building(s) in which it is located.
- f. The front street facade of the building may be set back to form a public courtyard for a maximum of 33% of the facade width.



2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet. The minimum building height shall be two stories or 26 feet. If 25 percent or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four story building is 45 feet.
- b. Four story buildings in the Old Downtown District are prohibited. There is no major urban code conditional use available for an additional story or building height in the Old Downtown District.

3. *Parking.*

- a. All parking areas shall be located behind the rear facade of the principal building or screened from public rights-of-way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.

4. *Architectural requirements.*

- a. Balconies are required along all street facades for all buildings. The aggregate length of balconies shall not be less than 50 percent of building facade from which it projects on each floor level.
- b. Arcades are required on the west side of Colorado Street between Confusion Corner and Frazier Creek and on the north side of 2nd Street between U.S. 1 and Dixie Highway. Arcades shall conform to the standards in Section 3.01.04.C.
- c. The ground floor along the front facade of the building shall have doorways, arcades, or glazed openings with aggregate width equal to at least 50 percent of the total facade width.

5. *Outbuildings.*

- a. Outbuildings shall be located behind the rear facade of the principal building or in the rear one half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and a principal building.

6. *Curb cuts.*

- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 75 feet of frontage.
- b. For properties with access from a rear alley, no curb cuts shall be permitted.

(Ord. No. 1978-04, § 1, 6-28-04)



B. *Urban general (UG).*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel along the front property line with a required setback of not less than ten feet.
- b. The minimum side setbacks are not less than five feet on each side.
- c. The rear setback shall be not less than 15 feet.
- d. The front street façade width of the principal building shall not be less than 60 percent of the lot width.

2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet. If 50 percent or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four story building is 45 feet.

3. *Parking.*

- a. Parking areas shall be located as follows:
 - i. For new development, all parking areas shall be located behind the rear facade of a principal building or screened from public rights-of-way by a wall, trellis, other screening approved by the city development director or landscape buffer as described in section 6.04.00, Landscaping, of this Code.
 - ii. For substantial renovation, where possible, parking areas shall be located behind the rear building facade or at the side property line and screened from the public view and from public rights-of way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.

4. *Architectural requirements.*

- a. Porches are required on the front building facade. Porches shall have a minimum depth of six feet and a minimum length of 50 percent of the building facade width. Porches may project four feet into the front setback.

5. *Outbuildings.*

- a. Outbuildings shall be located behind the rear facade of the principal building or in rear one-half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and a principal building.



6. *Curb cuts.*

- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 75 feet of frontage.
- b. For properties with access from a rear alley, no curb cuts shall be permitted.

(Ord. No. 1978-04, § 1, 6-28-04)

C. *Urban neighborhood (UN).*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a required setback of not less than ten feet.
- b. The side setbacks are not less than five feet on each side.
- c. The rear setback shall be not less than 15 feet.
- d. The front street façade width of the principal building shall not be less than 60 percent of the lot width.

2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet.
- b. There is no major urban code conditional use available for an additional story or building height in this subdistrict.

3. *Parking.*

- a. Parking areas shall be located as follows:
 - i. For new development, all parking areas shall be located behind the rear facade of a principal building or screened from public rights-of-way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.
 - ii. For substantial renovation, parking areas shall be located, where possible, behind the rear building facade or at the side property line and screened from public rights-of-way by a streetwall, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.

4. *Architectural requirements.*

- a. Porches are required on the front building facade. Porches shall have a minimum depth of six feet and a minimum length of 70 percent of the building width. On



corner properties, porches must be constructed along both street facades. Porches may project two feet into the front setback.

- b. Walls, wood picket fences, wrought iron fences, or hedges are required along the front property line and on corner lots, along the side property lines and shall have a minimum height of three feet and a maximum height of four feet along the front and side property lines to the front facade of the principal building. Along the side property lines behind the front facade and along the rear property line a wall or fence may be six feet in height. Arbors and trellises are permitted in the front yard and may be located along property lines. The maximum height for arbors and trellises shall be ten feet. Above walls and fences, architectural features of up to 12 inches in height shall be allowed, spaced a minimum of four feet apart.
 - c. Chain link fences shall not be visible from public rights-of-way. Chain link fences shall be vinyl coated using only black or dark green colors.
5. *Outbuildings.*
- a. Outbuildings shall be located behind the rear facade of the principal building or in rear one half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and the principal building.
6. *Curb cuts.*
- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 50 feet of frontage. However one curb cut shall be permitted for a single family residence utilized as a residence regardless of the existence of a rear alley.
 - b. For properties with access from a rear alley, no curb cuts shall be permitted.
7. *Trees.*
- a. When a permit for new construction or renovation is issued, the owner shall be responsible for planting two shade trees no closer than three feet and no further than five feet from the right-of-way that abuts the front property line. All required shade trees, as defined by Chapter XII of this Code, shall be 14 feet in height at installation, and have a DBH of not less than two and one-half inches, and be selected from the CRA landscape palette, if adopted by the City. The development director may grant a reduction for existing trees that meet these requirements.
8. *Buffer for single family residential.*
- a. A buffer for the single family neighborhood on the west side of NW North River Drive shall be provided. The buffer shall conform to Section 6.04.00, Landscaping, of this Code.



(Ord. No. 1978-04, § 1, 6-28-04)

D. *Urban highway ("UH").*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a minimum setback of 15 feet and a maximum setback of 20 feet for properties fronting on U.S. 1. If a property does not front on U.S. 1, then the minimum setback shall be zero feet and the maximum setback shall be not more than ten feet.
- b. The side setbacks may be zero feet on each side.
- c. The rear setback is not less than 15 feet.
- d. For lots fronting SE Federal Highway, the front street façade width of the principal building shall not be less than 40 percent of the lot width. For other lots, the width of the principal building shall be not less than 70 percent of the lot width.

2. *Principal building height.*

- a. The maximum building height is three stories and 35 feet. For lots fronting on SE Federal Highway a fourth story is permitted if all off-street parking is located at the rear of building. The maximum building height for a four story building is 45 feet. The minimum building height is two stories or 26 feet.

3. *Parking.*

- a. All parking areas shall be located behind the rear facade of a principal building or screened from public rights-of-way by a streetwall, trellis, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code. The parking shall be setback from the front public right-of-way a minimum distance equal to 40 percent of the lot depth.

4. *Outbuildings.*

- a. Outbuildings shall be located behind the rear facade of the principal building or in the rear one half of the property subject to a minimum five-foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than five feet separation between an outbuilding and the principal building.

5. *Curb cuts.*



- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 100 feet of frontage.

(Ord. No. 1978-04, § 1, 6-28-04)

E. *Urban waterfront ("UW").*

1. *Principal building placement.*

- a. The front building facade shall be constructed parallel to the street along the front property line with a minimum setback of not less than ten feet except for waterfront properties on SW Channel Avenue, Seminole Street, and SW Atlanta Avenue which shall be not less than five feet.
- b. The side setbacks shall not be less than ten feet on each side except for waterfront properties on SW Channel Avenue, Seminole Street, and SW Atlanta Avenue which shall not be less than five feet.
- c. The rear setback for all structures shall not be less than ten feet from the mean high water line or the water-side of a seawall or bulkhead.
- d. A vista shall be a designated area along the side of a property that provides an unobstructed view from any public right-of-way to the St. Lucie River or its tributaries, and shall be the same width as the required side setback. Only ten-foot clear trunk plant material and decorative fencing shall be located within the vista. Any equipment such as air conditioning units within a vista shall be not more than three feet in height, unless required by any applicable flood zone regulations.
- e. The maximum cumulative front building facade width is 160 feet measured parallel to the nearest body of water.
- f. If a building facade is 100 feet or more in width, measured parallel to the nearest body of water, an additional vista shall be provided within the building's facade which is not less than 12 feet in width, not less than 12 feet in height, and which allows a visual corridor from the public right-of-way to the St. Lucie River or its tributaries.
- g. Any fencing included within a vista shall have a minimum width of three inches and a maximum width of five inches for all vertical members and shall have a minimum spacing of three inches between the vertical members. Said fences shall be a minimum height of three feet and a maximum height of four feet.
- h. In order to create additional vistas, a minimum separation of 15 feet shall be provided between multiple buildings on the same lot.

2. *Principal building height.*



- a. The maximum building height is three stories and 35 feet. If 50 percent or more of the building is residential or hotel, a fourth story shall be permitted. The maximum building height for a four story building is 45 feet.
 - b. Four story buildings in the Old Downtown District (as described in Section 3.01.03.F.1.a.i.a.) are prohibited. There is no major urban code conditional use available for an additional story or building height in the Old Downtown District.
3. *Parking.*
- a. Parking shall not be located within ten feet of the front and side property lines and shall not be located between the rear building facade and the water.
 - b. Parking shall be screened in the front and the sides from public rights-of-way by a wall, trellis, other screening approved by the city development director, or landscape buffer as described in section 6.04.00, Landscaping, of this Code.
4. *Architectural requirements.*
- a. Reserved.
 - b. Balconies and balcony rails are required on the waterfront side of a building for a minimum of 50 percent of the fenestration.
 - c. Reserved.
 - d. Porches may project five feet into the front setback.
5. *Outbuildings.*
- a. One outbuilding is permitted behind the rear facade of a principal building or in the rear one-half of the lot and one outbuilding is permitted in the front of the lot. Outbuildings shall be set back not less than five feet from the side and front property lines, not less than ten feet from the rear property lines, not be less than five feet separation between an outbuilding and the principal building and shall not be located within a vista.
 - b. Outbuildings may have marina or waterfront accessory uses.
6. *Curb cuts.*
- a. Where buildings do not have alleys in the rear of the property, not more than one curb cut shall be permitted for every 65 feet of frontage.

(Ord. No. 1978-04, § 1, 6-28-04)

F. *Additional regulations and requirements.*

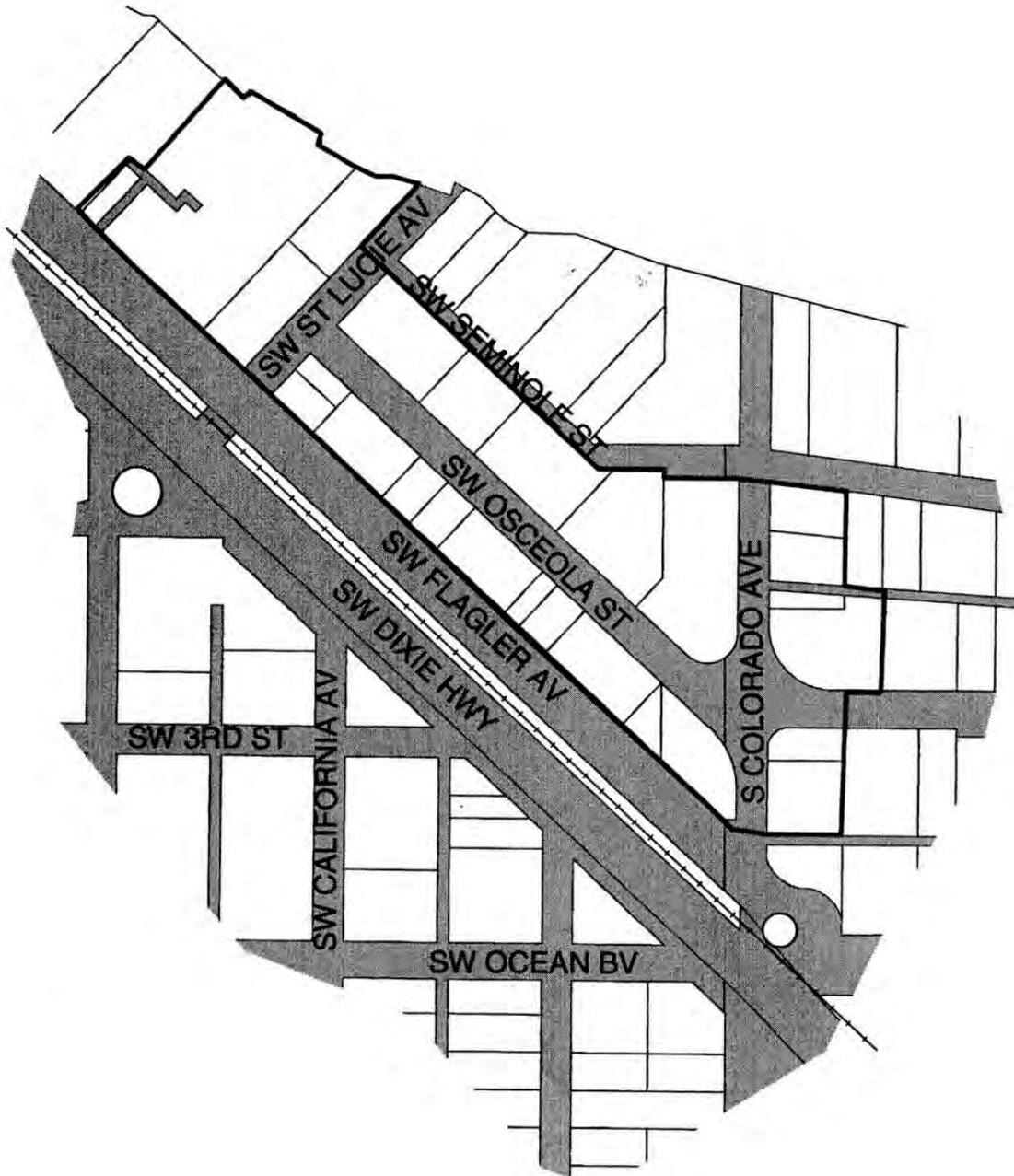
1. *Parking.*



a. The Old Downtown District.

i. *Old Downtown District identified.*

- a) Those properties within the boundary of the centerlines of SW Seminole Street on the north, SW Flagler Avenue on the south, S Colorado Avenue on the east, and SW Saint Lucie Avenue on the west; the City Hall property west of and contiguous to SW Saint Lucie Avenue, being Lot 36 according to the plat of The Feroe Subdivision recorded in the public records of Martin County, Florida, at Plat Book 2, page 25 and Lots 3, 4, 5, 6, 7, 7A, 8, 9, and 9A according to the plat of Revised Danforth's Addition recorded in the public records of Martin County, Florida, at Plat Book 5, page 69; and those properties located east of and contiguous to S Colorado Avenue, being Lots 8, 9, 12, and 24-28, Block 3, and Lots 19-23, Block 4, amended plat of Porter's Addition recorded in the public records of Martin County, Florida at Plat Book 2, page 75.



ii. Parking requirements.

- a) Properties located in the "Old Downtown District" shall be exempt from the parking requirements of this Code.
- b) The four properties located east of and contiguous to Colorado Avenue, being Lots 8, 9, 12, and 24-28, Block 3, and Lots 19-23, Block 4, amended plat of Porter's Addition (Plat Book 2, page 75), shall be exempt from the



parking requirements of this Code provided each such property shall hereafter maintain not less than the number of on-site parking spaces existing as of November 13, 1995, as follows:

TABLE INSET:

N 1/2 of lots 8 & 9	--	0 spaces
S 1/2 of lots 8 & 9	--	10 spaces
Lots 12, 24-28, Blk. 3	--	17 spaces
Lots 19--23, Blk. 4	--	7 spaces.

- c) In the Old Downtown District required parking for any use permitted may be accommodated via payments to the payment in lieu of parking program as described in chapter VI of this Code.
- d) The six properties located on the north side of S.W. Seminole Street, between S.W. Saint Lucie Avenue and S. Colorado Avenue, being Lots 2 thru 8, Feroe Subdivision, Plat Book 2, Page 25, Palm Beach County (now Martin) and Porter's Addition, Lots 1, 2 & 3 Blk 2 and Lot 9, Feroe Subdivision (a replat of Lots 9 & 10) shall be exempt from the parking requirements of this Code, provided that each property shall maintain not less than the number of on-site parking spaces existing as of April 1, 2013. as follows:

TABLE INSET:

Feroe Subdivision -

Lot 2	----- 0 spaces
Lot 3	----- 0 spaces
Lots 4 & 5	----- 4 spaces
Lots 6 & 7	----- 3 spaces
Lot 8	----- 2 spaces
and Porter's Addition- Lots 1, 2 & 3 and Lot 9, Feroe S/D (replat of Lots 9 & 10)	----- 7 spaces

iii. *Parking exemption not applicable.*

- a) For properties identified by paragraphs F.1.a.i.a) and F.1.a.ii.b) above, if a building is demolished by an owner, parking for all uses within the newly constructed building shall be provided. Buildings which are destroyed by accident or an act of God and are replicated, shall remain exempt from parking requirements.



- b) For properties identified by paragraphs F.1.a.i.a) and F.1.a.ii.b) above, this exemption from the parking requirements of this code applies to the building floor space existing as of January 1, 2004. This exemption does not apply to additional building floor space and to the uses thereof that is constructed on and after January 1, 2004 or to any expanded use of the exterior premises which creates additional parking demand. The uses of additional building floor space shall meet the parking requirements of this code.
- c) Private properties within the Woodlawn Park Section (WPS) shall be granted a credit against required on-site parking spaces based on the following formula:

Parking space credit per individual property (C) = $IP / (A/N)$, where:

IP = Square footage of an individual property within the WPS, as determined by the Martin County Property Appraiser's latest records.

A = Total square footage of all properties in the WPS, as determined by the Martin County Property Appraiser's latest records.

N = Total number creditable on-street parking spaces, as determined by the City Development Director.

WPS defined. For the purposes of this section, the WPS shall consist of those properties circumscribed by Colorado Avenue to the west, Dixie Highway to the northeast and Martin Luther King Jr. Boulevard to the south.

On street parking spaces within the WPS shall remain public. The granting of a parking space credit under this section shall convey no rights whatsoever to property owners within the WPS with regards to on-street parking spaces.

- d) For the six properties located on the north side of S.W. Seminole Street, between S.W. Saint Lucie Avenue and S. Colorado Avenue, identified by paragraph F.1.a.ii.d) above, if a building is demolished, whether by the owner or by accident or act of God, any newly constructed building shall remain exempt from parking requirements only to the extent that the gross square footage of the newly constructed building does not exceed the gross square footage of the previously existing building. The use of additional building square footage shall meet the parking requirements of this code. In the event a permit for demolition of a building is sought, the City shall have up to 120 days from the date of application to take possession of the building at no cost to the City and to move the building off site at no cost to the property owner.
- e) For the six properties located on the north side of S.W. Seminole Street between S.W. Saint Lucie Avenue and S. Colorado Avenue, identified by



paragraph F.1.a.ii.d) above, this exemption from the parking requirements of this code applies to the building floor space existence as of May 1, 2013. This exemption does not apply to additional building floor space and to the uses thereof that is constructed on and after May 1, 2013 or to any expanded use of the exterior premises which creates additional parking demand, provided that an outside seating area, covered or uncovered, of up to 500 square feet is permitted without regard to parking requirements. Said seats shall not be creditable toward the acquisition of a state SRX liquor license. The uses of additional building floor space shall meet the parking requirements of this code.

- b. Where it does not currently exist, on-street parking, constructed to city code, may be used to offset the required number of parking spaces. Such parking shall abut the proposed development. The cost of the pavement modifications shall be borne by the private development. An approved revocable permit from the city commission is required for on-street parking.
- c. Historic buildings shall receive a parking credit for the existing use and shall provide at least 50 percent of the required parking for a more intense use on the site. Up to 50 percent of the required parking for any new use permitted may be accommodated via payments to the payment in lieu of parking program as described in section 6.01.19 of this Code.
- d. Payment in-lieu-of parking ("PILOP"): In lieu of providing up to three parking spaces required for any use located in Stuart Community Redevelopment Area, a developer may pay into the "Stuart Payment in Lieu of Parking Trust Fund" as described in section 6.01.19 of this Code.
- e. Modifications: Within the urban code district, the parking design standards set forth in section 6.01.14 may be modified as follows:
 - i. For all but 90 degree parking spaces, the one-way traffic aisle width may be reduced to ten feet. For 90 degree parking spaces, the one-way traffic aisle width may be reduced to 20 feet.
 - ii. The width of a two-way traffic drive aisle may be reduced to 20 feet. The two-way drive aisle width may be reduced from 20 feet to a minimum of 12 feet for parking areas of eight spaces or less. Within a reduced drive aisle area, parking spaces are prohibited, with the exception of parallel parking spaces.
 - iii. Where alleyways are located along the side or rear property lines, said alleyways may be used as the required back-up dimension for parking spaces.
 - iv. For developments requiring ten or fewer parking spaces, parking areas may be constructed with mulch, gravel, turf blocks, paver blocks, or other alternative materials approved by the city development director. Additional maintenance requirements may be required of a property owner utilizing



alternative materials such as daily sweeping of gravel, mulched areas maintained at a certain depth.

- v. The width of parking spaces may be reduced to eight and one-half feet for up to ten percent of the required parking.
 - vi. Up to two required parking spaces may be provided as "stacked" spaces, where one parking space is located behind the other.
- f. Boats, campers, and recreational trailers shall be parked in rear yard setbacks only where possible and shall not be parked in vistas.
2. *Urban code district uses.*
- a. The following uses are permitted and are all-inclusive individually or in combination in the urban code district subject to the regulations pertaining to formula businesses in Section 2.06.12.

TABLE INSET:

Land Use Type	Number of Parking Spaces Required
<i>Residential Land Uses</i>	
Duplex residences	1.5 per unit; garages count towards required off-street parking
Family day care home in a residence	2 per dwelling unit plus adequate space for pick-up and drop-off.
Home occupations as regulated in Section 2.06.09 of this Code	N/A
Multi-family dwelling units	1.5 per unit; garages count towards required off-street parking
Single-family residences	1.5 per unit; garages count towards required off-street parking
<i>Transient Residential Land Uses and Overnight Accommodations</i>	
Bed and breakfast inn;	1 per guest room
Hotels/motels	1 per rental room, plus 2 spaces per 3 employees
Rooming and boarding houses	1 per unit
<i>Institutional Uses</i>	
Adult day care centers	1 per 200 square feet. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation.



Child care centers	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building
Community centers	1 per 300 square feet
Funeral homes without crematoriums	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Governmental buildings	1 per 300 square feet
Libraries	1 per 300 square feet
Museums	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Religious institutions	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
<i>Commercial Uses</i>	
Automobile repair service—Within an enclosed building in along U.S. 1 (Federal Hwy. and Savannah Road) only	1 per 200 square feet of sales area, plus 2 spaces per service bay, plus 1 space per employee
Art galleries	1 per 200 square feet
Bakery, retail	One (1) space for each employee on the largest working shift plus one (1) space per three hundred (300) square feet of gross floor area
Banks/financial institutions	1 per 300 square feet, plus queuing spaces per Sec. 6.01.07
Barbershop, Beauty Salons, Specialty Salons	2 per station
Bars	1 per 4 seats
Catering shop	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Clubs, lodges and fraternal organizations	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater). One-half (½) of total parking area must be paved; the other half may be an approved stabilized surface.
Dry cleaning, provided that all cleaning is conducted off-premises	1 per employee, plus 0.5 spaces per delivery truck, plus 1 space per 300 square feet



Health spas	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Massage therapy establishments	1 per 300 square feet
Microbreweries and craft distilleries	1 per employee plus 1 per 300 square feet for tasting, tap room, and gift shops.
Office, business or professional, medical, low intensity medical, and veterinary	1 per 350 square feet (professional); 1 per 300 square feet (low intensity medical) 1 per 200 square feet (medical and veterinary)
Pharmacies (if 2,000 square feet or less)	1 per 200 square feet
Restaurants, convenience and general	1 per 4 seats
Retail sales and service (intensive and non-intensive)—Within an enclosed building only	1 per 300 square feet of floor space
Retail manufacturing—Providing such manufacturing is incidental to sales and occupies less than 75 percent of the total gross floor area	1 per 300 square feet
Studios (art, dance, music, exercise)	1 per 300 square feet
Theaters	1 per 4 seats
<i>Recreational Uses</i>	
Public parks	Dependent upon type of recreational activities provided
<i>Utility and Service Uses</i>	
Public facilities and services	Dependent upon type of facility and service
Public utility stations	Dependent upon type of utility and any required buildings and employees
<i>Industrial Uses</i>	
Existing marine industrial uses (may be reconstructed within their existing building footprints and the current uses therein continued. Revision or expansion of building footprints and/or uses permitted as a conditional use by Major Urban Code Conditional Use. Nothing in this provision shall counteract existing building and life safety code requirements)	Dependent on specific use



<i>Telecommunication Uses</i>	
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or tower structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure	1 space per tower
<i>Storage, Transportation and Logistics Uses</i>	
Government provided public parking lots or garages	N/A
<i>Agricultural Uses</i>	
Community garden pursuant to section 2.06.08 of this Code	0
Urban farm pursuant to section 2.06.08 of this Code	1 per 4 employee
<i>Miscellaneous</i>	
Outbuildings	Determined by use type

b. The following uses are permitted as conditional uses by major conditional use approval and are all-inclusive individually or in combination in the urban code district subject to the regulations pertaining to formula businesses in Section 2.06.12.

TABLE INSET:

Land Use Type	Number of Parking Spaces Required
<i>Commercial Uses</i>	
Boat storage, dry	1 per 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.
Formula businesses in the area as regulated in section 2.06.12 of this Code	Required spaces dependent on proposed use.
Gasoline sales shall be limited to properties on SE Federal Hwy., Green River Parkway, and Savannah Road	1 per 250 square feet, plus 2 spaces per service bay, plus 1 space per vacuum. Pump locations are not to be included as a parking space. Gas stations with car washes shall also provide 1 parking space per wash unit or bay.
Pharmacies over 2,000 square feet;	1 per 200 square feet



Rooftop dining areas (refer to supplemental standards in Section 2.06.19)	1 space for four seats.
Street vendors	N/A
<i>Industrial Uses</i>	
Boat building, indoors	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
<i>Telecommunication Uses</i>	
Stealth telecommunications facilities in excess of 45 feet in height. Refer to Chapter II Zoning Districts Uses Allowed, Density and Intensity, Section 2.06.12 Telecommunication Facilities Supplemental Use Standards.	1 space per tower.
<i>Storage, Transportation and Logistics Uses</i>	
Private parking lots;	N/A
Private parking garages;	N/A

3. *Density.* A density of 15 dwelling units per acre is permitted in all urban code subdistricts. The number of dwelling units may be increased to a maximum of 30 dwelling units per acre with a major urban code conditional use.
4. *Storage sheds.* One storage shed may be located on any lot within the urban code district provided that it is not visible from the principal public right of way.
5. *Multiple frontages.* In the event a single lot abuts more than two streets, the setback and architectural requirements for the corresponding urban code district shall only apply to two street facades.
6. *Conflicts with utilities.* In instances where the required location of a building, including architectural requirements, conflicts with existing utilities or other public infrastructure, the developer shall be required to relocate such utilities if the cost of relocation is less than five percent of the cost of the proposed building or improvements (excluding land value) and the utilities can be relocated within 150 feet of the subject property. Otherwise, the city development director may adjust the requirements of this urban code to rectify any conflicts with utilities or other public infrastructure. No utilities shall be located beneath a principal building.



7. *Historic buildings.* The requirements of this urban code may be adjusted by a major urban code conditional use for the purposes of preserving a historic building.
8. *Finished floor elevations.* The requirements of section 6.03.02 B.4. relating to finished floor elevations may be modified if the engineer for a proposed development can demonstrate a lower elevation is appropriate and will not be detrimental regarding flooding to adjacent properties.
9. *Lot coverage.* For the purposes of this urban code, there shall be no impervious lot coverage requirement; however, all development must meet the requirements of section 6.03.00 entitled "Stormwater Management" of this Code, as amended from time to time.
10. *Lot area requirements.* For purposes of this urban code there shall be no minimum lot area or lot width requirement as defined in section 2.04.00.
11. *Stormwater management.* With the proper legal documentation and consent of the property owner, stormwater runoff from properties within the urban code district may be conveyed onto adjacent private properties. Otherwise, stormwater runoff must be conveyed to the public right-of-way, and the quality of the runoff must be considered. Proposed development may not obstruct existing drainage patterns. If a site is designed such that stormwater is captured by an internal stormwater management system, the applicant must illustrate how the stormwater reaches the public stormwater management system. If a site is designed such that there is no internal stormwater management system, the applicant must illustrate how the stormwater runoff will be conveyed to the public stormwater management system and demonstrate that said system could accommodate the additional runoff. Pervious surfaces such as perforated pavers, mulched areas, and other similar examples may be considered in the calculation for stormwater detention. For all development, stormwater quality treatment prior to discharge shall be provided in compliance with Section 6.03.00 of this Code.
12. *Public art.* Public art shall be required of all development and redevelopment and shall equal not less than one percent of the total costs of vertical construction. Public art may include fountains, murals, sculptures, paintings, or other generally acceptable art form as directed by the community redevelopment board which is displayed in a public venue. All public art required under this section shall be readily visible to the public. All public art intended to meet the requirements of this section that is visible from a public right-of-way or is exterior to a building must be approved by the community redevelopment board as a minor urban code conditional use. A single family home on a single platted lot of record is exempt from this requirement.
13. *Curb cuts.* Distance regulations between curb cuts shall be measured from the centerlines of each curb cut.
14. *Shoreline protection zone.* In accordance with section 5.06.00, the shoreline protection zone for any water body shall be ten feet measured from the waterside lot line or perpendicular to the mean high waterline as established by a licensed



surveyor, whichever is nearer to the principal structure on the same lot; or perpendicular to the centerline of a seawall..

(Ord. No. 1978-04, § 1, 6-28-04); Ord. No. 2010-05, § 3, 2-14-05)

G. *Landscaping.*

1. All development in the urban code district shall comply with the landscaping requirements as described in section 6.04.00, the landscape code, with the following exceptions:
 - a. The width of landscape buffers shall be determined by the required side and rear setbacks as described in this urban code, and buffer screens shall be 25 percent of those setbacks.
 - b. The width of the landscaped strip of land located between parking areas and an abutting public right-of-way shall be the required setback for parking areas for the respective urban subdistrict.
 - c. The width of the landscaped strip of land located between parking areas and abutting private property shall be the required setback for parking areas for the respective urban subdistrict.
 - d. The width of the landscaped area located along the sides of a building, which abuts any parking area, shall be two and one-half feet.
 - e. The width of the landscaped strip of land located between the building walls of a multi-family development and parking areas shall be five feet.
 - f. The width of the landscaped strip of land located between a parking area of a multi-family development and an abutting right-of-way shall be the required setback for parking areas for the respective urban subdistrict.
 - g. The street facade of a building shall contain a hedge, potted plants, or trees planted in public right-of-way. The dimensions for such landscape materials shall comply with section 6.04.05.A. of this Code. In the urban center and urban general subdistricts, no hedge shall be planted between the principal building front and the curb of the street, and trees shall be placed in a continuous sidewalk. If necessary, due to right of way conditions, the requirement for trees may be mitigated subject to the approval of the city development director.
 - h. Terminal and interior islands within parking areas may be used for stormwater retention.
 - i. A maximum of 20 percent of the pedestrian arcade walkway may be planted. No plantings are required within the arcade.



2. In the case of renovation development and vacant development as described in the landscape code where the location of required landscaping is precluded by existing buildings or permanent site improvements, the placement of landscaping may occur off-site, in planters, in openings within paved areas, or in other locations as determined by the city development director.

(Ord. No. 1872-02, § 1, 10-10-02; Ord. No. 1922-03, § 1, 3-10-03)

Sec. 3.01.04. Architectural standards and regulations.

The following described architectural standards and regulations are governed by the categories of building and activities related thereto and shall apply to new development, to substantial renovation, to renovation development, to renovation and to building exterior refinishing. It is the responsibility of the applicant to demonstrate to the satisfaction of the city development director that any alternative building or other materials have at least a ten-year history of successful application in climates that are comparable to the City of Stuart.

- A. *Building walls.* The exterior walls of the principal building shall be constructed of any of the following materials and in the following specified manner. All materials shall be used over the entire building or as continuous horizontal bands only. No panelizing shall be permitted or other simulations except as noted below.

1. *Materials.*

- a. Stucco with a "float finish," smooth or coarse, machine spray, dash and troweled.
 - b. Wood clapboard five inches to the weather.
 - c. Wood shingles seven inches to the weather.
 - d. Cement siding, or similar composite plank in individual clapboard-style boards, which has a proven successful application in a climate comparable to Stuart's of not less than ten years.
 - e. On residential buildings only, wood board or batten board of a board width from eight inches to 12 inches.
 - f. Wood shiplap siding, smooth face, seven inches to the weather.
 - g. Coral, keystone, or tabby.
 - h. Modular unit masonry, either brick or concrete, coursed in regular ashlar pattern, flush sawn, wire cut, or sand finish.
 - i. Cast stone.
2. *Other design standards.* Except for single-family residential, all developments which are less than 20,000 square feet shall incorporate a minimum of four of the following



building design standards, and all developments which exceed 20,001 square feet shall incorporate a minimum of five of the following building treatments:

- a. Overhangs;
- b. Arcades as defined by this Code;
- c. Sculptured artwork and/or fountains;
- d. Raised cornice parapets over doors;
- e. Peaked roof forms;
- f. Display windows;
- g. Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design;
- h. Clock or bell towers;
- i. Decorative landscape planters or planting areas, a minimum of five feet in width, and areas for shaded seating consisting of a minimum of 100 square feet;
- j. Integration of specialty pavers, or stamped, colored concrete along the building's walkway to constitute a minimum of 60 percent of walkway area;
- k. Water elements, a minimum of 50 square feet in area; and
- l. Courtyards along the front building facade.

(Ord. No. 1957-03, § 1, 10-13-03; Ord. No. 1978-04, § 1, 6-28-04)

B. *Roofs and gutters.* The roofs and gutters of the principal building shall be constructed of any of the following materials and in the following specified manner.

1. *Materials.*

- a. Cedar shingles with factory treated class B finish.
- b. Steel, copper and factory painted aluminum standing seam, batten seam, or Bermuda roofing.
- c. Galvanized steel "5-V crimp" roofing panels.
- d. Galvanized metal or copper shingles of Victorian or diamond shape or pattern or of another dimension, which is approved by the city development department.
- e. Asphalt dimensional shingles for residential buildings only.



- f. Built-up roof behind parapets.
- g. Exposed half-round gutters of copper or galvanized steel.
- h. Clay or cement barrel, s-shaped, flat cement, or mission tiles which are a shade of "red," "ochre," "cream" and "white" color shades provided that such coloring is integral to the clay or cement. No glazed or painted clay or cement tiles shall be allowed. No other shape of clay or cement tiles shall be permitted.

(Ord. 1445-95, 1-22-96; Ord. No. 1978-04, § 1, 6-28-04)

2. *Manner.*

- a. Gable and simple hip roofs.
- b. Flat with railings or parapets.
- c. Shed roof attached to a wall higher than the ridge.
- d. Rafters at overhangs shall be exposed.
- e. Pitch:
 - i. On principal building from 5-12 up to 12-12.
 - ii. On sheds, porches and balconies not less than 3-12.
 - iii. Tower roofs may be any pitch.
- f. Aluminum fascia and soffits shall not be allowed. (Ord. 1453-96, 6-1-96)
- g. For buildings which are located not more than five feet from the front property line, gutters must be shielded and may not drain onto the surface of public sidewalks. Gutters may be enclosed within a column or other architectural feature.

(Ord. No. 1841-02, § 3, 6-10-02)

C. *Arcades and porches.* The arcades and porches of the principal building shall be constructed of any of the following materials and in the following specified manner. No simulations shall be permitted.

- 1. Arcades shall conform to the following requirements:
 - a. An arcade shall have a minimum clear height of 12 feet from the lowest point of the ceiling and a minimum clear width of ten feet in the UC, eight feet wide otherwise;



- b. Both ends of an arcade must remain open at all times, and the side of an arcade which runs parallel to the building to which it is attached must be open from four feet above grade to its roof.
 - c. With the approval of the city development director, an arcade may be extended over public right-of-way and may include landscape materials or planters, and the display of merchandise or outdoor seating; however, the arcade must maintain at least four feet of open sidewalk width under cover to allow for unobstructed pedestrian circulation.
 - d. Arches or lintels shall be not less than 16 inches in depth. Masonry piers shall be no less than 16 inches by 16 inches and wood posts shall be no less than eight inches by eight inches. Balusters shall be separated not more than five inches on center.
2. Porches shall conform to the following requirements:
- a. A porch shall include columns no less than four inches by four inches that support its roof and floor.
 - b. A porch shall have a minimum depth of six feet.
 - c. Porches which are 30 inches above grade must meet the building code's standards for railings and railing heights. Porches which are lower than 30 inches above grade may have railings between 36 inches and 42 inches in height or may be open, the latter subject to approval via a minor urban code conditional use.
3. Materials shall either be of wood or conform to the construction materials of the principal building. Alternatively, round steel columns may be used on Flagler Avenue west of Colorado Avenue, and on Osceola Street and Seminole Street.

(Ord. No. 1978-04, § 1, 6-28-04)

D. *Windows and doors.* The windows and doors of the principal building shall be constructed with any of the following materials, configurations, operations and options.

1. *Materials.*
 - a. Glass.
 - i. Clear, low-e, stained, or leaded and beveled.
 - ii. On side and rear elevations, translucent glass may be used.
 - iii. Tinted glass may be used; however, in no case shall a streetside display window be of tinted glass other than to meet current energy efficiency codes.
 - iv. Glass block may be used for architectural accents only.



- b. Frames.
 - i. Painted and stained wood.
 - ii. Aluminum and vinyl-clad wood.
 - iii. Steel and aluminum.
- c. Flat skylights in sloped roofs.
- 2. *Configurations.*
 - a. Square and vertical rectangular.
 - b. Circular and semi-circular.
 - c. Semi-ellipse.
 - d. Octagonal.
 - e. Diamond.
- 3. *Operations.*
 - a. Single and double hung.
 - b. Casement.
 - c. Fixed with frame.
 - d. Awning windows.
 - e. On side and rear elevations, sliders may be used.
 - f. Jalousie windows are prohibited, except as replacement windows.
- 4. *Options.*
 - a. Operable wood shutters which are sized to match openings.
 - b. Fabric awnings excluding quarterballs.
 - c. Bahama shutters.
 - d. Screened windows and doors.
 - e. Security grills of a pattern approved by the city development director.



(Ord. No. 1978-04, § 1, 6-28-04)

- E. *Garden walls.* The garden walls of the principal building shall be constructed of either wood, wrought iron, simulated aluminum wrought iron, or PVC lattice, or shall conform to the construction materials of the principal building, including stone, brick, and stucco. Chain link fence concealed by landscaping may be used along the side and rear of the property provided that no chain link fencing is visible from public right-of-way. No simulations shall be permitted. All chain link fences must be black or dark green vinyl-clad.

(Ord. No. 1978-04, § 1, 6-28-04)

- F. *Outbuildings.* Outbuildings permitted within the urban code district shall be constructed of the same materials used in the principal building. Outbuildings may include detached garages and carports, , greenhouses, slat houses, cabanas and detached garage apartments and “granny flats.” Canvas outbuildings are not permitted. There shall be not less than five feet of separation between the outbuilding and the principal building.

Outbuildings shall conform to the following requirements:

1. Only one outbuilding per principle building is permitted.
2. Outbuildings are subject to a minimum five-foot side and rear yard setbacks from the property line, with the exception of the Urban Waterfront (UW) Subdistrict. On corner lots the side setback shall be ten feet.
3. Outbuildings shall not exceed a maximum building footprint of 1,000 square feet and a maximum gross floor area of 2,000 square feet.
4. Outbuildings shall not exceed 30 feet in height. Outbuildings may not exceed the height of the principal building on the same property.
5. An outbuilding may have an unenclosed porch of up to 50 percent of the gross floor area of the outbuilding.
6. Outbuildings may be constructed as elevated buildings that include the location of open parking below an enclosed structure; however, open parking shall be shielded from public right-of-way by landscaping, lattice or other screening material that is not less than 42 inches in height.
7. Outbuildings may be connected to the principal building by a covered walkway element, trellis, or other structural link, which shall not be enclosed so as to create occupiable space.
8. Outbuildings may be connected to an outbuilding on an adjacent property and shall be structurally separated by a fire wall on the common boundary line and shall have a five-foot minimum rear yard setback.

(Ord. No. 1978-04, § 1, 6-28-04)



- G. *Building colors and finishes.* All exterior building wall colors used within the urban code district shall be restricted to muted pastel or earth-toned shades. The use of black or florescent colors is prohibited as a predominant exterior building color. Exterior colors shall be approved by the city development director. Building trim may be any color. Wall murals shall be permitted on any structures, and shall require the approval of a minor urban code conditional use. Building roofs shall be a solid color; however, a variegated roof color scheme consisting of approved roof colors may be permitted by the city development director.

(Ord. No. 1946-03, § 1, 7-21-03; Ord. No. 1978-04, § 1, 6-28-04)

- H. *Prohibited uses in front yard.* The following uses shall be prohibited within all urban code districts:

1. Clothes lines and other clothes drying apparatus.
2. Electrical meters.
3. Air conditioning equipment, including window units on the building facade.
4. Antennas and satellite dishes.
5. Chain link fences.
6. Fences greater than four feet in height.
7. Stockade fences.

(Ord. No. 1978-04, § 1, 6-28-04)

- I. *Sidewalks.* When a permit for new construction or renovation is issued, the owner shall be responsible for the installation of a minimum six-foot wide, continuous sidewalk along the entire length of the parcel frontage that abuts a public street. Where identified by the city development director, sidewalks shall be constructed of paver block, brick or pink concrete.

- J. *Lighting.*

1. The use of neon exposed lighting on any property is prohibited.
2. All building and site lighting fixtures shall be decorative.

(Ord. No. 1978-04, § 1, 6-28-04)

- K. *Elevated buildings.* Permitted in all urban subdistricts. Parking is prohibited beneath an elevated building.

(Ord. No. 1978-04, § 1, 6-28-04)



L. *Parking located within a building envelope.*

1. Except as provided below and for the Old Downtown District, parking located within a building envelope, below, above, or at grade, may be permitted in all urban code subdistricts by a major urban code conditional use:
 - a. A single family home shall not require a major urban code conditional use to provide parking located within a building envelope.
2. Parking located within a building envelope shall conform to the following requirements:
 - a. Buildings which have parking located within the envelope shall be consistent with the design of the facades and the street side shall be entirely screened. When feasible, landscaping shall be installed along the ground floor facade, within the public sidewalk and within on-street landscape islands.
 - b. Access drives into the parking area on the ground floor shall be limited to one drive aisle at a maximum of 24 feet in width for buildings less than 100 linear feet in width and two drive aisles at a maximum of 24 feet in width each for buildings 100 linear feet in width and greater. If the property is adjacent to an alley two drive aisles at a maximum of 24 feet in width each shall be permitted for buildings less than 100 linear feet in width. The development director may permit two 12 foot drive aisles for buildings less than 100 square feet in width.
 - c. A parking level construction entirely below the lowest permissible finished first floor elevation shall not be deemed a story. The visual impact of garage doors shall be minimized through architectural design.

(Ord. No. 1978-04, § 1, 6-28-04)

M. *Balconies.* Balconies shall conform to the following requirements:

1. On corner lots, a balcony shall extend along two street facades, but it does not have to be continuous.
2. A balcony may extend over a public sidewalk or right-of-way but may not be designed or used as a means of building ingress or egress above a public right-of-way.
3. Where balconies are required, the aggregate length of balconies shall be not less than (50 percent) of the building facade at the floor level from which it projects on each floor level.
4. A balcony shall have a minimum clear height of ten feet at ground level above sidewalks and a minimum depth of three feet.



5. "Paris" balconies, having a minimum projection from the building face of 12 inches and a wrought iron railing, are permitted, if the balcony is accessed by French doors.

(Ord. No. 1978-04, § 1, 6-28-04)

- N. *Screens*. All rooftop utilities and facilities such as air conditioning units, as well as all exterior mechanical equipment, shall be screened so as to not be visible from public view, including from balconies and windows of adjacent buildings.

(Ord. No. 1978-04, § 1, 6-28-04)

- O. *Signage*. The use of exposed neon tubing, or similar, on any property is prohibited. All signage in the urban code district shall comply with the sign requirements as described in section 6.11.00, the sign code, with the following exceptions:

1. Backlit sign panels and internally illuminated cabinet signs shall be prohibited.
2. Signs affixed to the exterior of a building should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs used on the building site.

(Ord. No. 1978-04, § 1, 6-28-04); Ord. No. 2014-05, § 1, 2-14-05; Ord. No. 2145-07, § 1, 11-26-07)

- P. *Fences*. Fences shall adhere to the requirements in section 6.09.05, except for the following; fences located in the front yard shall have a maximum height of four feet along the front and side property lines to the front facade of the principal building. Along the side property lines behind the front facade and along the rear property line a fence may be six feet in height. Chain link fence concealed by landscaping may be used along the side and rear of the property provided that no chain link fencing is visible from public right-of-way. No simulations shall be permitted. All chain link fences must be black or dark green vinyl-clad.

(Ord. No. 1978-04, § 1, 6-28-04)

- Q. *Architectural feature*. Tower features shall not be more than 300 square feet in area and shall not be more than 15 feet above the maximum building height. Architectural features may encroach into a setback the lesser of five feet or 60 percent of the width of a setback. For facades built with a zero setback, cornices, parapets, and bay windows at upper stories may project a maximum of three feet.

(Ord. No. 1978-04, § 1, 6-28-04)

- R. *Parapet walls*. A parapet wall shall not exceed 24 inches in height, provided however, a greater height of up to ten feet may be permitted by the city development director if necessary to conceal rooftop utilities such as stairway and elevator bulkheads and other roof equipment, or to achieve architectural enhancement. No height of greater than 24 inches shall be permitted for more than 40 percent of any facade of a building. A parapet



wall shall be designed to be consistent and compatible with the design and treatment of the facade of the structure.

(Ord. No. 1978-04, § 1, 6-28-04)

- S. *Residential rooftop use occupancy.* Residential uses occupancy of a flat rooftop which are ancillary to residential occupancies shall be limited to uses which are ancillary to residential occupancies only and shall be enclosed by a code-compliant safety railing or other approved barrier. Except as otherwise permitted by this code, no permanently affixed structures, including, gazebos, trellises, or other similar structures shall be allowed on the roof of a 4-story building. Maintenance and repairs shall not be deemed occupancy as that term is used in this paragraph.

(Ord. No. 1978-04, § 1, 6-28-04)

- T. *Rooftop dining.* Rooftop dining, as defined by this Code, are permitted as a major conditional use, and in accordance with the supplemental regulations set forth in Section 2.06.19

(Ord. No. 1978-04, § 1, 6-28-04)

Sec. 3.01.05. Old Downtown District regulations.

- A. *Urban code district regulations applicable in the Old Downtown District.* Except as amended or superceded by the regulations in this section, all development regulations set forth in this urban code and in this Code shall apply in the Old Downtown District.
- B. *Building height.* The maximum building height is three stories or 35 feet. There is no major urban code conditional use available for an additional story or building height in the Old Downtown District.
- C. *Roofs.* All buildings constructed in the Old Downtown District shall be a flat roof design. An alternative design may be permitted by major urban code conditional use.
- D. *Vehicle access prohibited.* Within the Old Downtown District vehicle access to properties shall be prohibited from all property fronting S Colorado Avenue, SW Flagler Avenue, SW Osceola Street, and SW St Lucie Avenue.
- E. *Elevated buildings.* Permitted in all urban subdistricts. Parking is prohibited beneath an elevated building.
- F. *Parking located within a building envelope.*
1. Parking located within a building envelope in the Old Downtown District on the city block between SW Flagler Avenue and SW Osceola Street is prohibited.
 2. Parking located within a building envelope in the Old Downtown District on the city block between SW Osceola Street and SW Seminole Street shall have occupiable



space at a minimum 50 percent of the ground floor area of a building. The building facade fronting SW Osceola Street shall be 100 percent occupiable space.

(Ord. No. 1978-04, § 1, 6-28-04)

G. *Parking.* Additional parking requirements for this district are set forth in section 3.01.03.

(Ord. No. 1978-04, § 1, 6-28-04)

H. *Dumpsters, enclosures.* All development within the Old Downtown District is exempt from the 'dumpster enclosure' requirements set forth in this Code.

Sec. 3.01.06. Urban code conditional use requirements.

A. *Major and minor urban code conditional uses.* As provided below, the city commission may grant a major urban code conditional use and the city community redevelopment board may grant a minor urban code conditional use. The review of major and minor urban code conditional use applications shall follow the procedures set forth in section 11.01.10 relating to major conditional use approval review including but not limited to required findings of fact, conditions, notice, public hearing, standards, burden of proof, revocation and expiration. Approval of an urban code conditional use shall only be granted if the applicant can demonstrate that the request is consistent with and will further the implementation of this Code, the CRA redevelopment plan, the city comprehensive plan and will measurably improve the form, function and traditional neighborhood characteristics of the urban code district. The procedure for a major urban code conditional use shall follow the procedures set forth at section 11.01.10 with respect to submittal information and required notice for a major conditional use approval. The procedure for a minor urban code conditional use shall follow the procedures set forth in section 11.01.10 with respect to submittal information and required notice for a major conditional use approval; however, mailed notice shall only be required to be provided to property owners which are directly abutting the subject property, and a minor urban code conditional use shall be granted by the City community redevelopment board.

1. *Minor urban code conditional use.* A minor urban code conditional use shall be required for relief from the following regulations of the urban code; public art, and architectural materials.
2. *Major urban code conditional use.* A major urban code conditional use shall be required for relief from the following regulations of the urban code; density, permitted uses, setbacks, location of parking, location of buildings and structures, conflicts with utilities, curb cuts, historic buildings, pitched roofs in the Old Downtown District, number of stories, building height not to exceed 45 feet, parking located within a building envelope, location of a formula business, and architectural requirements.
 - a. *Review.* Upon submittal of an application for a major urban code conditional use the city development department shall review all applicable portions of this code and the comprehensive plan and shall make a recommendation to the community redevelopment board followed by a recommendation to the city



commission. Prior to its consideration by the city commission, the city community redevelopment board shall review the application and make an advisory recommendation thereon to the city commission. A major urban code conditional use may be granted by the city commission upon a determination that the design objectives set forth in this section and site qualitative design development standards set forth in Section 6.00.04 have been substantially satisfied. Unless a longer timetable is granted by the Community Redevelopment Board and City Commission, a building permit shall be obtained no later than 12 months from the approval date of a major urban code conditional use. A certificate of occupancy shall be obtained no later than 30 months from the issuance of a building permit.

- b. *Design objectives.* The design objectives established in this section are intended to promote superior site and building design and shall be applied by the city in the review of a development plan. In order to achieve substantial conformance with the design objectives the city commission may impose development conditions and operational requirements in order to satisfy the design objectives. A major urban code conditional use may be granted only when an applicant presents clear and convincing evidence that the proposed development will result in a superior product that is compatible with the surrounding neighborhood and achieves substantial conformance with the design objectives outlined in this section.
 1. *Building height.* The proposed building is proportional and complimentary to surrounding buildings in the area.
 2. *Additional building setbacks.* Three and four story buildings have an additional five-foot setback on each side.
 3. *Mixed residential unit types.* The proposed development includes a mix of one and two bedroom rental apartments 1,000 square feet or less of gross floor area.
 4. *Architectural treatments.* Architectural treatments on the principal building facade should be continued around all sides of the building that are visible from the public realm.
 5. *Architectural features for mixed-use buildings.* In mixed-use buildings, the ground floor shall be differentiated from upper floors through the use of strong cornice lines, awnings, distinct but compatible exterior colors or materials, exterior lighting, colonnades or overhangs that cover the sidewalk, increased setback for upper floors or similar treatments.
 6. *Defined entrance.* The primary building entrance is a prominent feature that is well lit and visible and directly accessible from a public street. To the extent possible, the primary building entrance should be defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements.

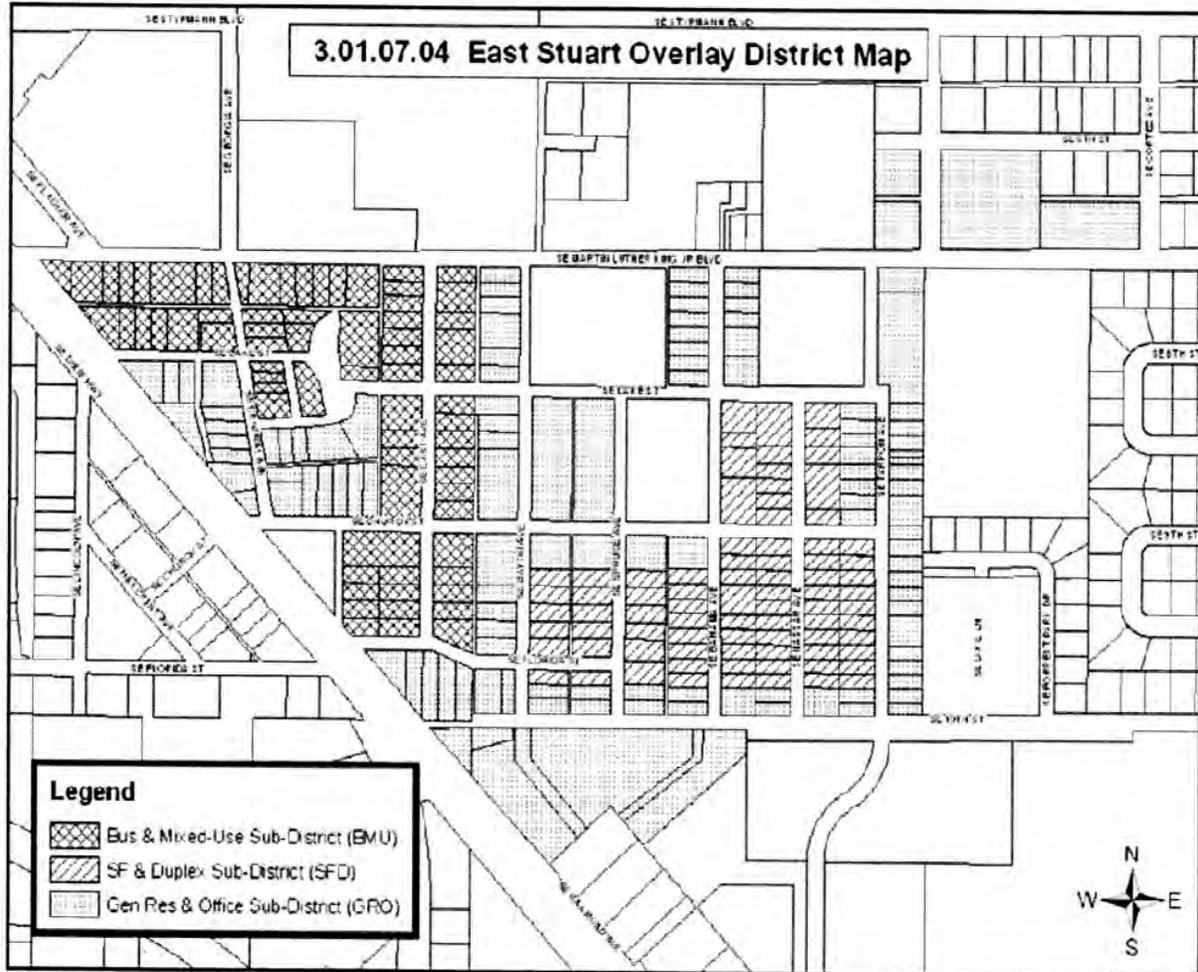


7. *Pedestrian amenities.* Pedestrian amenities in the form of benches, potted plants, flower boxes, outdoor patio area, murals, or other acceptable forms of amenities located adjacent to a public sidewalk and/or right-of-way.
8. *Patio gardens.* The proposed structure incorporates gardens which include a mixture of flower boxes, arbors, trellis, flowering vines, and other landscaping materials.
9. *Varying roof lines.* Roofs shall have three or more roof slope planes per primary facade, sloping roofs or have vertical roof changes with a minimum change in elevation of two feet.
10. *Elevation plane variation.* The elevation plane variation is identified as the exterior wall of a structure or building. For planes 50 feet or less, the secondary plane shall project at least two feet from the primary plane and make up at least five percent of the entire elevation. For planes larger than 50 feet, the secondary plane shall project at least two feet from the primary plane and make up at least 30 percent of the entire elevation.
11. *Blank walls.* Long, windowless, uninterrupted walls shall be avoided. Transparent windows or faux windows or shutters shall comprise at least 30 percent of street and water side exterior elevations and blank wall areas shall not exceed 10 feet in vertical direction and 20 feet in horizontal direction of any facade.
12. *Solar hot water, electric, or air.* Installation of solar water heaters, photovoltaic panels, and/or solar space heating (either passive or active) systems. Solar facility shall be installed for each individual residential or non-residential unit through a common system supplying each residential or non-residential unit. The solar unit shall be designed to be the primary heat or electrical source for the residential or non-residential unit being served.
13. *Enhanced landscaping.* Landscaping shall be planted over and above city code requirements with respect to size, quantity, and quality.
14. *Improvements to the surrounding neighborhood.* The applicant proposes to make improvements such as; burying utility lines, replacing existing sidewalks with stamped concrete or pavers, providing pedestrian walkways constructed of stamped concrete or pavers, or other improvements.
15. *Green Space.* The development preserves open space,
 - a. A tot lot or park is provided on site.
 - b. Land is donated to the city to use as public green space.
 - c. A monetary contribution is made to the city public enhancement fund.



- d. An additional vista(s) of at least 5 feet is provided in the Urban Waterfront subdistrict.
16. *Decorative paving.* The development includes the use of brick pavers or stamped or color concrete, in accordance with city specifications, on the site.
 17. *Historic preservation.* For buildings identified in the City of Stuart update to the 1991 historic property survey dated April 2003 and any subsequent updates thereof; or any other structure which has local architectural, historical, or cultural significance, the following shall apply:
 - a. The existing facades of historic structures are preserved and incorporated into the overall design of the proposed development.
 - b. Any expansion of an existing building is historically or architecturally consistent with the existing building.
 - c. Historic structures are relocated within the city limits, within Martin County, or outside Martin County.
 - d. A monetary contribution is made to the relocation of historic buildings fund.

(Ord. No. 1978-04, § 1, 6-28-04; Ord. No. 2014-05, § 4, 2-14-05)



(Ord. No. 2062-05, § 1, 1-6-06)



Sec. 3.01.08. Public art.

- A. *Intent.* The intent of this section is to further the commitment of the city to the aesthetic enrichment of the urban code district through the private acquisition of works of art so that citizens and visitors to the urban code district of the city will be afforded an opportunity to enjoy and appreciate works of art.
- B. *Applicability.* The provisions of this section shall apply to all new development and substantial renovations (as defined in chapter XII of this Code—) in the urban code district with the exception of a duplex, single-family home and single-family home subdivisions.
- C. *[Requirements for receiving building permit.]* All new development and renovation development pursuant to chapter XII shall be required to do one of the following prior to the issuance of a building permit:
1. Provide work of art on the development site provided the work is an original and must be created individually by a professional artist or team of artists. Bronze sculptures in limited editions of not more than 50 in all sizes and materials by a single artist are allowed. The value of the work of art shall not be less than one percent of the vertical construction cost of the development. The nature of the work of art shall be proposed by the developer and shall be submitted to the city's community redevelopment board which shall review the proposal for conformity with the public art standards set forth below. An approved work of art shall be incorporated into the site plan, public lobby floor plan or the landscape plan for the development as part thereof.
 2. Contribute an amount equal to or greater than one and one-half percent of the vertical construction cost in lieu of providing a work of art, a developer may pay the sum of one and one-half percent of the vertical construction cost into the public art trust fund described below. Such payment shall be made prior to issuance of a building permit for any portion of the development.
- D. *Performance security required.*
1. If a work of art has not been approved by the community redevelopment board at the time of application for a building permit, the permit applicant shall provide a performance security bond or other surety acceptable to the city, in the amount of one and one-half percent of the value of the vertical construction which shall be posted until the work of art is approved by the community redevelopment board. The cost estimate or bid for work of art shall be provided by the artist or representative and accepted by the city. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled, or returned when the work of art has been approved by the community redevelopment board.
 2. In the event an approved work of art has not been properly constructed and installed prior to the issuance of the first certificate of occupancy for any portion of the development, the permit applicant shall provide a performance security bond or other



- surety acceptable to the city, in the amount of one and one-half percent of the value of the vertical construction which shall be posted until the work of art is completed. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled, or returned when the work of art has been properly constructed and installed. The surety may be forfeited to the public art trust fund, and the developer and property owner cited with a code violation for failing to provide the required work of art.
- E. *Application for work of art.* An application for a minor urban code conditional use shall be made to construct and install a work of art. The application shall include the artist's resume and portfolio establishing the artist's credentials and abilities, a detailed description of the work of art, its proposed location on the development site and the cost evaluation as set forth below. Drawings and renderings depicting the artist(s) portfolio, the proposed work of art in terms of size/scale, color, shape, materials, and maintenance program shall be included in sufficient detail to provide the board with a clear understanding of the work of art proposed.
- F. *Standards for work of art.* The community redevelopment board shall be governed by the following criteria in the exercise of their discretion to approve, approve with conditions, or disapprove the proposed installation of public art. In specific cases, the board shall have the authority to exercise discretion and approve a proposal that proves to be an exceptional work of art yet does not meet all of the following criteria.
1. The proposed art conforms to the definition of public art contained in this section;
 2. The proposed art meets or exceeds the valuation requirement as provided herein;
 3. The proposed art meets the location requirements;
 4. The proposed art is of exceptional quality and enduring value;
 5. The proposed art is an appropriate scale to the development site;
 6. The proposed art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
 7. The proposed art work reflects cultural diversity;
 8. The proposed art does not constitute a safety hazard;
 9. The proposed art does not require extraordinary maintenance.
- G. *Maintenance of work of art.* A work of art provided and located on public or private property pursuant to this section shall be and remain the sole property of the property owner. The property owner shall be responsible for maintenance and care of the public work of art. A constructed and installed work of art approved pursuant to this section shall be retained on site in its approved condition and location and shall not be removed, replaced or altered without prior approval of the community redevelopment board.



- H. *Removal or replacement.* After a work of art has been approved by the community redevelopment board, such works of art shall be retained on site in its approved location and shall not be removed without prior approval of the community redevelopment board unless replaced with a reasonably equivalent replacement work of art, except when deemed to be unsafe by the building official, in which case it must be replaced within 12 months. This includes displacement damages by natural disasters, in which case the replacement timeframe shall be at the discretion of the development director.
- I. *Additional public works of art.* Following the construction and installation of a required work of art approved pursuant to this section, additional works of art are encouraged and may be constructed and installed without the approval of the community redevelopment board.
- J. *Public art trust fund created.*
1. There is hereby created a public art trust fund for the deposit of payments made in lieu of the construction and installation of a work of art as required in this section.
 2. Funds in the public art trust fund shall be used solely for the selection, acquisition, transportation, installation, maintenance and promotion of works of art to be displayed in the city and all expenditures from the fund for such purposes shall be approved by the community redevelopment agency. The cost of insurance for public art located on property owned by the city may be paid with funds in the public art fund.
 3. All works of art purchased with funds in the public art trust fund shall be and remain the sole property of the city.
 4. The public art fund shall be kept in an interest bearing account, separate from general revenues and all accrued interest shall be deposited in the public art fund.
- K. *Cost estimates required.* Cost estimates for determining valuation of art, posting of security or payment in lieu shall be required from the artist and/or contractor and be presented to city development staff prior to the community redevelopment board hearing.
- L. *Final compliance.* The property owner will be in compliance with this section after the installation of the public art in accordance with the approved plans, inspection by city development staff and the submittal of five photographs of the artwork on the site and a notarized statement of costs expended that meets or exceeds the requirements.

(Ord. No. 2046-05, § 1, 11-28-05)

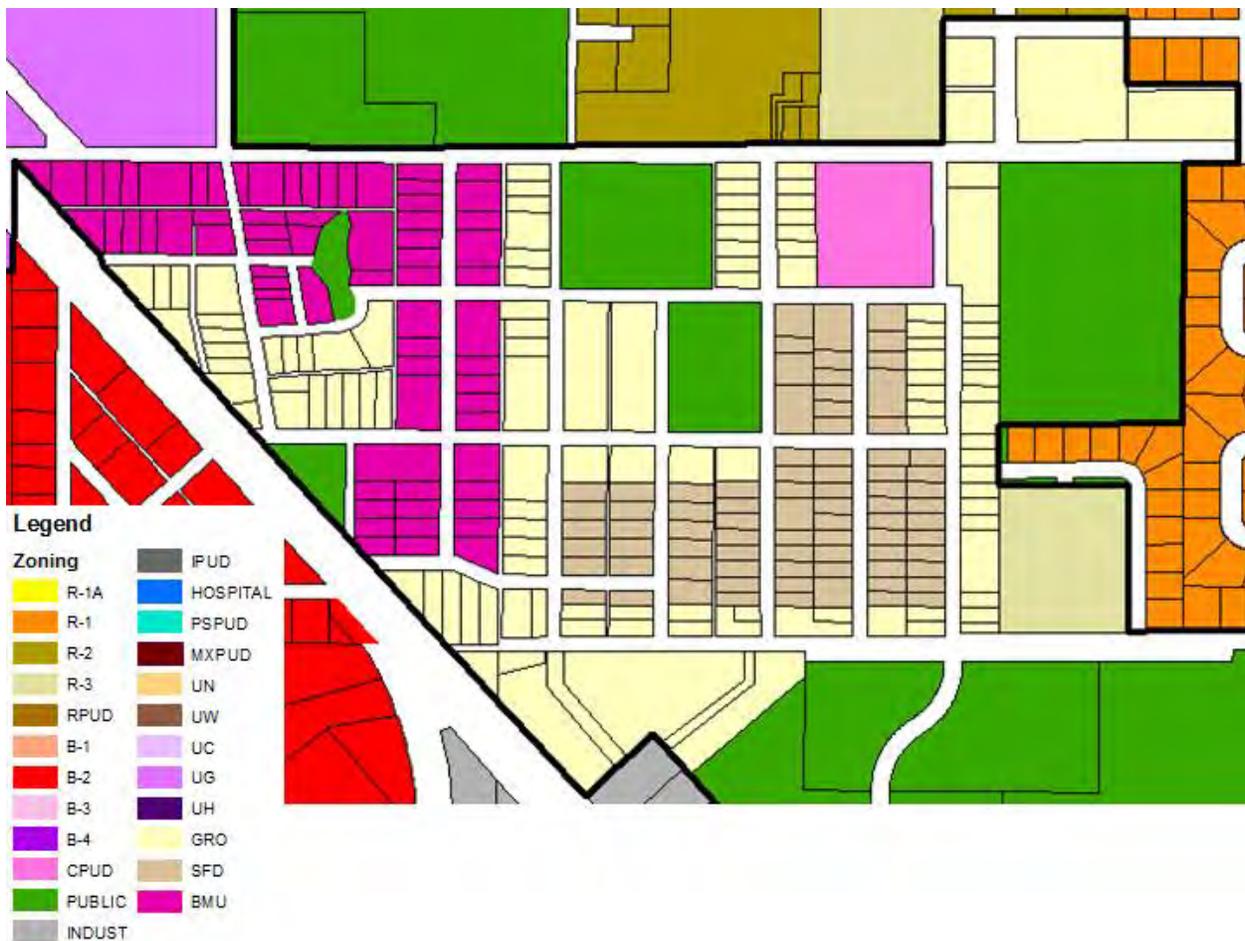
3.02.00. EAST STUART CODE

Sec. 3.02.01. Area defined.



The East Stuart Code District shall be that geographical area of the City of Stuart as encompassed by the following general description, and more fully described in the City of Stuart Community Redevelopment Plan, dated August 2010:

THE AREA BOUNDED BY MARTIN LUTHER KING, JR. BOULEVARD (FORMERLY KNOWN AS 7TH STREET) TO THE NORTH; THOSE PROPERTIES LOCATED NORTH OF AND CONTIGUOUS TO MARTIN LUTHER KING, JR, BEING LOTS 1-6, BLK 8, , LOTS 1-12, BLK 7, STYPMANN PARK FIRST ADDITION, AND LOTS 15-20, BLK 4, STYPMANN PARK SECOND ADDITION; SE TARPON AVENUE TO THE EAST, INCLUDING THOSE PROPERTIES LOCATED EAST OF AND CONTIGUOUS TO SE TARPON AVENUE; 10TH STREET TO THE SOUTH, AND SR A1A TO THE WEST, PLUS THE PRIVATE PROPERTY FRONTING THE SOUTH SIDE OF 10TH STREET.



Sec. 3.02.02. East Stuart Code District.

A. *Title.* The provisions of this section shall be known as the “East Stuart Code District”.

Sec. 3.02.03. Generally.



- A. *Intent.* The purpose of this Code is to encourage redevelopment, in-fill development, small business development, affordable housing, historic preservation and restoration, and to promote stability within the East Stuart community by providing standards and development incentives that are not otherwise available. This Code provides development incentives, allows for the replication of historic buildings and calls for historically relevant, durable construction which is harmonious with the architectural heritage of East Stuart.
- B. *The East Stuart Code District.* There is hereby established within the City of Stuart the "East Stuart Code District." The boundaries of the district are set forth in Exhibit 3.01.07.04.
- C. *Applicability.* The provisions of this Code shall apply to development within the East Stuart Code District. The standards and regulations set forth at section 3.02.05 below shall apply to new development, and to substantial renovation. The architectural criteria at section 3.02.09 below shall apply to new development, to substantial renovation, and to exterior renovation that affects more than 50 percent of the facade of a building. All major development shall adhere to the site design qualitative development standards outlined in section 6.00.04.
- D. *Effective date.* The provisions of this Code shall apply to all development within the East Stuart Code District for which a complete application for a development permit pursuant to submittal requirements of plan document as defined in Chapter XI of this Code has not been filed with the city development department on or before December 12, 2005.
- E. *Non-conforming uses.* Non-conforming uses created by the adoption of this Code shall be deemed legal non-conforming uses subject to the provisions of section 8.03.00 of this Code.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.04. Administration, enforcement, procedures and penalties.

- A. *Administration.* The provisions of this Code shall be administered and enforced by the city development director whose duties shall include receiving and reviewing building permit and other land development permit applications, assisting applicants in procedures required hereunder, making decisions regarding the application of the East Stuart District to particular properties, inspecting premises, and issuing permits and certificates of occupancy. Nothing in this Code is intended to conflict with the building codes of the city.
- B. *Application permits.* No building or other land development permit shall be issued by the city development director unless all provisions of this Code have been met, including approved exceptions, based on the development review and approval process.
- C. *Procedures for application.*
 - 1. *Pre-application conference.* Before beginning any new development, substantial renovation, renovation development, renovation, or demolition on private or public



land, applicants are encouraged to schedule a pre-application conference with the city development department to determine the applicability of this Code. Pre-application conferences shall be mandatory for projects requiring major site plan approval as defined herein.

2. *Preliminary development review.* After the pre-application conference, a preliminary design review may be requested by the city development director to include a conceptual site plan and floor plans, and elevations. A non-binding preliminary written response of the city development director may be requested by the applicant.
 3. *Application.* After the pre-application conference and preliminary design review if any, an application for development shall be submitted to the city development department in accordance with this Code. Except as modified herein, applications for development permits, excluding interior tenant finishes, within the East Stuart Code District shall meet the submittal requirements of plan document as defined in Chapter XI of this Code. Completed applications shall include a general vicinity or location map, legal description, map of vegetative cover, proposed development activities and design, building plans, front, rear, and side architectural elevations, floor elevations, documentation related to streets, parking, and loading; tree removal and protection, landscaping, signs, and any other documentation as required by the city development director in order to demonstrate compliance with this Code.
- D. *Major development projects.* Major development projects, as defined by this Code, shall be subject to the major development plan approval process described in section 11.01.01.
- E. *Violations and remedies.* It shall be unlawful and a violation of this Code for any person to construct, renovate or remodel a building within the East Stuart Code District except in compliance with the provisions of this Code. A violation of this Code shall be deemed a zoning violation. In such event the city development director may initiate code enforcement proceedings to compel compliance. The city commission may initiate appropriate civil proceedings including, but not limited to, a declaratory action, injunction action and mandamus action to compel compliance.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.05. Development standards for the East Stuart Code District.

The following sub-districts are intended to regulate building placement, building height, parking, architectural character, outbuildings, signage, and curb cuts, etc. within each respective sub-district. The requirements vary according to the desired type and intensity of development. Three sub-districts are described below:

Business and mixed-use sub-district (BMU). The BMU sub-district encompasses East Stuart's traditional business area, abutting the south side of Martin Luther King Jr. Boulevard adjacent to Central and East Avenues. The area is currently characterized by several vacant parcels, a few scattered single-family and multi-family residences and a small number of businesses. The desired development pattern is limited business and office uses along with mixed-used occupancies combining residential and non-residential uses. The area does not



allow for single-family residences or duplexes. A greater intensity of development is envisioned in the BMU sub-district than in any other area of the East Stuart Code District.

General residential and office sub-district (GRO). The GRO sub-district is spread across the East Stuart community and is generally characterized by a mix of single-family residences, duplexes and multi-family apartments. The area permits non-residential uses, including professional offices, but does not accommodate retail or service related businesses. The desired development pattern in GRO is a mix of housing types combined with low intensity non-residential uses.

Single-family and duplex sub-district (SFD). The SFD sub-district, at the center of the East Stuart community, is characterized mainly by single-family and duplex homes. The area permits limited non-residential uses, such as home occupational licenses, but generally prohibits business activities. The desired development pattern in the SFD sub-district is low-density residential.

- A. *Business and mixed-use sub-district (BMU).* The following development standards shall apply in the BMU sub-district.

TABLE INSET:

DESIGN STANDARDS	PERMITTED
Maximum density	Up to 15 units per acre. Up to 30 units per acre by East Stuart Code District Conditional Use.
Minimum lot size	None
Minimum lot width	None
Minimum building setback—Front	Zero lot line front setback (build-to line) required for parcels fronting Martin Luther King Jr. Boulevard, SE Central Avenue and SE East Avenue ¹ . 15-foot minimum for all other parcels.
Minimum building setbacks—Side	5-feet for one and two story buildings. 10-feet for full or partial three story buildings ² .
Minimum building setback—Rear	20-feet
Impervious surface coverage	There shall be no impervious surface coverage requirement; however, all development must meet the requirements of section 6.03.00 entitled “Stormwater Management” of this Code, as amended from time to time.
Maximum number of stories	Up to 3 ³



Maximum building height	Up to 35 feet (except as otherwise provided)
Outbuildings	Outbuildings may be one or two stories, shall be located behind the rear facade of the principal building and shall be subject to a minimum 5 foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than 5 feet separation between an outbuilding and a principal building. One story outbuildings shall not exceed 12 feet in height. Two story outbuildings shall not exceed 25 feet in height.

- 1 The eave of roof structure may project no more than two feet into the public right-of-way.
2. One story buildings shall not exceed 12 feet in height. Two story buildings shall not exceed 25 feet in height. Three story buildings shall not exceed 35 feet in height.
- 3 If 25 percent or more of the building is residential, a fourth floor may be permitted by East Stuart Code district conditional use. The maximum building height for a four-story building is 45 feet. Greater setbacks may be required as a condition of approving a fourth floor.

Permitted uses. The following uses shall be permitted by right, or by an East Stuart District major conditional use approval in the BMU sub-district.

Land Use Type	Number of Parking Spaces Required
<i>Residential Land Uses</i>	
Home occupations, as approved by the city development director. Refer to section 2.06.09, Supplemental Use Standards	N/A
Residential units combined with non-residential uses provided all applicable standards for each use are met. Refer to Chapter VI, On-Site and Off-Site Development Standards. Not less than 20 percent of the project's total floor space shall be a non-residential use.	1 per residential unit; plus required spaces for the applicable permitted non-residential uses.
<i>Transient Residential Land Uses and Overnight Accommodations</i>	
Hotels, motels	1 per rental room, plus 2 spaces per 3 employees
Rooming and boardinghouses and bed and breakfast inns	0.5 per unit (minimum of one space)
<i>Institutional Uses</i>	
Adult day care centers of three acres or less, by East Stuart Code District Conditional Use	1 per 200 square feet. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation.
Child care centers of three acres or less, by East Stuart Code District Conditional Use, Refer to Section 2.06.04, Supplemental Use Standards.	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building



Libraries, community centers, any governmental building	1 per 300 square feet
Museum	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Religious institutions and ancillary uses on the same premises of three acres or less. Greater in size by East Stuart Code District conditional use.	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
Schools (private, parochial, technical) of three acres or less, by East Stuart Code District conditional use.	Elementary or junior high school: 1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population. High school: 1 space per 3 students, plus 1 space per employee, plus adequate space for ancillary uses as described in other sections of this code. Technical school: 1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spaces
<i>Health Care Uses</i>	
Nursing homes.	1 per 4 beds, plus 1 space per 2 employees
<i>Commercial Uses</i>	
Art shops/galleries.	1 per 300 square feet
Banks/financial institutions.	1 per 300 square feet, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Bar, provided all provisions of the Stuart Code of Ordinances, chapter 4, Alcoholic Beverages, are met.	1 per 4 seats
Barber, Beauty Salons, Specialty Salons	2 per station
Catering shop	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Massage therapy establishment	1 per 300 square feet
Microbreweries and craft distilleries	1 per employee plus 1 per 300 square feet for tasting, tap room, and gift shops.
Office, business or professional, medical, and veterinary.	1 per 350 square feet (professional); 1 per 200 square feet (medical and veterinary)
Retail business or retail service establishment (intensive and non-intensive)	1 per 300 square feet of floor space
Rooftop dining, as defined by this Code, is permitted as a major conditional use, and in	



accordance with the supplemental standards set forth in Section 2.06.19.	
Theatres, restaurants-general, excluding drive-in theatres, drive-in or drive-through restaurants.	1 per 4 seats.
Studios (art, dance, music, exercise)	1 per 300 square feet
<i>Recreational Uses</i>	
Public parks	Dependent upon type of recreational activities provided
<i>Utility and Service Uses</i>	
Public facilities and services	Dependent upon type of facility and service
Public utility	Dependent upon type of utility and any required buildings and employees
<i>Telecommunication Uses</i>	
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure	1 per tower
<i>Storage, Transportation and Logistics Uses</i>	
Government provided public parking garages and lots. Private parking garages and lots by East Stuart Code District Conditional Use.	N/A
<i>Agricultural Uses</i>	
Community gardens pursuant to section 2.06.08 of this Code	0
Urban farms pursuant to section 2.06.08 of this Code	1 per 4 employees



B. General residential and office sub-district (GRO). The following development standards shall apply in the GRO sub-district.

TABLE INSET:

DESIGN STANDARD	PERMITTED
Maximum density	Up to 15 units per acre. Up to 30 units per acre by East Stuart Code District conditional use.
Minimum lot size	None
Minimum lot width	None
Minimum building setback—Front	15 feet
Minimum building setbacks—Side	5 feet for one and two story buildings. 15 feet for full or partial three story buildings ⁴ .
Minimum building setback—Rear	20 feet
Maximum impervious surface coverage	Up to 65% ⁵ (See note 1. below)
Maximum number of stories	Up to 3 ⁶
Maximum building height	Up to 35 feet (except as otherwise provided)
Outbuildings	Outbuildings may be one or two stories, shall be located behind the rear facade of the principal building and shall be subject to a minimum 5 foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than 5 feet separation between an outbuilding and a principal building. One story outbuildings shall not exceed 12 feet in height. Two story outbuildings shall not exceed 25 feet in height.
	An outbuilding may be used for a single detached accessory dwelling unit providing the following requirements are met:
	1. It is located on the same lot as a single-family detached home.
	2. A detached accessory dwelling unit shall not exceed one story in height. The unit may be located on a second story if the first story is utilized as a garage or storage facility.



	3. An accessory dwelling unit to be located on the second story of a detached garage or storage facility shall be set back a minimum of 10 feet from the rear property line.
	4. The accessory dwelling unit shall contain one full bath and kitchen facilities.
	5. An accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as that term is defined in this Code. The accessory dwelling unit shall use the same street address.
Note 1. The applicant must show either that the soils of the site can be proven to accommodate the additional runoff via soil boring tests by a registered professional engineer, or	
	(a) The runoff created by the additional coverage will be retained on-site via retention facilities for a ten-year, three-day storm event for lots which are not more than one acre and for a 25-year, three-day event for lots which are one acre or greater in area; and
	(b) Retention areas will not be located above drain fields; and
	(c) Retention areas shall be not more than two feet deep unless a professional engineer certifies the appropriate plans and installation; and
	(d) All improvements will show compliance with section 6.03.00, Stormwater Management of this Code.

- 4 One story buildings shall not exceed 12 feet in height. Two story buildings shall not exceed 25 feet in height. Three story buildings shall not exceed 35 feet in height.
- 5 May exceed 65 percent by East Stuart Code district conditional use.
- 6 If 25 percent or more of the building is residential, a fourth floor may be permitted by East Stuart Code district conditional use. The maximum building height for a four-story building is 45 feet. Greater setbacks may be required as a condition of approving a fourth floor.

Permitted uses. The following uses shall be permitted in the in the GRO sub-district.

Land Use Type	Number of Parking Spaces Required
<i>Residential Land Uses</i>	
Detached accessory dwelling unit, ancillary to a primary single-family structure, as defined in this Code. Refer to section 6.09.02, General standards and requirements	N/A
Duplex dwelling units	1 per unit
Family day care home in a residence	2 per dwelling unit plus adequate space for pick-up and drop-off.
Home occupations, as approved by the city	N/A



development director. Refer to section 2.06.09, Supplemental Standards	
Multi-family dwelling units	1 per unit
Single-family dwelling unit	1 per unit
<i>Transient Residential Land Uses and Overnight Accommodations</i>	
Rooming and boardinghouses and bed and breakfast inns	0.5 per unit (minimum of one space)
<i>Institutional Uses</i>	
Adult day care centers of three acres or less, by East Stuart Code District conditional use.	1 per 200 square feet. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation.
Child care centers of three acres or less, by East Stuart Code District conditional use. Refer to section 2.06.04, Supplemental Use Standards	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building
Libraries, community centers, any governmental building	1 per 300 square feet
Religious institutions and ancillary uses on the same premises of three acres or less. Greater in size by East Stuart Code District conditional use	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
Schools (private, parochial, and technical) of three acres or less by East Stuart Code District conditional use	Elementary or junior high school: 1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population. High school: 1 space per 3 students, plus 1 space per employee, plus adequate space for ancillary uses as described in other sections of this code. Technical school: 1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spaces
<i>Health Care Uses</i>	
Nursing homes	1 per 4 beds, plus 1 space per 2 employees
<i>Commercial Uses</i>	
Office, business or professional, medical, and veterinary.	1 per 350 square feet (professional); 1 per 200 square feet (medical and veterinary)
<i>Recreational Uses</i>	
Public parks	Dependent upon type of recreational activities provided
<i>Utility and Service Uses</i>	



Public facilities and services	Dependent upon type of facility and service
Public utility	Dependent upon type of utility and any required buildings and employees
<i>Telecommunication Uses</i>	
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure	1 per tower
<i>Agricultural Uses</i>	
Community gardens pursuant to section 2.06.08 of this Code	0
Urban farms pursuant to section 2.06.08 of this Code	1 per 4 employees

C. *Single-family duplex sub-district (SFD)*. The following development standards shall apply in the SFD sub-district.

TABLE INSET:

DESIGN STANDARD	PERMITTED
Maximum density	Up to 17 dwelling units per acre.
Minimum lot size	None
Minimum lot width	None
Minimum building setback — Front	15 feet
Minimum building setbacks—Side	5 feet for one and two story buildings ⁷ .
Minimum building setback—Rear	20 feet
Maximum impervious surface coverage	Up to 65% ⁸ (See note 1. below)
Maximum number of stories	Up to 2
Maximum building height	Up to 25 feet



Outbuildings	Outbuildings may be one or two stories, shall be located behind the rear facade of the principal building and shall be subject to a minimum 5 foot side and rear yard setbacks from the property line. On corner lots the side setback shall be ten feet. There shall not be less than 5 feet separation between an outbuilding and a principal building. One story outbuildings shall not exceed 12 feet in height. Two story outbuildings shall not exceed 25 feet in height.
	An outbuilding may be used for a single detached accessory dwelling unit providing the following requirements are met:
	1. It is located on the same lot as a single-family detached home.
	2. A detached accessory dwelling unit shall not exceed one story in height. The unit may be located on a second story if the first story is utilized as a garage or storage facility.
	3. An accessory dwelling unit to be located on the second story of a detached garage or storage facility shall be set back a minimum of 10 feet from the rear property line.
	4. The accessory dwelling unit shall contain one full bath and kitchen facilities.
	5. An accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as that term is defined in this Code. The accessory dwelling unit shall use the same street address.
Note 1. The applicant must show either that the soils of the site can be proven to accommodate the additional runoff via soil boring tests by a registered professional engineer, or	
	(a) The runoff created by the additional coverage will be retained on-site via retention facilities for a ten-year, three-day storm event for lots which are not more than one acre and for a 25-year, three-day event for lots which are one acre or greater in area; and
	(b) Retention areas will not be located above drain fields; and
	(c) Retention areas shall be not more than two feet deep unless a professional engineer certifies the appropriate plans and installation; and
	(d) All improvements will show compliance with section 6.05.00, Stormwater Management of this Code.

7 One story buildings shall not exceed 12 feet in height. Two story buildings shall not exceed 25 feet in height.

8 May exceed 65% by East Stuart Code District conditional use.

Permitted uses. The following uses shall be permitted in the in the SFD sub-district.



Land Use Type	Number of Required Parking Spaces
<i>Residential Land Uses</i>	
Detached accessory dwelling unit, ancillary to a primary single-family structure, as defined in this Code. Refer to section 6.09.02, General standards and requirements	N/A
Detached single-family dwelling unit	1 per unit
Duplexes	1 per unit
Family day care home in a residence	2 per dwelling unit plus adequate space for pick-up and drop-off.
Group home of six or fewer residents which otherwise meets the definition of a community residential home as defined in chapter XII	1 per 4 beds, plus 1 space per employee
Home occupations, as approved by the city development director. Refer to section 2.06.09, Supplemental Use Standards	N/A
<i>Recreational Uses</i>	
Public parks	Dependent upon type of recreational activities provided
<i>Utility and Service Uses</i>	
Public facilities and services	Dependent upon type of facility and service
Public utility	Dependent upon type of utility and any required buildings and employees
<i>Agricultural Uses</i>	
Community gardens pursuant to Section 2.06.08 of this Code	0
Urban farms pursuant to Section 2.06.08 of this Code	1 per 4 employees

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.06. Additional development standards.

- A. *Parking.* Except as otherwise provided in use tables above, required off-site parking spaces within the East Stuart Code District shall comply with section 6.01.00, referred to as the "Stuart Parking Code".
- B. *On-street parking,* constructed to city code, may be used to offset the required number of off-street parking spaces where it does not currently exist. Such parking shall abut the proposed development, shall meet sound design standards, and shall be constructed at the cost of the applicant for development. An approved revocable permit from the city commission is required for on-street parking.



- C. *Payment in lieu of parking ("PILOP")*. Up to three required parking spaces for any use permitted in any sub-district may be accommodated via payments to the PILOP program as described in chapter VI of this Code.
- D. *Modifications of parking design standards*. Within the East Stuart Code District, parking design standards set forth in section 6.01.14 may be modified as follows:
1. For all but 90-degree parking spaces, the one-way traffic aisle width may be reduced to ten feet. For 90-degree parking spaces, the one-way traffic aisle width may be reduced to 20 feet. Any two-way traffic aisle width may be reduced to twenty feet.
 2. The width of a two-way traffic drive aisle may be reduced to 20 feet. The two-way drive aisle width may be reduced from 20 feet to a minimum of 12 feet for parking areas of eight spaces or less. Within a reduced drive aisle area, parking spaces are prohibited, with the exception of parallel parking spaces.
 3. Where alleyways are located along the side or rear property lines, said alleyways may be used as the required back-up dimension for parking spaces.
 4. For developments requiring ten or fewer parking spaces, parking areas may be constructed with mulch, gravel, turf blocks, paver blocks, or other alternative materials approved by the city development director. Additional maintenance requirements may be required of a developer utilizing alternative materials such as daily sweeping of gravel or mulched areas maintained at a certain depth.
 5. The width of parking spaces may be reduced to eight and one-half feet for up to 20 percent of the required parking.
 6. Up to two required parking spaces may be provided as "stacked" spaces, where one parking space is located behind the other.
- E. *Storage sheds*. One storage shed may be located on any lot within the East Stuart Code District provided that it is not visible from the principal public right-of-way and complies with setbacks within the applicable sub-district.
- F. *Conflicts with utilities*. In instances where the required location of a building, including architectural requirements, conflicts with existing utilities or other public infrastructure, the developer shall be required to relocate such utilities if the cost of relocation is less than five percent of the cost of the proposed building or improvements (excluding land value) and the utilities can be relocated within 150 feet of the subject property. Otherwise, the city development director may adjust the requirements of this Code to rectify any conflicts with utilities or other public infrastructure. No utilities shall be located beneath a principal building.
- G. *Historic buildings*. The requirements of this Code may be adjusted by East Stuart Code District conditional use for the purposes of preserving a historic building.
- H. *Finished floor elevations*. The requirements of section 6.03.02 B.4. relating to finished floor elevations may be modified if the engineer for a proposed development can



demonstrate a lower elevation is appropriate and will not be detrimental regarding flooding to adjacent properties.

- I. *Storm water management.* With the proper legal documentation and consent of the property owner, storm water runoff from properties within the East Stuart Code district may be conveyed onto adjacent private properties. Otherwise, storm water runoff must be conveyed to the public right-of-way, and the quality of the runoff must be considered. Proposed development may not obstruct existing drainage patterns. If a site is designed such that storm water is captured by an internal storm water management system, the applicant must illustrate how the storm water reaches the public storm water management system. If a site is designed such that there is no internal storm water management system, the applicant must illustrate how the storm water runoff will be conveyed to the public storm water management system and demonstrate that said system could accommodate the additional runoff. Pervious surfaces such as perforated pavers, mulched areas, and other similar examples may be considered in the calculation for storm water detention. For all development, storm water quality treatment prior to discharge is required to comply with Section 6.03.00 of this Code. .
- J. *Screens.* All rooftop utilities and facilities such as air conditioning units, as well as all exterior mechanical equipment, shall be screened so as to not be visible from public view, including from balconies and windows of adjacent buildings.
- K. *Fences.* Fences shall adhere to the requirements in section 6.09.05 except for the following: fences located in the front yard shall have a maximum height of four feet along the front and side property lines to the front facade of the principal building. Along the side property lines behind the front facade and along the rear property line a fence may be six feet in height.
- L. *Parapet walls.* A parapet wall shall not exceed 24 inches in height, provided however, a greater height of up to ten feet may be permitted by the city development director if necessary to conceal rooftop utilities such as stairway and elevator bulkheads and other roof equipment or to achieve architectural enhancement. No height of greater than 24 inches shall be permitted for more than 40 percent of any facade of a building. A parapet wall shall be designed to be consistent and compatible with the design and treatment of the facade of the structure.
- M. *Residential rooftop use occupancy.* Occupancy Residential uses of a flat rooftop, which shall be limited to uses which are ancillary to residential occupancies only and shall be enclosed by a code-compliant safety railing or other approved barrier. Except as otherwise permitted by this code, no permanently affixed structures, including, gazebos, trellises, or other similar structures shall be allowed on the roof of a four-story building. Maintenance and repairs shall not be deemed occupancy as that term is used in this paragraph.
- N. *Rooftop dining.* Rooftop dining, as defined by this Code, is permitted as a major conditional use, and in accordance with the supplemental standards set forth in Section 2.06.19.



- O. *Dumpster enclosures.* Dumpster enclosures shall comply with Section 6.08.00 of this Code.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.07. Uses prohibited in the East Stuart Code District.

- A. Adult businesses are prohibited throughout the East Stuart Code District.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.08. Density.

- A. Up to 17 dwelling units per acre are permitted in the SFD sub-district.
- B. Up to 15 dwelling units per acre are permitted in the BMU and GRO sub-districts.
- C. Up to 30 dwelling units per acre may be permitted in the BMU and GRO sub-districts by an East Stuart Code District conditional use.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.09. Landscaping.

- A. *Landscaping.* All development in the East Stuart Code District shall comply with the landscaping requirements as described in section 6.04.00, the landscape code, with the following exceptions:

1. The width of landscape buffers shall be determined by the required side and rear setbacks as described in this East Stuart code, and buffer screens shall be 25 percent of those setbacks.
2. The width of the landscaped strip of land located between parking areas and an abutting public right-of-way shall be the required setback for parking areas for the respective sub-district.
3. The width of the landscaped strip of land located between parking areas and abutting private property shall be the required setback for parking areas for the respective sub-district.
4. The width of the landscaped area located along the sides of a building, which abuts any parking area, shall be two and one-half feet.
5. The width of the landscaped strip of land located between the building walls of a multi-family development and parking areas shall be five feet.



6. The width of the landscaped strip of land located between a parking area of a multi-family development and an abutting right-of-way shall be the required setback for parking areas for the respective sub-district.
 7. Terminal and interior islands within parking areas may be used for storm water retention.
- B. When a permit for new construction or renovation is issued, the owner shall be responsible for planting one shade tree no closer than three feet and no further than five feet from the right-of-way that abuts the front property line. All required shade trees, as defined by Chapter VI of this Code, shall be 14 feet in height at installation, and have a DBH of not less than two and one-half inches. The development director may grant a reduction for existing trees that meet these requirements.
- C. In the case of renovation development and vacant development as described in the landscape code where the location of required landscaping is precluded by existing buildings or permanent site improvements, the placement of landscaping may occur off-site, in planters, in openings within paved areas, or in other locations as determined by the city development director.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.10. Architectural character.

New development, substantial renovations and major facade improvements within the East Stuart Code District shall be harmonious with the community's traditional architecture including, but not limited to, early Florida vernacular, cracker, shotgun, conch, Spanish--Mediterranean, bungalow, classic revival--folk Victorian, ranch or other architectural types common to Stuart. The city development director shall determine compliance in this regard.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.11. Signage.

- A. *Signage.* The use of exposed neon tubing on any property is prohibited. All signage in the East Stuart Code District shall comply with the sign requirements as described in section 6.11.00, the sign code, with the following exceptions:
1. Backlit sign panels and internally illuminated cabinet signs shall be prohibited.
 2. Signs affixed to the exterior of a building should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs used on the building site.

(Ord. No. 2062-05, § 1, 1-6-06; Ord. No. 2145-07, § 1, 11-26-07)

Sec. 3.02.12. Replication of historic buildings.



Notwithstanding section 3.02.05 of this Code, historical buildings, as defined by this Code, including historical buildings that have been demolished, may be rebuilt within the same footprint of the original structure provided the rebuilt structure meets the standards for replication. Nothing in this provision shall counteract existing building and life safety code requirements.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.13. Re-construction of grandfathered business.

Notwithstanding section 3.02.05 of this Code, the following non-conforming business premises may be re-constructed within its existing building footprint and the current use therein continued. This section shall become null and void in 2020, unless extended by amendment to this Code.

* Taylor's Grocery Store, 610 East 10th Street

Nothing in this provision shall counteract existing building and life safety code requirements.

(Ord. No. 2062-05, § 1, 1-6-06)

Sec. 3.02.14. East Stuart Code Conditional Use.

The city commission may grant an East Stuart Code Conditional Use. The review of a East Stuart Code District Conditional Use application shall follow the procedures set forth in section 11.01.10 relating to Major Conditional Use Approval review including, but not limited to, required findings of fact, conditions, notice, public hearing, standards, burden of proof, revocation and expiration. Approval of an East Stuart Code District Conditional Use shall only be granted if the applicant can demonstrate that the request is consistent with and will further the implementation of this Code and the city comprehensive plan, and will measurably improve the form, function and traditional neighborhood characteristics of East Stuart..

(Ord. No. 2062-05, § 1, 1-6-06)

3.03.00. S.E. OCEAN BOULEVARD OVERLAY ZONE

- A. *Title.* The provisions of this section 3.03.00 shall be known as the "S.E. Ocean Boulevard Overlay Zone Design Standards."
- B. *Area defined.* The S.E. Ocean Boulevard Overlay Zone shall be that geographical area of the City of Stuart as encompassed by the following description:

THE AREA AND PROPERTIES FRONTING THE NORTH AND SOUTH SIDES OF S.E. OCEAN BOULEVARD (CR A1A), BOUNDED BY S.E. GEORGIA AVENUE TO THE WEST AND THE ST. LUCIE RIVER TO THE EAST AS DELINEATED BY COMMON PROPERTY OWNERSHIP.

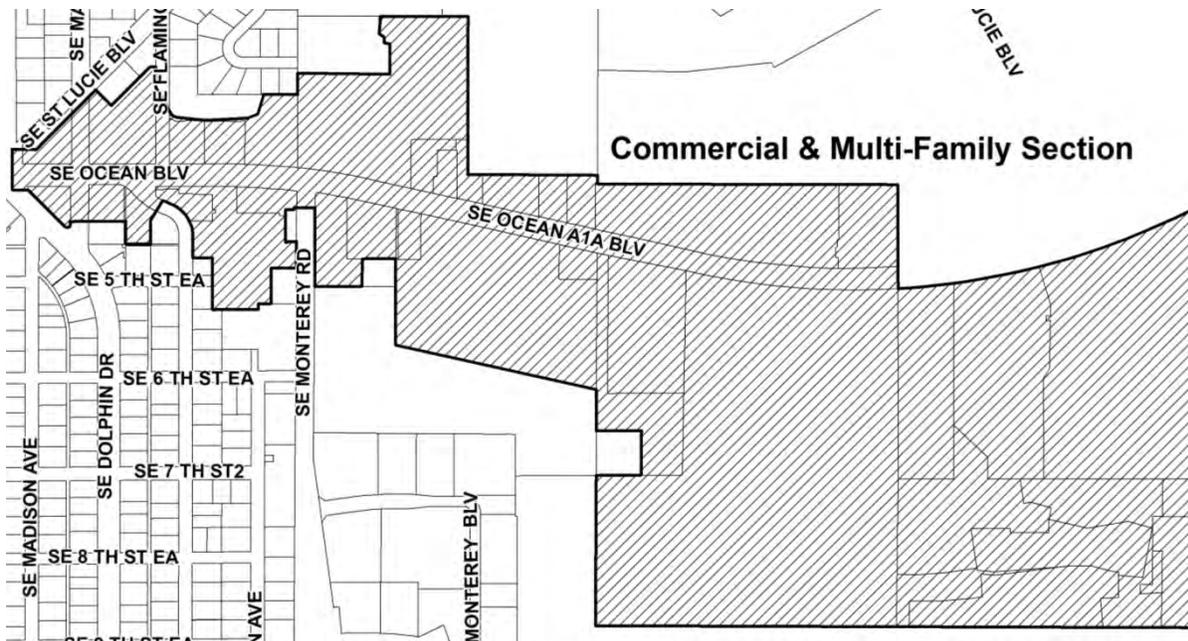
There are two sections in the S.E. Ocean Boulevard Overlay Zone -- the "Professional Office Section" and the "Commercial and Multi-family Section." These sections are defined as:



Professional Office Section: That area bounded by S.E. Georgia Avenue to the West and S.E. Dolphin Drive to the East.



Commercial & Multi-Family Section: That area bounded by S.E. Dolphin Drive to the West and the St. Lucie River to the East.



C. *Definitions.* The terms used in this S.E. Ocean Boulevard design standards are defined in Chapter XII, Definitions.

Sec. 3.03.01. Generally.

A. *Intent.* The S.E. Ocean Boulevard Overlay Zone Design Standards are designed to encourage redevelopment along S.E. Ocean Boulevard as described below by offering development incentives that are not otherwise available by this Code. These shall include the promotion of pedestrian friendly streets, the development of a coordinated and aesthetic streetscape, and the promotion of traditional building types with arcades,



porches and balconies situated to screen the street from parking lots. The S.E. Ocean Boulevard Overlay Zone Design Standards do not change the future land use designation or zoning in effect on any property.

- B. *Applicability.* The provisions of the S.E. Ocean Boulevard design standards shall apply to development with the designated sections defined above. Except as amended by these standards, the applicable development standards otherwise set forth in this Code shall remain in full force and effect.

The development standards set forth below which relate to building placement and parking shall apply to new development and to substantial renovation.

The development standards set forth below which relate to landscaping, signage, lot coverage and exterior building wall colors shall apply to new development, renovation development and vacant development as defined in section 6.04.00, Landscaping, of this Code.

The development standards set forth below which relate to architectural requirements shall apply to new development, substantial renovation, and to renovation which affects more than 50 percent of the facade of a building and to building exterior refinishing.

Sec. 3.03.02. Development standards.

A. *Professional office section.*

1. *Building placement.*

- a. The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet and not more than 15 feet. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted.
- b. The side setbacks may be a minimum of five feet on both sides.
- c. If the property is abutting a right-of-way or a non-residential use or district, the rear setback may be zero feet. Otherwise, the rear setback shall be 20 feet.
- d. The width of the principal building shall be not less than 50 percent of the lot width.

2. *Parking.*

- a. All parking areas shall be located either behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in section 6.04.00, Landscaping, of this Code.
- b. A continuous concrete sidewalk shall be installed at locations where driveways intersect sidewalks.



- c. A pedestrian connection consisting of decorative paving materials shall be installed to connect the S.E. Ocean Boulevard entrance of the principal building with the sidewalk along S.E. Ocean Boulevard.
- d. For corner lots with access from side streets other than S.E. Ocean Boulevard, no new curb cuts shall be permitted along S.E. Ocean Boulevard. All parking egress shall be required from the side street.

3. *Architectural requirements.*

- a. Architectural features consisting of arcades, balconies or porches are required along the S.E. Ocean Boulevard street facade.
- b. Roofs and gutters shall comply with section 3.01.04 B., Architectural standards and regulations of the urban code.
- c. Building walls shall comply with section 3.01.04 A., Architectural standards and regulations of the urban code. Simulated materials may be permitted provided the manufacturer's specifications indicate a ten-year successful application in a similar climate.
- d. All exterior building wall colors shall comply with section 3.01.04 G., Architectural standards and regulations of the urban code.
- e. All utility devices and trash receptacles must be visually screened from public right-of-way.

4. *Landscaping.*

- a. The strip of land between the front building facade and the front property line shall be landscaped with a combination of trees, hedges, shrubs, vines, grass and ground cover as described in section 6.04.07, Landscaping, of this Code.
- b. Tree materials planted along all street facades shall consist of the following tree types as identified in section 6.04.02, Landscaping: 50 percent flowering trees and 50 percent palms.

5. *Signage.*

- a. Only signs as provided in Chapter VI of this Code shall be permitted.

6. *Lot coverage.*

- a. Not more than 50 percent of a building site may be covered by impervious surface coverage.

B. *Commercial and multi-family section.*



1. *Building placement.*

- a. The front building facade shall be constructed adjacent to the street along the S.E. Ocean Boulevard property line with a setback of not less than ten feet. In cases of conflict with the Americans with Disabilities Act, a greater conflict may be permitted.
- b. The side setbacks may be a minimum of five feet on both sides.
- c. If the property is abutting a right-of-way or a non-residential use or district, the rear setback may be zero feet. Otherwise, the rear setback shall be 20 feet.
- d. The width of the principal building shall be not less than 50 percent of the lot width.

2. *Parking.*

- a. The lesser of 25 percent of parking area or one row of parking area may be located between the front building facade and the front property line. All other parking shall be located behind the rear building facade or at the side property lines. This requirement shall not apply to a property that abuts a residential use or a residential zoning district. The parking areas shall be screened by a landscape buffer as described in section 6.04.06, Landscaping, of this code.
- b. A continuous concrete sidewalk shall be installed at locations where driveways intersect sidewalks.
- c. A pedestrian connection consisting of decorative paving materials shall be installed to connect the S.E. Ocean Boulevard entrance of the principal building with the sidewalk along S.E. Ocean Boulevard.
- d. For corner lots with access from side streets other than S.E. Ocean Boulevard, no new curb cuts shall be permitted along S.E. Ocean Boulevard. All parking egress shall be required from the side street.

3. *Architectural requirements.*

- a. Roofs and gutters shall comply with section 3.01.04 B., Architectural standards and regulations of the urban code.
- b. Building walls shall comply with section 3.01.04 A., Architectural standards and regulations of the urban code. Simulated materials may be permitted provided the manufacturer's specifications indicate a ten-year successful application in a similar climate.
- c. All exterior building wall colors shall comply with section 3.01.04 G., Architectural standards and regulations of the urban code.
- d. All utility devices and trash receptacles must be visually screened from public right-of-way.



4. *Landscaping.*

- a. As described in section 6.04.07, Landscaping, of this Code, tree materials planted along all street facades shall consist of the following:
 - i. For buildings with front setbacks of ten to 15 feet: 50 percent flowering trees and 50 percent palms.
 - ii. For buildings with front setbacks of 15 feet or greater: 25 percent flowering trees, 25 percent palms and 50 percent shade trees.

5. *Signage.*

- a. Only signs as provided in Chapter VIII of this Code shall be permitted.

6. *Lot coverage.*

- a. Not more than 65 percent of a building site may be covered by impervious surface coverage.

Sec. 3.03.03. Exempt uses.

Except for the landscaping provisions herein, single-family and two-family residential structures shall be exempt from the provisions of the S.E. Ocean Boulevard Overlay Zone. (Ord. No. 1719-00, 4-10-00)

Sec. 3.03.04. S.E. Ocean Boulevard Overlay Zone Conditional Use.

The city commission may grant a S.E. Ocean Boulevard Overlay Zone code conditional use. The review of a S.E. Ocean Boulevard Overlay Zone code conditional use application shall follow the procedures set forth in section 11.01.10 relating to Major Conditional Use Approval review including, but not limited to, required findings of fact, conditions, notice, public hearing, standards, burden of proof, revocation and expiration. Approval of a S.E. Ocean Boulevard Overlay Zone code conditional use shall only be granted if the applicant can demonstrate that the request is consistent with and will further the implementation of this Code and the city comprehensive plan, and will measurably improve the form, function and traditional neighborhood characteristics of the east ocean overlay district. (Ord. No. 2009-04, § 1, 12-20-04)



Chapter IV

CONCURRENCY DETERMINATIONS

4.00.00 GENERALLY

4.01.00 PURPOSE AND INTENT

4.02.00 GENERAL RULES

- Sec. 4.02.01. Concurrency reservation certificate required.
- Sec. 4.02.02. Initial determination of concurrency.
- Sec. 4.02.03. Expiration of certificate of concurrency.
- Sec. 4.02.04. Burden of proof.

4.03.00 LEVELS OF SERVICE

4.04.00 EXCEPTIONS

- Sec. 4.04.01. Properties within the traffic concurrency exception area.
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4.05.00 CONCURRENCY MANAGEMENT SYSTEM FOR TRANSPORTATION FACILITIES

- Sec. 4.05.01. Generally.
- Sec. 4.05.02. Calculation of project demand.
- Sec. 4.05.03. Evaluation of available capacity.
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- Sec. 4.05.06. Proportionate share transportation program.



4.06.00
STRATEGIES TO RECTIFY LACK OF CONCURRENCY

4.07.00
**RENEGOTIATION OF CERTIFICATE OF CONCURRENCY AND/OR PROPORTIONATE
SHARE AGREEMENT**

4.08.00
ANNUAL CAPACITY REPORT

Sec. 4.08.01. Contents.

4.09.00
PUBLIC SCHOOL CONCURRENCY

Sec. 4.09.01. Purpose and Intent.
Sec. 4.09.02. Application for School Concurrency Review.
Sec. 4.09.03. Determination of Capacity.
Sec. 4.09.04. Final Concurrency Review.
Sec. 4.09.05. Public School Facilities Determination and Exemptions.
Sec. 4.09.06. Mitigation.



CONCURRENCY DETERMINATION

4.00.00. Generally

4.01.00. Purpose and Intent

It is the purpose of this chapter to describe the requirements and procedures for determination of concurrency of proposed development projects with the City of Stuart Comprehensive Plan. Specifically, this chapter is intended to ensure the availability of public facilities and services and the adequacy of those facilities at adopted levels of service concurrent with the issuance of certificates of occupancy. This intent is implemented by means of a concurrency management system which shall measure the potential net change of impact by a proposed development upon the adopted level of service for potable water, sewer, solid waste, drainage, parks and recreation, transportation facilities and public educational facilities as provided in the capital improvements element of the Stuart Comprehensive Plan.

4.02.00. GENERAL RULES

Sec. 4.02.01. Concurrency reservation certificate required

A binding concurrency reservation certificate shall be required prior to the issuance of a building permit. If a development will require more than one building permit, the issuance of a concurrency reservation certificate shall occur prior to the issuance of the initial building permit.

Sec. 4.02.02. Initial determination of concurrency

As part of the required site plan review, an initial determination of concurrency shall be performed, and a concurrency reservation certificate issued for the subject development. This concurrency reservation certificate shall not be binding upon the city. The concurrency reservation certificate only becomes binding when a developer receives site plan approval, receives building permits to commence construction, and pays all applicable impact and permit fees for the subject development.

(Ord. No. 1811-02, § 1, 5-13-02)

Sec. 4.02.03. Expiration of certificate of concurrency

A concurrency reservation certificate shall automatically expire simultaneously with the expiration of the development permit to which it applies. Unless otherwise stated, development permits expire in six months. In the event that a time extension is granted prior to the expiration of the development permit, then the accompanying concurrency reservation certificate shall be automatically renewed for up to one year after the date of the issuance of the initial development permit. Should the extension equal or exceed one year from the date of the issuance of the initial development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.



A proposed development which has received a development permit and a concurrency reservation certificate but has not pulled building permits by the end of the allowed time period will be considered non-vested, and a new traffic study will be required.

Upon the written request of the applicant, both the concurrency reservation certificate and the site plan approval may be extended in increments of six months; however, in no case shall the concurrency reservation exceed a total of 18 months. In the event that construction does not commence on an approved development within 18 months, a new traffic study shall be required. If any collected roadway impact fees have not been expended or encumbered, then the applicant may apply for a refund as provided in sec. 32-69 of the city code.

(Ord. No. 1811-02, § 1, 5-13-02)

Sec. 4.02.04. Burden of proof.

The burden of showing concurrency with the adopted levels of service shall be upon the applicant. The city development director or his/her designee will direct the applicant to the appropriate staff to assist in the preparation of the necessary documentation and information.

4.03.00. LEVELS OF SERVICE

The following levels of service for each public facility and service type are hereby adopted by the City:

The following level-of-service (LOS) standards have been adopted by the City of Stuart and are reflected in the capital improvements element of the city’s comprehensive plan.

Facility	Level of Service Standard
Sanitary sewer facilities	80 gallons per capita per day for residential
	1,100 gallons per acre per day for non-residential
	115 gpcpd total
Solid waste facilities	3.5 pounds per capita per day (residential)
	0.007 pounds per square foot per day (non-residential)
Drainage Facilities	Retention of half of the runoff from a 25-year, 3-day-duration storm event on parcels greater than 1 acre or 10-year, 3-day-duration storm event on parcels less than 1 acre
Finished Potable water	250 gallons per day per equivalent residential connection



Low Density Residential	250 gallons per day per unit
Multiple-Family Residential	200 gallons per day per unit
Retail Commercial	100 gallons per day per 1,000 square feet
Office Commercial	150 gallons per day per 1,000 square feet
Industrial	30 gallons per day per 1,000 square feet
Institutional	100 gallons per day per 1,000 square feet
Recreation facilities	3 acres of developed community park per 1,000 permanent and seasonal residents
Transportation facilities	LOS E at peak hour for arterials except,
	(A) An interim standard of "maintain," will be established for proposed roadways. "Interim" means that the City intends this standard as a temporary standard that will be reconsidered during future plan amendments based on traffic projections, the 2035 MPO Plan (or future plans), coordination with Martin County and other concurrency options. "Maintain" means that operating conditions will continue at a level such that significant degradation does not occur. "Significant degradation" means a peak-hour-directional traffic volume increase of ten percent above the current (year 2013 or later) peak-hour-directional volume.
	(B) Transportation level-of-service standards shall not be applied to any development occurring within the Traffic Concurrency Exception Area (TCEA) as depicted on the TCEA Boundary Map in order to promote redevelopment and revitalization of the area.
	(C) Transportation level-of-service standards for arterials within the TCEA Buffer Area as depicted on the TCEA Buffer Area Map shall allow an additional 30 percent increase in peak hour traffic over the adopted level of service standards otherwise set in this policy.
Public School Facilities.	For public school facilities, the methodology for evaluating available public school facilities capacity is found in Chapter 10, Public Schools Facilities Element, Level of Service Standards, of the City's Comprehensive Plan.

Both the TCEA and TCEA buffer area are illustrated on the map located at the end of chapter IV.



4.04.00 EXCEPTIONS

Sec. 4.04.01. Properties within the traffic concurrency exception area.

Except for proposed developments which do not require major development plan approval or planned unit development approval, development which is proposed on properties located within the boundaries of the transportation concurrency exception area and which is consistent with the city's community redevelopment plan shall be exempt from concurrency review. A concurrency review exception certificate shall be issued for such developments. For proposed development within the TCEA that requires major development plan approval or planned unit development approval, the following shall be required.

1. A traffic statement shall be required for proposed developments that have the potential to generate 19 or fewer peak-hour trips; and
2. A traffic study shall be required for proposed developments that have the potential to generate 20 or more new peak-hour trips.
3. On-site and off-site mitigation of traffic impacts (e.g., traffic signals, turn lanes, curb cuts) may be required for either type of development.

Sec. 4.04.02. De minimis.

If a proposed development relates to land use in such a low intensity as to have a de minimis effect, if any, upon the levels of service as adopted, the development shall be exempt from concurrency review. A concurrency review exception certificate shall be issued for the de minimis development. The following types of development shall be considered to have a de minimus effect:

1. New single-family or new duplex residential construction on a legal lot of record existing prior to July 23, 1990; and
2. Development proposals which do not require major site plan approval or planned unit development approval and which do not have the potential to create 20 or more net peak-hour trips.

(Ord. No. 1811-02, § 1, 5-13-02)

Sec. 4.04.03. Vested projects.

Nothing in this chapter shall be construed or applied to constitute a temporary or permanent taking of private property without the just compensation or abrogation of vested rights.

Any applicant for a building permit who alleges that this chapter, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights must affirmatively demonstrate the legal requisites of the claim by meeting all three of the following conditions:



1. A development permit has been issued on or prior to July 23, 1990;
2. Development has commenced; and
3. Development is continuing in good faith.

Upon demonstrating that all three conditions are met, the applicant will be issued a concurrency review exception certificate by the city development director or his/her designee.

Sec. 4.04.04. Pre-approved service areas.

- A. *Generally.* Pre-approved service areas may be designated by the city in an effort to identify specific areas in which a surplus of capacity exists and to which the city would like to direct growth.
- B. *Designated areas.* The following pre-approved service areas have been designated by the city:
 1. All properties that are located within the boundaries of the Stuart Community Redevelopment Area (CRA) and for which proposed development is consistent with the community redevelopment plan.

C. *Annual re-evaluation.* The City, as part of its annual concurrency report, will re-evaluate the existing capacity within pre-approved service areas to ascertain that there continues to exist adequate capacity to meet future demand.

(Ord. No. 1811-02, § 1, 5-13-02)

Sec. 4.04.05. Public transit facilities.

Public transit facilities, as defined in §163.3180(5)(h)2, F.S., are exempt from concurrency requirements.

4.05.00. CONCURRENCY MANAGEMENT SYSTEM FOR TRANSPORTATION FACILITIES

Sec. 4.05.01. Generally.

In order to implement a concurrency management system for roadway capacity, a traffic study is required for any proposed development which has the potential of generating 20 or more net peak hour trips.

Proposed developments with the potential to generate less than 20 or more net peak hour trips should prepare a traffic statement estimating daily trip generation.

Sec. 4.05.02. Calculation of project demand – traffic study criteria.



For all non-exempt proposed developments that have the potential of generating 20 or more net peak hour trips, an approved traffic study shall be required prior to the issuance of a concurrency reservation certificate as part of development approval. The methodology to be used in a traffic study shall include the following criteria:

1. *General.* The traffic study shall be performed by a professional engineer licensed in the State of Florida who is practicing in the field of traffic engineering or transportation, shall utilize commonly-accepted traffic engineering principles, and shall be signed and sealed by a professional engineer.
2. *Trip generation.* Unless otherwise noted, trip generation from a proposed development shall be estimated using the information available in the latest edition of the Institute of Transportation Engineers trip generation report. In instances where local trip generation rates have been developed, such rates may be used in the traffic study subject to the approval of the city development director.
3. *Net trip generation.* The potential trip generation from a proposed development may be reduced due to passers-by or internal capture. Subject to the approval of the city development director, the use of "vehicle miles traveled" (VMT) may be incorporated into the analysis to provide justification for trip capture. If any of these factors are included in the traffic study, they shall utilize accepted traffic engineering principles. The resulting trip generation or net trip generation shall be used to distribute and assign traffic in the study area.
4. *Trip distribution and assignment.* Total traffic generated by the proposed development shall be assigned to each roadway link and intersection on the Stuart Concurrency Roadway Network within the study area based on accepted traffic engineering principles.
5. *Study area.* At a minimum, the traffic study shall analyze directly accessed links on first accessed roadways within the Stuart Concurrency Roadway Network. All roadway links within the Stuart Concurrency Roadway Network where project traffic is estimated to consume five percent or greater of the adopted level-of-service volume shall also be included in the study. Project traffic that creates an impact greater than five percent of the adopted level-of service volume on any roadway shall be analyzed for traffic concurrency. Roadway sections shall be determined using the latest edition of the Highway Capacity Manual (prepared by the Transportation Research Board). All signalized intersections within a roadway link where project traffic is estimated to consume five percent or greater of the adopted level-of-service volume of the roadway link shall be included in the traffic study. At the direction of the city development director, additional un-signalized intersections may be required as part of the traffic study.
6. *Buildout period.* For phased projects, the projected build out period of the proposed development, as defined by the issuance of the final certificate of occupancy for the project, shall be included in the traffic study and subject to the review and approval of the city development director.



7. *Background traffic.* It is assumed that existing traffic is likely to increase or decrease during the build out period of the development. This potential increase/decrease shall be included in the traffic study as background traffic. The city will utilize the growth projections prepared annually by the University of Florida's Bureau of Economic and Business Research. Historical growth as well as approved, but not yet built, developments need to be included as part of background traffic. Any un-built project which is projected to add more trips than ten percent of the adopted level-of-service volume within the proposed development's study area shall be added as background growth. Accepted traffic engineering principles shall be used when estimating background traffic to assure there is no double-counting of traffic.
8. *Project driveways.* An analysis of all driveways into the project shall be performed which includes, at a minimum, projected turning movements in and out of the project during the a.m. and the p.m. peak hours. A capacity analysis of the proposed driveways shall be performed to determine the need for separate turning lanes and/or any other necessary improvement. In addition, projects which are not located along the Stuart Concurrency Roadway Network shall include an analysis of the first intersection within the Stuart Concurrency Roadway Network. This analysis shall include capacity and operation of the intersection at build out of the project.
9. *Level-of-service volumes.* Level-of-service volumes shall be determined based on one of the following sources as chosen by the applicant:
 - a. The generalized tables included in the latest version of the Florida Department of Transportation (FDOT) Level of Service Manual; or
 - b. The ART PLAN analysis included in the latest version of the FDOT Level of Service Manual.
10. *Analysis time period.* The traffic study shall be performed on A.M. and P.M. peak-hour/peak-direction conditions.
11. *Existing traffic.* For calculating existing traffic, the traffic study shall utilize current traffic counts as well as approved but un-built developments which required major plan approval or planned unit development approval. The city will prepare or provide maps or tables with existing traffic counts which will be updated annually or as data becomes available.
12. *Existing roadway improvements.* Roadway improvements which are scheduled for construction in the first three years of the capital improvement programs of the City and Martin County and the Florida Department of Transportation Adopted Work Program, shall be considered as existing improvements for purposes of the traffic study.
13. *Existing use.* For a proposed development on a property upon which there is an existing use, the traffic study shall address the net change of the proposed development, or the change in peak-hour traffic above that which is generated by the existing use. For purposes of the traffic study, any structure which has been vacant or abandoned for more than two years shall not be considered an existing use. Occupancy of the structure



shall be proved by electric or water bills, leases, certificates of occupancy, and other indicia deemed sufficient by the city development director.

14. *Applicability.* The standards and methodology described herein shall apply to the whole study area of the proposed development, within and outside the city limits.

(Ord. No. 2089-06, § 1, 11-27-06; Ord. No. 2114-07, § 1, 7-23-07)

Sec. 4.05.03. Evaluation of available capacity.

1. *For sanitary sewer, solid waste, drainage, and potable water.* The available capacity (K) shall be determined by adding together:
 - a. The total of the existing excess capacity, if any; and
 - b. The total future capacity of any proposed construction or expansion that meets the following requirements:
 - (1) The necessary public facilities and services are in place at the time the building permit is issued; or
 - (2) The building permit is issued subject to the condition that the necessary public facilities and services shall be in place when the impacts of the development occur; or
 - (3) The necessary public facilities and services are under construction at the time the permit is issued; or
 - (4) The necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. §§ 163.3220 through 163.3243.
2. *For parks and recreation.* The available capacity (K) shall be determined by adding together:
 - a. The total of the existing excess capacity of existing facilities, if any; and
 - b. The total future capacity of any proposed construction or expansion that meets one of the requirements of section 4.05.03 1.b.(1) through (4) of this chapter or one of the following requirements:
 - (1) At the time the building permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the building permit; or
 - (2) The necessary facilities and services are guaranteed in an enforceable development agreement that required facilities or the provision of services within one year of the issuance of the applicable development building permit. An



enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or building permit issued pursuant to F.S. ch. 380.

3. *For roads.* Evaluation of available capacity for roads is found in section 4.05.05.

(Ord. No. 2089-06, § 1, 11-27-06; Ord. No. 2114-07, § 1, 7-23-07)

Sec. 4.05.04. Concurrency test.

The methodology for determining whether the levels of service of city facilities and services are adequate to support the impact of proposed developments shall be the application of a concurrency test. The concurrency test shall compare the available capacity to the demand of the proposed development. For each facility, with the exception of roads, the test is described as follows:

$$\text{Available Capacity (K) - Project Demand (L) =} \\ \text{Surplus(+)} \text{ or } \text{Deficiency(-)} \text{ (M)}$$

A concurrency reservation certificate shall be issued only if the available capacity meets or exceeds the demand of the proposed development.

(Ord. No. 2089-06, § 1, 11-27-06; Ord. No. 2114-07, § 1, 7-23-07)

Sec. 4.05.05. Transportation analysis.

A. *Generally.* The concurrency test for roads shall compare the existing level of service for the affected roads to the level of service standards, as adopted, for the same. The existing level of service shall be based upon existing roads, including any proposed improvements to these roads, meeting the minimum requirements set forth in subsections 4.05.03 1.b.(1) through (4) or 4.05.03 2.b.(1) and (2) or of the requirement that the five-year schedule of capital improvements demonstrates that the actual construction of the road facility or service will be scheduled to commence in or before the third year.-

B. *Test.* As part of the traffic study, the following test shall be applied to all arterial and collector road segments in the city:

1. Where:

C = capacity for affected road segments (link) at LOS E (peak-hour/peak-direction).

V = existing volume on affected road segment, (peak-hour/peak-direction).

B = background traffic.

D = demand placed upon road segment by proposed project, using latest edition of ITE Trip Generation.

V/C = existing volume-to-capacity ratio.



2. Then: $V + B + D = N$

Where: N = future total volume upon road segment.

3. The future total volume (N) is then used to calculate a new volume-to-capacity ratio, N/C.
4. If $N/C < 1.0$ then this shall signify that the proposed development does not result in a degradation of the affected roads below the adopted level of service, and a concurrency reservation certificate shall be issued.

If the city determines that a concurrency reservation certificate cannot be issued, that determination shall be reduced to writing, signed by the official making the determination, and sent by U.S. Mail to the applicant.

C. Notification of a lack of capacity to satisfy transportation concurrency:

1. The applicant shall be notified in writing of the determination that a concurrency reservation certificate cannot be issued together with notification of the opportunity to satisfy transportation concurrency through the proportionate share program pursuant to the requirements of subsection 4.05.06B.
2. Prior to submitting a proposal for a proportionate share agreement, a pre-application meeting shall be held to discuss eligibility, additional submittal requirements, potential mitigation options, and related issues.
3. Within ten working days of the provision of all submittal requirements, the applicant shall be notified in writing of the sufficiency of the proportionate share mitigation proposal.
4. A proposed proportionate share obligation and binding agreement will be prepared by the applicant with direction from the City of Stuart and delivered to the appropriate parties for review, no later than 60 days from the date at which the applicant received the notification of a sufficient application.
5. No proportionate share agreement will be effective until approved by the city commission, or pursuant to staff approval for agreements below \$10,000.00.

(Ord. No. 2089-06, § 1, 11-27-06; Ord. No. 2114-07, § 1, 7-23-07)

Sec. 4.05.06. Proportionate share transportation program.

- A. *Purpose and intent.* Pursuant to F.S. § 163.3180, it is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors through a proportionate share program.



- B. *Applicability.* The proportionate share program shall be available for any development in the City of Stuart that has been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City of Stuart Concurrency Management System, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations. The proportionate share program does not apply to developments exempted from concurrency as provided in section 4.04.00 of this Code, the City of Stuart's Comprehensive Plan or F.S. chapter [§] 163.3180, regarding exceptions and de minimis impacts.
1. An applicant may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the five-year schedule of capital improvements adopted by the capital improvement element of the comprehensive plan. Only transportation facilities or facility segments specifically identified for funding in the five-year schedule of capital improvements shall be eligible for the proportionate share program; or
 2. An applicant may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate share mitigation if such contributions or payments to such facilities or segments are reflected in the five-year schedule of capital improvements in the next regularly scheduled update of the capital improvement element of the comprehensive plan.
- C. Mitigation for development impacts to facilities on the strategic intermodal system requires the concurrence of the department of transportation.
- D. In the event the funds in the adopted five-year schedule of capital improvements which is adopted by the capital improvement element of the comprehensive plan are insufficient to fully fund construction of a transportation improvement required by the city's concurrency management system, the city commission and a developer may still enter into a binding proportionate share agreement authorizing the developer to construct that amount of development on which the proportionate share is calculated if the proportionate share amount in such agreement is sufficient to pay for one or more improvements which will in the opinion of the city commission significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate share component must be adopted into the five-year schedule of capital improvements at the next annual capital improvement element update.
- E. *Design standards.* Any improvement project proposed to meet the developer's proportionate share obligation must meet design standards of the City of Stuart for locally maintained roadways, Martin County for county maintained roadways and those of the Florida Department of Transportation (FDOT) for the state highway system.}
- F. *Determining proportionate share obligation.*
- (1) Proportionate share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities



- (2) The methodology used to calculate an applicant's proportionate share obligation shall be as provided for in F.S. § 163.3180(5)(h)2, as set forth below:

The number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

This methodology is expressed by the following formula:

Proportionate Share	=	$[[(\text{Development Trips})/(\text{SV Increase } i)] \times \text{Cost } i]$
Where:		
	=	The summation symbol for the terms in the formula
Development Trips i	=	Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a significant deficiency per the city's concurrency management system;
SV Increase i	=	Service volume increase provided by the eligible improvement to roadway segment "i" per section E.;
Cost i	=	Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering review, inspection, administration, and physical development costs directly associated with construction at the anticipated cost, including contingencies, in the year it will be incurred. If any road is determined to be transportation deficient (as defined in F.S. 163.3180(5)(h)4) without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

- (3) Reserved.



- (4) For the purposes of determining proportionate -share obligations, the City of Stuart shall determine improvement costs based upon the actual and/or anticipated cost of the improvement in the year that construction would occur as determined by the city engineer or an engineer appointed by the city commission to do so.
- (5) If the City of Stuart has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined by the city engineer or an engineer appointed by the city commission to do so.
- (6) If the City of Stuart has accepted right-of-way dedication for the proportionate -share payment, credit for the dedication of the right-of-way shall be established by an appraisal. If the value of the right-of-way is over \$500,000.00, two appraisals shall be required. Said appraisal(s) shall be at no cost to the city and performed by an MAI designated appraiser approved by the city. The appraisal shall assume no approved development plan for the site and the right-of-way shall be valued at fair market value at no cost to the city, the applicant shall provide a title commitment and title policy acceptable to the city, three original surveys certified to the city and the title company and a phase 1 environmental site assessment acceptable to the City of Stuart. If the estimated value of the right-of-way dedication proposed by the applicant is less than the applicant's proportionate fair-share mitigation obligation, the applicant shall pay the difference.

H. *City of Stuart Impact Fee Credit for Proportionate Share Mitigation.*

- (1) Proportionate share mitigation shall be applied as a credit against impact fees. Credits will be given for that portion of the applicant's transportation impact fees that would have been used to fund the improvements on which the proportionate fair-share contribution is calculated. If the proportionate share contribution is based on only a portion of the development's traffic, the credit will be limited to that portion of the impact fees on which the proportionate share contribution is based. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement.
- (2) Impact fee credits for the proportionate share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. If the applicant's proportionate share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the City of Stuart pursuant to the requirements of the City of Stuart impact fee ordinance.
- (3) The proportionate share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate share contributions for a proposed development cannot be transferred to any other location.

I. *Proportionate share agreements.*



- (1) Upon execution of a proportionate share agreement (agreement) the applicant shall receive a city certificate of concurrency approval. Should the applicant fail to apply for a building permit within 12 months of the execution of the agreement, then the agreement shall be considered null and void, and the applicant shall be required to reapply. Once a proportionate share payment for a project is made, no refunds shall be given unless the provisions of section 4.07.00 are met. All payments, however, shall run with the land.
- (2) Payment of the proportionate share contribution is due in full prior to issuance of building permit or recording of the final plat and shall be nonrefundable. If the payment is submitted more than 12 months from the date of execution of the agreement, then the proportionate share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section G and adjusted accordingly.
- (3) All improvements accepted as proportionate share contributions must be completed as established within the proportionate share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements.
- (4) Dedication of necessary right-of-way for facility improvements accepted as proportionate share contributions must occur as established within the proportionate share agreement.
- (5) Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate share contributions to the extent the change would increase project costs or generate additional traffic that would require mitigation.
- (6) Applicants may submit a letter to withdraw from the proportionate share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the city will be nonrefundable.
- (7) The city may enter into proportionate share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

J. *Appropriation of share revenues.*

1. Proportionate share revenues shall be placed in the appropriate project account for funding of scheduled improvements as adopted in the City's Capital Improvement Element (CIE), or as otherwise established in the terms of the proportionate share agreement.
2. In the event a scheduled facility improvement is removed from the Capital Improvement Element (CIE) then the revenues collected for its construction may be



applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements on the congested roadway(s) for which the original proportionate share contribution was made.

(Ord. No. 2089-06, § 1, 11-27-06)

4.06.00. STRATEGIES TO RECTIFY LACK OF CONCURRENCY

Strategies which may be considered in order to rectify the lack of concurrency include, but are not limited to, the following list. In all cases, these strategies may be considered effective only if one of the standards listed in sections 4.05.03 1.a.--b.; 4.05.03 2.b.(1)--(2); or 4.05.05 A; and 4.09.00 as they pertain to specific facilities and services is achieved.

1. A plan amendment which lowers the adopted level of service standard for the affected facilities and/or services.
2. A renegotiated binding executed contract between the City of Stuart and the applicant and which would include the Martin County School Board if public school concurrency is in question.
3. A renegotiated enforceable development agreement, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220.
4. A change in the funding source.
5. A reduction in the scale or impact of the proposed development.
6. Phasing of the proposed development.
7. In the case of deficient roadway capacity a proportionate share agreement in accordance with the provisions of section 4.05.06.

(Ord. No. 1811-02, § 1, 5-13-02; Ord. No. 2089-06, § 2, 11-27-06)

4.07.00. RENEGOTIATION OF CERTIFICATE OF CONCURRENCY AND/OR PROPORTIONATE SHARE AGREEMENT

After the issuance of a concurrency reservation certificate, should any of the conditions provided for in sections 4.05.03 1.a.--b., 4.05.03 2.b.(1)--(2), or 4.05.05 A. not be satisfied, specifically:

1. If there was a valid, unexpired act of an agency or authority of government upon which the applicant reasonably relied in good faith; and/or
2. If the applicant, in reliance upon the valid, unexpired act of government, has made a substantial change in position or has incurred extensive obligations or expenses; then upon



demonstration of one or both of the above conditions by the applicant, there shall be a meeting of the parties to renegotiate the conditions of the concurrency reservation certificate and/or the proportionate share agreement.

(Ord. No. 1811-02, § 1, 5-13-02; Ord. No. 2089-06, § 3, 11-27-06)

4.08.00 ANNUAL CAPACITY REPORT

Sec. 4.08.01. Contents.

The City of Stuart shall prepare an annual report as part of the concurrency management system and during the annual budget exercise that includes:

1. An evaluation of each facility and service reflecting: (a) total capacity available, (b) percentage of total capacity being used at the time the report is prepared, and (c) reserved capacity as reflected by concurrency reservation certificates.
2. An identification of all facility and service planned improvements and capacity expansion as reflected by the capital improvement element which will also be updated annually as part of the annual budget cycle.
3. The School Board staff shall monitor the level of service standards for public school facilities within each concurrency service area to determine whether any deficiencies exist. In the event that one or more deficiencies are identified in the level of service standards for public school facilities, the School Board shall initiate action to cure the deficiency by no later than the time of the next annual update of the Public School Facilities Element.

4.09.00. PUBLIC SCHOOL CONCURRENCY

Sec. 4.09.01. Purpose and intent.

The intent of school concurrency is to ensure that the public school facilities necessary to maintain the adopted level of service for schools are in place before or concurrent with the school impacts of new residential development.

Sec.4.09.02 Application for School Concurrency Review

A public school impact statement shall be completed by the applicant as part of the development application for the following:

- (a) Amendments to the Comprehensive Plan future land use map;
- (b) Residential rezonings;
- (c) Developments of Regional Impact; and
- (d) Site plan applications which include residential units.



The public school impact statement form shall be provided to the School District staff pursuant to the development review procedures of the City.

Sec. 4.09.03. Determination of Capacity

Within thirty (30) days after the School District staff receives a completed public school impact form for amendments to the Comprehensive Plan future land use map, rezonings, developments of regional impact, and site plans which include residential units, the School District staff shall provide the City with a general capacity analysis which indicates the generalized capacity for all applicable school facilities. This analysis shall be used in the evaluation of the development proposals, but shall not provide a guarantee of availability of services or facilities.

Sec. 4.09.04. Final Concurrency Review

Upon receipt of a completed public school impact form for site plans which include residential units, the School District staff shall provide the City with a School Concurrency Review Report that states whether adequate school capacity exists for a proposed development as follows. The School Concurrency Review Report shall be based on the level of service standards as set forth in Chapter 10, Public Schools Facilities Element, Level of Service standards, of the City's Comprehensive Plan.

1. Calculate the aggregate Permanent Capacity and Temporary Capacity for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto. For purposes of this calculation, permanent and temporary capacities shall include the capacities of both existing school facilities, as well as those which are planned to be operational by no later than the conclusion of the third year of the School Board's Five Year Capital Improvement Plan. For purposes of this calculation, CSA's which are separated by rivers or other bodies of water shall only be deemed "adjacent" if connected by a publicly owned bridge accommodating vehicular traffic.
2. Calculate available school capacity, by type of school and relevant CSA, by subtracting from the sums determined above:
 - a. Current student enrollment (determined by the District's October count) for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto;
 - b. Reserved capacity for student enrollment projected to be developed within three years from projects previously determined to have met school concurrency, and having met the requirements for a reservation of capacity for each type of school facility within the CSA, within which the project is proposed to be located, and the CSA's which are adjacent thereto;
 - c. The demand on school facilities created by the proposed development shall be projected at the county-wide student generation rates specified in the School District's latest Educational Impact Fee report, as the same may be amended



from time to time upon request of the School Board; provided that projects granted educational impact fee waivers pursuant to County ordinance shall be deemed to generate no students.

Sec. 4.09.05. Public School Facilities Determination and Exemptions

The City shall approve site plans, which include residential units, only after the receipt of a School Concurrency Review Report from the School District staff determining that adequate school capacity exists for the proposed development pursuant to the requirements of the Comprehensive Plan.

The following residential uses shall be exempt from the requirements of school concurrency.

- a. Single-family lots of record, existing as of August 25, 2008.
- b. Any new residential development that has development approval prior to September 25, 2008.
- c. Any amendment to any previously approved residential development that does not increase the number of dwelling units or changes the type of dwelling units (single-family to multi-family, etc.)
- d. Age restricted communities with no permanent residents under the age of 18. Exemption of an age restricted community will be subject to a restrictive covenant limiting the age of permanent residents to 55 years and older.

Sec. 4.09.06. Mitigation

In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the level of service standards otherwise would be exceeded, the following procedure shall be used.

The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to F.S. §163.3180(6)(h)2, the school concurrency ordinances of the County and the *Interlocal Agreement for School Facilities Planning and Siting*.

- A. Acceptable forms of mitigation may include:
 1. The donation of funding for the construction and/or acquisition of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development;
 2. The creation of mitigation banking based on the funding of the construction of a public school facility in exchange for the right to sell excess capacity credits;
 3. Charter schools may also be accepted by the School Board as mitigation under the provisions of this Agreement provided they meet the following operational and design



standards:

- a. The school has a charter approved by the School Board.
- b. The charter school's facilities to be accepted as mitigation shall be built according to the SREF standards set forth in Florida Administrative Code.
- c. The charter school's facilities to be accepted as mitigation adhere to the building policies and practices of the School Board, including but not limited to architecture, building materials, and structural hardening.
- d. The core facilities for all charter schools, including but not limited to cafeteria, media center, administrative offices, and land area available for recreational uses, parking areas, and storm water retention, shall be sized to accommodate the standard educational facility sizes established by policy of the School Board as follows:

Elementary School: 750 student stations
Middle School: 1,200 student stations
High School: 1,800 student stations

- e. All charter schools shall be located along publicly-owned roadways and accessible to any member of the general public.
4. Other mitigation as permitted by state law, including the donation of land and payment for land acquisition.
 5. Any mitigation funds provided as a result of the school concurrency system shall be directed by the School Board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.
- B. The following standards apply to any mitigation accepted by the School Board:
1. Proposed mitigation must be directed toward a permanent school capacity improvement which satisfies the demands created by the proposed development.
 2. Relocatable classrooms will not be accepted as mitigation.
- C. In accordance with F.S. §163.3180(6)(h)1.c, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include both school site and central facility costs, and be as reported in the School District's latest Educational Impact Fee report, as the same may be amended from time to time upon request of the School Board; except that if the latest Educational Impact Fee report is more than twelve months old then the reported average cost per student shall be increased or decreased annually in the same proportion as any

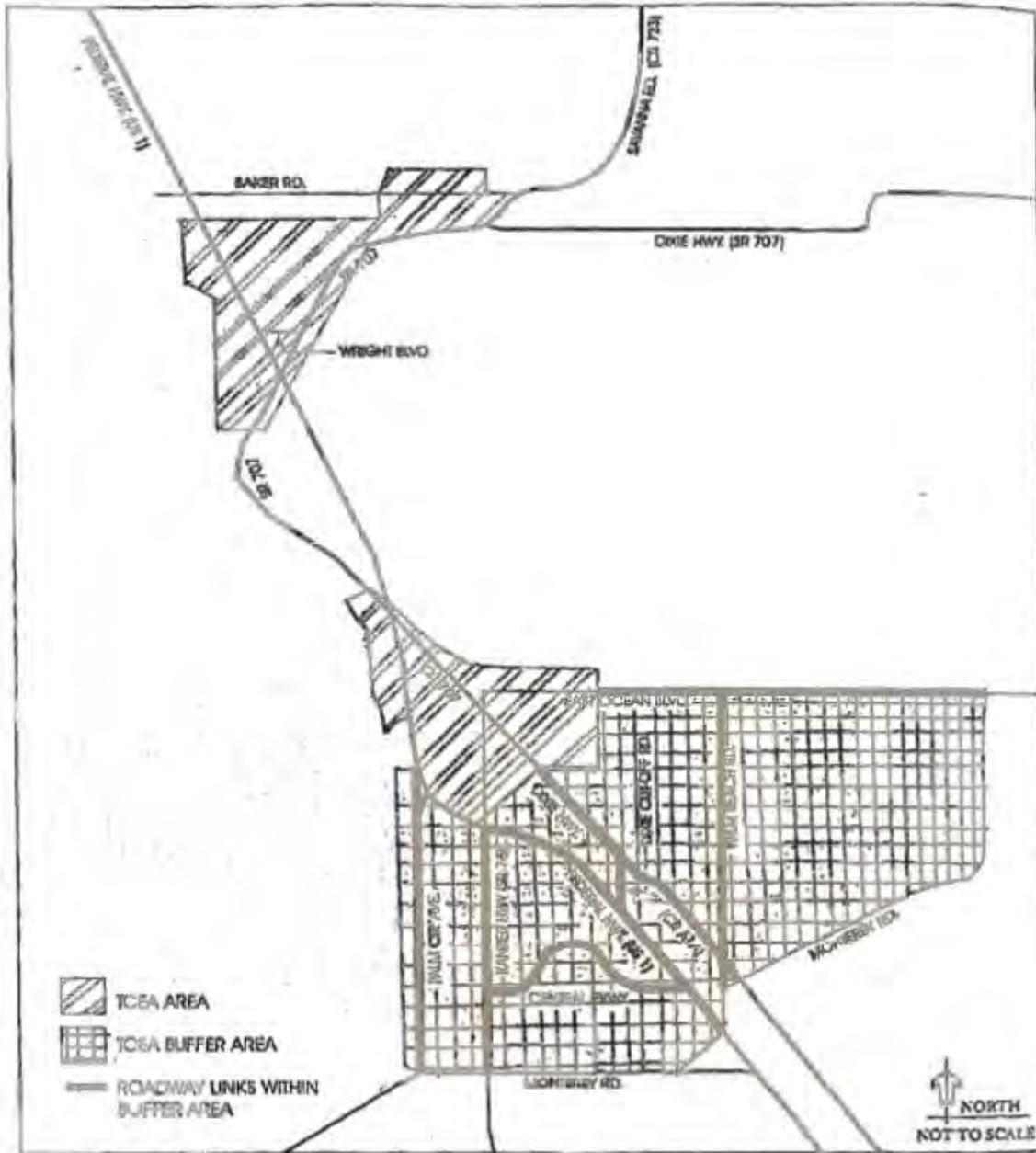


annual percentage increases or decreases in the state-wide cost for new student station established pursuant to F.S. §1013.64. Pursuant to F.S. §163.3180(6)(h)2.b, , the applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed.

- D. If the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed, which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements that will be provided by the City as required by state law.
- E. If the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the City in writing and the School District staff will not issue a School Concurrency Review Report confirming that the project is in compliance with the terms of the school concurrency ordinance.



STUART TCEA AND TCEA BUFFER AREA BOUNDARIES





Chapter V

RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS

5.00.00

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- Sec. 5.07.10.G.5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).
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5.08.00

RESOURCE PROTECTION REGULATIONS ADOPTED BY REFERENCE

Sec. 5.08.01. Martin County Wellfield Protection Ordinance.

5.09.00

HISTORIC PRESERVATION

- Sec. 5.09.01. Thirty-day waiting period before demolishing a historic structure.
- Sec. 5.09.02. Ninety-day waiting period before demolishing a historic structure.
- Sec. 5.09.03. Risk to the public's health, safety and welfare.
- Sec. 5.09.04. Demolition by neglect; prohibited.
- Sec. 5.09.05. Tax exemptions for certain historic structures.
- Sec. 5.09.06. Hearing; provided

5.10.00

CLUSTERING OF DEVELOPMENT

- Sec. 5.10.01. Generally.
- Sec. 5.10.02. Clustering.



5.00.00. IN GENERAL

The intent of this chapter is to protect and manage wetlands, environmentally sensitive lands, historic and specimen trees, mangroves, and the shoreline within the city to implement the goals, objectives and policies of the comprehensive plan of the city.

The regulations of this chapter apply to all public and private lands within the city. Pursuant to Chapter XI of this Code, a permit shall be required for any development or other site activity that alters, impacts or removes environmentally sensitive lands, wetlands or trees within the city. Any violation of this chapter shall constitute a municipal ordinance violation and may be prosecuted before the code enforcement board of the city as provided in Chapter 26 of the City Code of Ordinances below. (Ord. No. 1824-02, § 1, 1-28-02)

These regulations will be applied to proposed development site plans or proposed plat plans submitted to the city to all site activity that occurs on or after February 14, 2000.

5.01.00. AVOIDANCE OR MINIMIZATION OF WETLAND AND OTHER ENVIRONMENTAL IMPACTS

- A. Impacts to wetlands and other environmentally sensitive lands shall be avoided or minimized to the greatest extent practicable.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.01.01. Initial determination required.

- A. Prior to seeking environmental permits from state and federal agencies, and prior to the issuance of a development permit by the city, an applicant for development approval shall provide evidence to the city development director that the following environmental impact avoidance and minimization techniques have been employed to the greatest extent practicable in the preparation of a proposed site plan.
 - 1. Can another vertical level be added to a building to decrease the overall building footprint?
 - 2. Can the building footprint be reduced and still achieve the project's purpose and need?
 - 3. Can a building be repositioned on the parcel to reduce or eliminate environmental impacts?
 - 4. Can multiple structures be clustered to reduce or eliminate impacts?
 - 5. Can road or utility alignments be reconfigured?
 - 6. Can spans and bridges be used instead of culverts?
- B. On-site avoidance.



C. Site engineering changes.

1. Can grading be minimized by incorporating natural topography?
2. Can more trees and vegetation be preserved?
3. Can lot layout be reconfigured?
4. Can state waters, including wetlands, be concentrated into subdivision "common areas"?
5. Can the project's storm water facilities be designed using Low Impact Development (LID) Techniques as described in the University of Florida IFAS Extension publication "LID Practices: Integrating Wetlands & Enhancing Storm water Basins, copies of which shall be made available by the City Development Department?"

D. On-site minimization.

1. Can some of the above listed techniques be used to further minimize impacts?
2. Can directional drilling be used to install underground utilities instead of excavation and backfill?
3. Can equipment fitted with low pressure tires or tracks be used?
4. Can any permanent impacts (e.g. access roads) be converted to temporary impacts?
5. Can construction staging or stockpiling of materials occur in areas outside of environmentally sensitive lands?

(Ord. No. 2165-08, § 2, 11-24-08)

5.02.00. ENVIRONMENTAL ASSESSMENT REPORT FOR SITES WITH WETLANDS OF GREATER THAN ONE ACRE

For properties with wetlands and for properties of greater than one acre, an application for site plan approval or plat approval shall include an environmental assessment report relating to the subject property that has been prepared by a qualified environmental professional (i.e. Certified Ecologist, Certified Environmental Professional, Professional Wetland Scientist, or other recognized certification). The report shall include the information listed below:

- A. *Site description.* A description of the site location and acreage, including adjacent streets and roads, Township, Section, Range and street address, if any, shall be included. A site location map at a scale sufficient to show the site and its relationship to the city municipal boundary shall be provided.
- B. *Vegetative description.* A description of the vegetation on the site and each separate type of upland vegetation or land cover and each type of wetland vegetation cover shall be mapped and described in accordance with the Florida Land Use, Cover, and Forms



Classification System. The map shall include total acreage calculations of each vegetative type shown on the map. A recent aerial photograph of the subject property to correspond to the map shall be included. The U.S. Fish and Wildlife Service (USFWS) Endangered Species database and the Florida Department of Agriculture and Consumer Services list of state-designated plant species shall be reviewed prior to conducting a site visit. A description of listed plant species actually observed or expected on the site based on observed habitat shall be included.

C. *Wetland delineation.*

1. A copy of a wetland delineation map according to the State of Florida shall be submitted to the city development department. If the delineation of wetlands is not complete at the time of review, a map depicting the approximate location and types of wetlands shall be submitted for planning purposes. Issuance of a development permit will not occur until a verified wetland determination is completed and development plans revised accordingly.
2. For those sites where wetlands have been determined to be present, a separate determination of the existence of outstanding resource wetlands shall be provided. This determination shall meet the criteria for an outstanding resource wetland provided in this chapter. A separate map of outstanding resource wetlands shall be included.

D. *Wildlife evaluation.*

1. A description of the wildlife actually observed or expected on the site based on observed habitat shall be included. Habitat indicators such as tracks, burrows, nests, and live sightings should be documented for species listed by Florida Fish and Wildlife Conservation Commission (FWC) and the (USFWS) as endangered, threatened or of special concern. The USFWS Endangered Species database and FWC list of state-designated wildlife species shall be reviewed prior to conducting a site visit.
2. The field reconnaissance and identification efforts and methods including transects, random observation, and reference documents used in the wildlife evaluation shall be described. Copies of correspondence with the FWC and USFWS shall be provided. In instances where the presence of listed species is actually observed or expected based on habitat, the city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development.

E. *Preserve area and upland buffer evaluation.* A calculation of the preserve area and upland buffer requirements for the project as set forth in this chapter shall be included. This evaluation must include a summary of total site area, acreage of wetlands, acreage of native upland and of non-native upland. A map depicting each area type, as well as locations of wildlife observations from the wildlife evaluation shall be provided.

F. *Native vegetation preserve area onsite/offsite relocation assessment.* For sites where an upland native vegetation preserve area is proposed to be relocated either onsite or



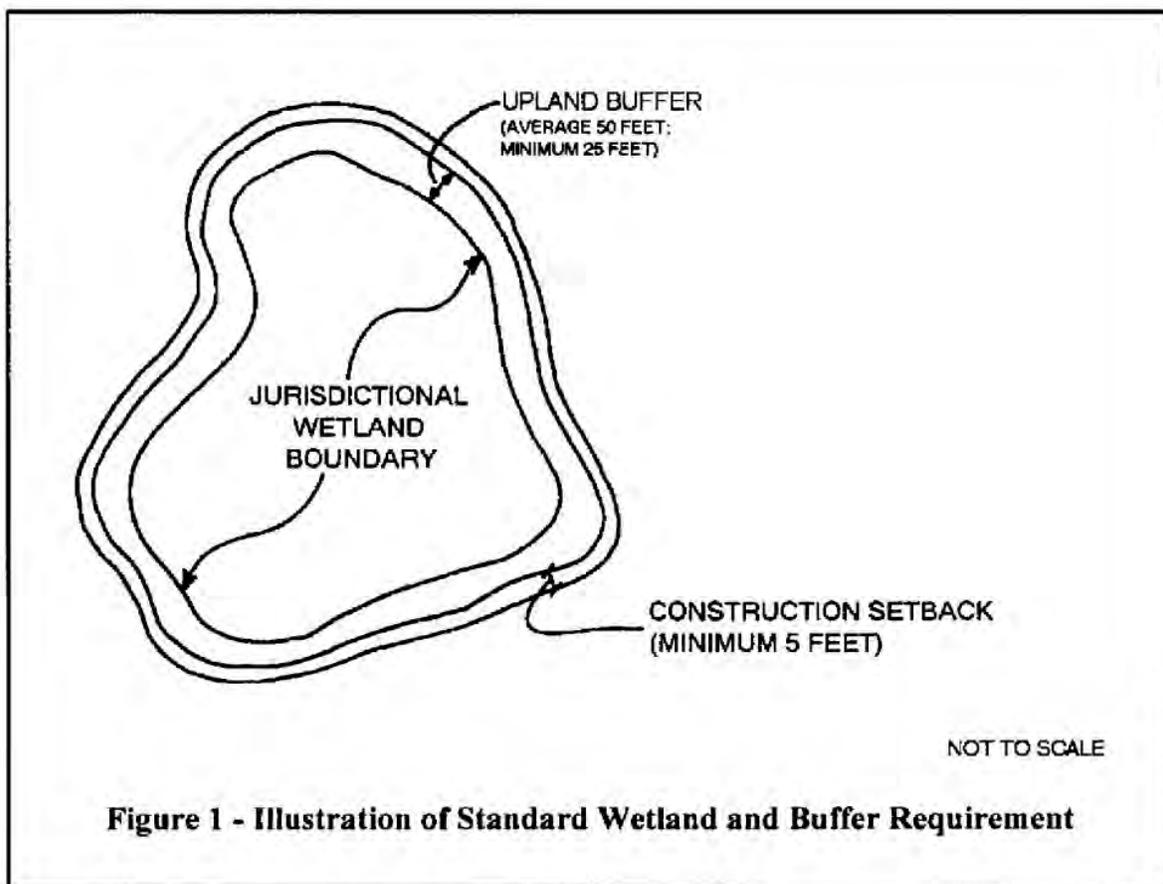
offsite, the proposed onsite or offsite relocation area should be the same type as the community proposed to be impacted. A specific assessment of this relocation area shall be performed in accordance with section 5.04.00 of this Code. On-site preserve areas of a different type may be proposed and allowed at the city's discretion, providing that the area is a native vegetative community that is rare within the city or Martin County.

5.03.00. WETLANDS

The wetlands subject to the provisions of this chapter are those that have been "verified" by the State of Florida.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.03.01. Wetland verification and illustration.



Wetland verification for the purposes of protection under this chapter shall be consistent with F.S. § 373.421, and with Chapter 62-340, Florida Administrative Code. A wetland, with the required upland buffer and construction setback area, is depicted above as a "jurisdictional wetland boundary" in Figure 1. Surrounding the wetland is the required "upland buffer" and the "construction setback."

(Ord. No. 2165-08, § 2, 11-24-08)



Sec. 5.03.02. Wetland protection standards.

- A. *Introduction.* To preserve and protect wetlands, the city advocates a development pattern that avoids or minimizes damage to wetlands and directs development to lands that are not environmentally sensitive. The city encourages activities not dependent upon a wetland location be located at upland sites. To promote compact urban development and discourage urban sprawl, the city allows wetland impacts under certain conditions and only where all practical measures to avoid wetlands have been applied.
- B. *Impacts to wetlands prohibited.* Except as otherwise provided herein, any impact upon a wetland, whether directly or indirectly caused, is prohibited. An impact upon a wetland is damage to a wetland caused by any means.

An impact to a wetland is prohibited unless the mitigation requirements of this chapter and each of the following criteria are satisfied. Further, the proposed impact must be made in the context of a planned unit development (PUD) agreement.

1. If wetlands exist on the development site, the developer shall meet with the city development director to discuss preliminary site design prior to the submittal of a permit application to the State of Florida. The city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development.
2. The requirements for elimination and reduction of impacts to wetlands in accordance with Rule 40E-1, Florida Administrative Code, Basis of Review for Environmental Resource Permit Applications Section 4.2.1., as amended from time to time, shall be met. The city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development.
3. The requirements for avoidance and minimization of direct impacts to wetlands in accordance with the federal Clean Water Act, as amended from time to time, shall be met. The city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development. A final permit from the corps shall precede any direct impact to a wetland.
4. In those instances where wetland delineation was not conducted using the post-1994 accepted practice for doing so and no permit was required from the State of Florida, impact to a wetland is prohibited unless the mitigation requirements of Section 5.03.03.D and at least one of the following conditions exists:
 - a. The proposed impact is necessary to accommodate roads, utilities, and other infrastructure that cannot otherwise be reasonably provided without the impact;
 - b. More than 75 percent of the vegetation within the wetland to be impacted is non-native vegetation;

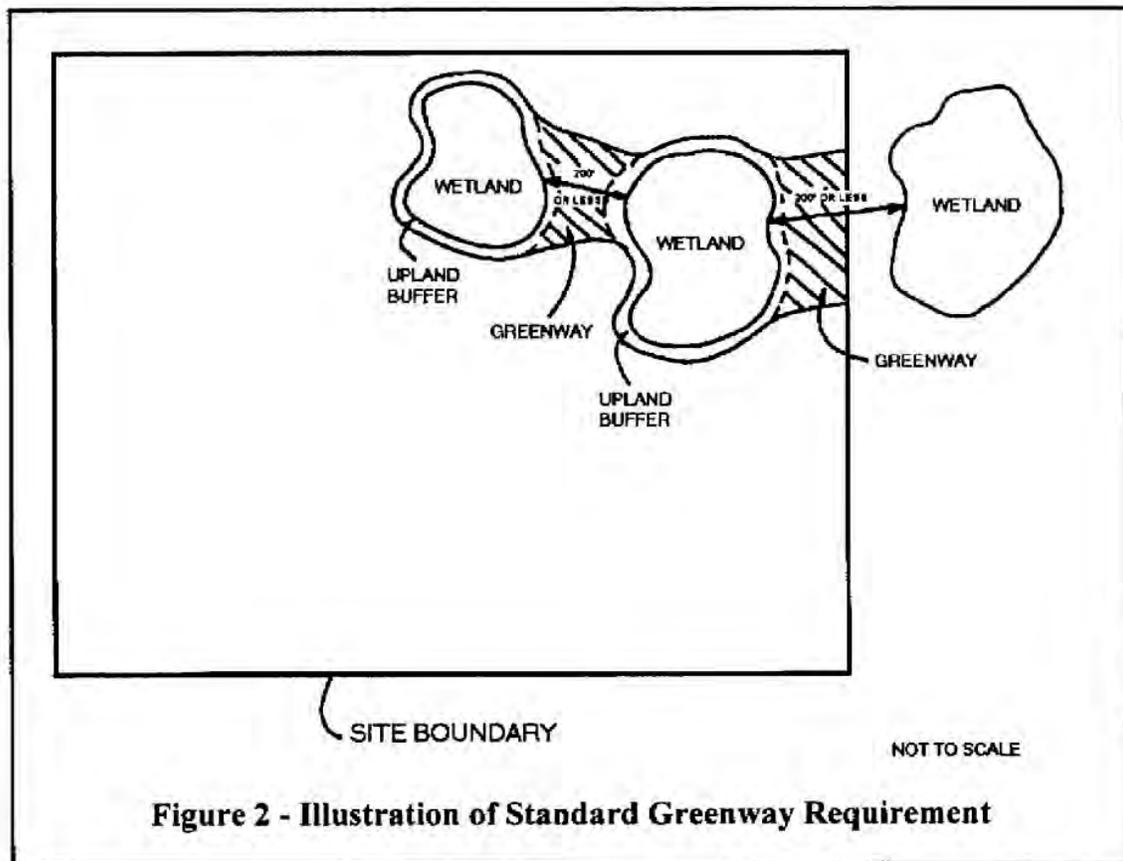


- c. A larger upland preserve area(s) with significantly higher ecological values, not required for preservation by this chapter, will be preserved elsewhere on the site.
 5. Unless otherwise approved by the city commission, new onsite sewage disposal systems must be located not less than 75 feet from wetlands for lots created after January 1, 1972 and not less than 50 feet from wetlands for lots created prior to 1972.
 6. No wetland impacts shall be permitted on sites where no development activity is proposed.
- C. *Upland buffer requirements for verified wetlands.* To protect wetlands, upland buffers around wetlands shall be provided and preserved around each wetland or portion thereof on the property.
1. The minimum average width of an upland buffer shall be 50 feet and at no point shall its width be less than 25 feet. The minimum average width of an upland buffer around an outstanding resource wetland shall be 75 feet and at no point be less than 50 feet.
 2. Except as otherwise provided in this chapter, the native vegetation within an upland buffer shall not be disturbed by development activity.
 3. Any portion of a required upland buffer not comprised of native vegetation shall be planted with native vegetation.
 - a. Planting shall include all vegetation types that are consistent with the native uplands in the vicinity, including canopy, understory and ground cover.
 - b. The non-native vegetation in the upland buffer planted area shall be removed.
 - c. Planting shall be installed according to a planting plan prepared by an environmental professional consistent with the latest version of "26 Ecological Communities of Florida" published by the Florida Chapter of the Soil and Water Conservation Society and approved by the city development director.
 4. An upland buffer shall be protected by a construction setback of ten feet from the upland buffer boundary. For accessory structures, the setback from an upland buffer shall be a minimum of five feet. Within this setback area, no earthwork, construction or placement of structures shall be permitted.
- D. Greenways between wetlands on development sites of greater than five acres.
1. The provisions of this subsection apply to developments of greater than five acres.
 2. The upland buffer around wetlands shall be extended to provide a greenway connection between wetlands that are separated by 200 feet or less of native upland



habitat. A greenway will be located entirely on the development site and may be required in relation to a wetland on adjacent property.

3. The area of a greenway is included in the required preserve area.
4. The location of greenways between wetlands both on the development site and on property adjacent to the development site is illustrated in Figure 2 below.



5. Up to ten percent of the required parking that would otherwise be located in a greenway may, if approved by the city development director, either be waived or provided on stabilized grass or similar pervious parking surface.
6. A greenway may be crossed to accommodate roads, utilities or other infrastructure that cannot, as determined by the city development director, be reasonably located elsewhere. The crossing shall be designed to maintain hydrologic and wildlife connections through appropriate structures such as culverts and to otherwise minimize impact upon the greenway.

(Ord. No. 2165-08, § 2, 11-24-08)



Sec. 5.03.03. Wetland mitigation.

In the event an applicant proposes an impact upon a wetland, the applicant shall also propose mitigation to offset the effects of such impact in compliance with the mitigation requirements established by the State of Florida and the Army Corps of Engineers. The city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development. A permit from the State of Florida shall precede any impact to a wetland.

- A. *South Florida Water Management District requirements.* Prior to site plan approval, compliance of proposed mitigation with applicable regulations of the State of Florida shall be provided to the city. The city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development. A permit from the State of Florida shall precede any impact to a wetland.
- B. *Clean Water Act requirements.* The proposed mitigation shall comply in all respects with Section 404 of the Clean Water Act as amended from time to time. The city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development. A final permit from the corps is required before any wetland impacts occur.
- C. *Wetland mitigation priorities.* If the State of Florida determines that a wetland, or a portion thereof may be mitigated, that mitigation may proceed according to the following geographic priorities:
 1. The first priority shall be mitigation on-site.
 2. The second priority shall be mitigation within the same watershed basin.
 3. The third priority shall be mitigation within watershed basins identified in the Conservation Element of the City's Comprehensive Plan.
 4. The fourth priority shall be mitigation within watershed basins in Martin County.
 5. The fifth priority shall be mitigation within a mitigation bank whose service area covers the development site.
- D. *Other requirements.* In those instances where wetland delineation was not conducted using the post-1994 accepted practice for doing so and no permit was required from the State of Florida, impact to a wetland shall be permitted only if the mitigation requirements below are met:
 1. The proposed mitigation will replace the wetland functions and associated values lost as a result of the impact as determined in accordance with the South Florida Water Management District Wetland Rapid Assessment Procedure;



2. Any crossings of wetlands for access or infrastructure will provide continued hydrologic and wildlife connections through culverts or other appropriate structural means;
3. The applicant has a sufficient perpetual property interest to ensure completion and perpetual preservation of the mitigation area;
4. The applicant has provided a long-term monitoring and maintenance plan that will ensure the success of the mitigation according to the maintenance plan;
5. The applicant provides financial assurance such as a bond or letter of credit to ensure completion, monitoring and maintenance of the mitigation.

(Ord. No. 2165-08, § 2, 11-24-08)

5.04.00. ENVIRONMENTALLY SENSITIVE LANDS

No site clearing of any public or private lands within the city shall be permitted without approval by the city. Proposed development site plans and plat applications for sites of greater than one acre shall include a native vegetation preserve area for the preservation of upland areas in functional habitat units.

(Ord. No. 1824-02, § 1, 1-28-02; Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.04.01. Requirements for sites of greater than one acre.

For sites where less than 25 percent of the development site, exclusive of wetlands that are verified to be a "wetland" by the State of Florida, exists as native vegetative areas, all native vegetative areas shall be preserved. For sites where greater than 25 percent of the development site, exclusive of wetlands that are so verified by the State of Florida, exists as native vegetative areas, not less than 25 percent of the development site shall be preserved as a native vegetative area. This area can consist of the upland buffers, greenways, native uplands, wetland areas of less than one-half acre and not verified to be a "wetland" by the State of Florida, habitat of listed species, and habitat of wildlife.

(Ord. No. 1824-02, § 1, 1-28-02; Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.04.02. Identification of native vegetation preserve area for sites of greater than one acre.

The preserve area shall be set aside in accordance with the following priorities:

A. *Native vegetation preserve area priority criteria.*

1. On development sites where upland buffers for wetlands is required, the first priority for the identification of the native vegetation preserve area shall include the areas of upland buffers and greenways, if any, and then areas of native vegetation.
2. After the location of the upland buffers for wetlands, the balance of the native vegetation preserve area shall be areas of existing native habitat of listed species.



Necessary permits from the U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission may require a larger native vegetation preserve area and in such event those permit requirements shall apply.

3. In the event, given the foregoing criteria, the entire native vegetation preserve area required has not been provided for, the balance of the native vegetation preserve area shall be located with reference to the following:
 - a. Areas for integration and maintenance of environmental systems; and
 - b. Protection of ecotones and diverse habitat types, including the interface of wetlands, uplands and various upland types; and
 - c. Preservation of wetlands that are isolated from other wetlands or upland systems and not connected to native habitat.
 4. For sites with no native vegetation, the landscaping requirements of this Code shall be met with native vegetation, however, the side and rear landscape strip shall be 25 feet in depth and planted with native vegetation. The location and type shall be determined by the presence or absence of native vegetation on adjacent property.
- B. *Native vegetation preserve area on-site relocation option.* Excluding native vegetation included within areas of listed species habitat and upland buffers, the applicant may propose relocation or replanting of native vegetation that would otherwise be preserved, providing that the relocated preserve area be assessed in terms of its value as habitat. The relocated onsite preserve should be of the same or better quality as the area proposed for relocation. On-site preserve areas of a different type may be proposed and allowed at the city's discretion, providing that the area is a native vegetative community that is rare within the city or Martin County. This assessment should be included as a separate section of the Environmental Assessment Report (Section 5.02.00), and;

On-site relocation criteria:

- Relocation allows for establishment of native upland habitat contiguous to existing native habitat thus creating larger contiguous tracts of habitat providing greater native habitat function and connectivity with clear benefits for listed species.
- Relocation of native upland habitat provides clear synergistic benefits to on-site wetlands that are to be preserved, enhanced, or created.
- The on-site preserve area community should be the same type as the on-site community to be impacted. An environmental assessment should be conducted by a qualified environmental professional (i.e. Certified Ecologist, Certified Environmental Professional, Professional Wetland Scientist, or other recognized certification) for the on-site areas that:
 - a. Indicates the size of the proposed preserve area;



- b. Describes the community type using the Florida Land Use, Cover and Forms Classification System (FLUCCS), including FLUCCs codes for land use in the surrounding vicinity and including an aerial map with FLUCCS overlay;
 - c. Provides an inventory of the dominant vegetation;
 - d. Indicates the approximate percent cover of exotic vegetation and type;
 - e. Lists protected floral and faunal species that could occur and that were observed;
 - f. Describes the land use in the surrounding vicinity in relation to the proposed preserve area; and
 - g. Describes the conceptual restoration plan (including restoration and management needs), if applicable.
- C. *Native vegetation preserve area off-site relocation option.* Excluding native vegetation included within areas of listed species habitat and upland buffers, the applicant may propose relocation or replanting of native vegetation that would otherwise be preserved, providing that the relocated preserve area be assessed in terms of its value as habitat. The relocated offsite preserve should be of the same or better quality as the area proposed for relocation. On-site preserve areas of a different type may be proposed and allowed at the city's discretion, providing that the area is a native vegetative community that is rare within the city or Martin County. This assessment should be included as a separate section of the Environmental Assessment Report (Section 5.02.00), and;

Off-site relocation criteria:

- The off-site preserve area community should be the same type as the on-site community to be impacted and should be of the same or greater quality. An environmental assessment should be conducted by a qualified environmental professional (i.e. Certified Ecologist, Certified Environmental Professional, Professional Wetland Scientist, or other recognized certification) for both the on-site and off-site areas that:
 - a. Indicates the size of the proposed preserve area;
 - b. Describes the community type using the Florida Land Use, Cover and Form Classification System (FLUCCS), including FLUCCs codes for land use in the surrounding vicinity, and including an aerial map with FLUCCS overlay;
 - c. Provides an inventory of the dominant vegetation;
 - d. Indicates the approximate percent cover of exotic vegetation and type;
 - e. Lists protected floral and faunal species that could occur and that were observed;
 - f. Describes the land use in the surrounding vicinity in relation to the proposed preserve area; and



- g. Describes the conceptual restoration plan (including restoration and management needs), if applicable.
 1. The native vegetation that would otherwise be preserved on the development site is not the habitat of listed species.
 2. The required upland buffers are provided.
 3. The development site is proposed for non-residential uses or mixed-use.
 4. The location of the off-site preserve area is approved by the city and consistent with adopted environmental management plans.
 5. The preserve area is provided according to one of the following options:
 - a. Provision of not less than two acres of off-site preserve area for every one acre of on-site native vegetation preserve area not provided said off-site preserve area being of a superior habitat quality, or
 - b. Payment to the city of an amount that is 150 percent of the appraised value of the entire development site that is prorated to apply to the native vegetation preserve area acreage not provided for deposit into a city environmental trust fund for stormwater quality improvements, and for the acquisition, enhancement and maintenance of environmentally sensitive lands, and for environmental education.

(Ord. No. 1824-02, § 1, 1-28-02; Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.04.03. Monitoring and maintenance of preserve areas for sites of greater than one acre.

In order to ensure that the wetland and upland preserve areas remain a native vegetative area and a functional habitat for wildlife, these areas must be monitored and maintained in their native form. This requirement shall be met both during construction of approved projects as well as throughout the existence of the project and its associated preserve areas.

- A. *Preserve area protection plan during construction.* The application for site plan approval for a site of greater than one acre shall include a preserve area protection plan the provisions of which shall be implemented prior to construction to prevent encroachment and negative effects upon required preserve areas. The plan shall include the following:
 1. A barricade plan shall indicate the locations and types of barricades that will be employed to prevent encroachment of construction activities into the preserve areas.
 2. An erosion and turbidity control plan shall indicate the locations and types of erosion control that will be employed to prevent runoff of turbid water into the preserve areas.



3. A schedule for the inspection and maintenance of barricades and erosion controls prior to and during the construction period shall be provided.
4. A signage and information plan depicting locations and text for signs designating preserve areas shall indicate that the signs will be placed at an interval of one per lot with perimeter bordering preserve or buffer areas or every 100 feet for perimeter areas that do not include lots.
5. The preserve areas signs shall include the following statement:

"PRESERVE AREA -
NO DUMPING -
NO TRIMMING - NO MOWING."

BY ORDER OF THE CITY OF STUART

- B. *Preserve area vegetative requirements.* As a condition of site plan or plat approval for a site of greater than one acre, the proposed development project shall meet the following criteria for preserve areas.
 1. All nuisance and non-native vegetation shall be eradicated within all wetlands and upland preserve areas except as specified in item 3 below. Non-native vegetation includes all species on the Florida Exotic Pest Plant Council list as amended from time to time. Nuisance vegetation includes, but is not limited to, cattail, primrose willow and other species designated as nuisance or undesirable by the South Florida Water Management District.
 2. Eradication shall consist of the most ecologically sound combination of mechanical removal, manual removal and herbicide treatment. All vegetative debris generated by the eradication must be disposed of outside the wetland or preserve area.
 3. A limited amount of non-native vegetation may be allowed to remain as a visual and noise buffer as determined by the city development director on a particular site.
- C. *Preserve area maintenance.* For sites that are greater than one acre, the application for site plan or plat approval shall include a preserve area maintenance plan.
 1. The preserve area maintenance plan shall include the following.
 - a. Provision shall be made for annual monitoring of the vegetative cover in the preserve area for the five years after completion of the project.
 - b. The vegetative cover data shall be collected in accordance with generally accepted scientific methods, including any occurrence of non-native vegetation or nuisance vegetation. Data shall be documented on a summary monitoring sheet.
 - c. Monitoring reports shall include the quantitative vegetation cover data from designated monitoring locations within the preserve area. The vegetative



- coverage data shall be measured as absolute coverage within an area of approximately 2,500 square feet at each monitoring station.
- d. The vegetation shall be measured in percent coverage of the canopy and understory layer and ground cover. The total percent cover should not exceed 100 percent, and each species documented will be reported in both common and Latin names.
 - e. The coverage shall be measured by visual observation in each of four quadrants from the fixed monitoring point. Observations extend approximately 50 feet from the observer in each direction thus covering approximately 2,500 square feet at each station. The data from each quadrant observation is combined to calculate the vegetative coverage. Station locations are to be permanently marked to ensure consistency in data collection.
 - f. At least one panoramic photo shall be collected from each of the established monitoring stations to provide documentation of vegetative coverage.
 - g. The monitoring report shall include recommendations for maintenance, if necessary.
 - h. Provision shall be made for continued eradication of nuisance and non-native vegetation that may occur in the preserve area and for habitat management to continually maintain the type and quality of habitat originally intended for the project.
 - i. Provision shall be made for financial assurance for not less than five years that monitoring and maintenance of the preserve area will be conducted per the plan.
2. The preserve area maintenance plan and provisions shall be included in the deeds and covenants which run with the property.
 3. A preserve area maintenance plan compliance analysis report shall be filed annually with the city for each of the first five years following completion of the project. The report shall detail compliance with the plan, and shall include an update of the specific monitoring criteria as listed above and a description of the effort needed to comply with the plan on an annual basis.
 4. Prior to issuance of a certificate of occupancy for any portion of the development, the developer shall execute a contract with the city whereby the developer and successors in interest to the developer are bound to comply with the plan. Said contract shall be recorded in the public records of Martin County, Florida and shall specifically provide for injunctive relief and specific performance and shall indicate any intended third party beneficiaries.
 5. Violation of a plan shall constitute a violation of this Code enforceable through Code Enforcement proceedings as well as other available legal and equitable remedies provided by law.



(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.04.04. Activities presumed to have an insignificant adverse affect on protected areas.

1. Certain activities are presumed to have an insignificant adverse affect on the beneficial functions of protected areas established in section 5.04.02.. Notwithstanding the prohibition in section 5.03.02., the following activities may be undertaken.
 - a. Scenic, historic, wildlife, or scientific preserves.
 - b. Minor maintenance or emergency repair to existing structures or improved areas.
 - c. Establishment of the Stuart Riverwalk.

(Ord. No. 2165-08, § 2, 11-24-08)

5.05.00. TREES

Sec. 5.05.01. Tree location map and survey requirements for sites of greater than one acre.

- A. *Tree protection information.* The following requirements regarding tree protection shall apply to all applications for site plan approval for sites greater than one acre.
 1. A tree location map, as defined in Ch. XII, shall be filed with the application for site plan approval. The map shall indicate the approximate locations of all historic trees and all specimen trees on the site. These trees are defined in Ch. XII..
 2. Each tree so mapped shall be designated on the tree location map by size in diameter at 4.5 feet above the ground (diameter breast height – DBH) and type. The tree location map shall depict the proposed building and construction areas within the proposed project and how those areas affect the mapped trees.
 3. In the event trees subject to protection in this section will be removed or otherwise impacted directly, or will be filled at the base or otherwise impacted indirectly, a tree survey, as defined in Ch. XII, shall be prepared.
- B. *Protected tree species and criteria.*
 1. Specimen trees as defined in Ch. XII.

(Ord. No. 1788-01, § 1, 6-25-01)

2. Historic trees as defined in Ch. XII.

3. The city tree list follows:



CITY OF STUART TREE LIST

TABLE INSET:

American Holly	(Ilex opaca)
Bald Cypress	(Taxodium distichum)
Banyan Tree	(Ficus benghalensis)
Dahoon Holly	(Ilex cassine)
Gumbo Limbo	(Bursera simaruba)
Hickory	(Carya ashei)
Laurel Oak	(Quercus laurifolia)
Live Oak	(Quercus virginiana)
Loblolly Bay	(Gordonia lasianthus)
Mahogany	(Swietenia mahogani)
Red Bay	(Persea borbonia)
Red Maple	(Acer rubrum)
Sand Pine	(Pinus clausa)
Slash Pine	(Pinus elliottii var. densa)
Southern Magnolia	(Magnolia grandiflora)
Southern Red Cedar	(Juniperus silicicola)
Strangler Fig	(Ficus aurea)
Sweet Bay	(Magnolia virginia)
Sweet Gum	(Liquidambar styraciflua)
Sycamore	(Plantanum occidentalis)

4. The city flowering tree list follows:

CITY OF STUART FLOWERING TREE LIST

TABLE INSET:

Glaucous Cassia ¹	(Cassia surattensis)
Weeping Bottlebrush ¹	(Callistemon viminalis)
Lemon Bottlebrush ¹	(Callistemon lanceolata)
Golden Rain Tree ¹	(Koelreuteria formosana)
Queens Crepe Myrtle ¹	(Lagerstromia speciosa)



Paradise Tree	(Simaruba glauca)
Silver Trumpet ¹	(Tabebuia caraiba)
Pink Tab or Trumpet Tree ¹	(Tabebuia heterophylla)
Jerusalem Thorn ¹	(Parkinsonia aculeata)
Princess Flower Tree ¹	(Tibouchina grandiflora)
Hong Kong Orchid ¹	(Bauhinia blakeana)

¹ It is recognized that these plant materials are not considered native vegetation materials and do not count towards the native vegetation requirements of this Code.
(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.05.02. Tree replacement and protection requirements.

A. *Historic trees and specimen trees.* Historic trees and specimen trees located within that portion of a development site to be developed shall be protected or replaced in accordance with the following criteria. No historic or specimen trees shall be removed without a tree removal permit, unless the removal is in conjunction with an approved development order where a tree survey was submitted. A tree removal permit must be issued by the city development department for work undertaken pursuant to this section. Application for such permit shall be on forms prescribed by the city development director. The fee for such permit shall be set by the city manager.

1. *Specimen trees.* All practical measures shall be taken to leave specimen trees in place and preserved within development sites.
 - a. Specimen trees within parking areas shall be preserved with tree wells or other appropriate measures, if practical. Any parking space requirement that would require the removal of a specimen tree may be waived by the city development director if no fewer than 90 percent of the required parking spaces will be provided. Otherwise, specimen trees shall be relocated within the development site.
 - b. Specimen trees within building envelopes or for which there is no practical alternative for preservation shall be relocated within the development site.
 - c. Specimen trees, excluding Slash Pine trees, for which relocation is not possible or is not expected to be successful, shall be replaced with like species within the development site. Replacement trees shall have a combined DBH of 2.5 times the DBH of the trees replaced. The minimum size for replacement trees is 4.5 inches DBH. Determination of the number of replacement trees or contribution to City Tree Fund shall be calculated in accordance with Table 1 below. Replacement trees shall be native to Florida or not documented as an invasive species.
 - d. Specimen trees, specifically and only Slash Pines, for which relocation is not possible or is not expected to be successful, shall be replaced with like species within the development site. Replacement trees shall have a combined DBH of



1.5 times the DBH of the trees replaced. The minimum size for replacement trees is 2.5 inches DBH. Determination of the number of slash pines or contribution to City Tree Fund shall be calculated in accordance with Table 1 below.

- e. When not feasible to replant with like species of Slash Pine, replacement trees may be substituted with the following palm trees on a 1:1 ratio:
- Alexander Palm
 - Coconut Palm
 - Chinese Fan Palm
 - Date Palm
 - Majesty Palm
 - Royal Palm
 - Christmas Palm
 - Washington Palm

For every one foot of clear trunk of palm tree exceeding minimum palm tree size per Section 6.04.02.A.2 of the landscape code, credit will be given for one inch of replacement.

- f. Additional preservation of native habitat beyond that required by Section 5.04.00 may be substituted for the tree replacement requirements of this section as approved by the city development director. Such preservation is additional to requirements for wetlands and preserve areas and shall include sufficient native trees to meet the DBH replacement requirements in paragraph c. above.
- g. Credit towards tree replacement requirements shall be provided for landscaping required by Section 6.04.00 only if all required trees are planted at a minimum DBH of 4.5 inches and all required palms are planted at a minimum of 14 feet clear trunk. If required trees or palms, as proposed for a development site in accordance with the landscape code, are planted at minimum landscape code requirements, then no credit is obtainable.
- h. As determined by the city development director, monies may be contributed as part of tree replacement requirements. This tree replacement mitigation, through payment into the city tree replacement fund, shall only provide for a 50 percent mitigation of the required number of trees to be replaced. The city development director shall coordinate the recovery and disbursement of said funds in accordance with the general provisions of this chapter.
- i. Relocated trees that do not survive at least two years shall, in turn, be replaced. A mechanism for financial assurance that relocated and replacement trees will meet survival criteria shall be provided.
- j. Tree removal within single family and duplex properties shall substitute replacement trees with like species on a 1:1 ratio, if feasible.



Table 1
Proposed Formulas for Tree Replacement and Contribution into City Tree Fund
TABLE INSET:

Tree Replacement Formula--Slash Pine:													
Total # inches to remove	x	1.5	=	Total # inches to be replaced	/	Minimum size to replace 2.5"	=	Total # trees to plant	x	50% mitigation to pay into city tree fund	x	175% of plant finder wholesale	=
Tree Replacement Formula--All trees less Slash Pine:													
Total # inches to remove	x	2.5	=	Total # inches to be replaced	/	Minimum size to replace 4.5"	=	Total # trees to plant	x	50% mitigation to pay into city tree fund	x	175% of plant finder wholesale	=

(Ord. No. 1788-01, § 1, 6-25-01)

2. *Historic trees.* All historic trees located within a proposed site shall be preserved.

- a. A site plan, development permit, or plat application shall indicate the preservation of all historic trees in all areas proposed for development. The site application shall indicate protective measures to ensure the preservation and longevity of all historic trees, such as tree wells, construction barricades or fencing, or relocation.
- b. Any parking space requirement or building envelope which would require the removal of a historic tree may be waived by the city development director if no fewer than 90 percent of the required parking spaces are provided.

In the event no practical alternative exists to locating structures on the site so as to accommodate a historic tree, the applicant for development may submit for major development plan approval or planned unit development (PUD) to consider the removal and replacement of the historic tree. The city commission shall be guided by a consideration of the environmental as well as aesthetic and economic value of the historic tree to be replaced in deciding the appropriate means and manner of its removal and replacement.

- c. Tree removal within single family and duplex properties shall substitute replacement trees with like species on a 1:1 ratio, if feasible

(Ord. No. 2165-08, § 2, 11-24-08)



Sec. 5.05.03. Protection during development.

A. Generally.

1. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
 - a. Mechanical injuries to roots, trunk, and branches;
 - b. Injuries by chemical poisoning;
 - c. Injuries by grade changes;
 - d. Injuries by excavations, fill and;
 - e. Injuries by paving.
2. At a minimum, the protective measures described below shall be taken where appropriate to the development activity. Additional reasonable requirements may be necessary and shall be taken to preserve the health of protected trees in particular circumstances.

B. Avoiding mechanical injuries.

1. Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone.
2. No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.
3. No equipment, construction materials or debris of any kind shall be placed within the protective barrier.
4. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing, such as clearing of existing vegetation or similar activities, is prohibited within the protective barrier except for removal of prohibited species. The only activity permitted within protective barriers shall be supplemental landscaping. Supplemental landscape plant material shall be of similar cultural classification as existing vegetation. Temporary irrigation shall be permitted on an as-needed basis until plant establishment.
5. In lieu of constructing the barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of 25 feet apart and tying ribbon, plastic tape or rope from stake



to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.

6. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

C. Avoiding injuries due to chemical poisoning.

1. No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
2. No equipment shall be cleaned within a required protective barrier or perimeter line.

D. Avoiding injuries due to excavations.

1. Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.
2. If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main tap roots.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.05.04. Emergencies.

In the case of emergencies such as hurricanes, windstorms, floods, freezes or other disasters or hazards, the requirements of this section may be waived by the city manager or his/her designee upon a finding that such waiver is necessary so that public or private work to restore order in the community will not be impeded.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.05.05. Public right-of-way.

No trees shall be removed from the public right-of-way except under the direction of the city development director and the parks and recreation director. No tree shall be planted in the public right-of-way without authorization from the city.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.05.06. Clearance of vegetation over streets and sidewalks.

Trees and shrubbery shall be trimmed by the city and/or authorized agencies so that there shall be a clear space of eight feet over all sidewalks and ten feet over all streets within the city.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.05.07. City tree replacement fund.



- A. *Establishment of the city tree replacement fund.* The city tree replacement fund is created in association with the City of Stuart Department of Financial Services for the purpose of accepting and disbursing payments made to the city as part of tree replacement mitigation and other monies deposited from penalties for tree removal, illegal grading, or illegal clearing. These monies shall be placed in an account and shall be used for funding tree planting and replacement on private or public property within the city, exotic vegetation removal and native habitat enhancement on private or public property within the city, acquisition of land within the city for preservation purposes, matches for habitat management related grants.
- B. *Term of existence.* The city tree replacement fund account shall be self-perpetuating from year to year unless specifically terminated by the city commission.
- C. *Purpose.* Funds received shall be utilized for acquiring and planting trees for public purposes within the city. Acquired trees shall be suitable to the site conditions and listed within the city tree list. Public lands selected for plantings shall be publicly owned or managed lands in public right-of-way.
- D. *Source of funds.* Fund monies may consist of the following:
1. All monies collected pursuant to the penalties outlined in section this Code and the Code of Ordinances.
 2. All monies collected as part of tree replacement mitigation allowances.
- E. *Fund administration.*
1. Funds shall be expended, utilized and disbursed only for the purposes designated herein.
 2. The fund shall be a separate set of self-balancing accounts established and maintained by the City of Stuart.
 3. Funds shall be managed in accordance with the city's Code of Ordinances as they relate to financial matters.
 4. Monies obtained pursuant to this section may be accepted on behalf of the City of Stuart by the city development director or their designee, and upon receipt shall be delivered to the City of Stuart Department of Financial Services, which shall cause the same to be credited to the trust.

(Ord. No. 1788-01, § 1, 6-25-01; Ord. No. 1966-04, § 2, 1-26-04; Ord. No. 2165-08, § 2, 11-24-08)

5.06.00. MANGROVE AND SHORELINE PROTECTION

Sec. 5.06.01. Introduction and resource management approach.



The function and value of shoreline and mangrove areas have been recognized by the Florida Department of Environmental Protection through its "Mangrove Trimming Rule." This section is intended to permit the city to monitor shoreline and mangrove protection within the city.

(Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.06.02. Shoreline protection zone delineation.

- A. *Definition.* As used in this chapter, the term "shoreline protection zone" means the land adjacent to the shoreline, including the shoreline, of the St. Lucie River, Poppleton Creek, Frazier Creek, Haney Creek, Krueger Creek, and Willoughby Creek. Except as otherwise provided in Section 5.06.02.B.4 of this Code, no development shall be permitted within the shoreline protection zone.
- B. *Construction limited.*
1. An application for site plan approval that includes a portion of the St. Lucie River and Poppleton Creek, Frazier Creek, Haney Creek, Krueger Creek and Willoughby Creek shall include a delineation of the shoreline protection zone. The zone shall be established by survey.
 2. Outside the community redevelopment area, the shoreline protection zone for any water body shall be 25 feet from the mean high water line.
 3. Within the community redevelopment area, the shoreline protection zone for any water body shall be ten feet from the mean high water line.
 4. The following types of development shall be permitted:
 - i. Docks, marinas or interpretative walks permitted by the State of Florida;
 - ii. Stormwater retention areas;
 - iii. Landscaping;
 - iv. Bulkheads and seawalls which function to protect existing development and are located landward of riverine wetlands and their ecotones;
 - v. Riprap; and
 - vi. Unpaved, stabilized parking.
 5. Any construction activity proposed within the Zone are subject to the permitting and technical requirements in Chapter 10 "Building and Building Regulations", Article VIII, of the City of Stuart Code of Ordinances, and shall have a valid permit from the South Florida Water Management District or the Florida Department of Environmental Protection.

(Ord. No. 2165-08, § 2, 11-24-08)



Sec. 5.06.03. Mangrove protection.

The Florida Mangrove Trimming and Preservation Act applies to lands within the city. The city will monitor mangrove alteration projects. Prior to initiating any mangrove trimming or alteration within the city limits, the city development director may include a disclaimer and/or condition to an issued permit that all other applicable state and federal permits be obtained prior to commencement of the development, including but not limited to a mangrove trimming permit or mangrove alteration permit from the Florida Department of Environmental Protection. (Ord. No. 2165-08, § 2, 11-24-08)

Sec. 5.06.04. Prohibited ongoing activities.

The following standards apply to post-development activities taking place within any protected area.

A. Handling and storage of fuel, hazardous and toxic substances, and wastes.

1. Developments where fuel or hazardous or toxic substances or wastes will be generated, handled, stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and hazardous or toxic substances or wastes. Facilities and procedures shall be designed to prevent substances or wastes from entering the water or soil, and employ adequate means for prompt and effective clean-up and spills that do occur.
2. No toxic or hazardous wastes or substances shall be stored in outdoor containers.
3. Storage or disposal of all types of wastes or substances is prohibited on shorelines.

B. Prohibited uses. The long-term storage of equipment or materials, and the disposal of wastes shall be prohibited.

C. Fertilizers, herbicides, or pesticides.

1. Fertilizers, herbicides, or pesticides shall not be applied in a protected area except for projects conducted under the authority of F.S. §§ 373.451--373.4595, the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs, or in accordance with Chapter 20, Article VIII of the City's Code of Ordinances.
2. Fertilizers, pesticides, and herbicides shall be applied sparingly and at appropriate rates and time intervals in accordance with Chapter 20, Article VIII of the City's Code of Ordinances.

D. Spray vehicles. Vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from waters in protected areas.



- E. *Pump-out, holding, and treatment facilities for wastes from mobile sources.* Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be properly collected and disposed of.

(Ord. No. 2165-08, § 2, 11-24-08)

5.07.00. FLOODPLAIN MANAGEMENT

Sec. 5.07.01. Title.

These regulations shall be known as the Floodplain Management Ordinance of Stuart, hereinafter referred to as “this ordinance.”

Sec. 5.07.01.A. Scope.

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 5.07.01.B. Intent.

The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- (1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- (2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- (5) Minimize damage to public and private facilities and utilities;



(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Sec. 5.07.01.C. Coordination with the Florida Building Code.

This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Sec. 5.07.01.D. Warning.

The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

Sec. 5.07.01.E. Disclaimer of Liability.

This ordinance shall not create liability on the part of the Stuart Commission or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 5.07.02. Applicability

Sec. 5.07.02.A. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 5.07.02.B. Areas to which this ordinance applies.

This ordinance shall apply to all flood hazard areas within Stuart, as established in Section 102.3 of this ordinance.

Sec. 5.07.02.C. Basis for establishing flood hazard areas.



The Flood Insurance Study for Martin County, Florida and Incorporated Areas dated March 16, 2015, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Stuart, 121 S.W. Flagler Avenue, Stuart, FL 34994.

Sec. 5.07.02.C.1. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Sec. 5.07.02.D. Other laws.

The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 5.07.02.E. Abrogation and greater restrictions.

This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

Sec. 5.07.02.F. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be: (1) Considered as minimum requirements; (2) Liberally construed in favor of the governing body; and (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5.07.03. Duties and powers of the floodplain administrator

Sec. 5.07.03.A. Designation.



The Public Works Director is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

Sec. 5.07.03.B. General.

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

Sec. 5.07.03.C. Applications and permits.

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

Sec. 5.07.03.D. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations,



renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

Sec. 5.07.03.E. Modifications of the strict application of the requirements of the Florida Building Code.

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

Sec. 5.07.03.F. Notices and orders.

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

Sec. 5.07.03.G. Inspections.

The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Sec. 5.07.03.H. Other duties of the Floodplain Administrator.

The Floodplain Administrator shall have other duties, including but not limited to:



- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Stuart are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

Sec. 5.07.03.I. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of Stuart, 121 S.W. Flagler Avenue, Stuart, FL 34994.

Sec. 5.07.04. Permits.

Sec. 5.07.04.A. Permits required.



Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

Sec. 5.07.04.B. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Sec. 5.07.04.B.1. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.



(9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

Sec. 5.07.04.C. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in Section 105 of this ordinance.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the Floodplain Administrator.

Sec. 5.07.04.D. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

Sec. 5.07.04.E. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Sec. 5.07.04.F. Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.



Sec. 5.07.04.G. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- (1) The South Florida Water Management District; section 373.036, F.S.
- (2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- (3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
- (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- (5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

Sec. 5.07.05. Site plan and construction documents

Sec. 5.07.05.A. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2) Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2(2) or (3) of this ordinance.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) of this ordinance.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.



- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
- (8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
- (9) Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

Sec. 5.07.05.B. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the



responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Sec. 5.07.05.C. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 5.07.05.D of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 5.07.05.D of this ordinance.

(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

Sec. 5.07.05.D. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 5.07.06. Inspections.



Sec. 5.07.06.A. General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Sec. 5.07.06.A.1. Development other than buildings and structures.

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 5.07.06.A.2. Buildings, structures and facilities exempt from the Florida Building Code.

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

Sec. 5.07.06.A.2.a. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- (1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- (2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Sec. 5.07.06.A.2.b. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.

Sec. 5.07.06.A.3. Manufactured homes.

The Public Works Director shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Public Works Director.



Section 5.07.07 Variances and appeals.

Sec. 5.07.07.A. General.

The Stuart Magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Stuart Magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

Sec. 5.07.07.B. Appeals.

The Stuart Magistrate shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Stuart Magistrate may appeal such decision to the Circuit Court, as provided by Florida Statutes.

Sec. 5.07.07.C. Limitations on authority to grant variances.

The Stuart Magistrate shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 5.07.07.F of this ordinance, the conditions of issuance set forth in Section 5.07.07.G of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Stuart Magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

Sec. 5.07.07.C.1. Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 5.07.05.C of this ordinance.

Sec. 5.07.07.D. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Sec. 5.07.07.E. Functionally dependent uses.



A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 5.07.07.C.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Sec. 5.07.07.F. Considerations for issuance of variances.

In reviewing requests for variances, the Stuart Magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Sec. 5.07.07.G. Conditions for issuance of variances.

Variances shall be issued only upon:



- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Stuart Magistrate that:
 - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Section 5.07.08. Violations.

Sec. 5.07.08.A. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Sec. 5.07.08.B. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.



Sec. 5.07.08.C. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 5.07.09. Definitions

Sec. 5.07.09.A. General.

Sec. 5.07.09.A.1. Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

Sec. 5.07.09.A.2. Terms defined in the Florida Building Code.

Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

Sec. 5.07.09.A.3. Terms not defined.

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 5.07.09.B. Definitions.

Definitions pertaining to this section can be found in Chapter 12.

Sec. 5.07.10. Flood Resistant Development

Sec. 5.07.10.A. Buildings and structures.

Sec. 5.07.10.A.1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to Section 5.07.04.B.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 5.07.07 of this ordinance.

Sec. 5.07.10.A.2. Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:



(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

(2) Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

Sec. 5.07.10.B. Subdivisions.

Sec. 5.07.10.B.1. Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 5.07.10.B.2. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 5.07.05.B(1) of this ordinance; and

(3) Compliance with the site improvement and utilities requirements of Section 5.07.10.C of this ordinance.

Sec. 5.07.10.C. Site improvements, utilities and limitations.

Sec. 5.07.10.C.1. Minimum requirements.

All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;



(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 5.07.10.C.2. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Sec. 5.07.10.C.3. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Sec. 5.07.10.C.4. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 5.07.05.C(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Sec. 5.07.10.C.5. Limitations on placement of fill.

Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Sec. 5.07.10.C.6. Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 5.07.05.C(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 5.07.10.G.8(3) of this ordinance.

Sec. 5.07.10.D. Manufactured homes.



Sec. 5.07.10.D.1. General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

Sec. 5.07.10.D.2. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ordinance.
- (2) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.

Sec. 5.07.10.D.3. Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices, which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Sec. 5.07.10.D.4. Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 5.07.10.D.4.a or 5.07.10.D.4.b of this ordinance, as applicable.

Sec. 5.07.10.D.4.a. General elevation requirement.

Unless subject to the requirements of Section 5.07.10.D.4.b of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located:

- (a) outside of a manufactured home park or subdivision;
- (b) in a new manufactured home park or subdivision;
- (c) in an expansion to an existing manufactured home park or subdivision; or
- (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the



flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).

Sec. 5.07.10.D.4.b. Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to Section 5.07.10.D.4.a of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Sec. 5.07.10.D.5. Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

Sec. 5.07.10.D.6. Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

Sec. 5.07.10.E. Recreational vehicles and park trailers.

Sec. 5.07.10.E.1. Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Sec. 5.07.10.E.2. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in Section 5.07.10.E.1 of this ordinance for temporary placement shall meet the requirements of Section 5.07.10.D of this ordinance for manufactured homes.



Sec. 5.07.10.F. TANKS

Sec. 5.07.10.F.1. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Sec. 5.07.10.F.2. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of Section 5.07.10.F.3 of this ordinance shall:

(1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(2) Not be permitted in coastal high hazard areas (Zone V).

Sec. 5.07.10.F.3. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank- supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Sec. 5.07.10.F.4. Tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 5.07.10.G. Other development.

Sec. 5.07.10.G.1. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;



- (2) Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

Sec. 5.07.10.G.2. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.07.10.C.4 of this ordinance.

Sec. 5.07.10.G.3. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.07.10.C.4 of this ordinance.

Sec. 5.07.10.G.4. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.07.10.C.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 5.07.05.C.(3) of this ordinance.

Sec. 5.07.10.G.5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- (1) Structurally independent of the foundation system of the building or structure;
- (2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- (3) Have a maximum slab thickness of not more than four (4) inches.

Sec. 5.07.10.G.6. Decks and patios in coastal high hazard areas (Zone V).



In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

- (1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

Sec. 5.07.10.G.7. Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- (3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.



Sec. 5.07.10.G.8. Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

5.08.00. RESOURCE PROTECTION REGULATIONS ADOPTED BY REFERENCE

Sec. 5.08.01. Martin County Wellfield Protection Ordinance.

The Martin County Wellfield Protection Ordinance (# 949, February 26, 2014), or subsequent amendments thereto, is hereby adopted by reference as part of this Code. Copies of this document shall be made available to the public at the office of the city clerk or Martin County's website.

5.09.00. HISTORIC PRESERVATION

Sec. 5.09.01. Thirty-day waiting period before demolishing a historic structure.

- A. A permit to demolish a historic structure shall not be issued within 30 days of the date of the filing of a completed application, including the payment of any required fee, during which the city shall explore with the owner/applicant the possibility of:
 1. Preserving the structure;
 2. Relocating the structure on the existing site;
 3. Donating the structure to the city or other preservation organization for the purpose of relocating it to another site.
- B. The city recognizes the list in subsection A. above, in rank order, preferring that preservation be considered prior to relocation on site, and before the structure is donated to an off-site location.



- C. During the 30-day waiting period described above, and in addition to the permit application for demolition, the applicant shall address each of the priorities above with the city development director or designee, and shall indicate the efforts made and the outcome of each priority. If during the 30-day waiting period it is determined that the structure is not historically significant, a demolition permit may be issued.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.02. Ninety-day waiting period before demolishing a historic structure.

For other than R-1 and R1-A-zoned property, a permit to demolish a historic structure shall not be issued within 90 days of the date of the filing of a completed application, including the payment of any required fee, during which the city shall explore with the owner/applicant the preservation options set forth in section 5.09.01. If a permit for new development is issued before the end of the 90-day period, a demolition permit shall be granted at the same time. If during the 90-day waiting period it is determined that the structure is not historically significant, a demolition permit may be issued.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.03. Risk to the public's health, safety and welfare.

Upon a determination by the building official that a historic structure poses an immediate or imminent risk to the public's health, safety and welfare, the required waiting period and additional limitation on demolishing a historic structure may be waived by the city manager, in the public interest.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.04. Demolition by neglect; prohibited.

- A. On or after December 11, 2006, every owner of an historic structure shall maintain and keep in good repair: 1) All of the exterior portions of such buildings or structures; and 2) All interior portions thereof, including structural, electrical, plumbing, and mechanical (HVAC) systems which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise fall into a state of disrepair. Failure to so maintain a historic structure shall be a violation of this chapter.
- B. The building official or designee shall make a determination of demolition by neglect based upon an evaluation of a historic structure that determines neglect and lack of maintenance to be the most significant causative factors for the overall deterioration of the structure, but also considering the effects of wear and tear caused by natural elements, such as oxidation and weather. Upon a determination of demolition by neglect, the city may remedy the violation as otherwise provided by law, including but not limited to code enforcement, repairs performed by or on behalf of the city, and the recording of all appropriate liens in the public records.

(Ord. No. 2091-06, § 2, 12-11-06)

Sec. 5.09.05. Tax exemptions for certain historic structures.



Upon confirmation that a historic structure within the city has qualified for a ten-year ad valorem tax exemption for the assessed value of improvements resulting from restoration, or rehabilitation made to the structure in accordance with a certificate of appropriateness issued by the Martin County Historic Preservation Board on or after January 1, 2003, a like exemption shall be granted by the city commission.
(Ord. No. 2091-06, § 2, 12-11-06)

Sec 5.09.06. Hearing; provided.

In the event that 1) an application for demolition permit is denied by the city, or 2) that an applicant disputes a development order made by the city regarding a historic structure, the applicant shall have 30 days from written rendition of the denial or other development order within which to appeal said decision by seeking a hearing before the city commission. Such request must be in writing, filed with the city clerk, and must specify the basis upon which the denial or development order is being challenged.
(Ord. No. 2091-06, § 2, 12-11-06)

5.10.00. CLUSTERING OF DEVELOPMENT

Sec. 5.10.01. Generally.

Pursuant to section 5.04.04, development activities shall be limited to uses and activities that are presumed to have an insignificant adverse effect on an environmentally sensitive area. The density or intensity of a use that would have been allowed on a site designated as an environmentally sensitive area, in the absence of the application of this Code, may be used by clustering the development in areas within the project site that are not environmentally sensitive. New development may be clustered on upland portions of a development site, which are not otherwise environmentally sensitive lands. Development densities and intensities may be transferred out of the environmentally sensitive area on a one-for-one basis, provided however, the development density and intensity in the non-environmentally sensitive portion of the site shall not exceed 150 percent of the maximum density and intensity otherwise allowed for the non-environmentally sensitive portion.
(Ord. No. 1878-02, § 1, 7-22-02)

Sec. 5.10.02. Clustering.

Development on parcels containing an environmentally sensitive area may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those non-environmentally sensitive portions of the site, provided however, the density or intensity of the site shall not exceed 150 percent of the maximum density or intensity allowed in section 2.03.00 of this Code for the non-environmentally sensitive portion of the site.
(Ord. No. 1878-02, § 1, 7-22-02)



Chapter VI

ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS

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6.00.00. GENERAL PROVISIONS

Sec. 6.00.01. Purpose.

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

Sec. 6.00.02. Responsibility for improvements.

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

Sec. 6.00.03. Principles of development design.

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

Sec. 6.00.04. Site design qualitative development standards.

A. *Generally.* The intent of these site design qualitative development standards is to establish qualitative standards to be applied by the city in the review of residential development plans, minor development plans and major development plans submitted to the city as required by this Code. The purpose of these standards is to insure that all site plan development complies with the comprehensive plan of the city and with the Stuart Land Development Regulations and to promote harmonious and compatible development within the city.

B. Standards.

1. *Harmonious and efficient organization.* All elements of a development plan shall be organized harmoniously and efficiently in relation to topography, the size and type of the subject property, the character and development of nearby property, and the type and size of buildings. Site improvements shall be arranged to have minimal effects on nearby property and in a manner that will not impede the development of nearby property for uses permitted by the Stuart Comprehensive Plan and this Code.
2. *Preservation of natural conditions.* The landscape shall be preserved in its natural state to the maximum degree practical by minimizing tree and soil removal and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to increase soil erosion in or near the site or to harm endangered or threatened plant or animal populations.
3. *Screening and buffering.* Fences, walls, or vegetative screening shall be provided where needed to protect the occupants of the site from undesirable views, lighting, noise or other adverse effects of nearby property, and to protect



the occupants of nearby property from like adverse effects produced by the development of the site.

4. *Enhancement of residential privacy.* The development plan shall provide reasonable visual and auditory privacy for all dwelling units located within and near the site. Fences, walls, barriers and vegetation shall be arranged to protect and enhance the appearance of the site and the privacy of the occupants.
5. *Emergency access.* Buildings, walls, landscaping and other site features shall be arranged and constructed to permit access by emergency vehicles to all buildings.
6. *Access to public and private ways.* All buildings, dwelling units and other facilities designed or intended for occupancy or assembly shall have safe and convenient access to public and private ways including streets, sidewalks and parking areas, and to other areas on the site designed or intended for common use.
7. *Pedestrian circulation.* For developments which include residential units, the pedestrian circulation system shall be separated to the maximum extent possible from the vehicular circulation system. Sidewalks shall be provided if desirable for pedestrian safety and shall be constructed in accordance with city standards.
8. *Location and design of access drives.* Access drives to the site shall be located and designed to maximize public safety and convenience and to minimize negative traffic impacts on property. Access improvements located both on and off the site shall be provided if desirable for public safety.
9. *Coordination of on-site and off-site circulation.* The arrangement of on-site public and private ways including streets, sidewalks, bicycle paths and parking areas for vehicular and pedestrian circulation shall be coordinated with the existing and planned pattern of off-site public and private ways for vehicular and pedestrian circulation.
10. *Location and design of on-site ways.* On-site public and private ways including streets, sidewalks, bicycle paths and parking areas shall be located and designed to occupy no more land than is required to provide safe and convenient vehicular and pedestrian circulation. Such ways shall not unnecessarily fragment development into small areas or segments.
11. *Drainage.* Stormwater drainage shall be accommodated on the site or shall be removed from the site in a manner which does not adversely affect nearby property or the public storm drainage system. The necessary facilities, including grading, gutters, piping and the treatment of soil, shall be provided to accommodate stormwater retention, percolation and drainage, and to prevent erosion and the formation of silt.
12. *Exterior lighting.* Exterior lighting shall not produce glare on nearby property or otherwise interfere with the quiet enjoyment of nearby property or with public safety and convenience. (Ord. No. 1345-94, 3-28-94)



6.01.00. TRANSPORTATION SYSTEMS

Sec. 6.01.01. General provisions.

- A. *Purpose.* This section establishes minimum requirements applicable to the development of transportation systems, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.
- B. *Compliance with the Stuart building and construction regulations.* All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards specified by the Florida Building Code as it may be amended from time to time.

Sec. 6.01.02. Streets.

A. *Street classification system established.*

1. Streets in the city are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns, design speed and construction standards. (Refer to the Transportation Element of the City of Stuart Comprehensive Plan.)
2. Private streets and streets that are to be dedicated to the city are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.
3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.
4. Residential streets are primarily suited for providing direct access to residential development, but may give access to limited non-residential uses, provided average daily traffic (ADT) volume generated by the non-residential use does not exceed applicable standards for the affected streets. All residential streets should be designed to minimize unnecessary and/or speeding traffic.
5. The following streets hierarchy is established in accordance with the City of Stuart Comprehensive Plan: local, collector, arterial. All development



proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this part.

- B. *Local streets.* A route providing service which is of relatively low average traffic volume, short average trip lengths or minimal through traffic movements, and high land access for abutting property.
- C. *Collector streets.* A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as linkage between land access and mobility needs.
- D. *Arterial streets.* A route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.
- E. *Street classification standards.*
 - 1. Generally.
 - a. Residential streets shall be laid out to provide adequate traffic circulation in the developed area and should begin and terminate at a main street. The minimum pavement width shall be 20 feet for two-way street and 12 feet for a one-way street.
 - b. Residential streets shall provide access to all building and/or units of the development not otherwise served.
 - c. All roads and streets shall enter and leave adjoining roadways, as nearly as practicable, at right angles thereto. In no case shall the intersection skew angle be greater than 60 degrees.
 - d. Street terminating in a dead end shall have a circular or square cul-de-sac with a paved area diameter or square equal to 90 feet.
 - e. Utility easements ten feet in width shall be provided along both sides of all streets.
 - f. Public alleyways shall remain open for pedestrian access, fire protection, and other public services. New public alleyways are encouraged.
 - g. No new arterial roadways shall be built or expanded in areas designated as residential on the future land use map, a part of the City of Stuart Comprehensive Plan.

Sec. 6.01.03. Rights-of-way.

- A. *Minimum right-of-way widths.* The minimum width of right-of-way of streets shall be:



1. State roads, as required by the Florida Department of Transportation.
2. Arterial streets, 50 feet each side of the centerline.
3. Local streets, 20 feet each side of the centerline.
4. Cul-de-sacs, 90-foot diameter or square.
5. Alleys of not less than 15 feet, or easements for utilities of not less than ten feet shall be platted.

Sec. 6.01.04. Sidewalks and bikeways.

- A. *Concurrent pedestrian use.* Designation of a route as part of the public bicycle path system shall not preclude its concurrent use by pedestrians, unless so specifically stated in the resolution making such designation.
- B. *Minimum width.* Except as otherwise provided by this Code or by ordinance, where practicable, all sidewalks and bikeways within the city shall be not less than eight feet in width.
- C. *When required.* Sidewalks and/or bikeways shall be provided for internal circulation and linkage to other projects when such facilities are possible given the particular physical characteristics of the site, type of project, and adjacent land uses. Determination of feasibility shall be made by the city development director.

Sec. 6.01.05. Bicycle and pedestrian access for Large-scale Commercial Development (LCD).

- A. *Purpose and intent.* All large-scale commercial development shall be designed to provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the city and the county and to provide safe passage from public right-of-way to the building or project, between projects and between alternative modes of transportation.
- B. *Pedestrian access.* Pedestrian ways, linkages and paths shall be provided from the building entries to surrounding streets, external sidewalks and development outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entries in a coordinated and safe manner and shall be constructed of paver blocks, stamped concrete, colored concrete or similar materials to promote traffic calming. All pedestrian ways shall include reflective striping. Pedestrian ways may be incorporated within a required landscape perimeter strip, provided said landscape strip is not less than ten feet in width. Pedestrian circulation shall be provided between abutting commercial properties through the use of walkways and similar pedestrian-oriented facilities.
- C. *Minimum ratios.* Pedestrian ways shall be provided at a minimum ratio of one for each public vehicular entrance to a commercial or non-residential site excluding the ingress and egress points intended primarily for service, delivery or employee vehicles.



- D. *Minimum dimensions.* Pedestrian walkways shall be a minimum of six feet wide.
- E. *Pedestrian crosswalks at building perimeter.* Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage, variations in pavement materials or markings and reflective striping.
- F. *Shade.* Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds 100 linear feet in length at a ratio of 100 square feet of shaded area per every 100 linear feet of walkway.
- G. *Bicycle and pedestrian amenities.* For an LCD, bicycle and pedestrian amenities in the form of permanently installed gazebos, arbors, benches, fountains, water fountains, bike racks or other amenities shall be provided. The type of amenity shall be determined by the square footage of buildings on the site as indicated in the table below. The location of bicycle and pedestrian amenities shall be shown on the site plan. The design of all amenities shall be of durable, long-lasting materials, consistent with the design of the principal structures on-site or a thematic design standard adopted by the city. Benches must be not less than six feet in length and located adjacent to either shade trees or gazebos or similar structure designed to provide shade. Each bike rack must store not less than six bicycles.

Total Gross Floor Area of LCD	Required Bicycle or Pedestrian Amenity
20,000--50,000 s.f.	One bike rack, one bench
50,000--100,000 s.f.	Two bike racks, two benches
100,000 or above	Four bike racks, four benches, water fountain, shaded gazebo or similar structure

Sec. 6.01.06. Access.

- A. *Accessibility to the handicapped and the elderly.* All proposed development shall be accessible to the handicapped and the elderly, and shall have handicapped parking spaces and barrier-free entrances in accordance with F.S. ch. 553, Part II, as amended and ch. 11, Florida Building Code.
- B. *Number of access points (reserved).*
- C. *Separation of access points (reserved).*
- D. *Frontage on service roads and common driveways (reserved).*
- E. *Alternative designs (reserved).*
- F. *Access to residential lots (reserved).*



Sec. 6.01.07. Standards for drive-through facilities.

- A. *Generally.* No building inside the city limits shall be built, constructed nor altered in such a manner that would provide any "drive-through" or "walk-through" facility unless it shall be so constructed that such facility will not interfere with the public use of public ways, streets, alleys or areas.
- B. *Applicable standards.* Upon application for a development permit, which includes a drive-through or walk-through facility, the construction plans shall be examined by the city development department, and the said department must specifically endorse approval of such facility on the said plans which remain on file with the city development department. In making such determination, the city development director shall consider the type of business, the existing and projected traffic flow of the public areas bounding the property and the nearness of other like installations.
- C. A "drive-through" or "walk-through" facility shall be designed, constructed and used so as not to interfere with the public use of public ways, streets, alleys or other public areas. The city development director shall specifically approve such facility. In making such determination, the type of business, the existing and projected traffic flow of nearby public areas and the nearness of other like facilities shall be considered.
- D. The minimum number of queuing or stacking spaces required shall be as follows. Variations from these minimums may be allowed by the city development director upon the basis of a traffic study.

Use Type	Minimum Spaces	Measured From
Bank teller lane	3	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box *
Other	To be determined by the city development director based on adequate information to determine needs.	

* An additional four vehicle queue from the pick-up window to the order box shall be provided.

- E. Each queue space shall be a minimum of ten feet by 20 feet. Queuing lane dimensions shall be measured from the point indicated in the queue space schedule to the end of the queuing lane. Dimensions of queuing lanes shall be shown on the site plan.
- F. Each queue lane shall be clearly defined and designed so as to not conflict or interfere with other traffic using the site. A bypass lane with a minimum width of 12 feet shall be provided if a one-way traffic flow is used in the parking lot. The bypass lane shall be clearly designated and distinct from the queuing area.



Sec. 6.01.08. Non-residential vehicular access.

- A. Whenever possible, vehicular access for a proposed non-residential site shall be restricted to established arterial and collector roadways that are predominantly abutted by properties zoned for non-residential use. If direct access to such an established arterial or collector roadway is not possible, limited access on another public roadway is allowed provided that ingress and egress is directed away from residential streets.
- B. No ingress or egress points shall be located on SE Osceola Street for a non-residential use with access onto other adjacent non-residential streets.

Sec. 6.01.09. Stuart Parking Code.

- A. This parking code shall apply to all development for which a complete application for site plan review pursuant to section 11.02.07 of the Stuart Land Development Regulations has not been filed with the city development department on or before July 1, 1995 as follows:
 - 1. The construction of a new building or structure on unimproved real property;
 - 2. The construction of a new addition to an existing building or structure on improved real property; or
 - 3. Changes in use including changes in the intensity of an existing use.
- B. No certificate of occupancy shall be issued for any portion or phase of a development to which this parking code applies until all required parking and loading spaces and all required landscaping have been installed pursuant to the requirements of this Stuart Land Development Code. In the event of the construction of an addition to an existing building or in the event of a change in use, the entire building to which an addition has been constructed or in which a use has changed shall comply with this parking code in all respects.
- C. This Stuart Parking Code applies to a vacant building or structure which, as of July 1, 1995 and at any time thereafter, has remained unoccupied continuously for the previous 365 days. This parking code does not apply to a development for which a building permit was issued prior to July 1, 1995 unless such development becomes vacant for 365 days.
- D. This Stuart Parking Code applies to all parking spaces installed on public or private property after July 1, 1995. Required parking and loading facilities shall be maintained as long as the use served thereby continues to exist.
- E. This parking code shall apply in all respects in the Urban District, East Stuart District, and S.E. Ocean Boulevard Overlay Zone as reflected in Chapter III of this code, provided however, the number of required parking spaces has been reduced as provided in the Urban code and East Stuart District.

Sec. 6.01.10. Rules for computing parking requirements.



- A. In the event the computation of the number of required parking spaces results in a fractional space, the number of required spaces is the nearest whole number.
- B. The number of required parking and loading spaces for a use not specifically listed in section 6.01.13 below shall be determined by the city development director with reference to the listed use most similar in parking and loading needs to the unlisted use.
- C. For properties containing more than one use, the number of required parking spaces is the cumulative number of spaces for all uses, absent an approved shared parking as provided at section 6.01.12 below.
- D. Each 20 linear inches of benches or pews shall be considered one seat where the computation of required parking spaces relates to seating provided by benches or pews.
- E. Gross floor area shall be used for the computation of required parking spaces relating to floor area.
- F. The greatest number of employees, including owners and managers, present on a premise at any one time shall be used for the computation of required parking spaces relating to the number of employees.
- G. For a single-family dwelling, a driveway may be used to provide two tandem parking spaces provided sufficient driveway space is available exclusive of right-of-way or road easements.
- H. Excess surface parking is discouraged, and in no case shall the number of extra surface parking spaces exceed ten (10) spaces or ten (10) percent, whichever is greater.
- I. If electric charging stations are installed adjacent to parking spaces, those spaces may still be counted towards the required number of off-street parking spaces.

Sec. 6.01.11. Location of required parking spaces.

- A. Parking is not required in the Old Downtown District (see map 3.01.03.F.1.a.i.a of this Code). Elsewhere, all required parking spaces shall be located on the same real property upon which is located the principal use served thereby. The term "same real property" means the principal use site and the parking site are in the same ownership. Alternatively, the owner or lessee of the principal use site may hold an ownership or leasehold interest in the parking site.
- B. If the site of the principal use and the location of required parking to serve the principal use are not contiguous, the nearest portion of the parking site shall be located within 500 feet of the front entrance to the principal use as measured by a safe and convenient pedestrian route including appropriate signage to delineate the route. As used in this subsection, "contiguous" requires a common boundary and does not include properties separated by a road, alley, or other public right-of-way.



Required parking spaces located on the site of the principal use shall not be relocated elsewhere except by Major Conditional Approval issued by the city commission as provided in this Code. Required parking spaces which are located on contiguous property or on property within 500 feet of the site of the principal use shall not be relocated to a more distant location from the site of the principal use as measured by a safe and convenient pedestrian route except by a Major Conditional Approval issued by the city commission as provided in this Code.

On and after January 12, 1998, a new use of property, including the expansion or intensification of an existing use, may result in an increase in the number of required parking spaces generated by uses of the property as determined in accordance with this Code. Such additional spaces shall be located either on the site of the principal use or on property contiguous to the site of the principal use, or on property within 500 feet of the front entrance to the principal use site as measured by a safe and convenient pedestrian route. The route shall include appropriate signage to delineate the route site. In the event six or more of the additional required parking spaces will be located on property within 500 feet of but not contiguous to the site of the principal use, the location of the six or more additional spaces shall be approved by Major Conditional Use Approval issued by the city commission as provided in this Code. (Ord. 1537-98, 1-12-98)

- C. A "unity of title" document in a form acceptable to the city attorney may be required by the city development director to restrict the use of the parking area or site to parking. A unity of title document shall be filed in the office of the city development director and shall be recorded in the public records of Martin County, Florida.

Sec. 6.01.12. Shared parking and joint use of facilities.

- A. The standards and peak parking analysis contained in the most current edition of "Parking Generation" by the most current edition of the Institute of Transportation Engineers (ITE), ("ITE Manual") is hereby adopted and shall be referenced in any calculation of shared parking.
(Ord. No. 2077-06, § 2, 7-10-06)
- A. The city development director may permit the required parking spaces for one use to be shared as required parking spaces for another use upon a finding that:
 - 1. The shared parking spaces are in close proximity and readily accessible to the uses served thereby; and
 - 2. The uses served thereby have different peak parking demands and operating hours; and
 - 3. There will be a reduction in vehicle movements by the users of the shared parking spaces; and
 - 4. The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation and public safety will be improved.
(Ord. No. 2077-06, § 2, 7-10-06)



- B. It shall be the responsibility of an applicant for shared parking approval to provide a description of the uses, plan document or civil plan as appropriate, trip generation report, parking study and other information necessary to permit a finding by the city development director regarding a request for shared parking.
(Ord. No. 2077-06, § 2, 7-10-06)

- C. Upon a finding by the city development director that shared parking is appropriate, the director may require that an agreement for shared parking be made between or among the appropriate parties in the form of a shared parking agreement with easement(s) in recordable form acceptable to the city attorney. Such document shall be filed with the city development department and shall be recorded in the public records of Martin County, Florida.
(Ord. No. 2077-06, § 2, 7-10-06)

Sec. 6.01.13. Off-street parking schedule.

Off-street parking spaces shall be provided in accordance with the minimum standards contained in the following schedule.

Land Use Type	Number of Spaces Required
<i>Residential Uses:</i>	
Single-family dwelling unit	2 per unit; garages count towards required off-street parking
Duplex dwelling unit	2 per unit; garages count towards required off-street parking
Multi-family dwelling units (studios or 1 bedroom)	1.5 per unit; garages count towards required off-street parking
Multi-family dwelling units (2 or more bedrooms)	2 per unit; garages count towards required off-street parking
Residential units combined with non-residential uses	2 per unit plus the applicable parking requirements for the non-residential use; garages count towards required off-street parking
Assisted Living Facility (ACLF)	1 per 4 living units, plus 1 space per employee during maximum shift
Adult Day Care Center	1 space for each 200 square feet of floor area. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation
Bed and Breakfast Inn	1 per room or unit, plus 2 spaces for owner/manager



Community Residential Home or Group Home	1 per 4 beds, plus 1 space per employee
Family Day Care Home	2 per dwelling unit
Hotel and Motel	1 per rental room, plus 2 spaces per 3 employees
Manufactured Home Park/RV Park	2 spaces per unit
Nursing Home	1 per 4 beds, plus 1 space per 2 employees
Rooming and Boardinghouse	1 per bedroom or unit
<i>Public and Civic Uses:</i>	
Bus and train (passenger) station/terminal	4 per loading bay
Cemeteries	1 space per full time employee
Child Care Center	1 per 6 children, plus 1 space per employee with a safe pedestrian walkway system through the parking area to the building
Religious institution	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
Clubs, Lodges, and Fraternal Organizations	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater). One-half (½) of total parking area must be paved; the other half may be an approved stabilized surface.
Community Gardens	0
Crematorium	1 per 4 seats in place of assembly, plus 1 space per 3 employees
Fire Station	1 per shift member, plus 2 spaces
Golf Course	4 spaces/hole and one space/100 sq. ft. of floor area for club and pro shop, plus other parking requirements for any other accessory uses, if applicable
Golf Driving Range	1 per tee, plus other parking requirements for any other accessory uses, if applicable
Golf Course, Miniature	1 per golf hole, plus other parking requirements for any other accessory uses, if applicable



Governmental buildings	1 per 300 square feet
Hospital	1 per 4 beds, plus 1 space per 2 employees (including attending physicians)
Hospital auxiliary uses	Off-street parking requirements for hospital auxiliary uses shall be those specified in this table for the nature of the use (such as pharmacy, medical office, etc.)
Library, Community Center	1 per 300 square feet
	1 per 200 square feet
Museum	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Place of Public Assembly	1 per 4 seats
Public facilities and services	Dependent upon type of facility and service
Public parks	Dependent upon type of recreational activities provided
Public utilities	Dependent upon type of utility and any required buildings and employees
School – Private/Parochial Elementary or Junior High School	1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population
School – Private/Parochial Senior High School	1 space per 3 students, plus 1 space per employee, plus adequate space for ancillary uses as described in other sections of this code
School – Private/Parochial Technical School	1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spaces
Swimming Pool (Public and Private)	1 per 50 square feet of pool area
Urban Farm	1 per 4 employees
<i>Commercial Uses:</i>	
Adult businesses	Off-street parking requirements for adult businesses shall be those specified in this table for the nature of the use apart from its adult business characteristics (such as retail sales and service, bars, theaters, etc.)
Automatic Amusement Center and Game	1 per 400 square feet



Room	
Automobile – Rental/Leasing	1 per 500 square feet of roofed building area plus 1 per 2,000 square feet of paved outdoor vehicle storage area. These spaces shall not be used for the parking of rental vehicles.
Automobile Repair Services, major or minor	2 spaces per service bay, plus 1 space per employee, plus 1 per 200 square feet of sales area
Automobile – Sales (with or without rental, and repair/service)	2 for every 1,000 square feet of gross floor area of sales/leasing, plus 1 space for every 4,500 square feet of outdoor display area, plus 1 space for each vehicle displayed outdoors, and 2 spaces per repair bay. The general area for customer parking should be delineated on a site plan.
Bakery, retail	One (1) space for each employee on the largest working shift plus one (1) space per three hundred (300) square feet of gross floor area
Bakery, wholesale	See “Warehouse--Wholesale and Distribution” below
Banks/Financial Institutions	1 per 300 square feet, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Barbershop, Beauty Salons, Specialty Salons	2 per station
Bar	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater)
Boat sales and service	1 space per 1,000 square feet of gross floor area, plus 1 space for each 7,000 square feet of outdoor display area.
Bowling Alley	4 per alley, plus 2 spaces per 3 employees, plus 60% of spaces required for ancillary/accessory uses that are contained in the same building
Car Wash	Minimum vehicle queuing area: Automatic – 3 spaces on approach to wash line; Self-Service – 1 space on approach to wash line; plus 1 space per 250 square feet of office/retail area.



Catering Shop	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Cold Storage	1 per employee on largest shift
Commercial nursery or tree farm	1 per 250 square feet for enclosed retail floor area and outdoor display area open to the public.
Boat Storage, dry;	1 per 10 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.
Dry Cleaning Establishment	1 per employee, plus 0.5 spaces per delivery truck, plus 1 space per 300 square feet
Dry Cleaning Plant	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Flea Market	1 per 200 square feet of sales area or outdoor display area
Health Club or Health Spa	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Funeral Home	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Gasoline or Other Motor Fuel Service Station, with or without bulk storage	1 per 250 square feet, plus 2 spaces per service bay, plus 1 space per vacuum. Pump locations are not to be included as a parking space. Gas stations with car washes shall also provide 1 parking space per wash unit or bay.
Kennel	1 per 1,000 square feet, plus 1 per employee
Laundry Establishment (Self Service)	1 per 250 square feet
Marina	1 per 5 boat slips, plus 1 space per employee
Massage therapy establishment:	1 per 300 square feet
Microbreweries and craft distilleries	1 per employee plus 1 per 250 square feet for tasting, tap room, and gift shops.
Newspaper or publishing plant	3.5 per 1,000 square feet
Office – Business or Professional	1 per 300 square feet
Office – Medical, Dental, Eye, Veterinary and Other Health- Related Uses	1 per 200 square feet
Office – Low Intensity Medical	1 per 300 square feet
Pain Management Clinic	1 per 200 square feet (also refer to Sec.



	2.06.14.E.3)
Pool Hall and Billiard Parlor	1 per 200 square feet, plus restaurant/bar seating requirements if applicable
Radio and/or television broadcast stations	1 per employee on largest shift
Railroad freight stations/terminals	1 per two employees
Repair Services	1 per 300 square feet
Restaurant – General	1 per 3 seats based on the maximum seating capacity of the building, plus 1 space per employee
Restaurant – Convenience (fast food, drive-through, or drive-in)	1 per employee on largest shift, plus 1 space per 100 square feet of service area, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Restaurant – Limited	1 per 4 seats based on the maximum seating capacity of the building, plus 1 space per employee
Retail – Bulk Merchandise	1 per 250 square feet
Retail – Department Store (freestanding)	1 per 250 square feet
Retail – Furniture	1 per 500 square feet
Retail – Intensive sales and service (including Neighborhood Retail Establishment, Pharmacies, Gift Shops, Hardware Stores, Newsstands and similar uses)	1 per 200 square feet
Retail – Non-intensive sales and service (including Appliance Stores, Large-scale Home Improvement Centers, Lawn and Garden Supply Centers, Office Equipment and Supplies, Super Markets, Farm and Heavy Equipment, and similar uses)	1 per 250 square feet
Retail – Regional Mall (greater than 50,000 square feet)	1 per 250 square feet
Retail – Strip Shopping Center	1 per 250 square feet
Skating Rink, Roller or Ice	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Shooting range, indoor	1 space per firing point
Sign manufacturing/painting shops	1 per employee on largest shift



Studio (Art, Dance, Music, Exercise)	1 per 300 square feet
Telecommunications Tower	1 space per tower
Theater	1 per 4 seats
Warehouse – Mini-Storage	1 per employee, plus 1 space per 50 storage units
Warehouse – General Storage	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. Plus 1 per 250 square feet of building used for commercial/retail use if applicable.
Warehouse – Wholesale and Distribution	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
<i>Industrial and Manufacturing Uses:</i>	
Storage Yards	1 for each 10,000 square feet of lot area; or 1 for each anticipated employee, whichever is greater. In no event shall there be fewer than 5 parking spaces provided.
Boat building, indoors/outdoors	See Industrial—High-impact
Industrial – Low-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Industrial – High-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.



Industrial Park, Planned	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Railroad Freight Terminal	1 per two employees
Truck Terminal	1 per 275 square feet of office space

(Ord. No. 1365-94, 9-26-94, 6.03.02(B)(21); Ord. No. 1422-95, 7-1-95, 6.03.00--.09; Ord. No. 1453-96, 6-1-96)

Land use type	Number of spaces required
Residential Land Uses	
Assisted living facilities	1 per 4 living units, plus 1 space per employee during maximum shift
Community residential homes or group homes	1 per 4 beds, plus 1 space per employee
Duplex dwelling unit	2 per unit; garages count towards required off-street parking
Family day care home	2 per dwelling unit
Multi-family dwelling units (studios or 1 bedroom)	1.5 per unit; garages count towards required off-street parking
Multi-family dwelling units (2 or more bedrooms)	2 per unit; garages count towards required off-street parking
Residential units combined with non-residential uses	2 per unit, plus the applicable parking requirements for the non-residential use; garages count towards required off-street parking
Single-family dwelling units	2 per unit; garages count towards required off-street parking
Transient Residential Land Uses and Overnight Accommodations	
Bed and Breakfast Inns	1 per room or unit, plus 2 spaces for owner/manager
Hotels/motels	1 per rental room, plus 2 spaces per 3 employees
Rooming and boarding houses	1 per bedroom or unit
Institutional Uses	
Adult day care centers	1 space for each 200 square feet of floor area. This may be reduced by 1 space for each 2 users for which the center agrees to provide alternative transportation.
Cemeteries	1 space per full time employee
Child care center	1 per 6 children, plus 1 space per employee



	with a safe pedestrian walkway system through the parking area to the building
Community centers	1 per 300 square feet
Crematoriums	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Funeral homes	1 per 4 seats of chapel capacity, plus 1 per 3 employees
Fire stations	1 per shift member, plus 2 spaces
Governmental buildings	1 per 300 square feet
Libraries	1 per 300 square feet
Museum	2 per 1,000 square feet of exhibit floor space, plus 2 spaces for bus parking
Religious institutions	1 per 4 seats in main sanctuary, plus other parking requirements for any other accessory uses, if applicable
School – Private/Parochial Elementary or Junior High School	1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population
School – Private/Parochial Senior High School	1 space per 3 students, plus 1 space per employee, plus adequate space for ancillary uses as described in other sections of this code
School – Private/Parochial Technical School	1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spaces
Health Care Uses	
Hospital	1 per 4 beds, plus 1 space per 2 employees (including attending physicians)
Hospital auxiliary uses	Off-street parking requirements for hospital auxiliary uses shall be those specified in this table for the nature of such use (such as pharmacy, medical office, etc.)
Massage therapy establishments	1 per 300 square feet
Nursing homes	1 per 4 beds, plus 1 space per 2 employees
Office – medical, dental, eye, and other health-related uses	1 per 200 square feet
Office – low intensity medical	1 per 300 square feet
Pain management clinics	1 per 200 square feet (also refer to Sec. 2.06.14.E.3)
Commercial Uses	
Adult business	Off-street parking requirements for adult businesses shall be those specified in this table for the nature of the use apart from its adult business characteristics (such as retail sales and service, bars, theaters, etc.).



Automatic amusement center and game room	1 per 400 square feet
Automobile rental/leasing	1 per 500 square feet of roofed building area plus 1 per 2,000 square feet of paved outdoor vehicle storage area. These spaces shall not be used for the parking of rental vehicles.
Automobile repair services, major and minor	2 spaces per service bay, plus 1 space per employee, plus 1 per 200 square feet of sales area.
Automobile sales provided all repair and service shall be done within an enclosed building	2 for every 1,000 square feet of gross floor area of sales/leasing, plus 1 space for every 4,500 square feet of outdoor display area, plus 1 space for each vehicle displayed outdoors, and 2 spaces per repair bay. The general area for customer parking should be delineated on a site plan.
Bakeries, retail	One (1) space for each employee on the largest working shift plus one (1) space per three hundred (300) square feet of gross floor area.
Bakeries, wholesale	See Warehouse – Wholesale and Distribution
Banks/financial institutions	1 per 300 square feet, plus queuing spaces (refer to Sec. 6.01.07 for queuing requirement).
Barbershop, beauty salons, specialty salons	2 per station
Bars	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater).
Boat building, indoors	See Industrial – High-impact
Boat building, outdoors	See Industrial – High-impact
Boat sales and service	1 space per 1,000 square feet of gross floor area, plus 1 space for each 7,000 square feet of outdoor display area.
Boat storage, dry	1 per 10 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.
Bowling alleys	4 per alley, plus 2 spaces per 3 employees, plus 60% of spaces required for ancillary/accessory uses that are contained in the same building.
Car washes	Minimum vehicle queuing area: Automatic – 3 spaces on approach to wash line; Self-Service – 1 space on approach to wash line; plus 1 space per 250 square feet of office/retail area.
Catering shops	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet.
Clubs, lodges, fraternal organizations	1 per 3 persons based on the maximum seating capacity of the building, or 1 space per 100 square feet (whichever is greater). One-half (½) of total parking area must be paved; the



	other half may be an approved stabilized surface.
Craft distillery	1 per employee plus 1 per 250 square feet for tasting, tap room, and gift shops.
Drycleaning establishment	1 per employee, plus 0.5 spaces per delivery truck, plus 1 space per 300 square feet.
Drycleaning plant	1 per employee, plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet.
Farm equipment and supply sales establishments, including open storage	See Retail – non-intensive
Flea markets	1 per 200 square feet of sales area or outdoor display area
Gasoline or other motor fuel stations, with or without bulk storage	1 per 250 square feet, plus 2 spaces per service bay, plus 1 space per vacuum. Pump locations are not to be included as a parking space. Gas stations with car washes shall also provide 1 parking space per wash unit or bay.
Health clubs or health spas	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently.
Kennels	1 per 1,000 square feet, plus 1 per employee
Laundry establishments (self-service)	1 per 250 square feet
Manufactured home, mobile home or RV parks	2 spaces per unit
Marinas including the sale, display, and storage of new and used boats for sale, and the repair and maintenance of boats.	1 per 5 boat slips, plus 1 space per employee
Microbrewery	1 per employee plus 1 per 250 square feet for tasting, tap room, and gift shops.
Newspaper or publishing plant	3.5 per 1,000 square feet
Office, business or professional	1 per 300 square feet
Office, low intensity medical	1 per 300 square feet
Office, veterinary	1 per 200 square feet
Place of public assembly	1 per 4 seats
Pool hall/billiard parlor	1 per 200 square feet, plus restaurant/bar seating requirements if applicable
Repair services	1 per 300 square feet
Restaurants, convenience	1 per employee on largest shift, plus 1 space per 100 square feet of service area, plus queuing spaces (refer to Section 6.01.07 for queuing requirements)
Restaurants, general	1 per 3 seats based on the maximum seating capacity of the building, plus 1 space per employee
Restaurants, limited	1 per 4 seats based on the maximum seating capacity of the building, plus 1 space per



	employee
Retail, bulk merchandise	1 per 250 square feet
Retail, department store (free-standing)	1 per 250 square feet
Retail, furniture store	1 per 500 square feet
Retail, intensive sales	1 per 200 square feet
Retail, non-intensive sales and service	1 per 250 square feet
Retail, regional mall	1 per 250 square feet
Retail, strip shopping center	1 per 250 square feet
Shooting range, indoor	1 space per firing point
Skating rink, rolling or ice	1 per 200 square feet if located with retail, or 1 space per 150 square feet if located independently
Studio (art, dance, music, exercise)	1 per 300 square feet
Theaters	1 per 4 seats
Recreational Uses	
Golf course	4 spaces/hole and one space/100 sq. ft. of floor area for club and pro shop, plus other parking requirements for any other accessory uses, if applicable
Golf driving range (not accessory to golf course)	1 per tee, plus other parking requirements for any other accessory uses, if applicable
Golf course, miniature	1 per golf hole, plus other parking requirements for any other accessory uses, if applicable
Public parks	Dependent upon type of recreational activities provided
Swimming pools	1 per 50 square feet of pool area
Utility and Services Uses	
Public facilities and services	Dependent upon type of facility and service
Public utilities	Dependent upon type of utility and any required buildings and employees
Industrial Uses	
Cold storage	1 per employee on largest shift
Industrial, high-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Industrial, low-impact	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking



	spaces provided per building.
Industrial parks, planned	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in enclosed facility	1 per employee on largest shift
Telecommunication Uses	
Radio and/or television broadcast stations	1 per employee on largest shift
Telecommunications towers	1 space per tower
Storage, Transportation and Logistics Uses	
Bus and train (passenger) station/terminals	4 per loading bay
Railroad freight stations and terminals	1 per 2 employees
Truck terminals	1 per 275 square feet of office space
Storage yards	1 for each 10,000 square feet of lot area; or 1 for each anticipated employee, whichever is greater. In no event shall there be fewer than 5 parking spaces provided.
Warehouse, general storage	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. Plus 1 per 250 square feet of building used for commercial/retail use if applicable.
Warehouse, mini-storage	1 per employee, plus 1 space per 50 storage units
Warehouse, wholesale and distribution	1 for each 1,000 square feet of the gross floor area in a building up to 10,000 square feet in area, and then 1 for each 2,000 square feet of gross floor area thereafter; or 1 for each 2 anticipated employees, whichever is greater. In no event shall there be fewer than 5 parking spaces provided per building.
Agricultural Uses	
Commercial nursery/tree farm	1 per 250 square feet for enclosed retail floor area and outdoor display area open to the public.
Community gardens	0
Urban farms	1 per 4 employees



Sec. 6.01.14. Design standards for off-street parking.

A. *Generally.* The minimum width of parking spaces (stalls) and accessways (aisles) as they relate to the parking schematic shown below shall be:

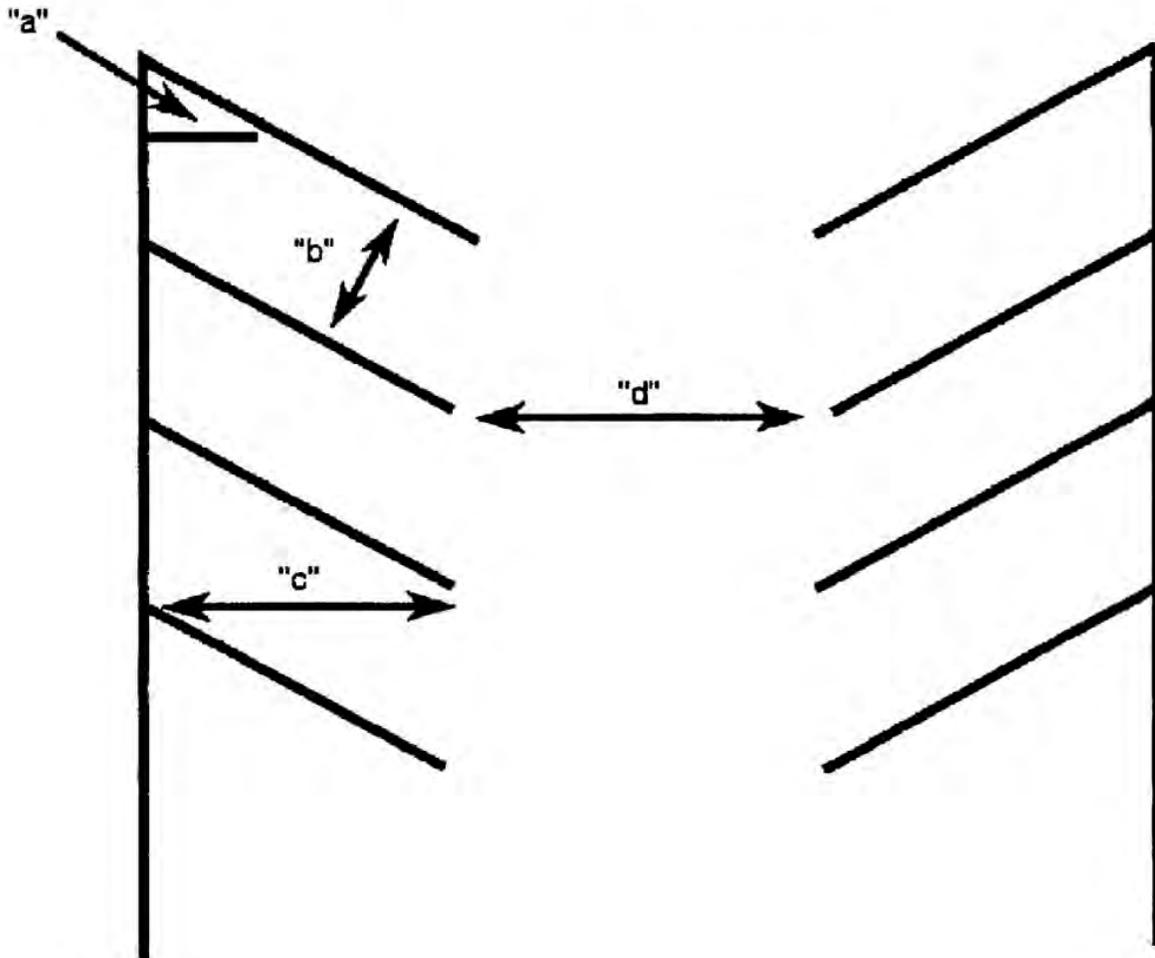
Parking Angle	Stall Width	Stall to Curb *	One-Way Traffic Aisle Width	Two-Way Traffic Aisle Width
"a"	"b"	"c"	"d"	"d"
0°	9'0"	9'0"	12'0"	24'0"
30°	9'0"	17'0"	12'0"	24'0"
45°	9'0"	19'0"	12'0"	24'0"
60°	9'0"	20'0"	13'0"	24'0"
90°	9'0"	18'0"	24'0"	24'0"

* 18-foot stalls

The length of a stall may be reduced up to two feet to enable a parked vehicle to overhang a landscaped area which is not less than six feet in width and located on the property. This shall not be construed to permit an overhang on adjacent or public property.



PARKING SCHEMATIC



The minimum curb length for stalls shall be:

Parallel	Number of cars × 22' + 0' = Curb length
30°	Number of cars × 20' + 0' = Curb length
45°	Number of cars × 13' + 6' = Curb length
60°	Number of cars × 10' + 7' = Curb length
90°	Number of cars × 9' + 0' = Curb length

B. *Paving of parking surfaces.*

1. All parking lots as defined in Chapter 12, including, parking spaces, accessways and loading zones shall be paved and otherwise constructed in accordance with the applicable ordinances of the city. As an alternative to paving, parking spaces and accessways may be provided on stabilized grassed areas for uses requiring only



occasional parking or transitory vehicle storage as needed by recreational facilities, vehicle dealerships, churches, assembly halls and flea markets. Transitory vehicle storage shall occur only in the rear of such facility and shall only be used by the specified vehicle dealership for their own saleable vehicles. Paved parking shall be provided, however, for the full-time employees of such uses. (Ord. No. 1721-00, 3-27-00)

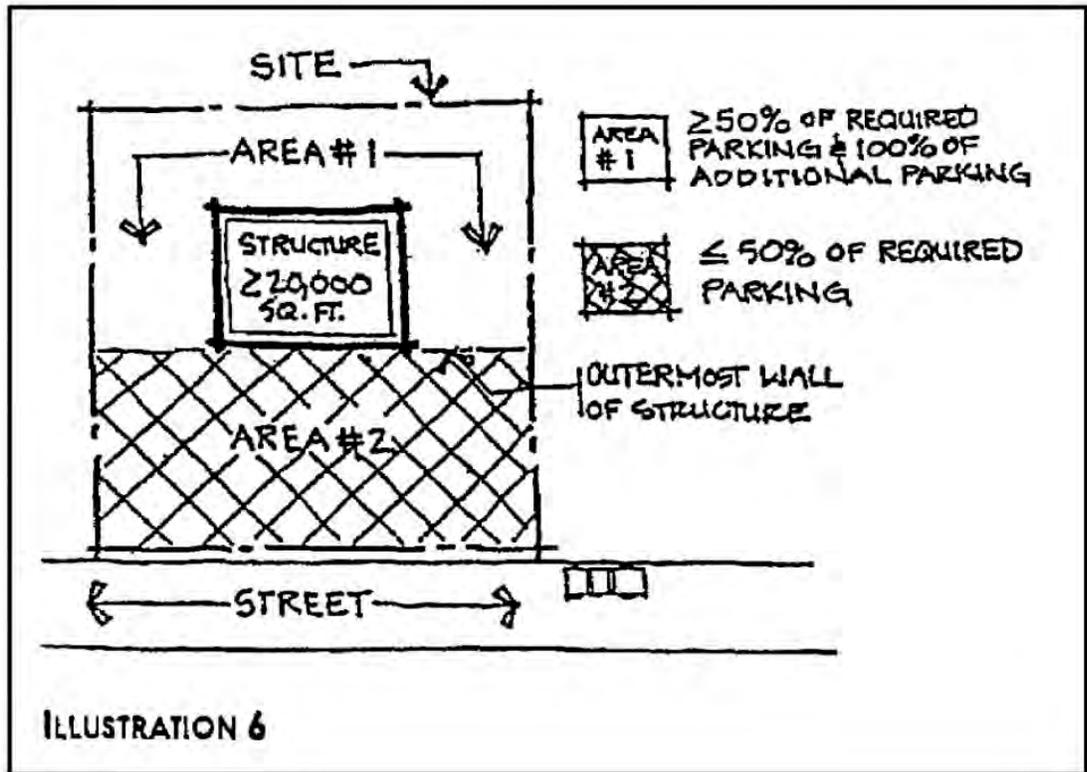
2. All parking spaces, access drives and loading zones shall be paved in accordance with the Code of Ordinances of the City of Stuart, Florida, and shall be maintained in good condition and be free of pot holes, loose or cracked pavement, broken wheel stops, and any other conditions which might be otherwise detrimental to the health or safety of the inhabitants of the city as determined by the city development director. (Ord. 1652-98, 11-23-98)
3. Pervious parking surfaces are permitted when the following conditions are met:
 - a) Pervious paving materials and other soil stabilization techniques are used in a manner as to assure that parking will remain functional in heavy rains or drought;
 - b) Pervious paving materials are installed according to manufacturer's specifications, including sub-surface preparation, composition, and density of compaction;
 - c) Soils of the "Sand Ridges and Coastal Ridges" and the "Low Ridges and Knolls," as mapped in the Natural Resources Conservation Service's Soil Survey of Martin County, Florida (dated April 1981) shall represent favorable free-draining soil areas for a pervious credit to be awarded for the use of pervious concrete. Sub-surface soil testing must demonstrate that the manufacturer's specifications will be met to allow for percolation and other stormwater functions. A registered professional engineer shall also make inspections and tests as necessary to certify that construction of the pavement is consistent with the approved plans as well as industry and manufacturer's standards;
 - d) Pervious parking areas shall allow stormwater to percolate into the ground as designed as part of an overall stormwater management system and in accordance with the approved plan document at a rate sufficient to accommodate the five-year, 24-hour storm event;
 - e) Such areas shall be provided with drainage facilities adequate to properly dispose of all surface water runoff. Special care shall be taken to prevent erosion and sedimentation; and
 - f) Regular maintenance of pervious parking areas is necessary to ensure long-term integrity of function. Sweeping or other recommended maintenance procedures as per manufacturer's specifications must be implemented. If such areas cease to function in providing adequate parking, drainage or cause sedimentation within the drainage system which reduces the effectiveness of the system or decreases water quality, then paving to normal design standards will be required. In such an event, any credit given towards pervious surface



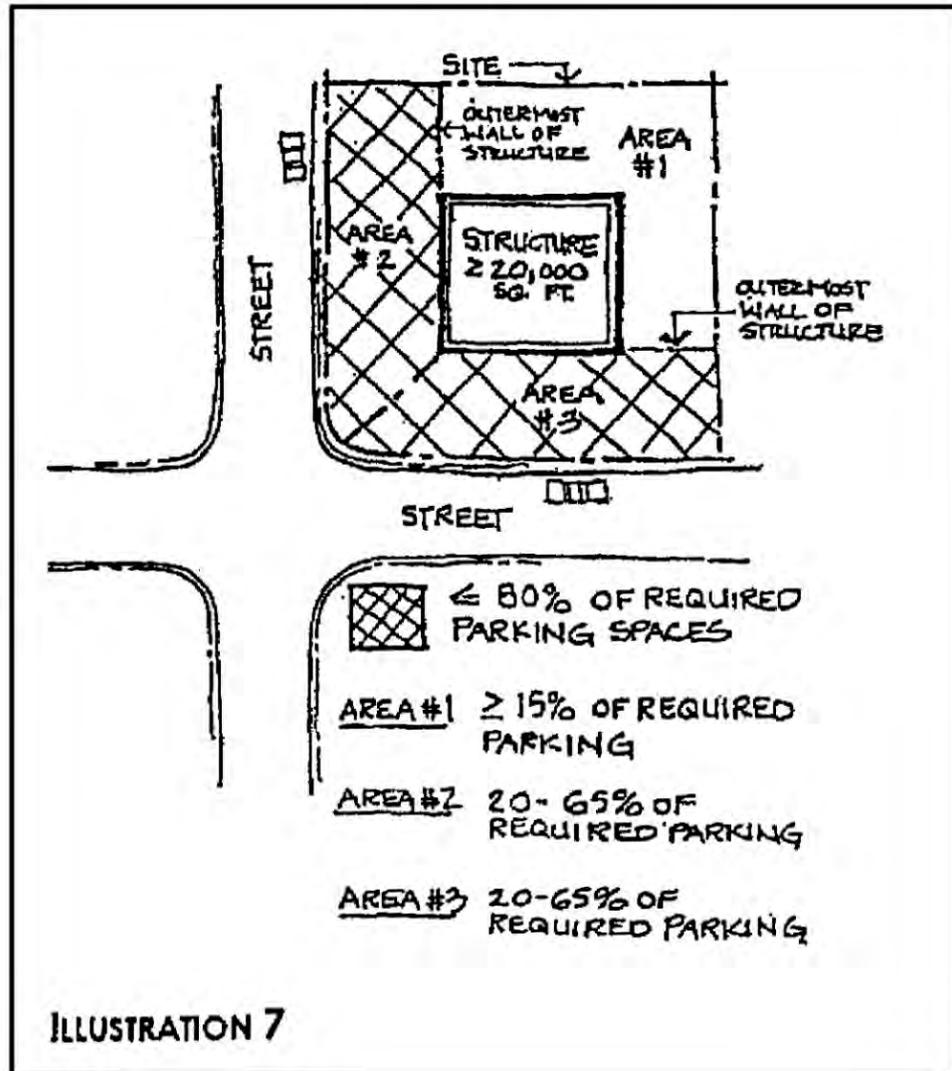
area for the pervious parking area will be revoked, and pervious areas shall be installed which are comparable to the area credited. (Ord. No. 1431-95, 9-25-95, 6.07.07.B--C; Ord. No. 1451-96, 3-25-96)

C. *Off-street parking design.*

1. *Purpose and intent.* All development shall be designed to provide safe, convenient and efficient access for pedestrians and vehicles. Parking shall be designed in a consistent and coordinated manner throughout the development site. The parking area shall be integrated and designed so as to enhance the visual appearance of the community.
2. *Design standards.* Angled parking spaces with the same degree of angle shall be located throughout the site to provide efficient and safe traffic and pedestrian circulation. A mixture of one-way and two-way parking aisles or differing degrees of angled parking within any parking area is prohibited except as follows.
 - a. A single bay of parking provided along the perimeter of the site may vary in angle in order to maximize the number of spaces provided.
 - b. A mixture of parking aisles and degrees may be permitted if individual parking areas are physically separated from one another by a continuous landscape buffer, a minimum five feet in width with limited access.
3. *Parking area design.* Parking areas shall be designed to the following standards.
 - a. For an LCD, not less than 50 percent of the required off-street parking and 100 percent of the overflow parking shall be located between the street facade and the rear of the property (see illustration 6).



- b. On corner lots, no more than 80 percent of the off-street parking for all commercial developments shall be located between any primary facade of the building or project and the abutting street. No single side of a commercial or non-residential development shall contain more than 65 percent of the required parking (see illustration 7).



- c. Within an LCD, all uses which provide shopping carts for use by patrons, one parking space per 25 spaces shall be dedicated for the storage of shopping carts. This storage area shall include fence materials to keep the shopping carts in the space.
- d. All parking areas within a development site shall be interconnected.
- e. Within an LCD, all parking areas which abut collector or arterial streets shall be designed to interconnect with parking areas on adjacent properties. Plan documents for parking areas must identify an appropriate location for such interconnections which meets commonly accepted engineering principles and include an engineering design to accommodate said interconnection.

Sec. 6.01.15. Parking structure standards.

- A. A minimum of 60 percent of any primary facade of a parking structure shall incorporate two of the following.



1. Transparent windows, with clear or lightly-tinted glass, where pedestrian oriented businesses are located along primary facades of the parking structure;
2. Display windows;
3. Decorative metal grill-work or similar detailing which provides texture and partially or fully covers the parking structure opening(s);
4. Art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief work or similar features; or
5. Vertical trellis or other landscaping or pedestrian plaza area.

Sec. 6.01.16. Transit stops.

A development for which more than 200 parking spaces is provided shall also provide a transit stop in a location which is proximate to the roadway network. The developer shall provide benches or other seating facilities, trash receptacles, lighting and a covered structure for the transit stop. The city shall provide a detailed rendering of a "typical" transit stop. The location of the transit stop may be shown on the site plan. In lieu of providing the transit stop, the city may require that the developer execute a written agreement with the city indicating that the transit stop will be constructed by a date established by the city.

Sec. 6.01.17. Parking study.

A parking study, when required by this section, shall include but not be limited to:

1. Estimates of parking requirements based on recommendations provided by the Institute of Transportation Engineers or similar resources for uses or combinations of uses which are the same or comparable in density, scale, bulk, area, type of activity, and location to the proposed use; and
2. An analysis of the extent to which a transportation system management program or use of alternative forms of transportation reduce parking demand.

Sec. 6.01.18. Off-street loading requirements.

In addition to the parking required for non-residential uses, loading spaces may also be required at the discretion of the city development director using the guidelines set forth below for the loading and unloading of vehicles. All loading spaces shall be located and screened to avoid nuisance impacts to adjacent areas with special consideration for noise. A sufficient number of loading spaces shall be provided to accommodate the maximum number of buses or trucks to be loaded or unloaded at any one time. Wheel stops or curbs shall be provided to prevent any vehicle using a loading space from encroaching upon unpaved areas or adjacent property.

- A. *Small inventory commercial uses.* Commercial establishments of a type that do not deal in large quantities of goods, including but not limited to offices, restaurants, auditoriums, and hotels and motels, may be required to provide off-street loading as follows:



Floor Area (square feet)	Minimum Number of Spaces
5,000--80,000	1
80,001--200,000	2
200,001--320,000	4
320,001--500,000	5
Per additional 180,000	Plus 1

Each loading space shall be not less than ten feet in width and 25 feet in length.

- B. *Industrial and large inventory commercial uses.* Uses of a type that deal in large quantities of goods, including but not limited to industrial, wholesale, storage warehouses, hospitals and retail establishments, may be required to provide off-street loading spaces as follows:

Floor Area (square feet)	Minimum Number of Spaces
5,000--20,000	1
20,001--50,000	2
50,001--80,000	4

Each loading space shall be not less than 12 feet in width and 50 feet in length.
(Ord. No. 1422-95, 7-1-95, § 6.03.00--.09)

Sec. 6.01.19. Payment in lieu of parking program.

- A. *Developer's option.* In lieu of providing up to three parking spaces required for any use located in Stuart Community Redevelopment Area, a developer may pay into the "Stuart Payment in Lieu of Parking Trust Fund" a sum of money that is the product of the number of parking spaces required but not provided and the current cost to provide a single parking space in the Stuart Community Redevelopment Area.
- B. *Computation of cost to provide parking space.* Effective September 22, 2014, the cost to provide a single parking space in the Stuart Community Redevelopment Area shall be based on the following:

Public Works Director's estimated cost per parking space based on a 7,200 square foot, 22-space prototypical surface parking lot including the cost of paving, car stops, drive aisles, drainage, landscaping, signage, lighting and land value. Land value shall be determined by averaging the Property Appraiser's assessed land value per square foot of five sample parcels within a 1,000 foot radius of the property for which the PILOP payment is being proposed.

Sample calculation of fee per parking space (example only):



Parcels within 1,000'

Parcel	Assessed Value	Square Feet	Value per Square Foot	Average Assessed Value Per Square Foot
1	\$218,314	21,492	\$10.15	
2	\$198,970	19,353	\$10.28	
3	\$144,000	7,200	\$20	
4	\$97,300	7,200	\$13.51	
5	\$189,790	11,861	\$16	
				\$14.06

Fee per parking space calculation:

Public Works Director's estimated cost to construct parking lot		Land Value = (7,200) square feet X average assessed value per square foot (\$14.06)		Total cost of parking lot		Number of parking spaces (22)		Fee per parking space
\$107,000	+	\$101,232	=	\$208,232	+	22	=	\$9,465

- C. *Stuart Payment in Lieu of Parking Trust Fund established.* The "Stuart Payment in Lieu of Parking Trust Fund" account is hereby established into which shall be deposited all payments made by developers pursuant to this section. Monies deposited into said account shall be used by the city for the exclusive purpose of paying the cost of land acquisition, construction, reconstruction, lease payments, signage, maintenance, or other expenses associated with the provision of public parking spaces in the Stuart Community Redevelopment Area. Said cost includes the cost of all labor and materials, the cost to acquire all lands, property, rights, easements, and franchises acquired, the cost of financing charges, the cost of interest prior to and during construction and, for one year after completion of construction, discount on the sale of municipal bonds, the cost of plans and specifications, surveys of estimates of costs and of revenues, the costs of engineering and legal services, and such other costs and expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, administrative expenses, and such other expenses as may be necessary or incident, to the construction or reconstruction of its financing.
- D. *Time of payment.* Payments made pursuant to this section shall be made upon the issuance of a building permit, for any portion or phase of a development project to which the parking spaces that are required for a particular use but are not provided relate.
- E. *Record of the PILOP.* Record of the PILOP shall be executed in a form acceptable to the City Attorney, shall be recorded with the Martin County Clerk's Office and shall run with the land.

(Ord. No. 1851-02, § 1, 4-22-02; Ord. No. 2023-05, § 1, 2-28-05, Ord. No. 2290-2014, § 1, 9-22-14)



6.02.00. UTILITIES

Sec. 6.02.01. Requirements for public utility stations including water treatment plants and sewage lift stations.

- A. *Fencing required.* All such uses shall be enclosed within a fence not less than six feet in height unless otherwise required by the Public Works Director.
- B. *Buffered from adjacent land use.* All such uses shall be suitably landscaped in accordance with section 6.04.00. Berming, landscaping, and/or wooden fencing shall be required in order to separate and visually conceal public utility structures within residential areas.
- C. *Storage.* The storage of vehicles and/or equipment on the premises is prohibited.

6.03.00. STORMWATER MANAGEMENT

Sec. 6.03.01. Generally.

- A. *Intent.* It is the policy of the City of Stuart to promote efficient use and management of stormwater. To the maximum extent possible, stormwater will be percolated into the shallow aquifer by use of retention/detention areas, underground storage, green space, pervious pavement, and exfiltration systems. It is also the policy of the City of Stuart to protect existing facilities from adverse impacts of new construction.
- B. *Applicability.*
 - 1. The provisions of this chapter shall apply to development within the City of Stuart municipal boundaries, excluding the urban district, as follows:
 - (a) All new development shall be required to comply with the site design requirements of the South Florida Water Management District. New development shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration systems shall be used for water quality purposes only. Proper management of stormwater runoff shall be accommodated through retention and detention, green space, allowable discharge and up to 40 percent underground storage.
 - (b) Renovation development, vacant development and infill development shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration systems shall be used for water quality purposes only. Not more than 40 percent of stormwater runoff may be stored in underground storage structures. The remaining 60 percent of the required stormwater runoff shall be accommodated through retention and detention, green space, and allowable discharge.
 - 2. In the urban code district and East Stuart district, all development, including new development, substantial renovation and infill development, shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration



systems shall be used for water quality purposes only. Proper management of stormwater runoff may be accommodated through any combination of underground storage structures, retention and detention, green space, and allowable discharge.

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

C. *Site planning.*

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

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

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

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

G. *Infill development.* The city development director may require a stem wall or other approved method of foundation construction for infill development to maintain consistent regional elevations at grade, and to prevent excessive stormwater runoff.

Sec. 6.03.02. Drainage specifications.

A. *Drainage requirements.* All subdivisions and developments must have comprehensive storm drainage facilities which convey stormwater runoff through easements to drainage canals/ditches, natural water courses, or public storm sewers subject to municipal or agency approval. The design data of the drainage system shall be submitted along with the construction plans in a report form prepared by the developer's engineer indicating the method of control of storm and groundwater, including the method of drainage, existing water elevations, recurring high groundwater and surface water elevations,



proposed design water elevations, drainage structures, canals, ditches and any other pertinent information pertaining to the system. The system shall provide for drainage of lots, streets, roads and other public areas including surface waters which drain into or through the property. The design for drainage of the subdivision or development must be adequate to provide for surface water drainage of adjacent contributory areas. Where additional facilities are required to accommodate contributory surface waters, right-of-way shall be provided for future needs; however, the developer may be permitted to excavate or open sufficient capacity to provide for existing drainage needs whenever the developed or undeveloped status of adjacent areas so warrants as determined by the city engineer. The runoff coefficients used in the design of the subdivision or development shall consider final development and shall be calculated based on sample areas of each type of ultimate use.

B. Engineering standards.

1. *Generally.* The drainage system shall be designed for long-life and ease of maintenance by normal maintenance methods. The minimum pipe size used within storm sewer systems in public right-of-way shall have the equivalent cross-section of a 15-inch diameter pipe. Distance between terminating or intermediate structures shall not exceed those required for the proper maintenance between inlets or manholes.

Materials used in the system and construction methods shall meet American Society for Testing Materials (ASTM), American Association of State Highway Officials (AASHTO) and current Florida Department of Transportation (FDOT) specifications. Drainage pipes shall be fitted with headwalls, endwalls, inlets and other appropriate terminating and intermediate structures. Septic systems shall be located according to Martin County Health Department standards.

2. *Roadway systems.* The storm sewer systems shall be designed so that the elevation of the hydraulic gradient at any location is not higher than the grade elevation of any inlet in the system. The hydraulic gradient shall be designed for the three-year, one-hour storm event. Pipes shall be sloped to maintain sufficient cleaning velocities.
3. *Parking lots.* Parking lots served by exfiltration trenches shall have a minimum elevation above the five-year, one-hour flood stage in accordance with South Florida Water Management District Permit Information Manual, Volume IV (as amended).
4. *Finished floor elevations.* Finished first floor elevations of all buildings or structures shall not be lower than the higher of the following elevations:
 - a. Two feet above the flood stage elevations established by FEMA; or
 - b. Eighteen inches above the crown of the street on which the building(s) or structure(s) fronts.
(Ord. No. 1841-02, § 5, 6-10-02; Ord. No. 1979-04, § 2, 6-28-04)

Sec. 6.03.03. Stormwater management.

- A. *Generally.* Rainfall runoff, surface and groundwaters shall be managed in subdivisions and developments to minimize degradation of water quality, reduce nutrients, turbidity,



debris and other detrimental substances being discharged, and maximize retention and detention to promote the reuse of this resource. Runoff from roads, parking lots, roofs and other impervious surfaces should be directed to areas where water quality treatment can be accomplished prior to introduction into any storm sewer or other receiving facilities. All pervious areas shall be covered with vegetation or have some acceptable form of erosion protection and dust control.

- B. *Stormwater treatment and acceptable runoff rates.* No stormwater structures, including gutters from roofs and parking lots, shall be permitted to exit onto public rights-of-way including sidewalks. Gutters may be required for roof drains at the discretion of the city development director.

Runoff from the design storms shall be accounted for by retention, detention, or a combination thereof in the overall system, including swales, lakes, canals and greenways, and shall be provided as follows:

1. Wet retention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater; or
2. Dry detention volume shall be provided equal to 75 percent of the above amounts computed for wet detention; or
3. Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention. Retention volume included in flood protection calculations requires a guarantee of long term operation and maintenance of system bleed-down ability. Examples of such guarantee include evidence of excellent soil percolation rates, such as coastal ridge sands, or an operations entity which specifically reserves funds for operation, maintenance and replacement.

If detention systems are used, not more than one-half of the required detention volume shall be discharged in the first 24 hours. Systems with inlets in grassed areas will be credited with up to 0.2 inches of the required wet detention amount for the contributing areas. Full credit will be based on a ratio of 10:1 impervious area to pervious area with proportionately less credit granted for greater ratios.

The rates of off-site discharge shall not exceed pre-redevelopment discharge rates for the three-year and five-year one-day storm events or the ten-year and 25-year, three-day storm events. The owner/developer is responsible for showing that the development will not cause or increase off-site flooding to properties adjacent to or along the discharge path from the development in the event of a 100-year, three-day storm event. Retention and detention areas shall be designed so that they will recover the required retention or detention storage volume, as appropriate, described in section 6.03.03 B. within 72 hours.

- C. *Swales.* Swales may be used to convey and collect surface waters. The minimum grade for swales used for conveyance purposes shall be 0.003 feet per foot. The maximum grade shall be limited to that grade which will not produce erosive water velocities. Swales used for other purposes may be at grade. The side slopes on swale sections shall not be steeper than 4:1 (four horizontal to one vertical), and the swale may occupy all of a retention or detention area. Swales shall be constructed in accordance with

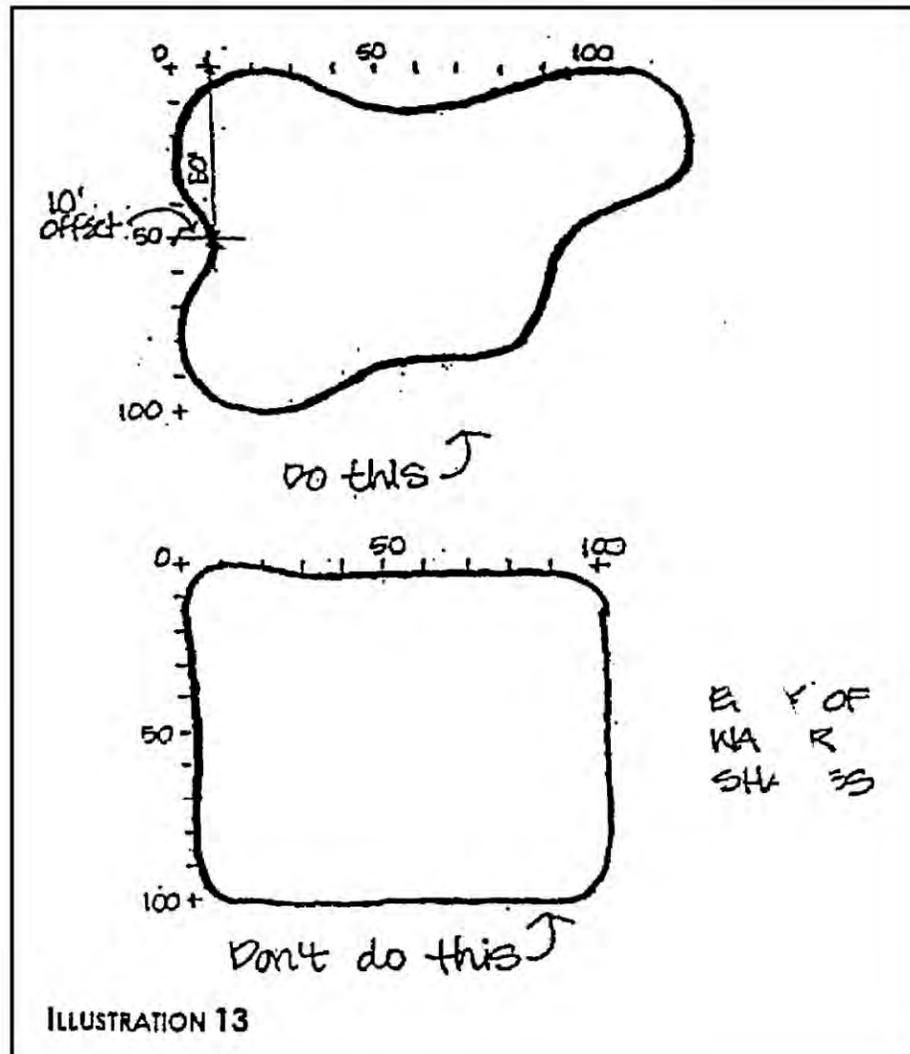


these regulations. Side slopes steeper than 3:1 may be approved by the city engineer on a site specific basis.

- D. *Location of treatment facilities.* All major treatment facilities such as swales, lakes, canals, and other retention and detention areas used for stormwater management prior to discharge from the development shall be shown on the site plan, civil plan or plat and dedicated to the entity responsible for their maintenance. All retention and detention areas shall include, where necessary, a 20-foot maintenance easement with a side slope not steeper than 4:1 (four horizontal to one vertical), except as approved by the city commission upon recommendation by the city engineer on a site specific basis.
- E. *Alternatives.* Alternate treatment methods or facilities which in the opinion of the city Director of Public Works are equal or superior to the above requirements may be approved. Application for such approvals shall be accompanied by written data, calculations and analysis which show, by accepted engineering principles, that the alternate treatment methods or facilities are equal or superior to those specified.

Sec. 6.03.04. Stormwater management for all commercial development.

- A. *Purpose and intent.* All commercial development shall be designed to promote the function of stormwater quality and to maximize the natural appearance such improvements.
- B. *Natural and manmade bodies of water including retention areas.*
1. The design of natural and manmade bodies of water, including retention areas, shall comply with the following:
 - a. The shape of a manmade body of water, including wet retention areas, shall be designed to appear natural by having off-sets in the edge alignment that are a minimum of ten feet and spaced 50 feet apart (see illustration 13).
 - b. Littoral zones as well as wet stormwater treatment areas shall be planted with appropriate native vegetation to promote the ability of the pond to provide environmental habitat.
 - c. For an LCD, retention ponds shall be designed with "double ponds" where the majority of the first flush of stormwater runoff is diverted into the first pond, and the remaining runoff is diverted into the second pond. The planting of native vegetation around and within these two ponds shall be designed specifically for the composition of the water in these ponds.



2. Natural and manmade bodies of water including retention areas exceeding 20,000 square feet in area which are located adjacent to a public right-of-way shall be incorporated into the overall design of the project to provide at least two of the following:
 - a. A minimum of five-foot wide walkway with trees an average of 50 feet on center and shaded minimum of six-foot long benches or picnic tables every 150 linear feet; or
 - b. A public access pier with covered structure and seating; or
 - c. A plaza or courtyard, 200 square feet minimum, with shaded benches or picnic tables adjacent to the water body; or
 - d. A decorative water feature designed for aeration.



Sec. 6.03.05. Soils.

The civil plan shall show the location and results of test borings of the subsurface condition of the tract to be developed. The tests shall be the type performed by the Natural Resources Conservation Service, or qualified professional, including percolation characteristics and detailed soils data. When non-pervious soils (hardpan or other impervious soils) or unstable soils (peat, muck, etc.) are encountered, the plan shall reflect a satisfactory design to cope with such conditions. Impervious soils must be removed from below retention areas and exfiltration systems and parking areas designated as pervious on the approved site plan. If the soil analysis reflects that the area contains hardpan or other impervious soils or contains peat, muck or other unstable materials, the city engineer shall require such additional design and construction as are necessary to assure proper drainage and development of the area. Test locations shall be mutually determined by the developer's engineer and the city engineer and shall be recorded as to location and result on the civil and "as-built" civil plans.

Sec. 6.03.06. Adoption of South Florida Water Management District Requirements by reference.

Drainage runoff, percolation, and predevelopment discharge are to be calculated in accordance with South Florida Water Management District, Permit Information Manual Volume IV (as amended). These requirements are made a part of this chapter by reference. The requirements may be amended by the commission by adoption of a certification by the Director of Public Works of any change which is proper, and such amendment shall be by reference. Such amended requirements will be maintained on file in the office of the public works director. (Ord. No. 1451-96, 3-25-96)

Sec. 6.03.07. Development activities.

To reduce pollutants and sediment in stormwater runoff, best management practices shall be maintained during and after all development activities.

- A. Civil plans and development permits shall be required and reviewed by the city prior to the initiation of construction operations. Civil plans shall include descriptions of structures, procedures, and/or control measures designed to reduce and control sediment and pollutant loading either directly or indirectly related to stormwater runoff and/or site wastewater.
- B. Development activities over any existing or planned stormwater management system or any such operations causing interference with any stormwater management system shall not be permitted.
- C. Monitoring shall be carried out during and after development activities as conditions to the development permit to determine and verify compliance with this section.

(Ord. No. 2048-05, § 2, 11-14-05)



Sec. 6.03.08. Erosion and sediment control.

1. *[Minimum requirements.]* The following are minimum requirements for controlling erosion and sedimentation from development. The City of Stuart may impose more-stringent practices for controlling erosion and sedimentation on an "as-needed" basis. These practices may include the use of silt fences, sediment traps, check dams, diversion dikes and inlet/outlet protection.
 - a. Additional precautions shall be taken to secure the construction site prior to a hurricane or severe weather.
 - b. Permanent or temporary soil stabilization shall be applied to denuded areas within 15 days after final grade is reached on any portion of the site.
 - c. Sediment basins, traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on site shall be constructed as a first step in grading. Earthen structures shall be seeded and mulched within 15 days of stabilization.
 - d. Cut-and-fill slopes shall be designed and constructed in a manner which will minimize erosion.
 - e. All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the system without first being filtered.
 - f. All temporary and permanent erosion and sediment control devices shall be maintained and repaired as needed until the end of the project, at which time these devices will be removed, but not until approved by the city.
 - g. Minimization of sediment, concrete and other construction materials by runoff or vehicles on paved roadways shall be of an utmost importance. Sediment shall be removed from the roadway surface by shoveling or sweeping.
2. *National pollutant discharge elimination system (NPDES)--Construction site requirements.*
 - a. State and (FDEP) rules must be adhered to for construction activities that require an NPDES construction activities permit. Applicant shall consult current state and federal regulations to determine applicability and specific requirements.
 - b. Stormwater pollution prevention plan (PPP) must be prepared prior to submitting a notice of intent (NOI) to the FDEP. Forms can be obtained from the appropriate agency. To obtain state forms go to the Florida state [State of Florida] web site at: www.dep.state.fl.us/water/stormwater/npdes.
3. *Construction dewatering.*
 - a. Construction dewatering activities shall meet all state and South Florida Water Management District (SFWMD) requirements, especially turbidity requirements for dewatering discharge. If necessary due to the amount, location, or type of



dewatering proposed, the applicant shall obtain and provide the appropriate permit(s) from SFWMD.
(Ord. No. 2048-05, § 2, 11-14-05)

Sec. 6.03.09. NPDES permits.

Any person who holds a national pollutant discharge elimination system (NPDES) permit shall provide a copy of such permit to the director of development no later than 60 calendar days after issuance.

(Ord. No. 2048-05, § 2, 11-14-05)

Sec. 6.03.10. Enforcement and penalties.

- (a) *Action.* The city may take all actions necessary, including the issuances of cease and desist orders, the assessment of penalties, the prosecution of notices of violation pursuant to chapter 162 F.S. and the city's code enforcement procedure, or the filing of any appropriate court or administrative action to recover damages or enforce compliance (including injunction) with the provisions of this article and with any regulation or permit issued hereunder.
- (b) *Continuing violation.* A person shall be deemed in violation of this Code for each and every day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder.
- (c) *Cease and desist orders.* Pursuant to City Code, the public works director may order any person to immediately cease and desist any discharges into the stormwater system determined by the public works director or other authorized officials of the city to be in violation of this article, or any regulation or permit issued hereunder. This may be based on investigation, surveillance, monitoring, sampling, testing, and/or sound engineering and operational evaluations.

(Ord. No. 2048-05, § 2, 11-14-05)

6.04.00. LANDSCAPING

- A. *Title.* The provisions of this section 6.04.00 shall be known as the "Stuart Landscape Code" and "landscape code."

Sec. 6.04.01. Applicability of Stuart Landscape Code.

- A. This Stuart Landscape Code applies to new development and to a renovation development for which a building permit has been issued by the city after July 1, 1995. No certificate of occupancy shall be issued for any portion or phase of a new development or a renovation development to which this landscape code applies until all required landscaping has been installed pursuant to the requirements of this landscape code.
- B. This Stuart Landscape Code applies to a vacant development which, as of July 1, 1995 and at any time thereafter, has remained unoccupied continuously for the previous 180 days. This landscape code does not apply to a development for which a building permit



was issued prior to July 1, 1995 unless such development becomes a vacant development.

- C. This Stuart Landscape Code applies to all development to which the Stuart Parking Code is applicable beginning July 1, 1995.
- D. This Stuart Landscape Code applies to all landscaping installed on public or private property after July 1, 1995.
- E. All development for which landscaping is required by this Stuart Landscape Code shall comply with the xeriscape requirements set forth below in Section 6.04.05 prior to issuance of a certificate of occupancy.
- F. The development design of a renovation development or a vacant development may preclude a literal compliance with all the landscape design, installation and irrigation requirements of this landscape code. In such event, the required landscaping that may be reasonably and economically accommodated at the discretion of the city development director shall be provided.
- G. Activities relating to land clearing shall comply with the requirements of Chapter V, Resource Protection Related Development Standards, of this Code.
- H. All landscaping required by this landscape code shall be installed and maintained as required by this landscape code. The failure to do so shall constitute a violation of this landscape code subject to code enforcement procedures and regulations.
- I. The provisions of this landscape code apply to properties within the Urban Code, East Stuart Code, and S.E. Ocean Boulevard Overlay Zone as provided at Chapter III of this code.

Sec. 6.04.02. General provisions.

A. *Plant material standards.*

- 1. At least 50 percent of all required landscaping in the form of trees, shrubs, ground cover and grass shall collectively consist of native vegetation. No one species of tree shall exceed 25 percent of the minimum number of trees required. Neither existing trees nor trees in excess of the minimum number required shall be subject to this limitation. The native vegetation shall be selected from the following City of Stuart Plant List. This list may be amended as necessary from time to time by resolution: (Ord. No. 1826-02, § 1, 1-28-02)

a. <i>SHADE OR CANOPY TREES:</i>	
Red Maple	(<i>Acer rubrum</i>)
American Holly	(<i>Ilex opaca</i>)
Southern Magnolia	(<i>Magnolia grandiflora</i>)
Sweet Bay	(<i>Magnolia virginiana</i>)



Red Bay	(Persea borbonia)
Sycamore	(Plantanus occidentalis)
Slash Pine	(Pinus elliottii)
Sweet Gum	(Liquidambar styraciflua)
Live Oak	(Quercus virginiana)
Laurel Oak	(Quercus laurifolia)
Mahogany	(Swietenia mahagoni)
Dahoon Holly	(Ilex cassine)
b. <i>PALMS:</i>	
Paurotis Palm	(Acoelorrhaphe wrightii)
Queen Palm ¹	(Arecastrum romanzoffianum)
Chinese Fan Palm ¹	(Livistonia chinensis)
Canary Island Date Palm ¹	(Phoenix canariensis)
Alexander Palm ¹	(Ptychosperma elegans)
MacArthur Palm ¹	(Ptychosperma macarthuri)
Silver Palm	(Coccothrinax argentata)
Mexican Washington Palm ¹	(Washingtonia robusta)
c. <i>FLOWERING TREES:</i>	
Glaucous Cassia ¹	(Cassia surattensis)
Weeping Bottlebrush ¹	(Callistemon viminallis)
Lemon Bottlebrush ¹	(Callistemon lanceolata)
Queens Crepe Myrtle ¹	(Lagerstromia speciosa)
Paradise Tree	(Simaruba glauca)
Silver Trumpet ¹	(Tabebuia caraiba)
Pink Tab or Trumpet Tree ¹	(Tabebuia heterophylla)
Princess Flower Tree ¹	(Tibouchina grandiflora)
Hong Kong Orchid ¹	(Bauhinia blakeana)
d. <i>ACCENT TREES:</i>	
Myrsine	(Myrsine guianensis)
Wax Myrtle	(Myrica cerifera)
Anacahuita, White Corda ¹	(Cordia boissieri)



Geiger Tree	(Cordia sebestena)
Yellow Elder	(Tecoma stans)
Cherry Laurel	(Prunus caroliniana)
Frangipani Plumeria ¹	(Plumeria acuminata)
Princess Flower Tree ¹	(Tibouchina grandiflora)
Jamaica Caper	(Capparis cynophallophora)
East Palatka Holly	(Ilex attenuata 'EastPalatka')
Golden Dewdrop	(Duranta repens)
Loblolly Bay	(Gordonia lasianthus)
e. <i>SHRUBS</i> :	
Florida Privet	(Forestiera segregata)
Simpson's Stopper	(Myrcianthes fragrans)
Cocoplum	(Chrysobalanus icaco)
Buttonwood	(Conocarpus erectus)
Silver Buttonwood	(Conocarpus erectus sericeus)
Cherry Laurel	(Prunus caroliniana)
Wax Myrtle	(Myrica cerifera)
Myrsine	(Myrsine guianensis)
Gallberry	(Ilex glabra)
Walter's Virburnum	(Viburnum obovatum)
Firebush	(Hamelia patens)
f. <i>GROUND COVERS</i> :	
Lantana species	(Lantana spp.)
Coontie	(Zamia floridana)
Blue Eyed Grass	(Sysirinchium)
Cordgrass	(Spartina bakerii)
Erect Swordfern	(Nephrolepis cordifolia)
Beach Sunflower	(Helianthus debilis)
Swamp Fern	Blechnum serrulatum
Swamp Lilly	Crinum americanum
Wild Allamanda	Urechites lutea



Shiny Blueberry	Vaccinium myrsinites
Spider Lily	(Hymenocallis latifolia)
g. <i>VINES</i> :	
Carolina Jessamine	(Glesminum sempervirens)
Trumpet Honeysuckle	(Lonicera sempervirens)

¹ These plant materials shall not count towards the native vegetation requirements of this Code.

2. Not less than 50 percent of all trees used to meet landscaping requirements shall be shade or canopy trees. Trees shall have a minimum height of 12 feet and a minimum spread of six feet at planting. Palm trees may be substituted for any number of the remaining trees provided that two palm trees shall be counted as one tree. Requirements of shade or canopy trees shall be mitigated when proposed locations will conflict with overhead power lines. Forms of mitigation may include: the replacement of each shade or canopy tree with three small accent trees, the planting of shade or canopy trees at an alternate site as determined by the Stuart Beautification Committee, the requirement of additional existing native trees, or other mitigation methods as determined by the city development director.
3. Plant materials used in conformance with the provisions of this landscape code shall conform to the Standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants" Part I and Part II, 1963, State of Florida, Department of Agriculture, Tallahassee. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating quality control program.
4. Banyan trees, Ficus trees, and Rubber trees and any other tree species identified by the city development director as likely to cause damage to public roadways, public facilities or building foundations shall not be planted closer than 12 feet thereto unless the tree root system is completely contained within a container or barrier five feet square and five feet deep and for which the construction requirements shall be four inch thick concrete reinforced with #6 road mesh (6 x 6 x 6) or equivalent.
5. Trees of species whose canopy could be damaged by or could cause damage to overhead power lines shall not be planted closer than a horizontal distance from overhead power lines of 30 feet for large-sized trees and 20 feet for medium-sized trees. Large- and medium-sized trees shall be determined by current Florida Power and Light (FPL) guidelines. Small trees can be planted adjacent to power lines. Palm should be planted at a distance equal to or greater than the average frond length plus two feet from the power lines. Plantings near pad mounted transformers shall not restrict access to or maintenance of the transformer, and a five-foot clearance is recommended. For additional information, contact Florida Power and Light (FPL) for recommended tree lists and setbacks.



6. Shrubs shall be a minimum of 24 inches in height and have a minimum 12-inch spread or be a three gallon container size at planting.
7. Hedges shall be 80 percent opaque within one year thereafter. At planting, hedge shrubs shall be not less than 24 inches in height with an 18-inch spread and shall be "full" specimens, which are fully rooted in three-gallon containers. Hedge shrubs shall be planted 24 inches on center. Unless otherwise specified, hedges shall be maintained at a minimum height of 30 inches.
8. Vines shall be a minimum of 30 inches in height at planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements. No vines shall be planted within utility easements or within five feet of any existing or proposed utility pole, guy wire or pad-mounted transformer.
9. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and reasonable complete coverage within three months of installation. All landscaped areas shall be sodded or otherwise covered with ground cover.
10. Grass areas shall be planted in species locally grown as permanent lawns. Grass areas may be sodded, plugged, sprigged or seeded provided solid sod shall be used in swales or other areas subject to erosion. In areas where solid sod or grass seed is not used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

B. *Installation.*

1. All required landscaping installed pursuant to this landscape code shall be installed according to accepted good planting practices.
2. Landscaped areas shall be protected from vehicular encroachment by car stops, curbs, or other appropriate means.
3. For a major development, as defined in Chapter XII, a registered landscape architect shall inspect and certify that all required landscaping has been installed in accordance with the landscape plan and the requirements of this landscape code. No certificate of occupancy or similar authorization will be issued until the required landscaping has been certified.

C. *Irrigation.*

1. Landscaped areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition. All irrigation systems shall be designed, installed and maintained in such a manner as not to be a nuisance to adjacent properties and uses and to the general public.
2. Design plans for the irrigation system must be submitted with the required landscape plan for review and approval by the city development department.
3. All irrigation systems shall include a "rain switch" to monitor rain levels and irrigation needs.



4. Xeriscape areas must have a readily available water supply to provide temporary irrigation until plantings are established.
5. Natural areas and native vegetation left undisturbed by development may be excluded from the irrigation system.

D. *Existing native vegetation.*

1. All native vegetation which is not located in areas requiring their removal as reflected by an approved plan document shall be retained in an undisturbed state as provided in Chapter V, Resource Protection Related Development Standards, of this Code.
2. All non-native and nuisance species shall be removed upon development as specified in Chapter V, Resource Protection Related Development Standards, of this Code.
3. Existing healthy trees which have a caliper of six inch DBH, or larger, and which are not an invasive plant species may be credited toward meeting the minimum number of required trees. Areas within a development may be designated as natural vegetation areas where the natural grade and existing native vegetation will remain undisturbed. Trees that are not an invasive plant species which are located in such areas and have a caliper of four inches DBH or larger may be credited toward meeting the minimum number of required trees.

Sec. 6.04.03. Landscape design.

- A. For a major development and minor development, a landscape plan shall be submitted and approved as part of the development approval process and prior to the issuance of a development permit. Landscape plans for a major development shall be prepared by a registered landscape architect. All landscape plans must show the location of existing or proposed utility lines that could be impacted by the vegetation being planted.
- B. Landscape standards.
 1. Not less than 20 percent of the total gross area of a development site shall be landscaped. The landscaped areas shall be located on the site in such manner as to maximize preservation of existing trees with priority given to specimen and/or historic trees as described in Chapter V, Resource Protection Related Development Standards, of this Code.
 2. Not less than 50 percent of the required landscaping for a major development shall be interior landscaping as described in subsection 6.04.07 C. of this landscaping code.
 3. Impervious surfaces shall not be placed within five feet of the base of an existing tree to be preserved.
 4. Mulch shall be designed and installed in all planting areas to a depth of two to three inches. The type of mulch shall be specified on the landscape plan.



5. Not less than 50 percent of a required shoreline protection zone, as defined in Chapter XII, shall consist of native vegetation.
6. In order to allow for flexibility and creativity in design standards, hedges may be replaced or interrupted in areas which provide for a decorative wall and berms and other creative landscape features and landscape materials may be clustered so long as the parking area remains screened from public right-of-way and adjacent private property. Such modification must be approved by the city development director in accordance with site plan review procedures and must be consistent with the intent of this landscape code.
7. In the event the number of parking spaces to be installed exceeds the minimum number of parking spaces required by the Stuart Parking Code, the required landscaping shall be increased by 100 square feet for each additional parking space. The additional landscaping shall consist of shrubs, ground cover, grass and mulch in accordance with the standards of these regulations. For each additional 500 square feet of impervious surface or fraction thereof, one shade tree shall be provided in addition to the shrubs, ground cover, grass and mulch.
8. *Visibility triangles.* All landscaping within a visibility triangle shall provide unobstructed cross-visibility at a level between three feet and six feet and shall comply with the most current edition of the State of Florida DOT Roadway and Traffic Design Standards, Index 546 regarding visibility triangles. Trees or palms having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed provided the location does not itself create a traffic hazard. Landscaping, except grass or ground cover shall not be located closer than three feet from the edge of any driveway pavement. Refer to Landscape Exhibit D, Visibility Triangle.

Sec. 6.04.04. Maintenance.

A. General.

1. The owner and the lawful occupant of real property landscaped as new development, renovation development or vacant development pursuant to the provisions of this landscape code are each responsible for the maintenance of all such required landscaping in a healthy, growing condition.
2. The owner and the lawful occupant of real property landscaped prior to the effective date of this landscape code are each responsible for the maintenance of all installed landscaping in a healthy, growing condition. The city shall periodically inspect all areas of required landscaping for proper maintenance. Regular maintenance includes irrigation, fertilization, and routine pruning of all trees and shrubs. The owner or lawful occupant of the real property shall be responsible to correct any deficiency reported by inspection within a reasonable time frame. Failure to comply will result in a hearing before the code enforcement magistrate. (Ord. No. 1826-02, § 1, 1-28-02)
3. Landscaped areas shall be maintained in a neat and orderly appearance and kept free from refuse and debris. All walls and fences shall be maintained in good



condition so as to present a neat and orderly appearance and shall be kept free from graffiti.

4. Trees shall be pruned only as necessary to promote healthy growth or to avoid powerlines. Trees shall not be severely pruned or "hatracked" in order to permanently maintain growth at a reduced height. Pruning shall be accomplished in accordance with current applicable National Arborists' Standards and the American National Standards Institute (ANSI) Standard A300 Pruning/Trimming Standards.

- B. *Installation and maintenance guarantee.* Prior to the issuance of a certificate of occupancy for any portion of a new development, renovation development or vacant development landscaped pursuant to the provisions of this landscape code, an installation and maintenance guarantee in a form acceptable to the city development director shall be provided to guarantee the installation and maintenance of the required landscaping and the irrigation system in accordance with the provisions of this landscape code and other applicable ordinances, and as defined in Chapter XII of this Code. This guarantee shall list all required landscape materials and shall describe the irrigation system to which it pertains.

Sec. 6.04.05. Xeriscape landscaping.

- A. All development for which landscaping is required by this Code shall comply with the xeriscape requirements set forth below prior to issuance of a certificate of occupancy. For a development for which a landscape plan is required prior to issuance of a building permit, the selected design options and the accompanying points necessary to meet the following xeriscape requirements shall be clearly tabulated on the landscape plan.
- B. To obtain a development permit, an applicant shall attain a minimum of 50 points from the following table of design options. As used in the table, "list" means the list of drought tolerant species set forth in the most current South Florida Water Management District's Waterwise, South Florida Landscapes, Landscaping to Promote Water Conservation Using the Principles of Xeriscape™ A copy of the guide is available for public inspection and copying at the office of the city development department.

- C. Design options:

Option		Points
1	Utilization of moisture sensing controller other than rain switch	5
2	Plan submitted with low, moderate and high water usage zones indicated on the Landscape Plan	5
3	Grass:	
	25%--50% of the Grass areas are made up of drought tolerant grass species from the list	5
	51% or more of the Grass areas are made up of drought tolerant grass species from the list	10
4	Shrubs:	



	25%--50% of the required Shrubs are made up of drought tolerant species from the list	5
	51% or more of the required Shrubs are made up of drought tolerant species from the list	10
5	Trees:	
	25%--50% of the required Trees are made up of drought tolerant species from the list	5
	51% or more of the required Trees are made up of drought tolerant species from the list	10
6	Extra Shade Trees in vehicular use areas:	
	25% more than the required Shade Trees planted in the vehicular use area	5
	50% more than the required Shade Trees planted in the vehicular use area	10
7	Sod area less than 50% of Landscape area	10
8	Utilization of compacted mulched (use of cypress mulch not recommended in order to protect natural cypress wetlands) planting beds at least three inches deep in all planted areas except Ground Cover	10

(Ord. No. 1284-93, 4-26-93, 6.06.03.E.; Ord. No. 1417-95, 7-1-95)

Sec. 6.04.06 Land Use Transitions and Landscape Buffers

The character and aesthetics of residential neighborhoods are of special interest to the city because they provide a quality of living that makes Stuart a vibrant community. It is necessary to protect and buffer these residential neighborhoods from adverse impacts from neighboring non-residential uses and multi-family residential uses. The following regulations are intended to assist in providing a subtle transition between residential uses and neighboring non-residential uses and multi-family residential uses.

A. Applicability.

1. *Types of development.* The "transitional regulations" set forth in this section 6.04.06 apply to an application for new development, renovation development, and vacant development as those terms are defined in Chapter XII of this Code.
2. *Development incompatibility.* Specifically, these transitional regulations apply to an application for non-residential development approval and to an application for single-family or multi-family residential development approval on property adjacent to an existing residential use or an adjacent residential zoning district. These regulations do not apply, however, to a proposed non-residential use adjacent to an existing non-residential use in the "R-3" residential zoning district.



3. *Conflicts.* In the event of a conflict between a transitional regulation in this section 6.04.06 and the requirements set forth in Chapter III of this Code, the Chapter III requirements shall prevail. Otherwise, in the event of a conflict between any transitional regulations in this section 6.04.06 and other Code sections, the transitional regulation shall prevail.

B. Transitional regulations.

As used herein, the term "common boundary" means the common boundary of the proposed non-residential or multi-family use and the adjacent residential use or residential zoning district. As used herein, the terms "buffer" and "buffer screen" are defined in Chapter XII of this Code.

1. Except as modified below, buffer width requirements for one-story developments, including parking lots, shall be:

Type of Use	Abutting Single-Family Use or Zone		Abutting Two-family or Multi-Family Use or Zone		Abutting Multi-Family Use or Zone	
	Side Yard (ft.)	Rear Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Multi-Family, 0.5 acre or less	25	25	15	20	15	20
Multi-Family, other	25	25	25	25	25	25
Commercial and other Non-Residential	25	25	25	25	25	25
Industrial	30	30	30	30	30	30

(Ord. No. 1453-96, 6-1-96)

2. The modification to the above buffer requirements are as follows:
 - a. For multi-story developments, the buffer width is an additional ten feet for each upper story.
 - b. A buffer of not less than 15 feet in width shall be provided along the common boundary between the side and rear of any proposed use and a residential use or residential zoning district that is separated by a street, road, or other right-of-way of less than 100 feet in width.
 - c. For sites with no native vegetation, the side and rear landscape strip shall be at least 25 feet in depth and planted with native vegetation, in accordance with Sec. 5.04.02.A.4 of this Code.



3. The following modifications to the above buffer requirements apply to "R-3" zoning district:
 - a. The "commercial and other non-residential" side yard buffer width for an "abutting multi-family use or zone" property which is undeveloped and zoned "R-3" residential district shall be 15 and not 25 feet.
 - b. In the "R-3" residential district, the side yard buffer between proposed and existing non-residential uses shall be 12.5 feet instead of 25 feet. (Ord. No. 1687-99, 8-9-99)
 - c. A buffer of not less than 15 feet in width shall be provided along the common boundary between a proposed non-residential use in the "R-3" residential zoning district and adjacent undeveloped property in the "R-3" residential zoning district.
4. *Buffer use.* No structures, mechanical equipment, trash receptacles, parking areas, or internal driveways shall be located in the common boundary buffer within 15 feet of the property line.
5. *Buffer materials.* The following buffer landscape requirements shall apply, however, not less than one tree shall be planted every 30 linear feet of the common boundary.
 - a. A buffer shall consist of landscaping to include a landscape screen.
 - b. A buffer shall include a buffer screen the width of which is 25 percent of the width of the required buffer. The buffer screen shall include a six-foot high wall or fence with five-foot wide landscape area located along the property line. Where a proposed non-residential development will abut a residential development, the five-foot wide landscape area shall be located outside the six-foot high wall or fence.
 - c. A fence or wall included in a buffer screen shall be constructed with the side of the fence or wall with the finished appearance facing the use of lesser intensity.
 - d. An opening through a buffer area may be provided to facilitate pedestrian or vehicular traffic between developments subject to the approval of the city development director; however, no parking spaces shall be located within the buffer. (Ord. No. 1453-96, 6-1-96)
 - e. Excluding the buffer screen area, a dry retention area may be located in a buffer. Existing plant material within a dry retention area shall not be credited toward meeting the landscape requirements of this landscape code.

Refer to Landscaping Exhibit B, Typical Buffers.

Sec. 6.04.07. Parking areas for multi-family and all non-residential developments.

- A. *Parking area landscaping adjacent to streets.* On the site of a multi-family or a non-residential development which includes a parking area not entirely screened visually by an intervening building from abutting streets, landscaping shall be installed as follows:



1. A landscaped strip of land not less than ten feet in width shall be located between the parking area and the abutting street.
2. The landscaping provided within the landscaped strip shall include:
 - a. One tree for every 30 linear feet of required landscape strip planted singly or in clusters, not be more than 50 feet apart, located between the common lot line and the parking area; and
 - b. A hedge, wall, berm or other durable landscape barrier placed along the outside perimeter of the strip adjacent to right-of-way; and
 - c. Other landscaping, such as shrubs or vines, planted five feet on-center along the street side of a wall; and
 - d. Grass, ground cover, or other landscape treatment.
3. Shrubs comprising a hedge shall be planted in the landscaped strip at 24 to 30 inches on-center.
4. Not less than 25 percent of the strip shall be ground cover.
5. Property located between the strip and parking area shall also be landscaped with grass or other ground cover at a minimum.

Refer to Landscaping Exhibit C, Example of Commercial Development.

B. Adjacent to private property. On the site of a multi-family or a non-residential development which includes a parking area not entirely screened visually by an intervening building from abutting private property, landscaping shall be installed as follows:

1. A landscaped strip of land not less than five feet in width shall be located between the parking area and the abutting private property.
2. The landscaping provided within the landscaped strip shall include:
 - a. One tree for every 30 linear feet of required landscape strip planted singly or in clusters, not be more than 50 feet apart, located between the common lot line and the abutting private property; and
 - b. A hedge, wall, berm or other durable landscape barrier placed along the outside perimeter of the strip adjacent to property line; and
 - c. Other landscaping, such as shrubs or vines, planted five feet on-center along the street side of a wall; and
 - d. Grass, ground cover, or other landscape treatment.



3. Shrubs comprising a hedge shall be planted in the landscaped strip at 24 to 30 inches on-center.
4. Not less than 25 percent of the strip shall be ground cover.
5. Property located between the strip and parking area shall also be landscaped with grass or other ground cover at a minimum.

C. Parking area interior landscaping.

1. For a major development, not less than 50 percent of the required landscaping shall be interior landscaping exclusive of required buffer. Interior landscaping shall be located around the periphery of structures and interspersed throughout parking areas.
2. A landscaped area not less than five feet wide, consisting primarily of shrubbery, shall be provided along the sides of the building which abut a parking area. A landscaped area not less than two feet in width shall be provided along the sides and rear of a building where abutting an on-site service or access driveway. The landscaping located along the sides and rear of buildings which abut a parking area or driveways shall include a hedge, one tree for every 30 linear feet, and ground cover. This landscaping may be clustered to allow for creativity and flexibility in design with the approval of the city development director.
3. Interior landscaping shall include not less than one tree for every 500 square feet or fraction thereof of interior landscaped area. Interior landscaped areas shall be located in such a manner as to divide and break up the expanse of paving. (Ord. No. 1453-96, 6-1-96)
4. Vehicles may not encroach more than two feet into any interior landscaped area. Two feet of said landscaped area may be part of the required depth of each abutting parking space.
5. Interior landscaped islands shall be provided between every ten parking spaces. Each interior island shall be not less than six feet in width. Each interior island shall contain not less than one shade tree and a combination of shrubs, ground cover, grass, and mulch. Any hedge materials located within an interior landscaped island shall be maintained at a height of not more than 24 inches.
6. Terminal landscaped islands shall be provided at the end of each parking row. Full terminal landscaped islands shall be not less than ten feet in width and two parking spaces in length. Other terminal landscaped islands shall be not less than ten feet in width and one parking space in length. The length of these islands may be five feet less than the required parking space length. Each terminal island shall contain not less than one shade tree per 18 feet in length and a combination of shrubs, ground cover, grass and mulch.
7. Interior landscaped medians shall be provided between every interior row of parking spaces and not less than six feet in width. Interior medians shall be landscaped with not less than one shade tree every 20 linear feet thereof planted singly or in clusters provided that no trees shall be located more than 50 feet apart and a combination of



shrubs, ground cover, grass and mulch. Trees shall be planted between parking spaces as shown on Landscaping Exhibit C, Example of Commercial Development. Any hedge materials located within an interior landscaped median shall be maintained at a height of not more than 24 inches.

8. Not less than 50 percent of trees used in parking area interior landscaping shall be shade trees.
9. Interior landscaped islands may be used for surface water storage under the following conditions:
 - a) Such islands shall be not less than ten feet in width.
 - b) The slope of the median shall not exceed 4:1, and no median shall be more than 1 1/2 feet below the top of the pavement of the parking area.
 - c) Medians utilized for surface water storage shall be curbed with six-inch curbs with openings spaced to alleviate erosion of the island or median. Openings shall have erosion protection (i.e., concrete flumes with energy dissipators) installed from the top of the pavement of the parking area to the bottom of the swale.
 - d) If the median is designed for transmission of stormwater, the median shall contain raised inlets to provide retention; however, no organic mulch or small-leaf trees shall be permitted within the island or median.
 - e) Tree species planted in the median shall be proven adaptable to standing water.

Otherwise, interior and terminal landscaped islands and medians shall not be utilized for surface water storage and shall be filled or crowned.

10. Underground parking structures and multi-level parking structures shall have a landscaped buffer 20 feet in width on the front lot line. The landscaped buffer shall be measured at right angles to the property line unless a wider area is specified as part of the district regulations.

Refer to Landscaping Exhibit C, Example of Commercial Development.

Sec. 6.04.08. Development landscaping requirements.

- A. *Single-family and two-family development.* Single-family and two-family development either newly constructed or renovated at a cost of \$15,000.00 or more shall include one existing or planted tree for every 3,000 square feet of lot area or fraction thereof and per dwelling unit. At least one tree shall be located in the front yard and at least one tree shall be located in the rear yard. Trees shall be shown on a site plan.
- B. *Multi-family residential development.*
 1. Multi-family development shall provide a landscaped strip of land of not less than ten feet in width between the building walls and parking areas. Landscape materials shall be provided as follows:



- a. The greater of one tree for every 20 linear feet of required landscape perimeter area, or one tree for every 200 square feet of planting area or a major portion thereof, with no less than 50 percent being shade trees, located between the building walls and parking areas; and
 - b. A hedge or other durable landscape barrier not less than three feet in height at installation placed in a continuous manner along the building walls.
2. A landscaped strip of land not less than ten feet in depth shall be located between the abutting right-of-way and parking areas. Landscape materials shall be provided as follows:
- a. The greater of one tree for every 25 linear feet of required landscape perimeter area, or one tree for every 250 square feet of planting area or major portion thereof, with no less than 75 percent being shade trees, located between the abutting right-of-way and parking area; and
 - b. A hedge, wall, berm or other durable landscape barrier not less than three feet in height at installation placed in a continuous manner along the building walls; and
 - c. A combination of grass, ground cover, or other landscape treatment excluding paving which covers the remainder of the landscaped strip.
3. All property excluding the required landscape strip lying between the building and parking area and between the right-of-way and parking area shall be landscaped with grass or other ground cover.
4. Multi-family residential development shall provide not less than one tree for each 1,500 square feet, or fraction thereof, of development site.
5. Not less than 20 percent of the development site shall be landscaped.

Refer to Landscaping Exhibit E, Example of Multi-Family Development.

C. Commercial and other non-residential development. A commercial or other non-residential development being either new development, renovation development, or vacant development shall include one existing or planted tree for every 2,500 square feet, or fraction thereof, of the development site. Not less than 20 percent of the development site shall be landscaped.

D. Large-Scale Commercial Development (LCD). An LCD which requires more than 200 parking spaces shall include a landscape strip with a landscape berm between the parking area and the fronting street of a width of not less than 20 feet. The height of the berm shall be lowered at driveway entrances to accommodate a monument sign and to promote vehicle safety. All trees to be located within this strip shall be not less than 16 feet high at installation with a spread of six feet. Required landscape materials, including shrubs, may be clustered along said landscape berm.

Sec. 6.04.09. Variance appeal to board of adjustment.

A variance appeal to landscape code is forth in section 8.07.00.

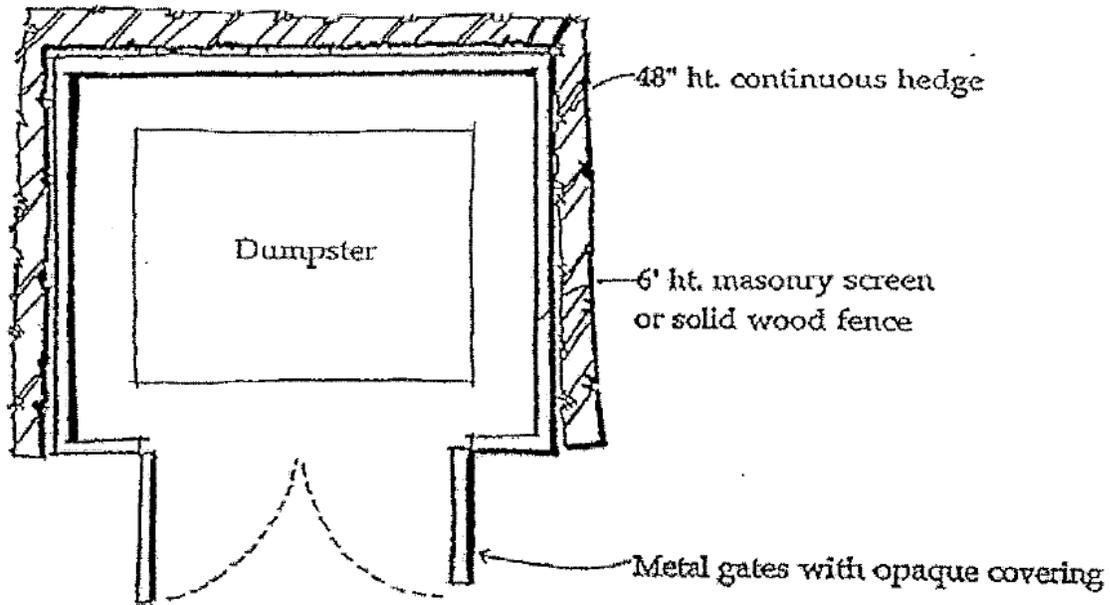


Sec. 6.04.10. Loading, storage, mechanical equipment, solid waste disposal facilities and other service function areas.

- A. *Purpose and intent.* The negative visual impacts of service function areas within commercial and non-residential development that may detract or affect the streetscape, landscape or the overall community image shall be minimized.
- B. *Buffering and screening.* Loading areas or docks, outdoor storage, trash collection, mechanical equipment, trash compaction, truck parking, recycling, rooftop equipment and other service function areas shall be fully screened and out of view from adjacent properties at ground view level when located along primary facades or within view of public rights-of-way or residentially zoned properties.
- C. *Materials and design.* Screening materials for and the design of service function areas shall be consistent with design treatment of the primary facades of commercial or non-residential development including its landscaping.



EXHIBIT A



Elevation

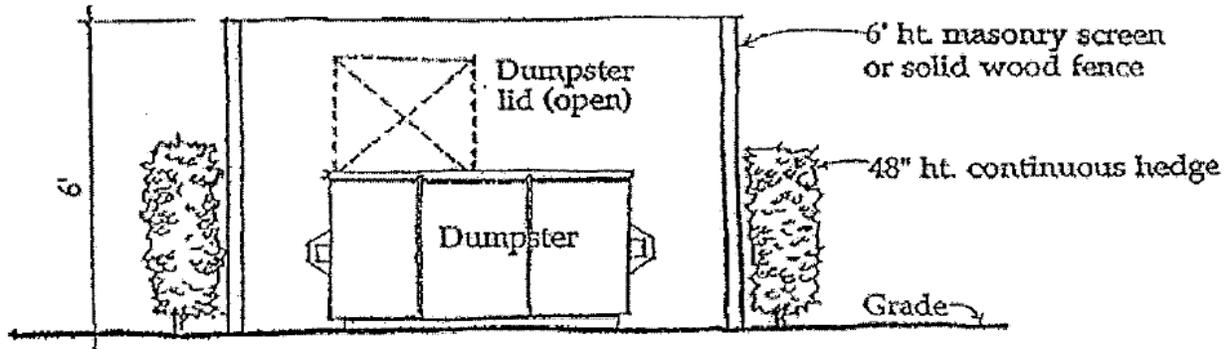
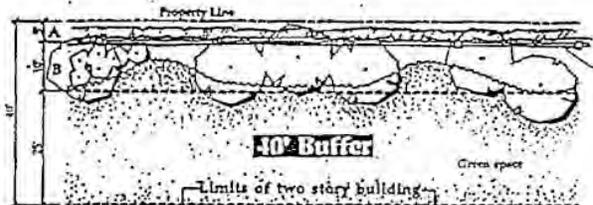
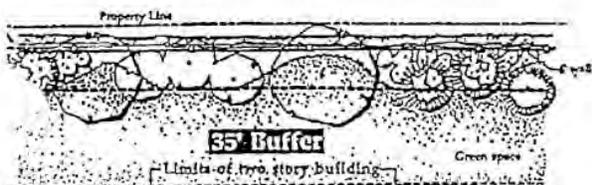
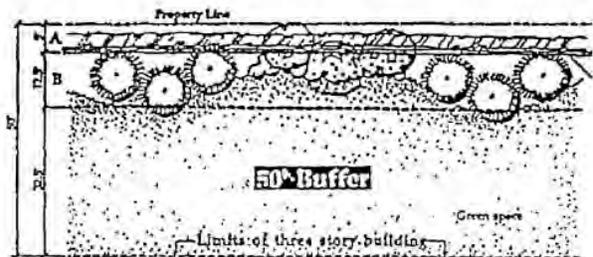
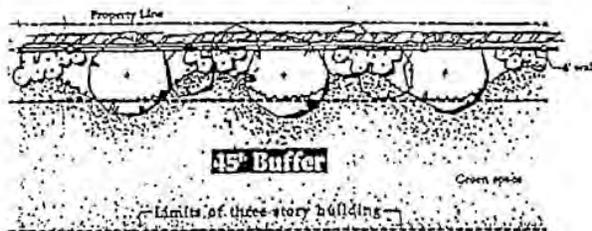
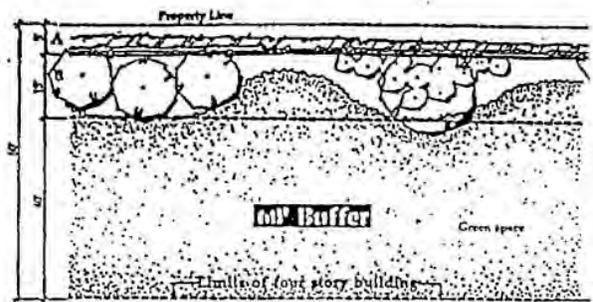
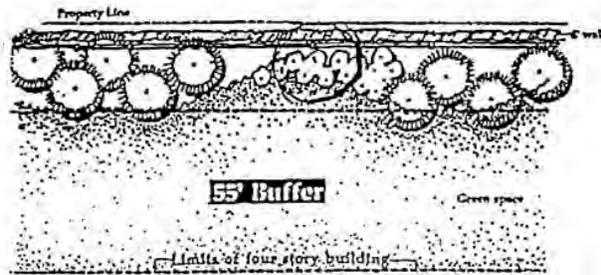




EXHIBIT B



Examples for typical 100' buffer section

-  Palm tree (8' - 20' ht.)
-  Large shade tree (10' - 16' ht.)
-  Understory tree (6' - 12' ht.)
-  Shrub mass (3' ht.)
-  Groundcover (1' - 2')

A If white landscape area (shrubs, groundcover, grass) results on interior side of 6' wall

B Approximately 25% of buffer area shall be located area property line and must be 75% opaque (shaded area trees, shrubs, groundcover, grass, etc.)



Thomas Lucido & Associates, P.A.

Land Planning/Consulting professionals
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100 E. 1st St., Suite 200, Ft. Pierce, FL 34946-1000, Tel: 888-233-2329
400 South Palm Beach Avenue, Suite 200, Deltona, FL 32725-1000, Tel: 407-233-2329

**City of Stuart
Typical Buffers**

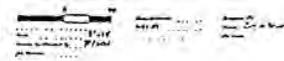
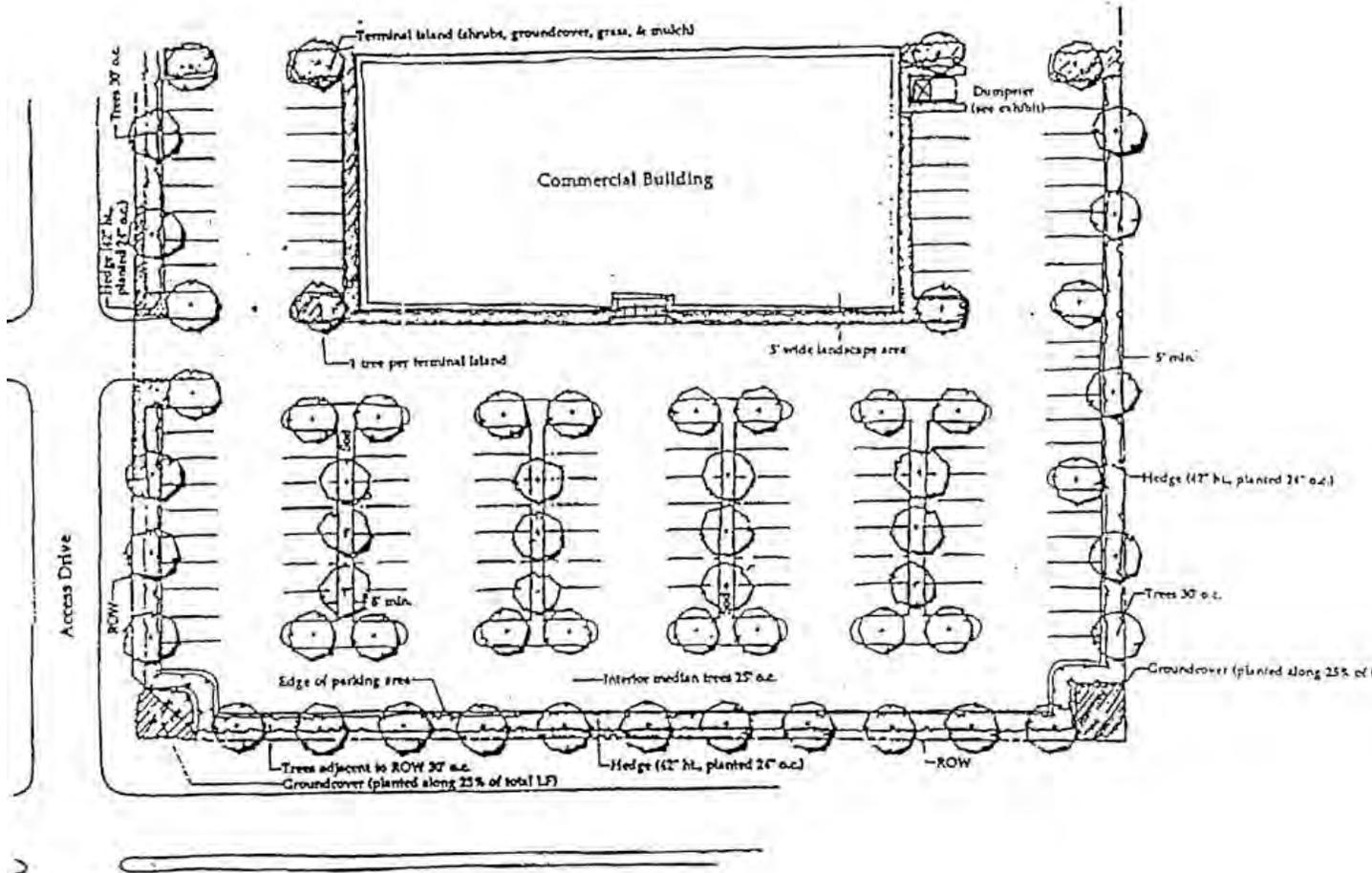




EXHIBIT C

Proposed Commercial Site



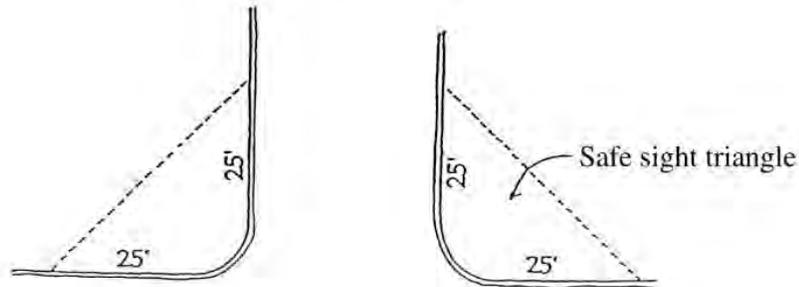
Thomas Lucido & Associates, P.A.

Land Planning/Landscape Architecture
722 Campus Dr., Stuart, FL 34994, (888) 226-2746, Fax (888) 226-2729
1101 E. Dixie St., Suite 200, Ft. Pierce, FL 34946, (888) 226-2746, Fax (888) 226-2729
400 West Highland Avenue, Suite 204, Ocala, FL 34476, (888) 226-2746, Fax (888) 226-2729

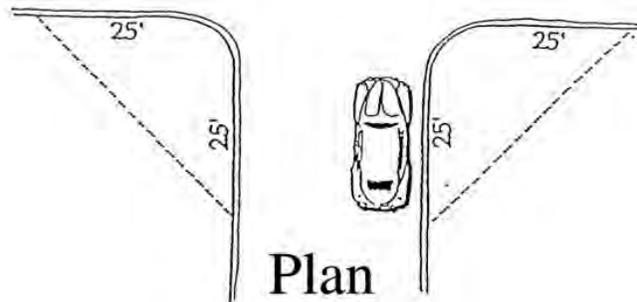
City of Stuart
Landscape Specifications
Commercial adjacent to
commercial



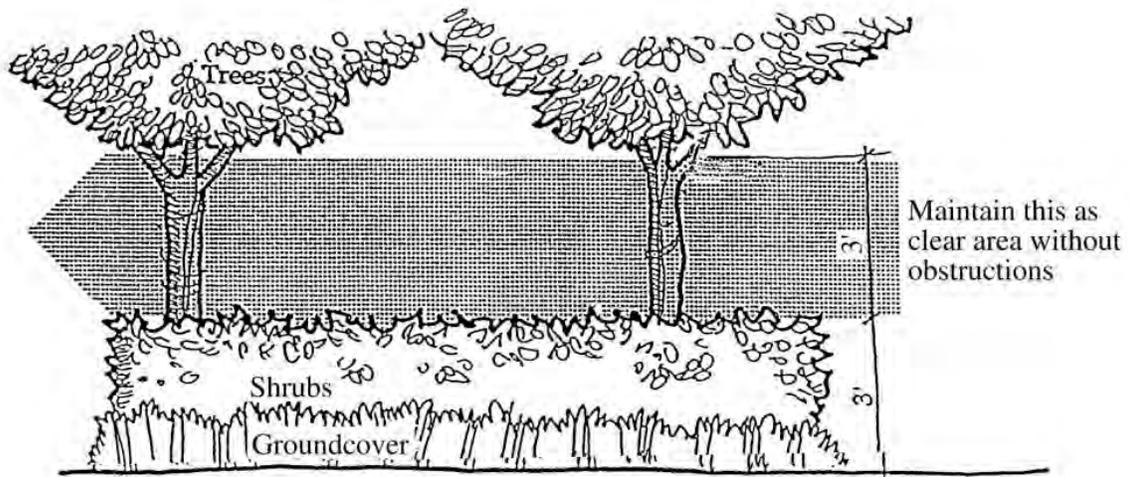
EXHIBIT D



Roadway



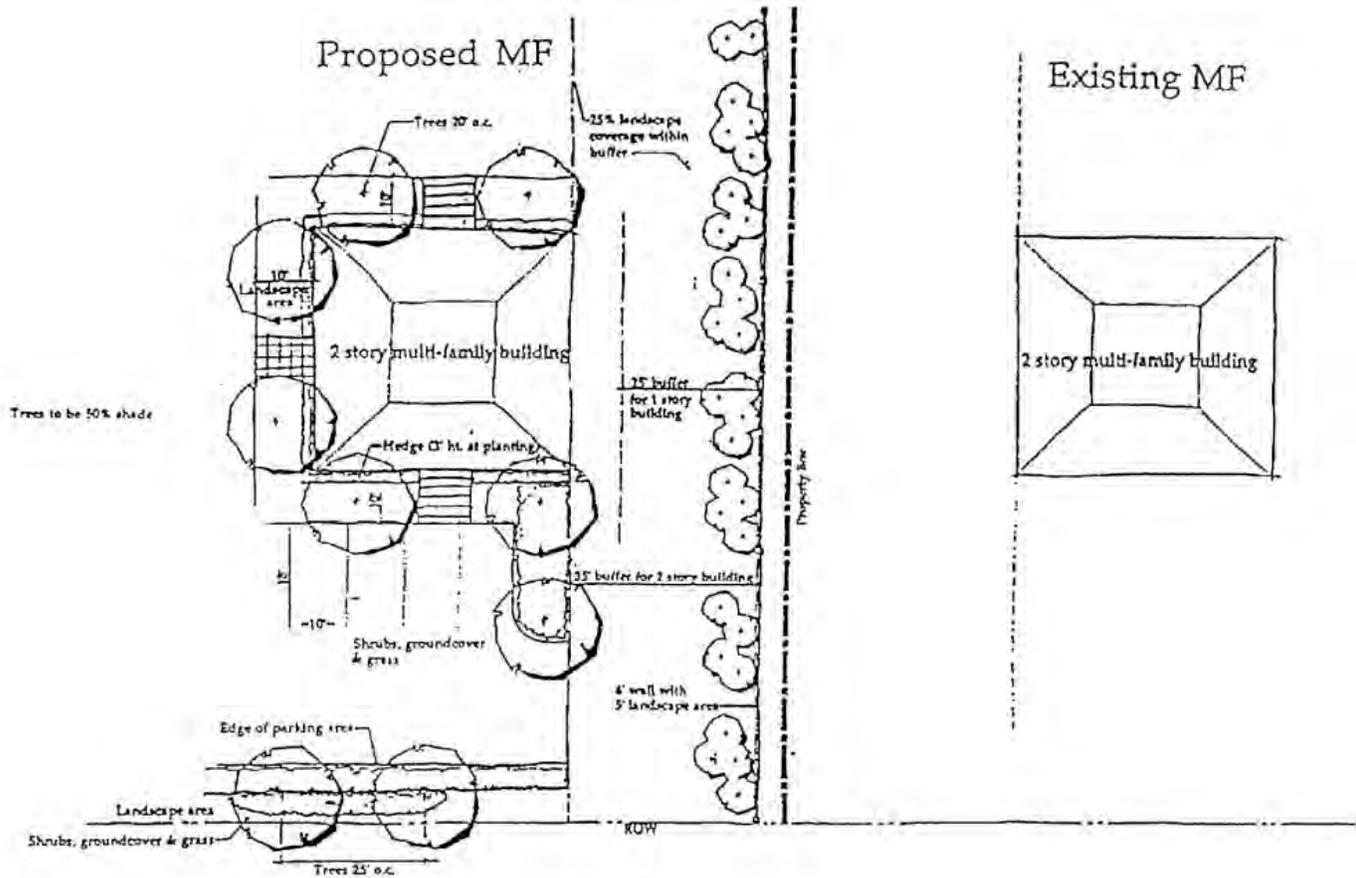
Plan
1"=20'



Elevation
1"=3'



EXHIBIT E



LANDSCAPE CODE
rev. 5/23/95



Thomas Lucido & Associates, P.A.

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1901 E. 8th St., Suite 100, Ft. Pierce, FL 34947, 888-228-2700, Fax 888-228-2620
200 North Westwood Avenue, Suite 200, Deltona, FL 32725, 407-279-2700, Fax 407-279-2620

City of Stuart
Landscape Specifications
MF adjacent to MF



6.05.00. COMMERCIAL DEVELOPMENT STANDARDS

- A. *Purpose and intent.* The purpose of this section is to supplement the development regulations of this Code with specific regulations for commercial development. Commercial development depends upon high visibility from major public streets. Consequently, the design of commercial development determines much of the image and attractiveness of the streetscapes and character of a community. Massive or generic developments that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image and sense of place. The goal of this section is to create and maintain a positive ambiance and strong community image and identity by providing for architectural and site design treatments which will enhance the visual appearance of commercial development in the city while still providing for design flexibility. These standards are intended to enhance the quality of life in the city.

The prominent styles of architecture in the city include a blend of the Spanish Mediterranean with barrel tile roofs, stucco facades, arches and wood accent members used as typical details and the Florida Cracker style with metal roofs and covered porches. While no particular style of architecture is prohibited herein, the above styles and the interpretation or blending of characteristics associated with these styles are encouraged.

This section provides for a basic level of architectural design with site design features which incorporate safe and convenient vehicular use areas and pedestrian ways and landscaping, lighting and signage treatments intended to result in a comprehensive plan for building design and site development. These regulations are intended to promote the use of crime prevention through environmental design principals including visibility for law enforcement and other people in the area, natural surveillance by placing areas of activity where they can be seen by law enforcement and the public, and defensible space by designing areas which people will take as their own and not be willing to relinquish to undesirable activities.

- B. *Application of section.*

1. The provisions of this section 6.05.00 shall apply to a commercial development regardless of the comprehensive plan designation and zoning district classification of said land.
2. The provisions of this section shall apply to commercial development as new development or as renovation development as these terms are defined in Chapter XII of this Code for which a complete application for site plan approval has not been received by the city development department prior to July 1, 1999 or the construction of which has not begun by July 1, 2000.
3. The provisions of this section shall apply to a commercial development which is a vacant development as of July 1, 1999.
4. The provisions of this section shall apply to all buildings and structures within commercial properties.



- C. *Administrative modification.* The city development director may allow the use of alternative design standards to modify, to the least extent possible, the supplemental commercial design standards contained herein if the use of such alternative design standards meets the full intent of the supplemental commercial design standards and applicable policies of the city's comprehensive plan. (Ord. No. 1700-99, 12-18-99)
- D. *Standards supplemental.* The provisions of this section shall be deemed to be supplemental to other applicable provisions of this Code. In cases of conflict, the provisions of this section shall prevail, unless the conflicting provisions are within the Urban District Code, East Stuart District Code or S.E. Ocean Boulevard Overlay Zone, in which case, those provisions shall prevail.

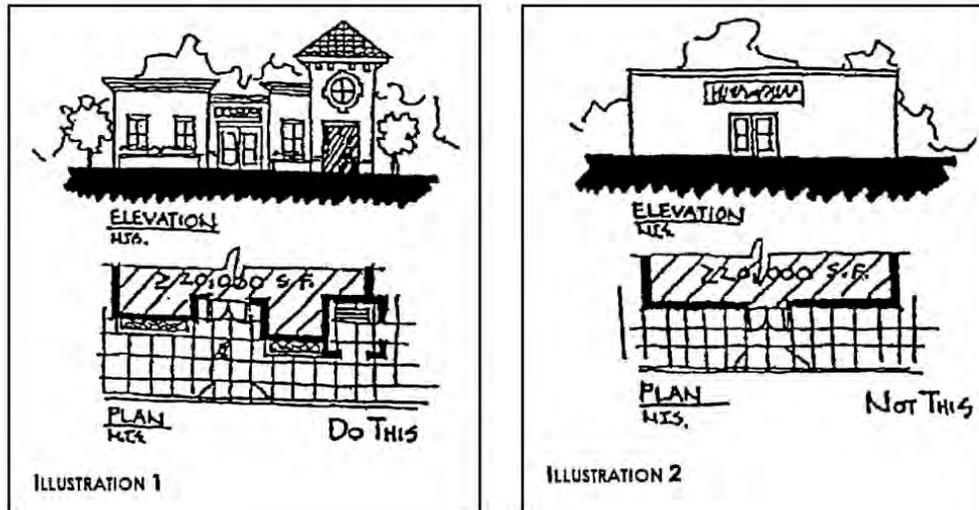
Sec. 6.05.01. Types of commercial development.

All types and sizes of commercial development are regulated by the standards included in this section. As used in this section the term "large scale commercial development," hereinafter "LCD," means including any commercial or other non-residential development of greater than 20,000 square feet in gross building area. In the case of multiple buildings within the same commercial or other non-residential development, including planned unit developments, phased developments and outparcels in different ownership than the primary parcel, the total square footage of all buildings shall comprise the gross building area.

When making a determination as to whether or not a particular development constitutes an LCD, the city development director shall consider the design of facilities and site components which are likely to be shared with the development of other properties, including but not limited to parking, drainage, vehicular access, native preservation and common areas.

Sec. 6.05.02. Building design and location.

- A. *Purpose and intent.* All commercial buildings shall be designed to maintain and enhance the attractiveness of the streetscape and the existing architectural design of the community. Buildings shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian, reduce massing and recognize local character. Facades shall be designed to reduce the mass or scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale. The building's mass shall be varied in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian (see illustrations 1 and 2).



Corner lots at an intersection of two or more arterial or collector roads shall be designed with additional architectural embellishments, such as corner towers or other design features, to emphasize their location as gateways and transition points within the community.

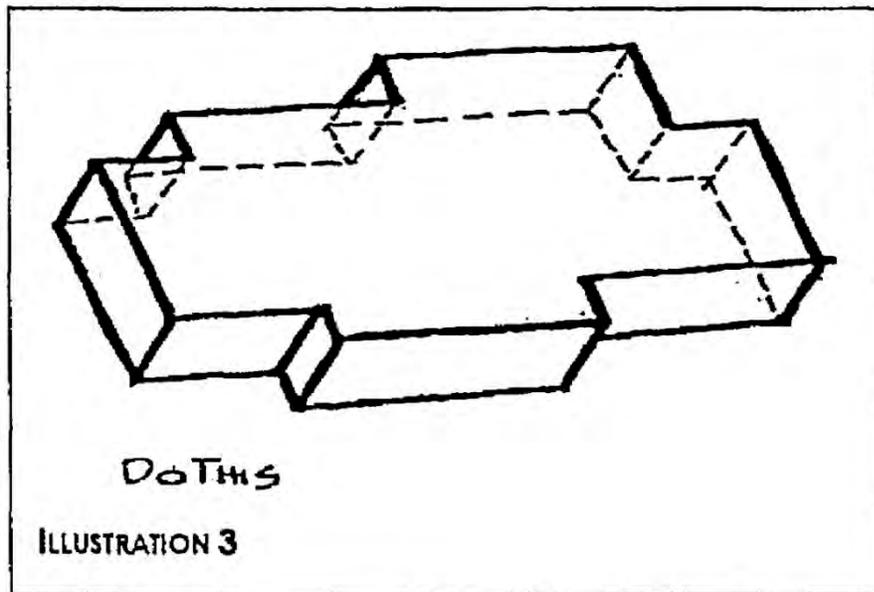
B. *Building location.*

1. For all roadways excluding SE Ocean Blvd., Osceola Street and SR 707/Dixie Highway, the distance between the primary front facade of a commercial building and the nearest abutting right-of-way shall be as follows:
 - a. For all commercial development which is not more than 50,000 s.f., including LCDs, the setback of the primary front facade shall be not less than 20 feet but not more than 100 feet.
 - b. For a single-use LCD which is greater than 50,000 s.f., the setback of the primary front facade shall be not less than 20 feet but not more than 200 feet.
 - c. For a multi-use LCD which is greater than 50,000 s.f., the setback of the primary front facade shall be not less than 20 feet but not more than 200 feet, provided however that the setback for any individual building within the LCD which is not more than 50,000 s.f., the setback of the primary front facade shall be not less than 20 feet but not more than 100 feet.
2. For Osceola Street outside of the Urban District and SR 707/Dixie Highway outside of the Urban District or East Stuart District, the distance between the primary front facade of a commercial building and the nearest abutting right-of-way shall be not less than 10 feet but not more than 50 feet.

- C. *Building orientation.* Building facades adjacent to an arterial or collector street shall either have windows along no less than 50 percent of their horizontal length or a primary customer entrance. Additional entrances and windows facing additional abutting public streets or adjacent buildings are encouraged. Buildings shall be oriented to maximize pedestrian access.



- D. *Facade design.* All primary facades of a building shall be designed with consistent architectural style, detail and trim features. The facades of all buildings shall also adhere to the requirements of this section with respect to architectural design treatments for primary facades.
- E. *Massing.* Primary facades shall be designed to employ the following design treatments on the ground floor.
1. No horizontal length or uninterrupted curve of a primary facade shall exceed 100 linear feet. For arcaded facades, no horizontal length or uninterrupted curve of the arcaded facade shall exceed 120 feet. Varied lengths are desirable. Projections and recesses shall have a minimum depth of three feet with 25 percent of these having a varied length with a minimum differential of one foot (see illustration 3).
 2. A single wall plane shall not constitute more than 60 percent of each affected ground floor primary facade.

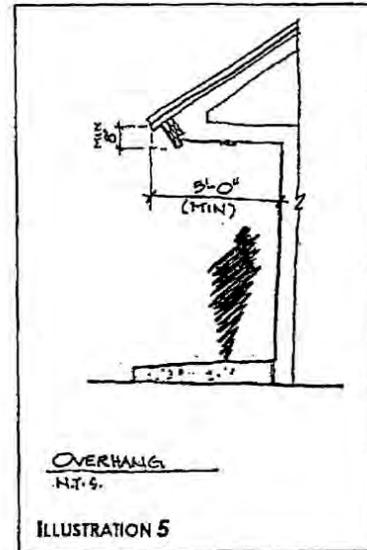
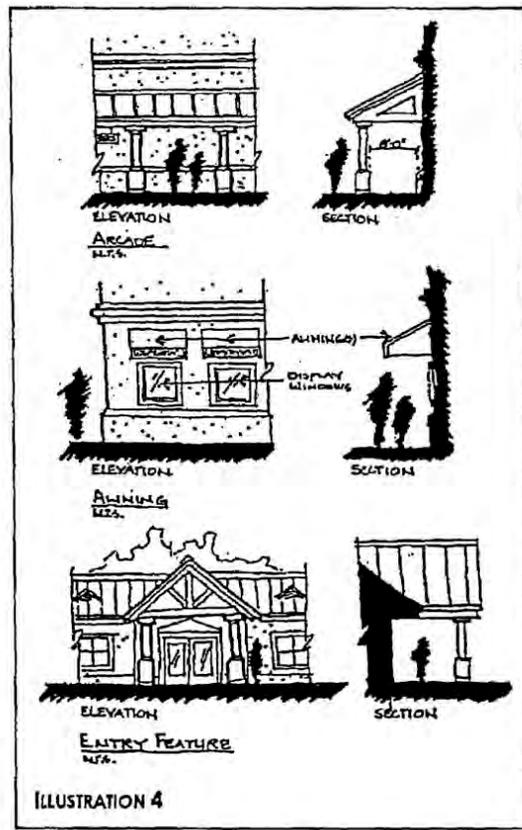


NOTES: Horizontal length or uninterrupted curve of primary façade not to exceed 100 linear feet and of arcaded façade not to exceed 120 feet. Minimum depth of 3' for projections and recesses.

3. Primary facades on the ground floor shall have features along a minimum of 50 percent of their horizontal length. These features include, but are not limited to, arcades a minimum of eight feet clear in width, display windows, entry areas and other such design elements. Awning areas shall be excluded from this calculation unless associated with windows or doors and are in increments of 10 feet in length or less.
- F. *Other design standards.* Commercial development which is not an LCD shall provide a minimum of four of the following building design treatments. For an LCD, a minimum of five of the following building treatments shall be provided (see illustrations 4 and 5).



1. Overhangs;
2. Arcades, minimum of eight feet clear in width;
3. Sculptured artwork;
4. Raised cornice parapets over doors;
5. Peaked roof forms;
6. Display windows;
7. Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design;
8. Clock or bell towers;
9. Decorative light fixtures;
10. Decorative landscape planters or planting areas, a minimum of five feet wide, and areas for shaded seating consisting of a minimum of 100 square feet;
11. Integration of specialty pavers, or stamped, colored concrete along the building's walkway to constitute a minimum of 60 percent of walkway area; or
12. Water elements, a minimum of 150 square feet in area.



G. *Building architectural elevations for transition between non-residential and residential uses.*

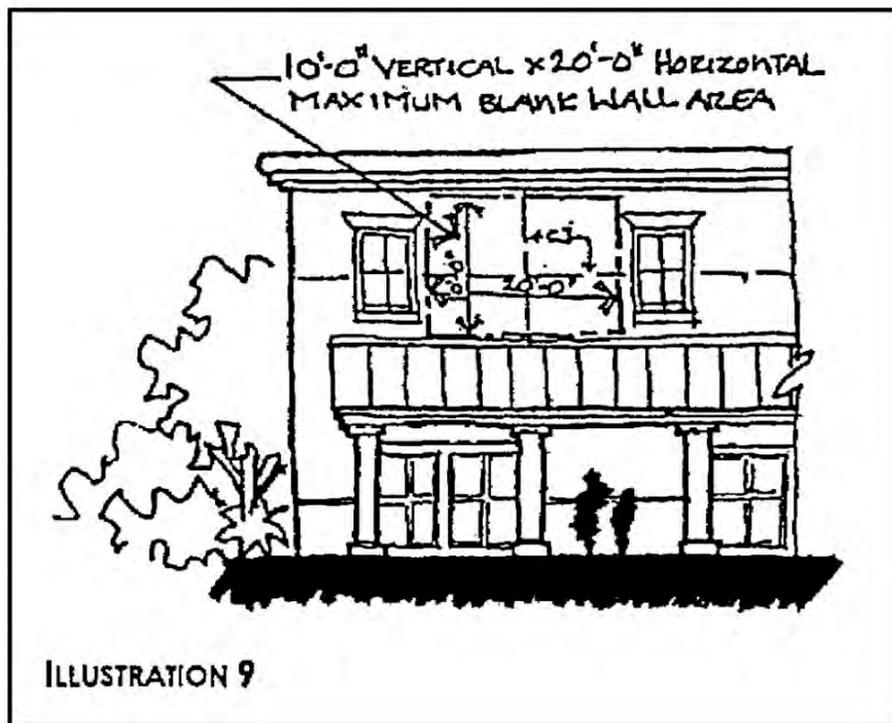
1. That portion of a proposed non-residential building or multi-family residential building that will face an adjacent residential use shall be architecturally designed to be harmonious with and complementary to the adjacent residential use in terms of building elevations, architectural materials and roof lines. Harmony may require a reduction in the mass of the non-residential building or the size of that portion of the non-residential building that is nearest the residential use. Harmony may also require a reduction in wall heights, articulation of wall and roof planes, and architectural decoration.
2. Windows at the second floor and above of a proposed non-residential building or multi-family residential building shall be oriented and designed so as to preclude a direct line of sight onto adjacent residential uses within 50 feet of the common boundary.
3. No overhead doors or loading areas shall be designed along the common boundary side of the proposed non-residential building.
4. Roof-mounted equipment on a proposed non-residential building shall be visually screened from the first and second floor of an adjacent residential use or residential zoning district and from public right-of-way.



- H. *Noise.* On a proposed non-residential use or multi-family use property all mechanical, electrical, and communications equipment shall be located, designed and screened to minimize noise emanating from the common boundary.

Sec. 6.05.03. Detail features for all commercial developments.

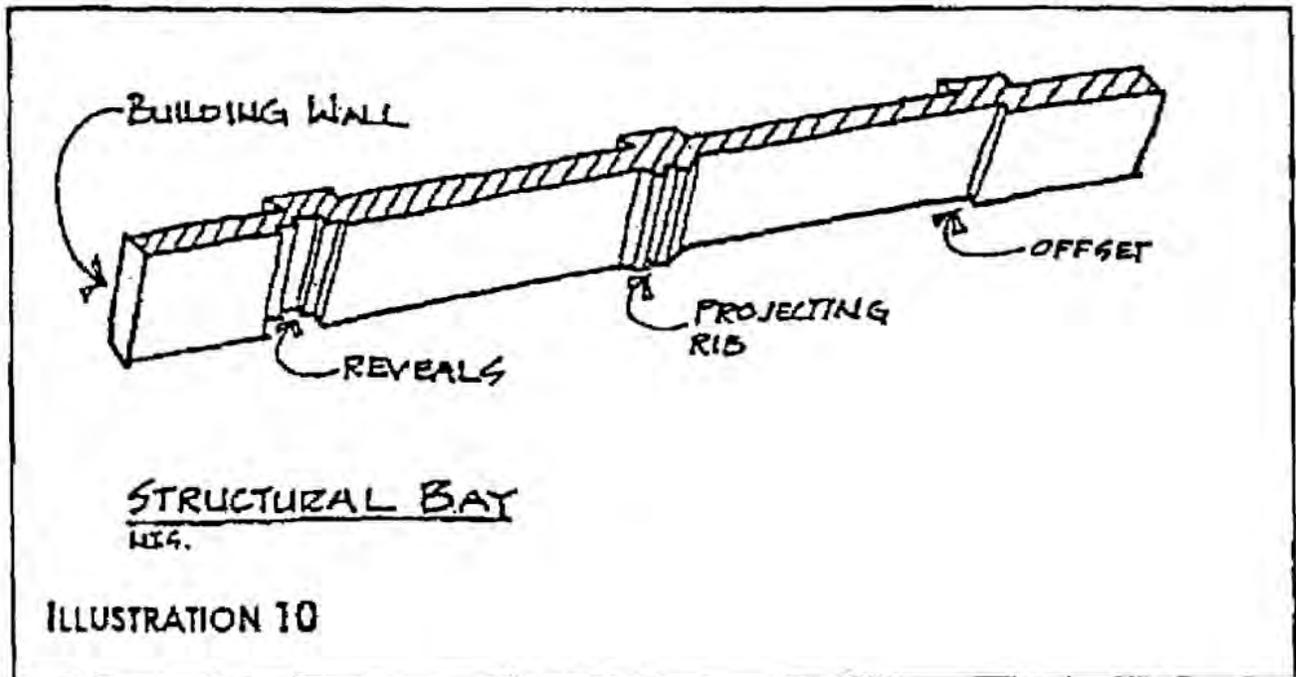
- A. *Purpose and intent.* The design elements in the following standards shall be integral parts of the building's primary facades and shall be integrated into the overall architectural style. These elements shall not consist solely of applied graphics or paint.
- B. *Blank wall areas.* Blank wall areas shall not exceed ten feet in vertical direction and 20 feet in horizontal direction of any facade. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch (see illustration 9).



- C. *Repeating facade treatments.* Primary facades shall include a repeating pattern and shall include no less than three of the design elements listed below. At least one of these design elements shall repeat horizontally. All design elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
1. Color change;
 2. Texture change;
 3. Material module change;



4. Expression of architectural or structural bays, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib (see illustration 10);
5. Architectural banding;
6. Building setbacks or projections, a minimum of three feet in width on upper levels; or
7. Pattern change.



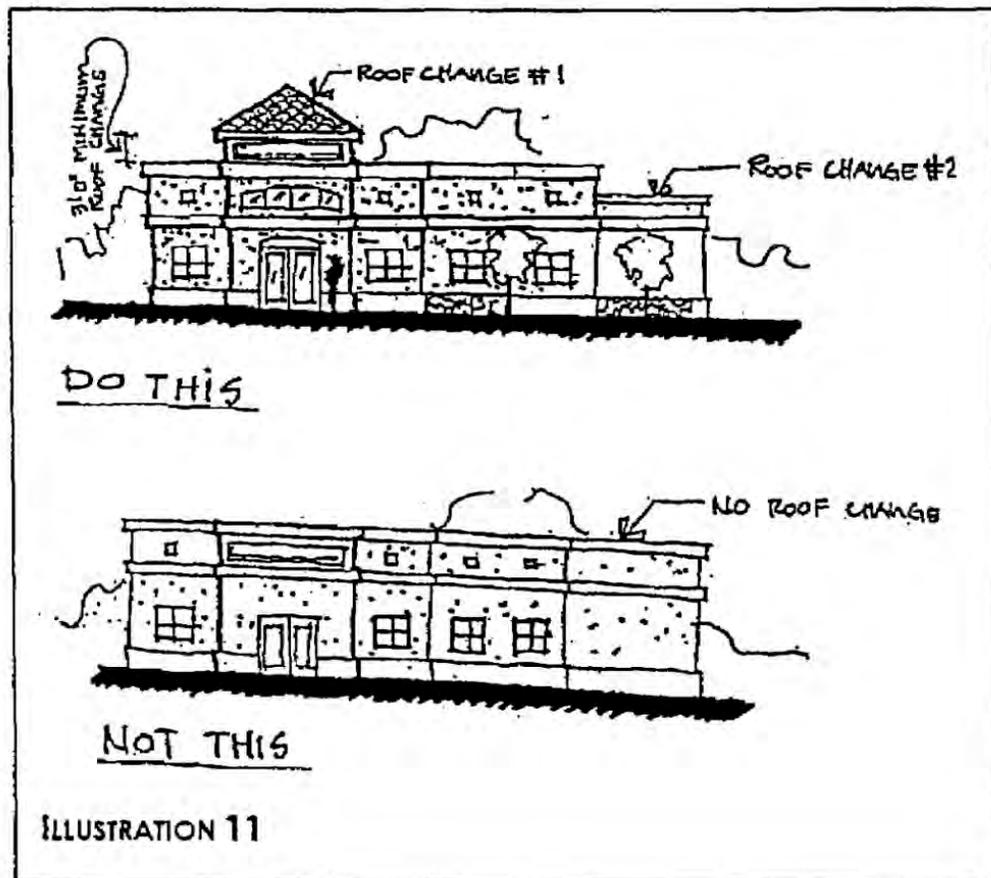
Sec. 6.05.04. Additional facade design treatments for multiple-use buildings.

- A. *Purpose and intent.* The presence of buildings with multiple tenants creates variety, breaks up large expanses of uninterrupted facades and expands the range of onsite activities. Windows and window displays of such stores shall be used to contribute to the visual interest of exterior facades. The standards in this section are directed toward those situations where more than one retailer, with separate exterior customer entrances, is located within the principal building.
- B. *First floor primary facade treatment.* The first floor of the primary facades of such multi-use buildings shall, at a minimum, utilize windows between the heights of three feet and eight feet above the walkway grade for no less than 50 percent of the horizontal length of the building facade. Windows shall be recessed, a minimum of one-half inch, and shall include visually prominent sills, shutters, stucco reliefs or other such forms of framing.

Sec. 6.05.05. Roof treatments for all commercial development.



- A. *Purpose and intent.* Variations in roof lines shall be used to add interest to and reduce the massing of buildings. Roof features shall be in scale with building mass and shall complement the character of adjoining or adjacent buildings and neighborhoods. Roofing material shall be constructed of durable high quality materials in order to enhance the appearance and attractiveness of the community.
- B. *Roof edge and parapet treatment.* At a minimum of two locations, the roof edge or parapet shall have a vertical change from the dominant roof design which is a minimum of three feet. At least one such change shall be located on a primary facade adjacent to a collector or arterial right-of-way (see illustration 11).



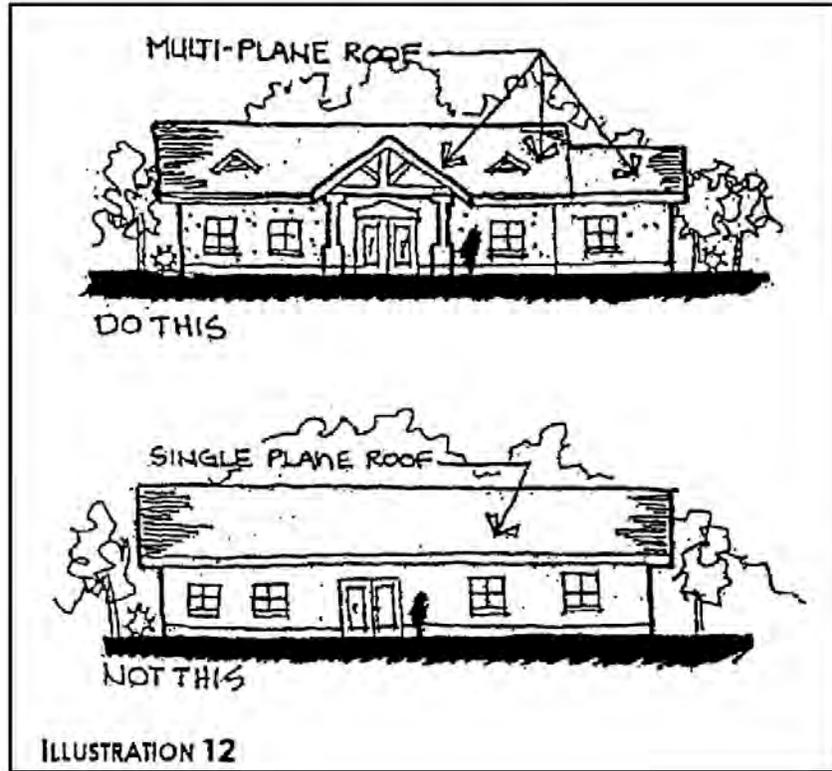
Roofs shall meet at least two of the following requirements:

1. Parapets shall be used to conceal roof top equipment and flat roofs;
2. Where overhanging eaves are used, overhangs shall be no less than three feet beyond the supporting walls with a minimum fascia of eight inches;
3. Three or more roof slope planes per primary facade (see illustration 12);
4. Sloping roofs, which do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every



three feet of horizontal run and less than or an average slope equal to one foot of vertical rise for every one foot of horizontal run;

5. Three-dimensional cornice treatment which shall be a minimum of 12 inches in height with a minimum of three reliefs; or
6. Additional vertical roof changes with a minimum change in elevation of two feet.



C. *Prohibited roof types and materials.* The following types of materials are prohibited:

1. Asphalt shingles, except laminated, 320-pound, 30-year architectural grade asphalt shingles or better;
2. Mansard roofs and canopies without a minimum vertical distance of eight feet and at an angle not less than 25 degrees, and not greater than 70 degrees;
3. Roofs utilizing less than or equal to a two to 12 pitch utilizing full parapet coverage; and
4. Back-lit awnings used as a mansard or canopy roof.

Sec. 6.05.06 Entryways and customer entrance treatments.

A. *Purpose and intent.* Entryway design elements and variations shall give protection from the sun and adverse weather conditions. These elements shall be integrated into a comprehensive design style for the project.



B. *Single use LCD.* A single-use LCD shall include the following:

1. Single-use LCD buildings shall have clearly defined, highly visible customer entrances.
2. An outdoor patio area adjacent to the customer entrance shall be provided of a minimum of 200 square feet in area which incorporates the following:
 - a. Benches or other seating components;
 - b. Decorative landscape planters or wing walls which incorporate landscaped areas; and
 - c. Structural or vegetative shading.
 - d. For a single-use LCD which is greater than 100,000 s.f., a minimum of one percent of the total gross floor area of the building or commercial project shall be dedicated to community space. Said community space shall be located off or adjacent to the circulation path of the complex or main structure and shall incorporate benches or other seating components.

C. *Multi-use LCD.* A multi-use LCD shall include the following:

1. Anchor tenants shall provide clearly defined, highly visible customer entrances.
2. An outdoor patio area adjacent to the customer entrance shall be provided of a minimum of 200 square feet in area which incorporates the following:
 - a. Benches or other seating components;
 - b. Decorative landscape planters or wing walls which incorporate landscaped areas; and
 - c. Structural or vegetative shading.
3. Any building within a multi-use LCD which is greater than 100,000 s.f., a minimum of one percent of the total gross floor area of the building or commercial project shall be dedicated to community space. Said community space shall be located off or adjacent to the circulation path of the complex or main structure and shall incorporate benches or other seating components.

Sec. 6.05.07. Materials and color for all commercial development.

- A. *Purpose and intent.* Exterior building colors and materials contribute significantly to the visual impact of a building on the community. They shall be well-designed and integrated into a comprehensive design style for the project.
- B. *Exterior building material standards.* The following standards shall apply to all buildings within a commercial or non-residential development.
 1. Predominant exterior building materials shall include, but are not limited to:



- a. Stucco;
 - b. Brick;
 - c. Tinted or textured concrete masonry units, but not including smooth or rib-faced concrete block; or
 - d. Stone, excluding ashlar or rubble construction look.
2. Predominant exterior building materials that are prohibited include:
- a. Plastic siding;
 - b. Corrugated or reflective metal panels;
 - c. Tile;
 - d. Smooth or rib-faced concrete block; and
 - e. Applied stone in an ashlar or rubble look.
3. Exterior building materials, windows, and doors shall include those materials that contain or attenuate noise within the structure, such that with any operable windows and doors, open or shut, the sound pressure level does not exceed the limits established in section 20-151(a) and (b) of the City Code of Ordinances.
(Ord. No. 2097-07, § 2, 1-22-07)
- C. *Predominant exterior color.* All building or structure wall colors shall be restricted to muted pastel or earth-tone shades. The use of black or florescent colors is prohibited as a predominant exterior building color.
- D. *Interior building material standards.* The following standards shall apply to all buildings within a commercial or non-residential development.
1. Predominant interior building materials shall include, but are not limited to:
 - a. Sound attenuating materials, deployed so as to meet the requirements of section 20-151(a) and (b) of the City Code of Ordinances.
(Ord. No. 2097-07, § 3, 1-22-07)

6.06.00. GREEN DEVELOPMENT

- A. *Purpose.* The intent of this section is to provide a scope of measurement for the incorporation of green development standards and elements and to make available a mechanism whereby green building elements may be credited to new and renovation development within the city.
- B. *Standards.* In the event that new development or renovation development projects meet or exceed the city's green development standards by designing, constructing,



implementing and continually maintaining the minimum points requirements based upon the LEED® points systems as outlined in table 6.06.00 B.1 below, such projects shall be granted incentive credit measure(s) identified at in 6.06.00 C. of this Code, which shall be permitted subject to limitation by, and prior approval of the development director.

Table 6.06.00 B.1
Minimum points required to qualify for incentive credit measure(s)

Type of Construction	City of Stuart Qualification Minimum Points Required
EXISTING (LEED-EB for Existing Buildings®) ¹	17 LEED® points
NEW (LEED-NC for New Construction®) ²	14 LEED® points
RESIDENTIAL (LEED-H for Homes®) ³	26 LEED® points
NEIGHBORHOOD (LEED-ND for Neighborhood®) ⁴	21 LEED® points
COMMERCIAL INTERIORS (LEED-CI® for Commercial Interiors) ⁵	11 LEED® points
BUILDING SHELL (LEED-CS® for Core and Shell) ⁶	12 LEED® points

Notes:

1. LEED®-EB Green Building Rating System For Existing Buildings, Upgrades, Operations and Maintenance, Version 2.0, July 2005, as amended.
2. LEED®-NC Green Building Rating System For New Construction & Major Renovations Version 2.2, October 2005, as amended.
3. LEED®-H Green Building Rating System For Homes Pilot version 1.11a, February 2007, as amended.
4. LEED®-ND Green Building Rating System For Neighborhood Development, Pilot Version, February 2007, as amended.
5. LEED®-CI Green Building Rating System For Commercial Interiors, Version 2.0, December 2005, as amended.
6. LEED®-CS Green Building Rating System For Core and Shell Development, Version 2.0, July 2006, as amended.

C. *Incentive credit measures:* Incentive credits shall be granted subject to full documentary evidence being provided to the satisfaction of the development director, prior to

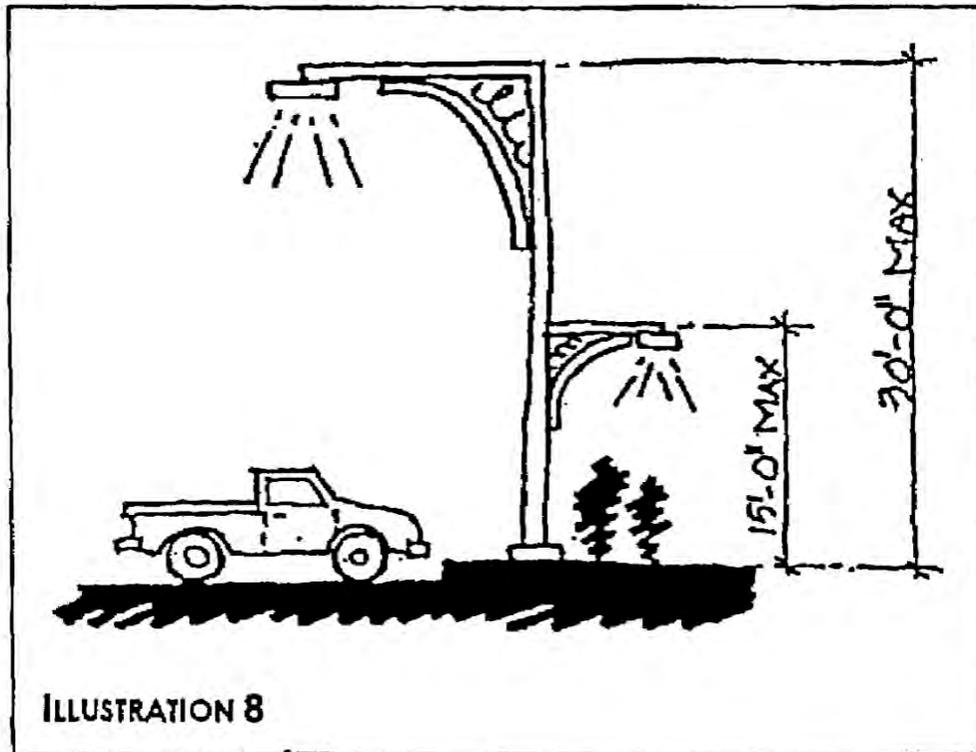


submission of the appropriate development permits. The city requires a pre-application meeting for the purposes of a "green review", and confirming through a development or other agreement, that the minimum required LEED® points will be incorporated into the development and maintained in perpetuity, subject to the following:

1. For the purpose of allowing the orientation of a building to take full benefit of available natural resources, and to accommodate architectural variation and innovation, an administrative variance may be granted concurrently to a site permit subject to the requirements of section 8.04.08.
2. For the purpose of further expediting the appropriate development review process for projects and developments that qualify as "green developments" in accordance with the requirements of table 6.06.00 B.1, and which have completed a pre-application review with City of Stuart Building Official and Development Staff, the developer shall receive written confirmation that the project meets or does not meet the city's qualification requirements for green development and shall be furnished an anticipated expedited review timeline, within two working days of submittal.
(Ord. No. 2113-07, § 2, 7-23-07)

6.07.00. LIGHTING

- A. *Purpose and intent.* All commercial development shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community.
- B. *Shielding.* Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties.
- C. *Fixture height.* Lighting fixtures shall be a maximum of 30 feet in height within a parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas (see illustration 8).



- D. *Design.* Lighting shall be used to accent key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color.
- E. Lighting details shall be exhibited on all landscape plans and reviewed for public safety concerns in accordance with site plan review procedures.
- F. Lighting on a proposed non-residential or multi-family residential use shall be designed and installed so the light source does not shine directly onto adjacent residential uses or a residential zoning district. Light emanating from a proposed non-residential or multi-family residential use shall not exceed 0.2 footcandles as measured at the common boundary. Light fixtures located in parking areas adjacent to residential uses or residential zoning districts shall not exceed 15 feet in height.

6.08.00. DUMPSTER AND RECYCLING

Sec. 6.08.01. Solid Waste and Recycling Container Standards.

A. *Purpose and intent.* The purpose of this section is to supplement the development regulations of this Code with specific regulations providing Solid Waste and Recycling Minimum Container Standards (Table Inset). Carts, dumpsters, compaction, roll-off and other solid waste containers shall meet or exceed the city's Solid Waste and Recycling Minimum Container Standards, as set forth herein, thereby creating and maintaining a positive ambiance and strong community image and identity. Solid waste container enclosures or service function areas shall use specific design standards (Illustrations Inset 14-19). By using these standards, it is the city



commission's intent to enhance the visual appearance of the city while providing for design flexibility. All of these regulations are intended to enhance the quality of life in the City.

B. All single-family and duplex residential units shall have at a minimum, the solid waste collection carts provided by the city. If the city's carts are lost, stolen, or materially damaged, such carts shall be replaced at the property owner's expense. For the convenience of the city, the city may replace such carts at no expense to the property owner, based upon newer models, or normal wear and tear.

C. The provisions of this section shall apply to commercial, non-residential and multi-family development constructed as new development or as renovation development, as those terms are defined in Chapter XII of this Code, for which a complete application for site plan approval has not been received by the city development department prior to December 31, 2010 or for which a building permit has not been obtained by January 31, 2011. Commercial and multi-family units shall not require dumpsters (or dumpster enclosures or service function areas) if the amount of solid waste generated does not exceed 190 gallons per week (2 carts x 95 gallons per cart), and if the amount of recycled materials does not exceed 130 gallons per week (2 carts x 65 gallons per cart). If city containers or carts are lost, stolen, or materially damaged, they shall be replaced at the property owner's expense. For the convenience of the city, the city may replace such carts or containers at no expense to the property owner, based upon newer models, or normal wear and tear.

D. Commercial, non-residential, and multi-family residential development trash collection containers, including carts, dumpsters and compaction and roll-off containers shall have enclosures, which are sometimes referred to in this Code as service function areas. Said service function areas shall be constructed in accordance with the city's Solid Waste and Recycling Minimum Container Standards as shown in Illustrations Inset 14 through 20, inclusive. Such carts, dumpsters and compaction and roll-off containers shall meet or exceed the city's Solid Waste and Recycling Minimum Container Standards, shown immediately below:

TABLE INSET

Solid Waste and Recycling Minimum Container Standards

Establishment	Class I Garbage	Recycling
Single-family, detached residential	95 gallon green cart	65 gallon blue cart
Duplex residential, per unit	95 gallon green cart	65 gallon blue cart
Multi-family residential, per unit	95 gallon green cart or dumpster equivalent at .01 cubic yards per unit	65 gallon blue cart or dumpster equivalent at .01 cubic yards per unit

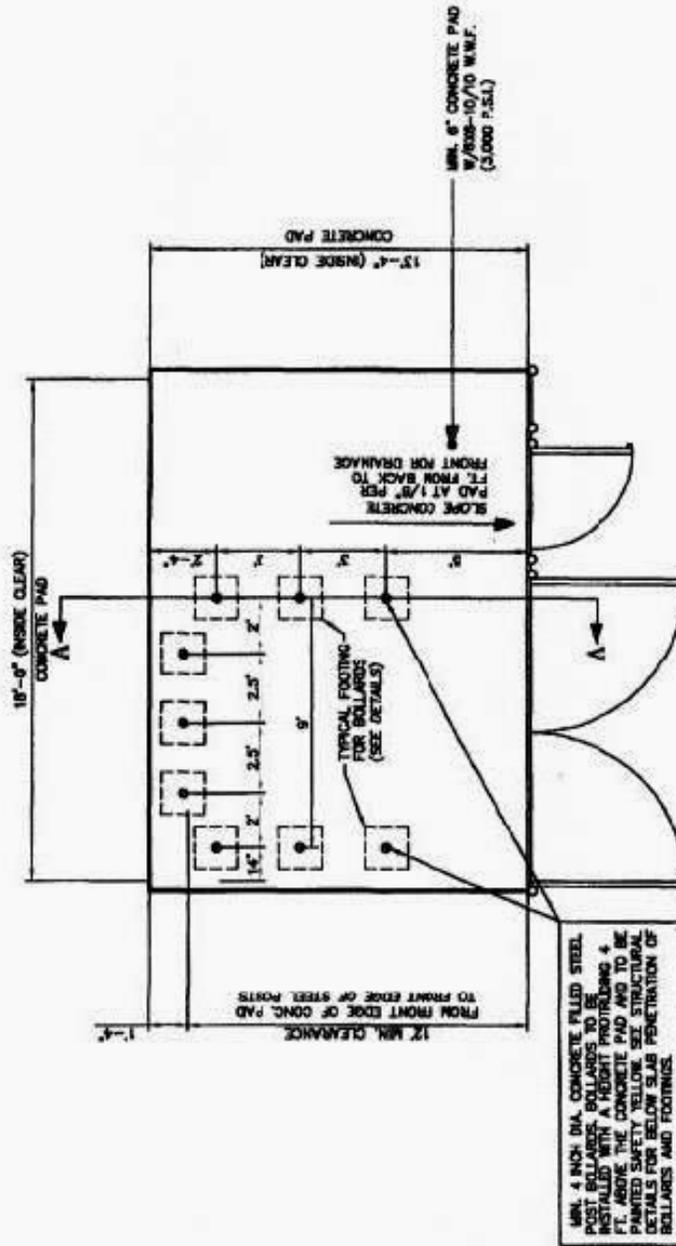


Nonresidential, per square foot of floor area	Estimated Annual Volume	Estimated Annual Volume
Convenient Store	Dumpster at .19 cubic yards per square foot	Cardboard dumpster at .02 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Retail Shop	Dumpster at .05 cubic yards per square foot	Cardboard dumpster at .02 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Restaurant	Dumpster at .14 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Fast Food Restaurant	Dumpster at .20 cubic yards per square foot	Cardboard dumpster at .02 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Commercial/shopping center 25,001--50,000 SF	Multiple dumpsters at .05 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Commercial/shopping center 50,001--100,000 SF	Multiple dumpsters at .03 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Commercial/shopping center 100,001--200,000 SF	Multiple dumpsters/compactor at .03 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Commercial/shopping center 200,001--400,000 SF	Multiple dumpsters/compactor at .03 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Commercial/shopping center 400,001+ SF	Multiple dumpsters/compactor at .04 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Office under 10,000 SF	Dumpster at .02 cubic yards per square foot	2 (two) 95 gallon blue carts
Office 10,001--25,000 SF	Dumpster at .02 cubic yards per square foot	2 (two) 95 gallon blue carts
Office 25,001--50,000 SF	Multiple dumpsters/compactor at .01 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 3 (three) 95 gallon blue carts at each enclosure
Office 50,001--100,000 SF	Multiple dumpsters/compactor at .01 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 3 (three) 95 gallon blue carts at each enclosure
Office 100,001+ SF	Multiple dumpsters/compactor at .01 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 3 (three) 95 gallon blue carts at each enclosure
Medical-Dental Office	Dumpster at .03 cubic yards per square foot	2 (two) 95 gallon blue carts



Hospital	Multiple dumpsters/compactor at .03 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 3 (three) 95 gallon blue carts at each enclosure
Business Park	Multiple dumpsters/compactor at .02 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Mini-Warehouse	Dumpster at .01 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Warehouse	Dumpster at .02 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Manufacturing	Dumpster at .02 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Light industrial	Dumpster at .02 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts
Nursing home	Multiple dumpsters at .02 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Day care	Dumpster at .02 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts
High School	Multiple dumpsters/compactor at .04 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Middle School	Multiple dumpsters/compactor at .04 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Elementary School	Multiple dumpsters/compactor at .04 cubic yards per square foot	Multiple cardboard dumpsters at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts at each enclosure
Lodging	Dumpster at .02 cubic yards per square foot	Cardboard dumpster at .01 cubic yards per square foot plus 2 (two) 95 gallon blue carts

E. *Materials and design standards.* Screening materials for, and the design of, enclosures or service function areas, including the landscaping, shall be consistent with or complimentary to the design treatment of the primary facades of commercial, non-residential and multi-family residential development structures, and shall meet the minimum requirements of the Florida Building Code. Such enclosures shall be constructed on three (3) sides with concrete, concrete block, pre-fabricated concrete panels, wooden fence, or other materials approved by the city, and on the fourth (4) side with a closable and lockable gate that is opaque or has opaque inserts.



CITY OF STUART DUMPSTER ENCLOSURE - STRUCTURAL PLAN
SINGLE DUMPSTER W/ RECYCLING N.T.S.

ILLUSTRATION #15

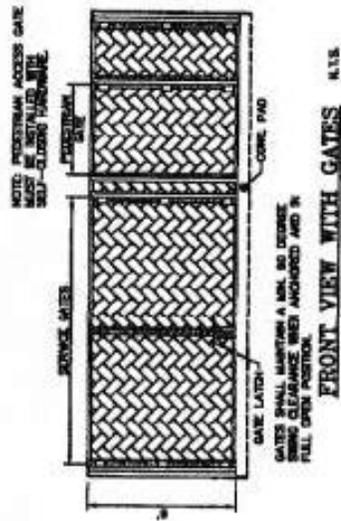
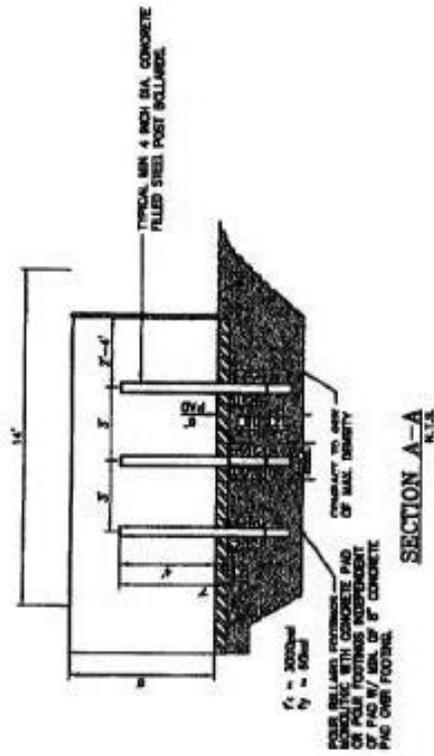


ILLUSTRATION #16



6.09.00. ACCESSORY STRUCTURES AND DETACHED ACCESSORY DWELLING UNITS

Sec. 6.09.01. Purpose.

It is the purpose of this chapter to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas. In cases of conflict with provisions in the Urban District Code, East Stuart District Code or S.E. Ocean Boulevard Overlay Zone, the provisions in those sections shall prevail.
(Ord. No. 1827-02, § 2, adopted Jan. 28, 2002)

Sec. 6.09.02. General standards and requirements.

Not more than three accessory structures (excluding satellite television antenna systems, swimming pools, fences, walls, hedges, enclosures, and awnings), including a detached accessory dwelling unit, may be located on a parcel, provided that the following requirements are met:

- A. *Principal structure required.* No accessory structure shall be constructed unless there exists a permitted principal structure on the parcel, located in full compliance with all standards and requirements of this Code.
- B. *Compliance with requirements for principal structure required.* All accessory structures, including a detached accessory dwelling unit, shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. *Location.*
 1. *Setbacks.* Accessory structures shall not be located between the front facade of the principal building and the front property line and shall only be permitted in side and rear yards, subject to minimum five foot side and rear setbacks from the property line. On corner lots the side setback shall be ten feet.
 2. *Separation.* There shall not be less than five feet separation between an accessory structure and the principal building.
 3. *Size.* In a residential district the height of an accessory structure shall not exceed the height of the principal structure and the footprint of an accessory structure shall not exceed 50 percent of the footprint of the principal structure. The interior ceiling of the first floor of an accessory structure shall not exceed ten feet above the finished floor elevation.
 4. *Design.* The architectural design and materials shall be consistent with the principal structure, neighborhood and use conventional residential windows and doors.



- D. *Drainage calculations.* Accessory structures and detached accessory dwelling units shall be included in all calculations of impervious surface and stormwater runoff.
- E. *Detached accessory dwelling unit.* In addition to the general standards and requirements set forth above for accessory structures, a single detached accessory dwelling unit may be located on the same lot as a single-family detached home provided that the following requirements are met:
1. A detached accessory dwelling unit shall not exceed one story in height. The unit may be located on a second story if the first story is utilized as a garage or storage facility.
 2. A detached accessory dwelling unit shall be set back from the side and rear property lines not less than five feet. On corner lots the side setback shall be ten feet. An accessory dwelling unit to be located on the second story of a detached garage or storage facility shall meet the side and rear yard setbacks required of the principal structure.
 3. A detached accessory unit shall be separated from the principal building and other accessory structures a distance not less than five feet.
 4. The accessory dwelling unit shall contain one full bath and kitchen facilities.
 5. An accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as that term is defined in this Code. The accessory dwelling unit shall use the same street address as the primary dwelling unit.
(Ord. No. 1453-96, 6-1-96; Ord. No. 1720-00, 3-27-00; Ord. No. 1827-02, § 2, 1-28-02; Ord. No. 1860-02 § 1, 5-20-02)

Sec. 6.09.03. Satellite television antenna systems.

The following regulations shall apply to satellite television antenna systems also known as television dish antennas, with the exception of those video antennas covered under 47 C.F.R. Section 1.4000, including direct-to-home satellite dishes that are less than one meter (39.37") in diameter, wireless cable antennas less than one meter in diameter, and antennas used to receive local television broadcast signals:

A. Installations in residential zoning districts:

1. *Location.* All satellite television antenna systems shall be permanently and securely mounted at ground level and shall serve only a single location. Apartments, condominiums, and properties under unified ownership shall be considered one location. No such system shall be located within any front or side yard unless no part of the system is visible to persons standing at ground level on adjacent properties or streets. The system shall be located as close as possible to the main residential structure, but in no case shall the edge of the dish be closer than five feet from the real property lines.



2. *Appearance.* No satellite television antenna shall exceed 15 feet in height or 13 feet in width. The dish antenna of any such system shall be painted or impregnated beige, white, or some other natural color blending with the colors of surrounding vegetation and structures. The foundation and base of the system shall not exceed six inches in height above ground level.
3. *Buffering.* An opaque fence or landscaped barrier of at least 3 1/2 feet in height shall be constructed around the foundation and base of the system.

B. Installation in all other zoning districts.

1. *Location.* In nonresidential zoning districts, satellite television antenna systems shall not be installed within the front portion of the property. The "front" of the property is defined as that portion of the property which faces the street address and the "front portion" is that portion of the front which extends back to the building line. Said systems may be installed above ground level and upon building roofs, but the combined height of any such antenna system and the building shall not exceed the overall height of 45 feet. All antenna systems installed upon a building roof shall be located, if possible, so that they may not be seen from street level. All antenna systems shall be installed at least 20 feet (measured from the edge of the dish) from any adjoining residential property line.

- C. Permit.* All satellite television antenna systems shall be deemed accessory uses and structures and shall require a building permit before construction. An application for the permit shall be made to the city development department accompanied by a plan document showing the dimensions and location of the proposed satellite television antenna system in relation to the boundaries, setback lines and existing structures on the property; and a document (unless such a document has been previously filed with a prior application regarding the same type of system from the same manufacturer in which case said prior document shall satisfy this requirement) signed and sealed by a licensed professional engineer registered in the State of Florida showing the system's method of installation and permanent mounting, listing the materials to be used and certifying that the system is able to sustain winds up to 120 miles per hour.

- D. Nonconforming antenna systems.* Nonconforming antenna systems in place and properly maintained as of the effective date of this section may continue in use notwithstanding their nonconforming status subject to the conditions below:

1. The use of any nonconforming antenna system shall terminate whenever said antenna system is damaged or destroyed and the repairs would cost 50 percent or more of the original cost of said antenna system or if it becomes a hazard or danger. Upon termination of use as indicated above, said antenna system shall be immediately removed by the owner at the owner's expense.
2. The use of any nonconforming antenna system shall terminate upon abandonment by the owner, who shall immediately thereafter remove said antenna system or bring it into conformity at his own expense.

Sec. 6.09.04. Swimming pools.



- A. *Code adopted.* The most recent edition of the Florida Building Code is hereby adopted as the city swimming pool code, subject to such location modifications as may from time to time be adopted. A copy of this document shall be available for public review in the city development department.
- B. *Additional requirements.* No provision of this section shall be construed to require that a swimming pool or spa be built within an easement to a property. (Ord. No. 1720-00, 3-27-00)

In addition to the Standard Swimming Pool Code the following requirements must be met:

1. A No. 8 copper ground wire secured to a ground rod and connected to all metal parts of the pool, such as structural steel, stairs, lights, drains, pipes, etc., must be installed.
 2. All swimming pools and spas without a screen enclosure, public or private, above or below the ground, shall be installed no closer to the rear or side lot boundaries than five feet from the water-bearing wall surfaces of the swimming pool or spa. (Ord. No. 1720-00, 3-27-00)
 3. A swimming pool or spa and appurtenant screen enclosure, of which 90 percent shall be screen material, shall be permitted in a rear yard, provided that it complies with the setback requirements for buildings as required for the lot's zoning classification. (Ord. No. 1720-00, 3-27-00)
 4. If a patio is provided adjacent to or surrounding the swimming pool, it shall be designed so as to be self-draining away from the pool, but not on adjacent property.
 5. In determining the maximum depth of a pool in relation to the depth of an adjacent footer, the following rules shall apply:
 - a. No pool excavation shall be deeper than the footer of any building or structure by a 30-degree angle measured from the horizontal plane from the bottom of the footer to the bottom of the excavation.
 - b. The only time deviation from this rule may be allowed is when the city development director determines one of the following conditions will exist:
 - (1) The soil weight bearing characteristics will allow construction of the pool closer to the structure or footer.
 - (2) The pool will be constructed before the footer or other structure is built, thereby preventing the soil from shifting.
 - (3) Sheet piling will be installed protecting the footer or structure from soil shifting.
- C. *Fences for swimming pools.* On and after July 23, 1990 the following conditions must be met:



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

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

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



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



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



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



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

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

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

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

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



2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:
 - a. The centerline of a driveway and the abutting right-of-way line.

Sec. 6.09.06. Awnings, canopies, and cabanas.

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

6.10.00. OUTDOOR STORAGE

- A. *Applicability.* All businesses and services shall be conducted within completely enclosed buildings in the B-1, B-2, and B-4 business zoning districts. If in the discretion of the city development director a demonstrated necessity exists for an outdoor storage area in the B-1, B-2, or B-4 zoning districts due to the economic hardship of enclosing the area, an outdoor storage area may be allowed subject to the following standards.
- B. *Standards for outdoor storage areas.*
 1. *Location and maintenance.*
 - a. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.
 - b. No loose materials such as sand, lumber, cardboard boxes, and the like which are subject to being scattered or blown about the premises by normal weather conditions shall be allowed.
 - c. An outdoor storage area shall be kept neat and orderly. The area shall not be permitted to take on the characteristics of a junkyard.
 - d. Materials stored shall not be stacked in piles higher than five feet and shall not be visible from surrounding properties or rights-of-way.



- e. An outdoor storage area shall be designed and developed in a manner which does not interfere with proper traffic circulation.
 - f. If the National Weather Advisory Service identifies weather conditions which are predicted to include winds of 75 mph or greater, all materials stored as outdoor storage shall be removed from the open, fenced locations and placed in an enclosed building at least 24 hours prior to the predicted onset of such winds or as soon as reasonably practical if less notice is provided.
 - g. All outdoor storage areas existing as of July 26, 1999 shall comply with the following buffering and screening requirements.
2. *Screening and buffering.*
- a. An outdoor service or storage area shall be visually screened from adjacent uses by a shadowbox fence, or a masonry wall, or a chain-link fence with green or black slats. In the discretion of the city development director an opaque landscape buffer may be used instead of a fence or wall provided the area is visually screened from adjacent property as effectively as though a fence or wall were used.
 - b. The screening used shall be not less than six feet in height. A wall or fence shall not exceed six feet in height in the B-1 zoning district, and eight feet in height in the B-2 or B-4 zoning district. Access through a fence or wall shall be limited through opaque gates that shall be closed when not in use.
 - c. The screening used for an outdoor storage area adjacent to public right-of-way(s) shall be set back a minimum of five feet from the side and rear property lines.
 - d. The screening used for an outdoor storage area adjacent to residential uses or a residential zoning district shall be consistent with those regulations stated in section 6.04.06.

6.11.00. SIGNS

Sec. 6.11.01. Purpose and goals.

The city commission recognizes the importance of signs to the health, safety and welfare of the community. Therefore the purposes of this sign code are:

- 1) to encourage the efficient and effective use of signs as a means of communications in the city;
- 2) to balance, maintain and enhance the aesthetic environment of the city, and its ability to attract sources of economic development and growth;
- 3) to improve pedestrian and traffic flow and safety;
- 4) to minimize the possible adverse effects of signs on nearby public and private property;



- 5) to foster the integration of signage with architectural and landscape designs permitted in the Land Development Code;
- 6) to streamline the approval process by requiring unified signage plans; and
- 7) to enable the fair and consistent enforcement of this sign code.

These purposes are reflected by the city actively participating in and regulating the size, location and number of signs, as well as the overall appearance and design of signs. Definitions related to this section are contained in Ch. XII.

To accomplish these purposes, the following goals are incorporated into the code:

A. *Communication:* Signs should not deny other persons or groups the use of sight lines on or to public rights-of-way, should not obscure important public messages or warnings, and should not overwhelm readers with too many messages. Signs can and should help persons to identify and understand the city and the character of its neighborhoods, and commercial areas.

B. *Preservation of community's beauty:* The city includes a historic district, as well as major office and retail centers, and residential areas. The city relies heavily on its natural riverine and marine surroundings, and the beautification efforts of its active population to retain its reputation as America's Most Beautiful City (designated as 2008 "Most Beautiful City in America, Population 15,001 to 25,000" by the America in Bloom organization). Therefore, signs shall be designed and constructed to add to the natural and developed beauty of the community.

C. *Property value protection:* Signs should not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, or movement. They should be in harmony with buildings, the neighborhood, and other conforming signs in the area. The surface materials of signs, including but not limited to the paint, stucco, metal, wood, and composites, shall be maintained such that the colors, textures and general appearance are also maintained.

D. *Content neutral signage:* Sign regulation within the city shall be "content neutral." Sign structures erected are subject to all of the requirements of this code. However, it is not the purpose or goal of the city to regulate the content of signs, regardless of whether they are commercial or non-commercial. No permitting decision shall be based upon the content or the message contained (i.e., the viewpoint expressed) on such signs.

E. *Safety:* Signs shall be planned, designed, constructed, installed, and maintained such that they are safe and secure at all times. They shall be designed and constructed to meet or exceed all wind-load requirements of the Florida Building Code, and they shall be maintained so that the structural and electrical integrity of the sign is intact at all times.

Sec. 6.11.02. Permit required.

It shall be unlawful for any person to post, display, erect or modify a sign or sign structure that requires a permit provided for in this code, without first having obtained a permit therefor. Signs or sign structures erected without a valid permit shall be in violation, and it shall be mandatory to obtain a permit, based on this chapter, failing which, the sign or sign structure shall be removed by the owner or occupant, or by the city, as provided herein. All signs not expressly allowed by this code are prohibited.



Sec. 6.11.03. Non-conforming signs; amortization of certain signs.

Signs erected, under a valid permit, prior to July 12, 2010, which are now "non-conforming" shall be allowed to remain in accordance with the time limitation and structure requirements set forth in the Stuart Land Development Code (LDC), except as stated below:

A. *Amortization of certain signs.*

1. All pole signs existing on December 31, 2007, shall be allowed to remain operational, and may be repaired or replaced until January 1, 2017, at which time all remaining pole signs shall be removed. Replacement pole signs may not exceed the height or area of the existing pole sign. In addition to any other requirements of the code, replacement of an existing pole sign will require the sign owner to acknowledge in writing, on a form approved by the city attorney, that the replacement sign will be removed by the owner or any assignee or successor in interest on or before January 1, 2017. Incorporation of an existing pole sign within a new monument sign is encouraged, and may earn "green development" points for adaptive re-use under sec. 6.06.00, LDC. The conversion of any pole sign to a conforming sign shall be issued on a no-fee sign permit.

B. *Notification prior to removal.*

The city development director shall be responsible for notifying the owner of each existing sign with a message unit, billboard, or a pole sign of the removal provision, and the expected removal date. An owner of such sign(s) shall not be fined for failure to remove such sign(s) without having been first notified in writing by the city of the requirement to remove the sign(s), and given a reasonable time within which to comply.

Sec. 6.11.04. Permit procedures.

A. *Issuance of permits, validity and renewal:* Permit applications shall be reviewed by the development director within 30 days of submission of the permit application. Upon satisfactory compliance with the minimum submission requirements of the LDC and a determination that the proposed sign meets all applicable standards set forth in the LDC, the development director, shall cause a sign permit to be issued to the applicant. The permit shall be valid for 180 days from its approval, during which period the sign may be erected, inspected and a certificate of completion obtained from the city. However, the development director, for good cause shown and upon payment of 100% of the original application fee, may renew the permit for an additional 90-day period provided there have not been later enacted sign code provisions which invalidate or disallow the permit. Appeals from the decision of the development director, or the building official are as provided in section 8.07.00.

B. *Permits for individual signs:* Permits for all lawful signs shall be on a form promulgated by the development director.

C. *Minimum submission requirements:* The application form and associated submission materials shall include, at least, the following:

1. The type of sign and/or sign structure as set forth in this code.



2. The street address of the property upon which the sign and/or sign structure is to be located along with identification of where on said property the sign will be located. If there is no street address, another suitable method of identifying the location shall be provided.
3. The area per sign face and the aggregate area of the sign and/or sign structure.
4. The name and address of the owner, and any other person in control or possession of the real property upon which the sign or sign structure is to be located.
5. Written consent of the owner, or his designated agent, granting permission for the construction, operation, maintenance, and displaying of the sign and/or sign structure.
6. One copy of a sketch plan in a computer-assisted drawing (CAD) file (*.pdf or other acceptable format), paper or Mylar, drawn to scale and dimensioned, showing elevations of the sign as proposed, and its relationship to other existing or proposed signs, structures (including walls and fences), and landscape (including trees) on the site and within the viewshed.
7. The certification and seal of a state registered engineer or architect shall be affixed to drawings of signs and/or sign structures where the sign face is in excess of 32 square feet certifying that it is designed in accordance with wind load requirements of the Florida Building Code. However, an engineer's certification and seal shall not be required solely for the application or alteration of individual letters, numbers or characters composed of unlighted, high density architectural foam, cast metal, formed plastic, or the like.
8. A sign contractor shall provide a signed certificate stating that each sign structure constructed under permit complies with the wind load requirements of the Florida Building Code.

Sec. 6.11.05. Aesthetic attributes.

The aesthetic quality of a building, or of an entire neighborhood, is materially affected by achieving visual harmony of the signage on or about a structure as it relates to the architecture of the building and its adjacent surroundings. In addition to the limitations on signs imposed elsewhere in this code, the following aesthetic considerations must be met:

- A. *Garishness:* The overall effect of the lettering, configuration or color of a sign shall not be garish. Garish signs are those that are too bright or gaudy, showy, glaring, and/or cheaply brilliant or involving excessive ornamentation. Garish signs are not in harmony with and are not compatible with the building or adjacent surroundings, and detract from the overall beauty of the city.
- B. *Scale and conformity with surroundings:* The scale of the sign in terms of site area and building volume shall be consistent with the scale of the building on which it is to be placed, and the neighborhood or streetscape where it is to be located. Scale shall also be considered in terms of site design standards as described herein with respect to sign height and area.
- C. *Quality:* All signs shall be of a professional quality and have a professional appearance that enhances the visual aesthetics of the area. This sign code describes basic standards which apply to many types of signs.

Sec. 6.11.06. Code applicability.

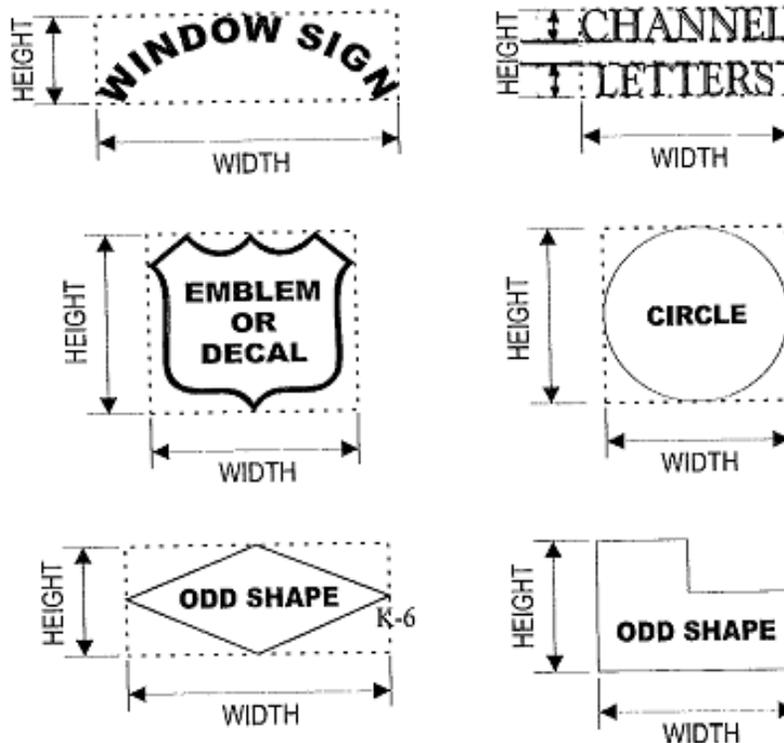


The application of the code requirements to specific types of signs, and the location of signs in specific land use (zoning) districts is set forth in a matrix contained in Table 6.11.17, which shall govern the actual dimensional requirements for such signs. Signs approved in Planned Unit Development (PUD) projects are additionally subject to any conditions specified in the PUD Agreement.

Sec. 6.11.07. Sign area, dimensioning, lighting and colors.

A. Basis for measurement: The sign area shall be expressed in square feet or square inches that is allowed in accordance within these regulations for each sign face. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which, or against which, it is placed. When there is no such differentiation, the sign face shall be one or more rectangles just large enough to enclose all lettering, illustrations, ornamentation, symbols, or logos. A sign structure shall not be included in the total sign area provided that no lettering, illustrations, ornamentation, symbols, or logos are displayed on, or designed as part of, the sign structure.

B. Basis for Sign Measurement: The basis and method of sign measurement is depicted graphically, below:



C. Height: The vertical height of a sign is measured from the highest point of the sign to the finished grade at the base of the sign, where the finished grade is defined as the grade adjacent to the sign, as set by flood elevation requirements on the property, but not including any artificial berm or swale.



D. Illumination. Signs may be illuminated directly or indirectly, unless specifically prohibited elsewhere in the land development code. In residential zoning districts, all overhead illumination shall provide shielding so that the light is not directed toward adjacent residential property. Illumination of monument or free-standing signs shall be external and directed from the ground via "up-lighting" or from behind individual letters via "backlighting." Wall signs or fixed projecting signs may include individual illuminated letters or letters which are lighted from behind via "backlighting." Illumination of signs shall exclude exposed neon tube lighting, or similar, and electronic changeable copy, unless permitted elsewhere in this code.

Sec. 6.11.08. Design requirements and restrictions.

A. Restrictions as to functions: The use of a sign shall be restricted to functions as set forth in the matrix in Table 6.11.17.

B. "Building outline." The use of neon or similar lighting to outline a building structure shall be limited to U.S.1 (Federal Highway) frontage only and at an elevation not higher than 25'. The building outline shall be limited to a single band only and for the purpose of total signage on the site shall be calculated as 1 square foot of signage for every 4 linear feet of neon, not to exceed 50 square feet. The neon or similar lighting used to outline a building structure shall be counted as part of the total allowable wall sign area even though it may not otherwise be considered as signage.

Sec. 6.11.09. Unified signage plan; location, safety, design requirements and restrictions.

A. Unified signage plan purpose: The unified signage plan shall provide unified elements to increase visual appeal and integrate into the overall building design, color, scale and massing. The unified plan will avoid visual clutter and provide a unified sign theme with similar lettering styles and color.

1. Unified signage plan: The permitted location of all allowable signs on any developed property, except single family and duplex residential properties, shall be in accordance with a unified signage plan, which shall show all signage to be used on a given site. The requirement for the submission of a unified signage plan shall be for all new and renovation development. A proposal for signage for a new multi-story building, or renovation development of more than 5,000 square feet shall require a unified signage plan for the entire building.

2. Existing signage: Where a building(s) has existing wall signage, and the owner or tenant seeks to increase the signage, a proposed unified signage plan must be submitted, incorporating the existing and proposed signage, along with a sign permit application.

3. Wall Signage for multi-story building. The size and amount of all allowable wall signs shall be based on a percentage of the wall areas computed as the length multiplied by the height of the geometric figures which comprise the actual wall area fronting on a street. The wall length shall be the building face. The height of the wall for computing purposes shall not exceed 25 feet for two or more story structures. However, for retail centers only, the first story shall be treated as single buildings and separate locations set forth in the design standards matrix for wall signage in Table 6.11.17.



UNIFIED SIGNAGE AREA TABLE 6.11.09

Square Footage of Building Face Area	Percent Allowable
0-- less than 500 SF	7 %
500 SF – less than 1,000 SF	5.75 %
1,000 SF – less than 1,500 SF	5.5 %
1,500 SF – less than 2,500 SF	5.25 %
2,500 SF – less than 3,500 SF	4.75 %
3,500 SF -- up	4.5 %

(Example: 100 linear feet x 25 feet height building = 2,500 SF x 4.75% = 118.75 S.F. total signage allowed)

- a. The maximum allowable wall signage on a single building is 200 square feet.
- b. No wall sign shall be mounted more than 18 inches from the wall face of the building.
- c. No wall sign shall cover, in whole or in part, any required wall opening.

4.. *Changes to the unified signage plan:* Any change or variation in a sign design from the approved unified signage plan requires the approval of the Development Department who will assess whether a variation is in keeping with the intent and goals of the approved unified signage plan.

B. Location.

1. Agreement required: Whenever a sign is permitted within a setback area or easement, the applicant shall be required to provide the written agreement of the property owner stating, among other things, that it is the obligation of the property owner to relocate the sign at such time as the City determines additional right-of-way or setback is required, or if it later conflicts with the right of way or a prior recorded easement. A performance surety in the amount of 110% of the estimated cost of removal acceptable to the city attorney may be required to assure removal of the sign structure, prior to permitting.

2. Obstructions: A sign shall be located in such a manner as to not obscure an existing sign unless provisions are made for the removal of the obscured sign, or unless it is not reasonable and practical to locate the new sign elsewhere on the site.

C. Safety.

1. Safety determination required: Whenever consideration is given to locating a sign within a setback area, the development director must determine that the location of the sign does not present a hazard to pedestrians or to vehicular traffic circulation. Because of the unique and varying building locations and access configurations on a site, no specific "site triangle" is required by this code. However, it is required that signs shall be located such that they do not present a hazard to vehicle drivers, bicyclists, and pedestrians who are using adjacent public and private rights of way, and prior to the issuance of every sign permit, the development director shall make such determination. Safety is a primary consideration of this code, and notwithstanding any earlier building permit or approved site plan location of a sign, the development director may require the relocation of any sign, based upon a finding that it is required to provide for the reasonable safety of vehicle drivers, bicyclists, and pedestrians.



2. Traffic safety: No sign shall be located in such a manner that it is a hazard to automotive or pedestrian traffic nor shall any sign or lighting of a sign be so placed as to obstruct the vision of the driver of any motor vehicle where vision is necessary for safety.

3. Height of ground signs (monument or free-standing) at intersections: Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new ground signs which is located within 10 feet of the following, unless the subject intersection is protected by a traffic-control device:

- (a) The right-of-way lines of two streets;
- (b) The right-of-way lines of a street and a right-of-way line of an alley;
- (c) The right-of-way line of a street and the right-of-way line of a railroad.
- (d) The right-of-way line of a driveway and right-of-way line of a street, alley, railroad or another driveway.

D. Limitations and requirements for certain sign types on a property:

1. Wall signs, monument and free-standing signs – only two of the three types of signs shall be permitted per street frontage.

2. Each separate building or location shall have the street number address located on a sign that is identifiable and readable (using normal 20/20 vision) from the adjacent roadway to which the building address is assigned. The street number address on a building or on any location shall be limited to a maximum of 12 inches in height and shall not be calculated as a total allowable area for any signage.

E. Sign messages; sign code is "content neutral":

1. Notwithstanding anything contained in this sign code to the contrary, any sign erected pursuant to the provisions of this code may, at the option of the applicant, contain either a commercial or non-commercial message, related or unrelated to the use located on the premises where the sign is erected. Either a commercial or non-commercial message may occupy the entire sign face or portion thereof. The sign face may be changed from a commercial message to non-commercial message as desired by the owner of the sign, subject to the further provisions of this code, and provided that 1) the size and design criteria conform to the applicable portions of this code; 2) the sign is allowed by this code; 3) the sign conforms to the setback and other requirements of the zoning district in which located; 4) the appropriate permits have been obtained; 5) the construction materials and methods meet the requirements of the Florida Building Codes; and 6) a certificate of use has been issued by the city building official, if required. For the purposes of this code, non-commercial messages, by their very nature, shall never be deemed "off-premises signs." The only exception to this provision is where the city has a proprietary interest in the sign, that is, sponsors or co-sponsors an event, owns or controls the sign, or sign location, or otherwise has lawful discretion in the content of the sign.

2. Permitting decisions shall only be based upon the criteria expressed in this code.



No permitting decision shall be based upon the content or the message contained (i.e., the viewpoint expressed) on such signs.

3. Notwithstanding subsections 1 and 2 above, no sign shall contain any message or image that is obscene, profane, lewd, or pornographic; or which incites public unrest, terrorism, or overthrow of the government; or which violates the constitutional protections of individuals, or which otherwise has been found to violate applicable law.

Sec. 6.11.10. Structural standards.

In addition to provisions of the Florida Building Code, the following structural standards shall be required for all signs erected in the City.

A. *Securing signs:* Wall signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. No wood blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to studs or other structural members of buildings or structures having non-masonry walls. No sign shall be attached to a non-structural parapet wall.

B. *Wind loading:* Every sign shall be constructed in a manner as to withstand 140 miles per hour based on three-second gust wind speed. Sign contractors or the owner shall submit plans showing location, structural members, and design calculations for wind loading and for signs 32 square feet or over, a certification sealed by a state-registered engineer or architect stating that the design will meet the requirements of this code shall be submitted. All sign contractors shall sign a certificate stating wind loading will meet requirements of this chapter where signs under 32 square feet are submitted.

Sec. 6.11.11. Removal and disposition of certain signs.

A. *Removal and disposition of certain signs.* It shall be unlawful to erect, use or maintain a sign or sign structure when it does not comply with the requirements of this code. Unlawful signs are subject to removal pursuant to the following provisions:

1. *Summary procedures for removal.* The city finds that the inexpensive nature of temporary signs, wind signs, sidewalk signs, valet parking signs,, snipe signs, flags, and, and the administrative and cost burden imposed by elaborate procedural prerequisites prior to removal, requires the summary removal of these signs, when unlawfully erected and maintained. The city development director, or designee, or any code enforcement officer, is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained herein. Upon removal of a sign from private property, pursuant to this section, a notice of violation, citation or summons may be issued, or a written notice shall be sent, either by hand delivery or by first-class mail to the occupant of the property from which the sign was removed, or if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within 30 days of the date of the notice upon payment of the fine or administrative fee established therefor, and that, if the sign is not retrieved within 30 days, it will be disposed of by the city, without further notice.

2. *Permanent signs.* Signs and sign structures not subject to removal pursuant to the provisions above, which are or have been erected or maintained unlawfully, are subject all



remedies available at law or equity for the removal of signs or sign structures which are or have been unlawfully erected or maintained.

B. Responsibility of maintenance; unsafe signs; abandoned signs; violations and liens.

1. All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted, if paint is required. Defective or damaged parts shall be replaced.

If any sign regulated in this article is found by the building official to be unsafe, not secure, a menace to the public, or constructed, erected or maintained in violation of the provisions of this article, written notice by the building official shall be given to the owner of the sign and of the property the sign is located upon. If the owner or person in possession of the property fails to remove or alter the structure so as to comply with the provisions of this article within ten days after the notice is delivered, the development director, building official or their designee shall approve the removal or alteration of the sign to comply with the code, at the expense of the owner of the property upon which it is located.

2. Notwithstanding the above provisions, any sign which is found to be in an unsafe and dangerous condition, because it violates the current Florida Building Code or the current Florida Fire Prevention Code or NFPA codes referenced therein, or because it otherwise constitutes a clear and present danger to life or property, as determined by a city building inspector or code enforcement officer, shall be modified or removed by its owner upon reasonable notice to do so. Upon the failure or inability of the owner to modify or remove such sign following notice, or when reasonable notice cannot be given because of an immediate danger, the city shall modify or remove the sign.

3. If any sign regulated in this article is found to be abandoned or the business advertised shall move from the property where the sign is located, the owner, agent or responsible person shall be responsible to remove the sign, cover the sign with a plain fabric cover or place a blank copy panel in the sign frame within 30 days of the abandonment or relocation of the business. An additional extension may be granted by the city development director for a good cause shown.

4. Upon the failure, neglect or refusal of any owner, agent or responsible person to remove or repair any sign in violation of this article, after reasonable notice by the city development director or building official, and in addition to any other remedies available to the city, the city manager is hereby authorized and empowered to effect the removal of the sign which is in violation.

5. A sign shall not be located on a vacant or an undeveloped parcel of land, except upon good cause shown, and upon the written approval of the city manager. In this context, good cause shall consist of a reasonable basis, not exclusively economic in nature, which may include, but shall not be limited to insufficient land on an adjacent principal site for an otherwise permissible sign, lack of sight distance to properly observe a sign on a principal site, or a sign that specifically pertains to the undeveloped parcel.

6. *Responsibility for cost of repair or removal.* When the city has made reasonable repairs or removed a sign or has paid for the repair or removal thereof, the actual cost, plus accrued interest at the rate of ten (10%) percent per year, shall be paid to the city by the owner of the property upon which the sign is located.



7. *Violations of this code.* In lieu of the general penalty available to it in sec. 1-13, or the provisions of sec. 26-26, the city may elect to issue a citation under sec. 26-25, to a violator of this code, and fine the violator \$50.00 for the first violation, \$100.00 for the second violation, and \$200.00 for the third and any subsequent violations within any one year period.

8. *City's lien right.* If the amount due to the city for any administrative fines or costs, including the costs for repair or removal, shall not be paid to the city by or on behalf of the property owner within the time established in the written citation or magistrate's order, then such amount, together with all interest accrued at the rate of ten (10%) percent per year, shall become a lien upon the property of the owner, as provided in sec. 26-24.

Sec. 6.11.12. Types of signs permitted.

A. *Ground signs (monument or freestanding):* A ground sign shall not be affixed to any structure and is limited to no more than two (2) sign faces. A ground sign is either a freestanding sign or a monument sign. All ground signs shall contain the street address number.

1. *Setback requirements for ground signs.* For new or renovation development, the setback for a ground sign shall be a minimum of ten feet (10') from the right-of-way line. The setback is measured from the closest portion of the sign, sign structure or sign footer to the right-of-way. Projecting signs, canopy signs, and wall signs may not extend into the setback areas. No sign, sign structure or sign footer shall extend into a public or private right-of-way. Relief from the ten (10') foot setback requirement may be obtained by administrative variance, for good cause shown, which cause may include, but shall not be limited to sign encroachment into required parking, provision for additional landscape area and materials, provision of a smaller sign than allowed, obstruction of an existing sign, and less than permitted total signage. Except as provided above, replacement signs may be relocated at the existing location.

B. *Freestanding signs* shall be wood or composite material supported by one or two wood or composite posts, with the top edge of the sign no higher than six feet (6') above the finished grade, and shall not exceed 6' in width. Each post shall have ornamental post caps or covers. A freestanding sign shall not be used as a frame for a cabinet sign.

C. *Monument signs* shall be composed of metal frame, textured brick, concrete block, or other masonry, and finished with stucco or other textured material, and having a solid base. The top edge of the sign shall be no higher than elsewhere permitted in this code, and the skirt and base shall be no smaller than 80% of the sign width nor greater than 120% of the sign width. A monument sign shall not be used as a frame for a cabinet sign that exceeds 25% of the sign area.

D. *Projecting signs:* A projecting sign is affixed to a structure and extends at a right angle from the structure.

1. A projecting sign shall not have more than two (2) sign faces. Projecting signs may project into the public right-of-way, but must have clear sidewalks by at least nine feet, and be no closer than two feet from the curb.

2. Signs must not project more than six feet from the wall face of a building.



3. The permitted size of a fixed projecting sign shall not exceed 8 square feet or 16 square feet, dependent upon the applicable zoning district.

4. All businesses in the Old Downtown District must have a projecting awning/canopy sign and an under canopy sign, if the building has an awning or a canopy sign.

E. Under canopy sign: A sign hung from the underside of an awning or canopy or ceiling of an arcade or covered walkway or portico. It may be rigid or it may swing. Any swinging sign shall be removed during a major storm event. Such a sign shall not have more than two (2) sign faces.

1. No portion of any sign projecting over a public sidewalk shall be less than nine feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than eight feet above the sidewalk.

2. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.

3. Signs consisting of one line of letters not exceeding nine inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. A graphic or other similar feature not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any such graphic shall comply with all other provisions of this chapter.

F. Window signs:

1. Plastic signs, or signs painted on the glass may be placed upon windows when limited to 20 percent of the aggregate glass area, per tenant space or per main use.

2. Signs displayed from the inside of the glass but which are visible from the outside shall be considered as window signs.

3. Window signs shall not be placed where they substantially obscure the view of a person to the interior of the building through the window.

G. Wall signs:

1. A wall sign must be professionally hand-painted or flush mounted on board, or in a raised channel or individual letters. Such a sign may be applied to a structural mansard or building face.

2.. Gas station canopy shall be limited to a maximum of one (1) wall sign per right-of-way frontage and shall be counted as part of the allowable wall signage per occupancy.

H. Billboards:

1. No billboard shall be erected except on property within an industrial district.

2. Billboards shall not exceed a size of 100 square feet per sign face, with a maximum of 2 faces per sign. No billboard shall exceed 20 feet in width or 8 feet in height, with the overall height of the sign and structure not to exceed 25 feet.



3. Billboards shall not be located closer than 300 feet to any residentially zoned land, nor less than 1000 feet from each other, with such measurement to be made from the point of location of the sign structure to the nearest point of residentially zoned land or to the nearest point of location of the sign structure, as applicable.
4. Billboards shall be subject to the zoning regulations of the applicable district upon which the sign is situated.
5. Prior to the issuance of a permit for any billboard sign, the applicant shall furnish a certified copy of the recorded deed showing ownership, and a copy of the lease or easement for the land upon which the sign shall be placed. A copy of the permit from the Florida Department of Transportation, when required by the state, shall also be furnished to the city.
6. The owner or person in possession of any property with a billboard located upon it shall be required to include the area of the billboard(s) in its total permitted signage.
7. These provisions shall not apply to the three (3) billboards that are the subject of a settlement agreement entered into by the city in 2009.

Sec. 6.11.13. Special purpose signs and signing.

As an aid to the motoring public, the city commission has determined that the following special purpose signs serve the public interest and welfare by providing basic information regarding fuel price, location, time, temperature, dates of events, and the like. Permits for the following signs shall be issued provided that the provisions contained herein are in compliance:

A. *Grand opening banner:* One banner may be placed on the building of a newly opened location pursuant to the following:

1. Display is limited to four (4) weeks.
2. The banner shall not exceed one (1) square foot per linear foot of occupancy frontage, and a total area of fifty square feet (50 sq. ft.).
3. The banner shall not be higher than fifteen feet (15)' above the finished grade, and must be placed on the building on the predominate street front.
4. Banners shall be made of color fast material, and shall be securely fastened so as not to become a safety hazard.

B. *Special event banner signs:* The city manager may approve one or more banners for a non-profit, charitable organization or special event as defined in sec. 36, Article III, City Code of Ordinances, on any street, sidewalk, public building, park or playground, or on private property, subject to the following criteria:

1. *The sign shall be located on the property where the event is being held, or on public property or rights of way, or on private property with the written consent of the property owner. Any of the foregoing shall require the written permission of the city manager and shall provide notice to the general public of a special event and*



2. The sign shall be temporary and for a stated limited period of not more than fourteen (14) days prior to the event, and it must be removed by the second (2nd) day after the event.
3. Each sign shall not exceed twenty square feet (20 sq. ft.) in area.
4. When permitted, the sign must meet the following additional criteria:
 - a. The sign will not conceal or obstruct adjacent land uses or signs,
 - b. The sign will not conflict with the principal permitted use of the site or adjoining sites,
 - c. The sign will not interfere with, or obstruct the vision of, or distract motorists, bicyclists or pedestrians, and
 - d. The sign will be installed and maintained in a safe manner.
 - e. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign.
 - f. The city manager shall render a decision within ten (10) days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the city commission, in writing within 30 days of the written rendering of the decision by the city manager.

C. Special event city street banners. Special event city street banner signage, in accordance with this subsection, shall be permitted by the city manager, for special events if it is determined that the sign meets all of the following criteria:

- (i) The city is a sponsor or co-sponsor of the event; or
- (ii) The event sponsor is a not-for-profit organization; and
- (iii) The street banner sign must be no larger than three feet (3') in height by twenty-four feet (24') in length, and if placed above a street, be at least fifteen feet (15') above the surface of the street on city installed or controlled poles. The street banner sign must be constructed of a vinyl awning material or similar and meet wind load requirements established by the city development director; and
- (iv) Display of the special event street banner sign will be limited to a maximum of fourteen (14) days prior to the event and must be removed no later than two (2) days after the event; and
- (v) The sign will not conceal or obstruct adjacent land uses or signs; and
- (vi) The sign will not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians, and will not conflict with the principal permitted use of the site or adjoining sites; and the sign will be installed and maintained in a safe manner, and
- (vii) As a sponsor or co-sponsor, the city reserves the right to participate and comment on the content of the banner sign. However, from a regulatory viewpoint, the city's decision to



approve, or disapprove such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign.

(viii) The city manager shall render a decision within ten (10) days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and an applicant has the right to appeal the decision to the city commission, in writing, within thirty (30) days following the written rendition of the city manager's decision. The city commission's decision regarding the use of the public right of way shall be final and non-appealable.

D. Drive-thru window signs: Sign boards used at locations in conjunction with service at a drive-thru window are permitted so long as the size of the board does not exceed seven feet (7') in height, nor twenty four square feet (24 sq. ft.) in total area, with a maximum of two (2) signs per drive thru window.

E. Subdivision identification signs: Residential subdivision identification signs shall be located only at the roadway entrance(s) to the subdivision and subject to the following standards:

1. Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision;
2. Each sign area shall be no greater than thirty-six square feet (36 sq. ft.) in area;
3. Subdivision entrance signs are permitted within all residential zoning districts;
4. Such subdivision entrance sign may be erected within rights-of-way or median strips adjacent to the subdivision, if approved by the city. A subdivision sign may also be located within the setbacks of private property within the subdivision or adjacent to the subdivision.
5. Any such sign erected within a right-of-way or setback shall be at least ten feet (10') from a paved roadway and signs located within a median shall be at least five feet (5') from any paved roadway.
6. All signs proposed to be located within a right-of-way or median shall be reviewed and approved by the development director, the police chief, and the public works director, for compliance with this section.
7. Any such signs approved for location within the right-of-way or median, if such right-of-way or median is not within the jurisdiction of the city, shall obtain written permission from the governmental entity controlling the right-of-way or median prior to erecting the sign in a requested and approved location;
8. Any signs proposed to be located on adjacent private property shall be approved and permitted by the owners of the adjacent property. Any such signs lying on private property shall be considered an additional permitted sign without regard to other applicable sections of this code; and



F. Construction site signs: Temporary construction site signs identifying that an approved, active, on-site development project is underway, shall be permitted provided that such signs shall be subject to the following standards:

1. One (1) temporary freestanding sign per street frontage, non-illuminated, with sign area of not more than thirty-two square feet (32 sq. ft.), nor more than six feet (6') in height; or
2. One (1) temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than thirty-two square feet (32 sq. ft.).
3. Construction signs may be installed at the time of submission of a building permit application. It must be removed upon expiration of building permit or building permit application or when the project obtains a Certificate of Occupancy.

G. Awning signs:

1. No portion of any sign projecting over a public sidewalk shall be less than nine feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than eight feet above the sidewalk.
2. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.
3. Signs consisting of one line of letters not exceeding nine inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any sign, insignia or other such similar items shall comply with all other provisions of this chapter.

H. Changeable copy signs:

1. Manual or electronic changeable copy information signs shall be permitted when attached to or made part of an otherwise permitted monument sign, and only related to a theater, auditorium, convention center, sports field or arena, a regional attraction facility, or for motor fuel pricing, or a time & temperature sign. Such signs shall be limited to one changeable copy message sign per street frontage, and no more than two such signs shall be permitted on any individual parcel, including PUDs.
2. Electronic changeable copy signs shall be permitted to change their message no more than four times within a 24-hour period, except that time & temperature signs may change as the temperature changes, and as the time changes in one minute increments.
3. Changeable copy signs shall comply with the permitted area of the sign to which it is attached pursuant to design standard matrix, Table 6.11.17. The changeable copy element of the sign shall not exceed 25 percent of the total sign area.
4. Maximum height and setbacks: Shall comply with the permitted height and setbacks for the sign type pursuant to design standard matrix, Table 6.11.17.
5. Types of manual or electronic changeable copy sign:



a. **Motor fuel pricing signs.** Motor fueling stations shall provide signage displaying the price of fuels. Signs shall advertise the price of motor fuels sold on the premises, subject to the following regulations:

- i. One (1) motor fuel price sign shall be permitted per street frontage with a maximum of two (2) signs per fuel station. It shall be affixed to a permanent sign structure or to a building and shall not be located closer than 10 feet to any side property line. The price sign shall be included in the total area of signage otherwise permitted.
- ii. The sign shall not be more than twelve square feet (12 sq. ft.) per sign face.
- iii. Signs placed on fuel pumps shall not exceed three square feet (3 sq. ft.) per sign face nor a total of six square feet (6 sq. ft.) per sign.

b. **Time and temperature signs:** Signs giving time and temperature, or either time or temperature information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than 20 percent of the permitted area of the sign to which they are attached or included. Such signs shall be counted as part of the permitted area of the sign to which they are attached.

6. Prohibited lighting for electronic message sign:

a. Lamps, light emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 30 watt incandescent lamp (the amount of light, measured in lumens, varies for lamp types. For example, a 30 watt incandescent lamp produces approximately 300 lumens).

b. Exposed reflectorized lamps, light emitting diodes, or bulbs; and lamps or bulbs not covered by a lens, filter, louver or sunscreen; or modes of operation that scroll, flash, zoom, twinkle or sparkle, or appear to do so.

I. **Landmarked signs:** The city shall designate a sign as a landmarked sign, based upon authenticated documentation that such sign is at least 25 years' old and has existed as a defining feature of a landmarked or historic building or event. The acceptance of a sign as a landmarked sign is subject to the written determination of the city development director, considering the age, location, condition, construction, and historic significance.

1. Landmarked signs shall be classified as conforming signs, and shall be permitted to be restored, maintained and repaired.

2. Landmarked signs shall be exempt from setback, size, height, and area requirements of the code, except that such signs shall maintain not greater than their historic dimensions or area.

3. Landmarked signs placement shall leave street corners free of obstructions to allow for safe vehicle and pedestrian movement and placement of utilities; and may be relocated on a site to do so.

J. **Mural signs:** Mural signs shall be counted as wall signs for the portion which includes any message, logo or which depicts a product or service, and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the



general character of the land use district. There shall be a maximum of only one mural sign per building. The sign portion of a mural sign, if any, shall comply with the dimensional requirements of a wall sign.

Sec. 6.11.14. "No fee permit" signs.

The following signs are allowed to be erected on private property in the city, subject to the granting of a "no-fee permit," so long as they conform to the following criteria:

A. *Temporary signs:* One (1) temporary freestanding sign per street frontage, non-illuminated, with a sign area of not more than twelve square feet (12 sq. ft.) per sign face with (2) two face maximum per sign on any private lot or parcel. A temporary sign may be erected for a limited time period not to exceed (6) six months per year. Signs may not be placed in a location that constitutes a safety hazard or hindrance to pedestrian or vehicular traffic. No temporary sign shall be placed on any public right-of-way or public property, without the written permission of the city development director, and for good cause shown. Generally, signs shall not be placed upon public rights of way or public property unless the government is a sponsor or unless the sign is for public benefit, such as the wayfinder signs below.

B. *Governmental flags:* Official governmental flags may be displayed on any real property in the city in accordance with the standards and customs for the display of flags, including the United States Code, Title 36, Chapter 10, and other governmental regulations, all as amended from time to time, and the following additional rules:

1. One (1) flag pole shall be permitted on a single property, unless otherwise permitted in a planned unit development, and no flag pole shall exceed 50 feet in height. Flag poles on single family and duplex residential properties shall not exceed 20 feet in height. Not more than two flags may be flown on a single pole. Three flags may be flown from a single pole with a yardarm designed for such purpose. The maximum area of each flag shall be determined by the height of the flag pole as follows:

Up to 20 feet	3 x 5 feet
20 to 25 feet	4 x 6 feet
25 to 30 feet	5 x 8 feet
30 to 35 feet	5 x 8 feet
35 to 40 feet	6 x 10 feet
40 to 45 feet	6 x 10 feet
45 to 50 feet	8 x 12 feet

2. A flag pole shall not be closer than ten feet to any property line or overhead electric line.

3. In lieu of the flag pole permitted above, one (1) flag may be flown on a pole projecting from a building.

4. If a flag pole is less than 20 feet in height, it shall be considered as an exempt sign, not requiring a permit.

C. *Wayfinder and directional signs within public rights-of-way:* These signs include the following:



1. A sign that provides notice to the public of a public meeting, locations open to the public, or a special event.
2. A sign designed to guide or direct pedestrians or vehicular traffic and which may include kiosks that provide information of general benefit to the community.
3. A wayfinder or directional sign shall meet the following criteria:
 - a. The signs shall not conceal or obstruct adjacent land uses or signs,
 - b. The signs shall not conflict with the principal permitted use of the site or adjoining sites,
 - c. The signs shall not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and
 - d. Directional signs shall be no greater than 8 inches by 30 inches per sign.
4. The public works director or the police chief may require the location or relocation based on potential or actual traffic obstruction.

D. Mural: A mural, which is not a mural sign, may be painted or placed on one or more exterior walls, subject to review of a representation and its approval by the community redevelopment board (within the Community Redevelopment area) or the land planning agency, elsewhere within the city, The representation may include an illustration, sketch, model, photograph, or other means of visually conveying the proposed mural.

Sec. 6.11.15. Exempt signs (not requiring a permit).

The following signs are allowed to be erected on private property in the city, without a permit, so long as they conform to the following criteria:

A. Valet parking signs. Valet parking signs shall be limited to one sandwich board. The sign area shall not exceed six square feet in area. The location of such sign shall be approved by the development director, and the police chief. The sign must be removed during hours when the approved valet parking queue is not in use. Traffic control cones may be used for queuing purposes; however they shall not contain any additional signage or markings, and must be removed when the valet parking queue is not in use.

B. Automated teller machine (ATM) panels: One panel which is physically constructed within and is an integral part of an ATM.

C. Directional signs: Such signs shall be for the purpose of directing vehicular and pedestrian traffic, and shall not extend more than five feet from the ground and shall not be greater than four square feet in area per sign face.

D. Hours of operation signs: Signs denoting hours of operation shall be non-illuminated; have a sign face of not more than one square foot and be located close to the entry of the establishment.



E. Instructional signs: Instructional signs are signs which convey safety information or legal information or instructions with respect to the premises on which located, including but not limited to "no trespassing", "danger" or "bad dog" signs. Such signs shall not have a height of more than five feet from the ground and shall not be greater than three square feet in area.

F. Nameplates: One nameplate sign per building, not exceeding three square feet in area, and bearing the building or occupant name or street address of the principal building.

G. Non-residential and multi-family residential real estate signs:

a. One (1) freestanding sign structure with up to two (2) sign faces, with or without post caps or covers, shall be permitted for each street frontage.

b. Signs shall not exceed sixteen (16) square feet in area per face, and shall not be higher than six (6') feet above the adjacent finished grade. A V-shape sign shall be permitted and shall be considered as one sign as long as it has no more than two faces, and the interior angle does not exceed ninety (90) degrees.

H. Single family and duplex residential real estate signs:

a. One freestanding sign structure with up to two (2) sign faces shall be permitted for each single-family or duplex property, and shall not exceed three square feet in area, per face, and shall not be higher than four (4') feet above the adjacent finished grade. One additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.

b. One freestanding sign structure with up to two (2) sign faces shall be permitted for each multi-family property, and shall not exceed 16 square feet in area per face, and shall not be higher than six (6') feet above the adjacent finished grade. One (1) additional sign per lot may be erected on a lot which borders a waterway or which is a corner lot, provided that the additional sign is located along the waterways or placed so there is only one sign per street frontage.

c. An additional "rider" sign of not greater than one (1) square foot may be attached to or accompany a residential real estate sign.

I. Tenant panels: The tenant panels in a directory sign, or a sign which accommodates a tenant, is exempt from needing a permit provided that the sign was permitted and there is no change in colors or letter style.

J. Political signs: Temporary political signs of not more than two (2) sides with a maximum area of 16 square feet or less may be placed or approved by the owner or occupant on private real property. No political signs may be located within any right-of-way or on any public property pursuant to Sec. 14-27 of the Code of Ordinances. Election campaign material shall be removed pursuant to those provisions contained in Sec. 14-26 of the Code of Ordinances.

Sec. 6.11.16. Prohibited signs.



The following signs, or sign features, are prohibited within the City of Stuart; however, certain exceptions as noted herein are allowed. It shall be unlawful for any persons to erect prohibited signs or use prohibited sign features:

- A. *Wind signs*
- B. *Roof signs*
- C. *Snipe signs*
- D. *Banners and flags, not otherwise permitted herein*
- E. *Signs confusing to vehicular drivers*
- F. *Vehicular signs, except graphics applied or painted upon a vehicle*
- G. *Waterborne signs*
- H. *Private signs in public rights-of-way*
- I. *Pole signs*
- J. *Intermittent lighting, animation, moving or rotating signs, not including governmental traffic signals and devices*
- K. *Balloons*
- L. *Noise producing signs*
- M. *Off-premise signs, except for banners as provided herein*
- N. *Obscene signs as follows: A sign shall not exhibit thereon any lewd, lascivious, or obscene character or illustration, as the same may be defined by community standards and by law*
- O. *Sidewalk signs and sandwich board sidewalk signs. Effective December 31, 2013.*
- P. *Electronic message units, not otherwise permitted herein.*
- Q. *Billboards, not otherwise permitted herein. This provision shall not apply to the three (3) billboards that are the subject of a settlement agreement entered into by the city in 2009.*
- R. *Any sign not provided for, or expressly permitted by this code is prohibited*

Sec. 6.11.17 Design standards matrix: The following matrix table sets forth additional standards for various types of signs when located in various zoning districts or defined by use. The standards set forth therein are subject to descriptions, interpretations, exceptions, and limitations as provided for elsewhere in the LDC.



Table 6.11.17

DESIGN STANDARDS MATRIX SIGNS IN B-1, B-2, B-4, I, H, P; Urban Code Districts including Urban highway (UH), Urban General (UG), Urban Center (UC) and Urban Waterfront (UW); East Stuart Code Districts including Business and Mixed-use (BMU).						
Type of Sign	Quantity	Area (max.)	Location	Height	Sign Copy Limits	Illumination
Wall	Not more than two per occupant	1.5 sq. ft. for first 25 linear feet occupancy; then 1 sq. ft. per linear foot over 25 linear feet occupancy (not to exceed 100 sq. ft. per occupancy)	on building face	N/A	N/A	Allowed
Projecting	One per street frontage per occupant	16 sq. ft./face	from building face (6' max)	9' minimum	N/A	Allowed
Under canopy	One per street frontage per occupant	4 sq. ft./face	hung under canopy	N/A	N/A	Allowed
Monument	One or more allowed based on parcel frontage	3/4 sq. ft. per linear foot of frontage (not to exceed 100 sq. ft./face with (2) face maximum per monument sign) with a minimum 300' separation per parcel	10' front yard setback minimum and 25' front yard setback maximum	15' max on US1, otherwise 10' max	6' – 3 tenant signs/face 10' – 4 tenant signs/face 12' – 5 tenant signs/face 15' – 6 tenant signs/face	Allowed
Free-standing	One per frontage	16 sq. ft./face (6 ft. max width) with a minimum 300' separation	10' front yard setback	6' max	6' – 3 tenant signs/face	Allowed
Directory	One per building	24 sq. ft.	on building face	N/A	N/A	Allowed
Tenant	One per business	2 sq. ft.	at the entrance of the office	N/A	N/A	N/A
Billboard ("I" district only)	1000' separation and 300' from residential	100 sq. ft / face with (2) face maximum per sign (20 ft max width and 8 ft. max height)	at least 20 feet from road right of way or property line	25' max	N/A	Allowed



Manual or Electronic Changeable Copy	One changeable copy message sign per street frontage; 2 max per parcel	100 sq. ft. (may be exceeded if it is determined by the Development Director that a larger sign is necessary to complement the architectural character of the structure to which it is attached)	On primary building frontage; vertical clearance of at least 9' above grade; shall be installed perpendicular or parallel to the building facade	N/A	N/A	Allowed
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SIGNS IN R-3 and B-3; Urban Sub-districts including Urban neighborhood (UN); East Stuart Special Study Area including General residential and office (GRO) and Single-family duplex sub-district (SFD).

Type of Sign	Quantity	Area (max.)	Location	Height	Sign Copy Limits	Illumination
Wall ¹	One per occupant	not to exceed 24 sq. ft. ¹	on building face	N/A	N/A	Allowed
Projecting	One per business	8 sq. ft./face	from building	N/A	N/A	Allowed
Under canopy	One per business	4 sq. ft./face	under canopy	N/A	N/A	Allowed
Monument ¹	One per frontage	not to exceed 24 sq. ft./face ¹	10' front yard setback	6' max	3 tenant sign/face	Allowed
Free-standing	One per frontage	10 sq. ft./face (6 ft. max width)	10' front yard setback	6' max	3 tenant sign/face	Allowed
Directory	One per building	16 sq. ft.	on building face	N/A	N/A	Allowed
Tenant	One per business	2 sq. ft.	at the entrance of the office	N/A	N/A	N/A

¹ In R-3 and B-3 districts, a monument sign shall not be allowed, and a wall sign shall be limited to 12 sq. ft. per face unless the property fronts SE Ocean Boulevard, US-1, SW Osceola Street, S Kanner Highway, and Dixie Highway (NW SR 707).



Chapter VIII

ADMINISTRATION AND ENFORCEMENT

8.00.00 POWERS AND DUTIES

- Sec. 8.00.01. City Planning Advisory Board (Local Planning Agency).
- Sec. 8.00.02. City Board of Adjustment.
- Sec. 8.00.03. Stuart Beautification Committee.
- Sec. 8.00.04. Stuart Community Redevelopment Board.
- Sec. 8.00.05. Community Redevelopment Agency (CRA).

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8.06.00
ENFORCEMENT OF CODE PROVISIONS

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8.07.00
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- Sec. 8.07.05. Appeals from decisions of the board of adjustment.
- Sec. 8.07.06. Appeals from decisions of the city commission.
- Sec. 8.07.07. Reasonable Accommodation



8.00.00. POWERS AND DUTIES

Sec. 8.00.01 City planning advisory board (local planning agency).

A. *Membership.* Pursuant to sec. 2-82 through 2-87, Stuart Code of Ordinances, the city planning advisory board is a "standing board" of the city, and shall consist of seven members. Members shall be residents or property owners within the city. Because it also functions as the Local Planning Agency, it may also be cited as the "LPA."

B. *Authority.* The city planning advisory board shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described in this code.

C. *Duties and responsibilities.* The planning advisory board shall:

1. Constitute the Local Planning Agency as that term is defined and construed in Florida Statutes., ch. 163.3164.
2. Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;
3. Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Land Development Code;
4. Make recommendations to the city commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;
5. Make recommendations to the city commission regarding proposed amendments to the zoning map of the city in the form of zoning and rezoning;
6. Make recommendations to the city commission regarding proposed annexations to the city;
7. Consider and make recommendations regarding the consistency of proposed developments with the various elements of the city comprehensive plan;
8. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings required by these regulations or by the city commission; and
9. Make other recommendations to the city commission and the city administrative staff upon the request of either regarding land use in the city and the regulation thereof by the city.



Sec. 8.00.02. City Board of Adjustment.

- A. *Membership.* The city board of adjustment shall consist of five members. Members shall have been continuous residents or property owners within the city for not less than six months prior to appointment.
- B. *Authority.* The city board of adjustment shall be a quasi-judicial board of the city and shall accordingly perform the duties and responsibilities described in subsection C. below.
- C. *Duties and responsibilities.* The board of adjustment shall:
 - 1. Hear and consider applications for variances as provided at section 8.04.00 of this Code;
 - 2. Hear and decide appeals of an alleged error in a decision of the city development director made in the enforcement of the provisions of subsection 8.04.01 A.;
 - 3. Interpret the provisions of this Code so as to accomplish the intent and purpose of the city comprehensive plan; and
 - 4. Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.

Sec. 8.00.03. Stuart Beautification Committee.

- A. *Membership.* The Stuart Beautification Committee shall consist of seven members. Members shall have been continuous residents or property owners within the city for not less than six months prior to appointment. (Ord. No. 1673-99, 4-26-99)
- B. *Authority.* The Stuart Beautification Committee shall be an advisory board of the city and shall accordingly perform the duties and responsibilities described in subsection C. below.
- C. *Duties and responsibilities.* The Stuart Beautification Committee shall:
 - 1. Review and make recommendations to the city commission as requested regarding city projects which include design and landscape considerations;
 - 2. Review and make recommendations to the city commission as requested regarding changes to the city landscape code, the city urban code and the city comprehensive plan as the same may be amended from time to time;
 - 3. Assist the city as requested in the identification and design of facade and median landscape improvements for business and residential developments;
 - 4. Assist the city in the application for grants related to landscaping and city beautification;
 - 5. Assist the city in developing a public awareness of the benefits of landscaping, xeriscaping and the elements of building design; and



Conduct such meetings as may be necessary to perform the foregoing duties and responsibilities. (Ord. 1444-96, 1-22-96)

Sec. 8.00.04. Stuart Community Redevelopment Board.

A. *Membership.* The Stuart Community Redevelopment Board (CRB) shall consist of seven members. Members shall be residents of the city or the owners of a business within the city.

B. *Powers and duties.* For properties within the community redevelopment area, the CRB shall:

1. Hear, consider, and recommend applications for urban code conditional use as provided at section 3.01.06 and section 11.01.10 of this Code;
2. Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;
3. Review all proposed amendments to section 3.01.00, Urban Code, and the community redevelopment plan and recommend approval, approval with conditions, or denial;
4. Review and recommend programs, projects, plans and grant applications to implement the community redevelopment plan;
5. Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities.
6. Review, hear and approve, approve with conditions, or deny applications for texture architectural materials and public art, as provided in section 3.01.06.

C. *Conduct of business.*

1. A chairperson and vice chairperson of the Stuart Community Redevelopment Board shall be elected from time to time, but at least annually, by the board. The chairperson shall preside over all meetings of the CRB and shall have the same rights as other members. The vice chairperson shall act in the absence of the chairperson.
2. Meetings of the CRB shall be held in the city commission meeting room at Stuart City Hall and shall be open to the public.
3. The city development director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.
4. The city attorney shall be the legal advisor to the board.
5. A quorum of the board shall be four members. A majority of a quorum shall be necessary to take action.



6. The CRB may adopt rules for the conduct of its meetings, so long as such rules do not conflict with the ordinances and resolutions of the city commission and the resolutions of the community redevelopment board.
7. Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.
8. The CRB shall consider all proposed amendments to the urban code and make a recommendation thereon to the city commission. The board may of its own volition propose to the city commission that certain amendments be made to the urban code.
9. The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the city commission or the community redevelopment agency.

Sec. 8.00.05. Community Redevelopment Agency (CRA).

- A. The city commission, plus two members of the community redevelopment board, shall be the community redevelopment agency for the city, in accordance with F.S. § 163.357. The city commission shall appoint the two members of the community redevelopment board to serve as members of the community redevelopment agency for a term of four (4) years.
- B. The community redevelopment agency shall constitute a legal entity, separate, distinct, and independent from the city commission.
- C. The agency shall appoint, from time to time, a chair and vice-chair, who shall serve as the officers of the agency, at the direction of the entire agency.
- D. In no event shall any member serve beyond the length of their city commission or community redevelopment board term.
- E. Powers and Duties

1. Authorized Actions

- a. The community redevelopment agency is authorized to carry out all community redevelopment and related activities specified in F.S. §§ 163.358 and 163.370; with the exception of:
 - (1) The power to authorize the issuance of revenue bonds as set forth in F.S. § 163.385; and
 - (2) The power to approve the acquisition, demolition, removal, or disposal of property as provided in F.S. § 163.370(4)(a) and the power to assume the responsibility to bear loss as provided in F.S. § 163.370(4)(b).
- b. The foregoing specifically enumerated powers shall be retained by the City Commission.



8.01.00. GUARANTEES AND SURETIES

A. Applicability.

1. The provisions of this section apply to all proposed LCD and major development in Stuart.
2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Chapter IV of this Code.

B. Improvements required. The approval of any LCD or major development plan document shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved plan. The following information and agreements shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. In no event shall the term exceed five years from the approval of the plan document or 30 percent occupancy of the development, whichever comes first.
3. The projected total cost for each improvement, and the contingent removal of the same. Cost for construction shall be determined by either of the following:
 - a. A certified estimate prepared and provided by the applicant's engineer, subject to review by the city engineer prior to final acceptance; or
 - b. A copy of the executed construction contract.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the city shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced, in part or in whole, at the reasonable discretion of the city development director anytime, subsequent to the completion, inspection and acceptance of improvements by the city.

C. Amount and type of security.



1. The amount of the security listed in the improvement agreement shall be approved as adequate by the public works director.
2. Security requirements may be met by, but are not limited to the following:
 - a. Cashier's check.
 - b. Certified check.
 - c. Developer/lender/city agreement.
 - d. Interest bearing certificate of deposit.
 - e. Irrevocable letter of credit.
 - f. Surety bond.
3. The amount of security shall be 110 percent of the total construction costs and total removal and restoration costs for the required developer installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than 110 percent of the cost of completing the remaining required improvements.

D. Completion of improvements.

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is made by the public works director. Final acceptance shall be made prior to the issuance of a certificate of completion.

E. Maintenance of improvements; public and private.

1. A maintenance agreement and security shall be provided to assure the city that all required improvements shall be maintained by the developer according to the following requirements:
 - a. For any improvements which are not dedicated, the maintenance period shall be until the condominium or owners' association takes over the responsibility for maintenance.
 - b. For any improvements which are dedicated to the public or the city, the maintenance period shall be for a period of three (3) years, beginning with the written acceptance by city of the improvements.
 - c. The security during the maintenance period shall be in the amount of 100 percent of the estimated maintenance costs.
 - d. The original agreement shall be maintained by the public works director.



2. Whenever a proposed development provides for the construction of facilities or improvements which are not proposed for dedication to the city a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of ch. 718, Florida Statutes, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
 - b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to and maintained by that association.
 - c. No certificate of occupancy shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the city attorney.

An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the city shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City of Stuart.

8.02.00. HARDSHIP

Sec. 8.02.01. Purpose

The purpose of this section is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. Two forms of hardship are addressed: (1) Part 8.03.00 addresses hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; and (2) Part 8.04.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standards.

8.03.00. EXISTING NONCONFORMING DEVELOPMENT AND LOTS

- A. Existing land uses, structures or lots which are inconsistent with the character, natural resources, and Stuart comprehensive plan shall be eliminated upon redevelopment. Historic and archaeological resources as identified in the housing element of the comprehensive plan are deemed to be consistent with the character of the city, its natural resources, and the comprehensive plan and are therefore considered to be conforming development.
- B. An exception to the elimination of non-conforming uses, structures and lots, may be granted by the city commission, for good cause shown, if all three of the following conditions are met:
 1. An existing non-conforming structure, or conforming structure with non-conforming use, is destroyed by accident or act of God; and



2. The majority of landowners within a 300-foot radius support the rebuilding of the structure to its prior state; and
3. The rebuilding or reuse does not pose a detriment to the public health, safety or welfare.

Sec. 8.03.01. Non-conforming uses and lots.

As used in this section, a use shall be deemed "discontinued" if all activities related to such use have ceased for a continuous period of 365 days or more regardless of the intent of the property owner, lessee or other person in charge of the property on which the use was located. The determination that a use has ceased shall be made by the city development director who shall consider, among other things, the consumption of utility services at the property, payment of the local business tax, and advertising to the public of any activities on the property. The intent of the owner, or occupant of the property regarding the cessation of the use by the user, as required by law for "abandonment" of a nonconforming use, is not relevant to the determination of whether or not a use has been discontinued.

A. Nonconforming uses shall be permitted to continue, subject to the following:

1. The lawful use of a structure existing on July 23, 1990 may be continued although such use within the structure does not conform to the provisions of the chapter; and such use may be extended throughout the building; provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the structure, are made therein. No such use shall be extended to occupy any land outside the existing structure.
2. If a lawful use of a nonconforming use is discontinued for a continuous period of 365 days or more, every future use of the real property upon which such structure of use existed shall be in conformity with the provisions of this chapter. If a lawful use of a nonconforming use is discontinued for a continuous period of 180 days, safety inspections to determine compliance with applicable building and fire codes are required for any future lawful use.
3. In those instances when structural additions or modifications are proposed to one and two-family residential non-conforming structures, no variance shall be required to construct additions or modifications, which, by virtue of the proposed structural addition or modification, would otherwise be rendered illegal. This exemption from the variance requirement shall be available only to those proposed structural additions or modifications which meet all current code requirements.
4. The lawful use of land existing on July 23, 1990 although such use does not conform to the provisions of this chapter, may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this chapter. If such nonconforming use is discontinued for a



continuous period of not less than 365 days, any future use of said land shall be in conformity with the provisions of this chapter. Provided, however, that where land is located and such use is not an accessory to the use of the main building located on the same lot or grounds, such nonconforming use of land shall be discontinued and all material completely removed by its owner not later than three years from July 23, 1990.

5. If no structural alterations are made, a nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter. When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a lower classification.
6. A nonconforming building destroyed to more than 50 percent of its assessed value shall not be reconstructed except in accordance with the provisions of this Code. Notwithstanding the foregoing, a multi-family building so destroyed containing four or more dwelling units that is nonconforming because of density may be reconstructed to contain the same number of dwelling units as originally constructed. A nonconforming building destroyed by a declared natural disaster to less than 50 percent of its assessed value may be reconstructed as originally constructed. (Ord. No. 1318-93, 10-11-93)

B. Nonconforming lots of record shall be permitted to continue, subject to the following:

1. Where a lot has an area or width or both, less than the minimum set out in section 2.04.00, and was a lot of record on March 25, 1968 (Ord. 425), said lot may be occupied by a single-family dwelling and its accessory buildings; provided the lot conforms with the minimum lot area and width requirements of the next lower residential district. Such lots shall conform to all other design requirements of the zoning district in which the property is physically located. In the case of an R-3 district, with regard to lots which have an area or width less than the minimum set out in section 2.04.00, and which were lots of record on April 18, 1980 (Ord. 880), said lots may be occupied by a single-family dwelling and its accessory buildings; provided the lots conform to the following minimum yard requirements:

Front	Side	Rear
25 feet	5 feet	20 feet

This provision shall only apply to single vacant lots of record and not to adjoining lots of record under single ownership.
(Ord. No. 1781-01, § 1, 5-21-01)



Sec. 8.03.02. Termination of non-conforming uses of land.

All nonconforming uses of land shall be discontinued, and all nonconforming vacant structures shall be torn down, altered, or otherwise made to conform with the use provisions of this chapter within the following periods of time from July 23, 1990.

A. *Time periods.*

1. Vacant structures - One year (by July 24, 1991).
2. A nonconforming use only within an accessory building - Three years (by July 24, 1993).
3. A nonconforming use within an existing conforming structure – Six months from the discontinuance of the nonconforming use.

B. *Exceptions.* The strict application of the above provision is to be tempered in the case of historic, archaeological or architectural resources deemed by the city development director to be eligible for designation pursuant to the local historic preservation ordinance. Such resources shall include those identified in the housing element of the comprehensive plan.

8.04.00. NONCONFORMING LOTS CAUSED BY EMINENT DOMAIN PROCEEDINGS

Sec. 8.04.01. Procedure for obtaining a certificate of conformity.

The condemnor or condemnee in an eminent domain proceeding may apply to the city development director for a certificate of conformity relative to a remainder parcel which has or will be created as a result of the eminent domain proceedings. The application shall include the following:

- A. An application fee as established by resolution of the city commission from time to time.
- B. The name and address of the owner of the remainder parcel.
- C. The name and address of the condemnor including the name and address of the condemnor's representative.
- D. Evidence of the institution of eminent domain proceedings.
- E. A diagram of the property subject to the eminent domain proceeding at a scale of not less than one inch = 30 feet, showing the location of all structures and improvements on the property and the extent of the condemnor's acquisition.
- F. The legal description of the remainder parcel which has or will become a nonconforming lot.
- G. A proposed site plan for the redevelopment of the remainder parcel.



Sec. 8.04.02. Standards.

The city manager shall cause a certificate of conformity to be issued, if the following standards are met:

- A. The application filed is complete, all fees have been paid, and all facts contained in the application have been independently verified or confirmed.
- B. Severance or business damages relative to the remainder parcel will be reduced by the issuance of the certificate of conformity.
- C. A development plan for the remainder parcel has been prepared, and approved by the city development director which minimizes the nonconformities caused by the eminent domain proceedings, and which is otherwise consistent with all requirements of the land development regulations of the city.
- D. The remainder parcel can reasonably and economically function if developed in accordance with the development plan described herein.
- E. In the event that the city manager determines that the remainder parcel cannot reasonably and economically function if developed, the applicant may appeal the decision as provided for appeals from administrative departments in section 8.07.00.

Sec. 8.04.03. Duration.

A certificate of conformity issued pursuant to this section shall automatically expire sixty (60) months from the date of issuance unless development of the remainder parcel in accordance with the approved development plan has commenced within said 60 month period.

8.05.00. VARIANCES

Sec. 8.05.01. Generally.

- A. *Granted by board of adjustment.* The board of adjustment may grant a variance from the strict application of the following dimensional requirements of the city land development regulations and the city Code of Ordinances: subsection 2.04.00 regarding lot area requirements and minimum yard setbacks; section 6.09.00 regarding setbacks, building separation and heights for accessory structures; section 6.03.02 regarding finished floor elevation; section 6.09.05, regarding fences, walls, hedges and enclosures; and section 6.09.04 regarding setback requirements for location of swimming pools.
(Ord. No. 1831-02, § 1, 3-18-02; Ord. No. 1860-02 § 2, 5-20-02; Ord. No. 1841-02, § 6, 6-10-02)
- B. *Variations to be considered as part of the plan document review.* Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for plan document review. A development activity pursuant to the provisions set forth in subsection A. above that might otherwise



be approved by the director must be approved by the board of adjustment if a variance is sought. The variance shall be granted or denied in conjunction with the application for plan document review. In granting a variance, the board of adjustment may prescribe appropriate conditions and safeguards.

- C. *Administrative variances by development director.* The city development director may grant minor variances from this code pursuant to section 8.04.08.

Sec. 8.05.02. Limitations on granting variances.

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



Sec. 8.05.03. Notice of variance hearings.

A. *Manner of notice.* A variance hearing scheduled before the board of adjustment shall be preceded by notice mailed by regular U.S. Mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject property. The identity of the owners of such properties and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida maintained for purposes of ad valorem taxation. Notice shall also be posted on the subject property.

B. *Time of notice.* Notice shall be placed in the regular U.S. Mail and posted on the subject property by the applicant not less than 15 days prior to the date of the public hearing to be held by the board of adjustment at which the matter will be considered.

C. *Content of mailed notice.* The content of a mailed notice shall include the following information:

1. The substance of the variance application generally describing the nature of the proposed use;
2. The time, date and place of the meeting of the board of adjustment at which the matter will be considered;
3. The right of the public to be heard by the board of adjustment regarding the proposed variance;
4. The times and places for public inspection of the application for the variance; and
5. A map depicting the real property for which the variance is sought; and

D. *Content of posted notice.* Posted notice shall be in substantially the following form:

NOTICE
VARIANCE HEARING
ON _____, 20_____
AT _:_ P.M.
STUART CITY HALL
121 S.W. FLAGLER AVE.
QUESTIONS?
CALL CITY DEVELOPMENT DEPARTMENT
(772) 288-5326



E. *Affidavit of mailing and posting.* An affidavit of the applicant shall be filed with the city development department or submitted to the board at the hearing that the required notice has been provided.

Secs. 8.05.04 – 8.05.07 Reserved.

Sec. 8.05.08. Administrative variance

A. *Authority.* The city development director is hereby granted the power and authority to vary the Land Development Code of the city, only as provided herein. Generally, this procedure is to provide for an efficient and effective review and approval process for certain minor aspects of development in the city. Pursuant to the following, the city development director may review and approve, approve with conditions, or deny:

1. *Yard setbacks.* Any yard setback variance request which does not exceed 110 percent of the code requirement. (For example: where a rear yard setback is 15 feet, and the variance request doesn't exceed 1.5 feet of relief, or conversely stated, a reduction to a 13.5-foot setback.)
2. *Fences, walls and hedges.* Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.
3. *Green development.*
 - a. In the context of this section a building or development that meets the criteria set out in section 6.06.00 "Green development" of this Code qualifies for any or all of the following additional administrative variances:
 - (1) *Yard setback area.* A variance to position the principal building within a yard setback area to an extent no greater than ten percent of the square footage of the principal building footprint to a maximum of 500 square feet.
 - (2) *Stormwater.* Subject to the design approval of the city engineer, up to 100 percent of stormwater runoff may be stored in underground storage structures for irrigation, cooling, or other appropriate reuse.
 - (3) *Driveway width.* Subject to the design approval of the fire chief, the minimum width for a two-way residential driveway may be reduced to 18 feet provided any parking is restricted to one side of the driveway only.
 - (4) *Architectural design.* Subject to the design approval of the city development director, a variance may be granted to depart from the strict architectural and building materials, design and location standards as contained in section 3.01.04, section 3.03.00 and section 6.05.00 in order to utilize architectural and design features that are consistent with green building principles and are required in order to facilitate compliance with green development criteria.
4. *Other minor land development code variances.*



- a. Any other minor land development code variance which is minor in nature affecting the type, location, size, or area including but not limited to, drainage structures, easements, slab or foundation footers, marine construction, flood elevation, curbing and curb-cuts, road medians, solid waste or recycle containers, principal or accessory structures or lots, signage, landscape, lighting, parking, driveways, or utilities.
 - b. A minor land development code variance is one in which the requested change:
 - (1) Does not increase or enlarge the density, intensity of use, or
 - (2) Does not increase or enlarge the building footprint by more than five percent; or
 - (3) Does not violate the scope and intent of a previous approval for the property by the city commission.
5. *Time extensions.* A one-time extension of 180 days or less to an originally approved timetable of development may be granted upon good cause shown.
- B. *Further approval authority.* When authority to do so is conferred by the city commission as a condition of zoning approval, plat approval, or development plan approval, the city development director may approve, approve with conditions or deny any plan document modification.
- C. *City commission intent.* By adopting this section, the city commission intends that the city development director shall use the provisions of subsection 8.04.02.B. of this Code as a guide. Because the nature of the variances permitted herein is minor, strict adherence to the hardship requirements for a code variance granted by the board of adjustment shall not pertain, and the city development director shall be free to use reasonableness, as well as an awareness of community needs and aesthetics, in addition to the criteria expressed in subsection 8.04.02.B., as a basis for all decisions.
- D. *Nonexclusivity.* It is intended that this section shall be non-exclusive in nature.
1. The city development director may defer any application for administrative variance which would otherwise qualify for consideration by the board of adjustment, or city commission, as applicable, if such deferral is based upon a reasonable determination that the variance sought does not meet the criteria for an administrative variance. Any application so deferred shall be processed as a new application, and shall meet all land development code requirements for such application, including applicable fees, public notice, and all other submittal requirements.
- E. *Appeal of an administrative variance.* An applicant may appeal a denial of an administrative variance , as provided in this chapter.



8.06.00. ENFORCEMENT OF CODE PROVISIONS

Sec. 8.06.01. Generally.

Except as provided in the Land Development Code, enforcement of the provisions of the Land Development Code shall be as described in chapters 1 and 2 of the City Code of Ordinances.

Sec. 8.06.02. Other penalties and remedies.

- A. *Penalties for violation of the Florida building code.* Any person or entity, including any licensed or unlicensed contractor, who knowingly and willfully performs, or causes to be performed, any construction or development activity, without a permit as required by the city building code shall be subject to the following penalties:
1. A fine of \$500.00 for any first violation of the Florida building code.
 2. A fine of \$1,000.00 for any second violation of the Florida building code.
 3. Upon the commission of three or more violations of the Florida building code by the same person or entity, the building official may deny the issuance of any further building permits, and forward the matter to the appropriate county and state agencies for disciplinary action.

Notwithstanding the above, all other remedies available to the city shall be preserved, including referral to the code enforcement magistrate, and the filing of appropriate legal actions in the county and circuit courts of the state.

8.07.00. APPEALS AND HEARINGS

Sec. 8.07.01. Appeals from decisions of administrative departments.

A property owner, developer or adversely affected person may appeal a final decision of any administrative department, including the city manager, by requesting a hearing on the matter. The hearing shall be before the city commission by filing a "notice of appeal and request for hearing" with the city clerk within 30 days of the written rendering of the administrative decision.

Sec. 8.07.02. Contents of notice of appeal and request for hearing.

The notice of appeal shall contain:

1. A statement of the decision to be reviewed, and the date of the decision.
2. A statement of the interest of the person seeking review.
3. The specific error alleged as the grounds of the appeal.



4. The facts of the case to be proven.
5. The conclusion of law sought to be upheld.

Sec. 8.07.03. General rules and procedures for hearings.

1. All appeals shall be in writing on forms prescribed by the city and accompanied by fees prescribed by the city commission.
2. The appealing party assumes the responsibility of all required notification procedures. A public hearing shall be set by the City Commission within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date
3. The city commission shall hear the matter, and shall have ten (10) days from the date of the hearing to render a decision.
4. The city commission may affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review.
5. The written order of the commission shall be submitted to the appellant and to the city development director and/or other administrative department involved in the appeal.
6. All decisions rendered by the city commission shall be final and binding on all parties.

Sec. 8.07.04. Administrative review by the board of adjustment.

A. Administrative review.

1. The board of adjustment shall have the power to hear and decide appeals of alleged error in a decision of the city development director made in the enforcement of the provisions set forth in subsection 8.04.01 A.
 - (a) *Hearings; appeals; notice.* Appeals to the board of adjustment may be taken by a person aggrieved or by an officer or bureau of the city affected by a written decision of the development director in the interpretation of the city regulations governing the categories in subsection 8.04.01 A.

Any such appeals shall be filed not more than 30 days from the date of mailing or hand delivery of the written decision of the development director by filing a written notice of appeal with the development director and the secretary to the board of adjustment. Every written notice of appeal shall refer specifically to the provision of the city's regulation and the interpretation claimed by the appellant which contradicts that of the development director. Upon receipt of the notice of appeal, the development director shall forthwith transmit to the secretary of the board of adjustment any and all papers constituting the record upon which the appeal is taken. A public hearing shall be set within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date.

- (b) *Stay of proceedings on appeal to board of adjustment.* An appeal stays on all proceedings and acts by all parties in furtherance of the action appealed from,



unless the building official certifies to the board of adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on due notice to the development director from whom the appeal is taken and on due cause show.

- (c) *Constitutionality, vested right, or estoppel appeals.* Notwithstanding the appellate powers conferred upon the board of adjustment in this section, appeals from a decision of the development director based in whole or in part upon the constitutionality of a city regulation, a claim of vested rights, or estoppel may only be prosecuted pursuant to the provisions of chapter XI, section 11.01.08 of this Code.

Sec. 8.07.05. Appeals from decisions of the board of adjustment.

Appeal by certiorari to the circuit court. Any person who appeared before the board of adjustment who is aggrieved by any decision of the board, may present to a circuit court a petition for issuance of a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. A petition for a writ of certiorari shall be filed in the manner and within the time provided by the Florida Appellate Rules. The filing of a petition for rehearing, as provided below, shall toll the time for the filing of a petition for writ of certiorari herein.

Sec. 8.07.06. Appeals from decisions of the city commission.

An appeal of a final determination of the City Commission shall be pursuant to the provisions of Section 11.03.14.

Sec. 8.07.07. Reasonable Accommodation

A. Purpose.

It is the policy of the City of Stuart, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

B. Applicability.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, an opportunity to seek an exception in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities to accommodate a disability recognized by the Fair Housing Act or ADA.



A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

C. Requesting Reasonable Accommodation.

1. Any eligible person as defined in Sec. 2 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
2. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (a) Name and address of the individual(s) requesting reasonable accommodation;
 - (b) Name and address of the property owner(s);
 - (i) If the property is not owned by the applicant, a copy of the lease as well as written authorization from the owner to seek the accommodation.
 - (c) Address of the property for which accommodation is requested;
 - (d) Description of the requested accommodation with reference to the regulation(s), policy or procedure for which accommodation is sought; and
 - (e) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
3. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
4. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

D. Reviewing Authority.

1. Requests for reasonable accommodation shall be reviewed using the criteria set forth in Sec. 5.
2. A written response to the request for reasonable accommodation shall be provided within thirty (30) days of the date of receipt of the fully completed application and may either seek additional information, grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings. Note: Incomplete applications shall not be deemed submitted and will not be reviewed until complete.
3. If necessary to reach a determination on the request for reasonable accommodation, the City may request further information from the applicant specifying in detail the information that is required. In the event that a request for additional information is made, a new response to the request shall be made within a reasonable time after receiving the requested information.

E. Required Findings.



The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction or would otherwise grant an undue benefit to the applicant that is not enjoyed by other landowners and;
4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

F. Written Decision on the Request for Reasonable Accommodation.

1. The written decision on the request for reasonable accommodation shall address the criteria set forth in section 5 and provide a response to each item.
2. The written decision may be provided to the applicant via email to the email address provided on the application.
3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Appeals.

1. An appeal of the decision must be filed within 30 days of the written decision and the applicant must follow the procedure as set forth in Section 8.07.01; Appeals from decisions of administrative departments.
2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
3. All appeals shall contain a statement of the grounds for the appeal.



Chapter XI

PROCESSING OF PLAN APPLICATIONS

11.00.00 GENERALLY

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11.00.00. GENERALLY

Sec. 11.00.01. Purpose

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

- A. Major Development Plan Application
- B. Minor Development Plan Application
- C. Residential Development Plan Application
- D. Plat Application
- E. Large Scale Comprehensive Plan Amendment Application
- F. Small Scale Comprehensive Plan Amendment Application
- G. Land Development Code Text Amendment Application
- H. Zoning Map Change Application Including Planned Unit Development (PUD)
- I. Planned Unit Development (PUD) Amendment Application
- J. Major and Minor Conditional Use Approval Application
- K. Annexation Application

Sec. 11.00.02. Prerequisites to issuance of Development Permit.

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

Sec. 11.00.03. Exemptions

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

- A. Development activity necessary to implement a valid site plan/planned unit development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of one (1) duplex or one (1) single-family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site. The applicant may seek to change a use of an existing building or structure by applying for issuance of an occupational license so long as it does not adversely impact the following, including but not limited to: parking and the level of service.



- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

Sec. 11.00.04. Withdrawal

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

Sec. 11.00.05. Post Approval Changes

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

Sec. 11.00.06. Expiration of Approvals

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



11.01.00. PROCESSING OF PLAN APPLICATIONS

Sec. 11.01.01. MAJOR DEVELOPMENT PLAN APPLICATION

A. General

A major development plan is one which is:

1. A residential project which exceeds 35 total dwelling units.
2. A non-residential development over 50,000 square feet in area.
3. A mixed-use development over 50,000 square feet in area.
4. A public or private institutional development exceeding one acre in land area.
5. Pursuant to Section 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a major development plan may be applied for to consider the removal and replacement of a historic tree.

B. Pre-Application Conference Required

Prior to filing for major development review, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed major development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. Application Submittal Requirements

Application forms for major development plan review shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the City Development Director. A Concept Plan may be submitted as an option to a site plan; however, the applicant will be required to submit a Site Plan for approval by the City Commission prior to submitting an application for a development permit.

D. Compliance Review Procedures

After receipt of the application, the department shall have five (5) working days to:

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



2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.
3. The City Development Department shall then commence final review of the major development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The Department shall have five (5) working days to complete this compliance review.
4. The Department shall determine if the major development plan application is either in compliance or not in compliance.
 - A. If in compliance, the Director shall set a time and place for a City Commission Public Hearing to consider whether the application complies with the requirements of the Code.
 - B. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within thirty (30) working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.

E. Report to the City Commission

The Development Director will prepare a Staff Report and recommendation for consideration by the City Commission concerning whether the application complies with the requirements of the Code.

F. City Commission Public Hearing Notice

Notice of the Public Hearing shall be provided by mailing and by posting the subject property. Requirements for notice of Public Hearings can be found in Section 11.02.00 of this Code.

G. City Commission Public Hearing

1. At the Public Hearing the City Commission shall hear from all interested parties regarding whether the major development plan application complies with the requirements of this Code. The City Commission shall consider the application, the written comments of each responding Department and agency, the compliance recommendation of the Development Department, and the comments presented to the City Commission during the course of the Public Hearing.



2. During the Public Hearing the City Commission may decide that additional information is necessary to complete its review and may continue the Public Hearing for this purpose. A continuance shall be to a time certain, shall not exceed sixty (60) working days and shall be announced at the Public Hearing. Not more than one (1) continuance shall be granted for this purpose.
3. At the conclusion of the Public Hearing or within thirty (30) working days thereafter, the City Commission shall determine whether the application is in compliance with the requirements of this Code. The City Commission shall adopt a resolution setting forth its determination.
4. The determination of the City Commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised major development plan with supporting documentation to the Department within forty-five (45) working days which complies with said conditions and modifications. The Development Director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this code shall be stated in the resolution.

H. Recordation

Upon approval of a resolution for a major development plan, the resolution together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida at the expense of the applicant.



Sec. 11.01.02. MINOR DEVELOPMENT PLAN APPLICATION

A. General

A minor development plan is one which is:

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

B. Pre-Application Conference Required

Prior to filing for minor development plan review, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed minor development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. (NOTE: The Development Director may have the option to waive the pre-application conference for minor development plan application).

C. Application Submittal Requirements

Application forms for minor development plan review shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the City Development Director.

D. Compliance Review Procedures

1. The Development Department shall have five (5) working days to determine whether the application is complete or not upon submittal of the application. If the application is incomplete, the application will not be accepted and the applicant will be informed of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) working days to proceed with the review.
2. If the application is determined to be complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies



- including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within ten (10) working days after receipt.
3. The City Development Department shall then commence final review of the minor development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The Department shall have five (5) working days to complete this compliance review.
 4. The Department shall determine if the minor development plan application is either in compliance or not in compliance.
 - a. If in compliance, the plan shall be deemed approved.
 - b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance the applicant may submit amended applications to comply with the requirements. In this event the compliance review recommendation(s) of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.

E. Recordation

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



Sec. 11.01.03. RESIDENTIAL DEVELOPMENT PLAN APPLICATION

A. General

A residential development plan is one which is:

1. A single-family, duplex or residential tenant finish project of not more than two units. No development of more than two units shall be disaggregated at any time in order to qualify portions of it for “residential development” designation. Subdivisions are specifically excluded from being designated “residential development”

B. Pre-Application Conference Required

Prior to filing for residential development review, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed residential development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. (NOTE: The Development Director may have the option to waive the pre-application conference for residential development plan application).

C. Application Submittal Requirements

Application forms for residential development plan review shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the City Development Director.

D. Compliance Review Procedures

1. The Development Department shall have five (5) working days to determine whether the application is complete or not upon submittal of the application. If the application is incomplete, the application will not be accepted and the applicant will be informed of the deficiencies.
2. If the application is determined to be complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within ten (10) working days after receipt.



3. The City Development Department shall then commence final review of the minor development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The Department shall have five (5) working days to complete this compliance review.
4. The Department shall determine if the minor development plan application is either in compliance or not in compliance.
 - a. If in compliance, the plan shall be deemed approved.
 - b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance, the applicant may submit amended applications to comply with the requirements. In this event the compliance review recommendation(s) of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.

E. Recordation

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



Sec. 11.01.04. PLAT APPLICATION

A. Generally

Where a plan document includes the subdivision of land, any future issuance of a development permit shall be made contingent upon approval by the City Commission of a plat conforming to the approved application.

B. Pre-Application Conference Required

Prior to filing for plat review, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed plat application, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. Application Submittal Requirements

Application forms for plat review shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a plat conforming to the requirements of F.S. Chapter 177, and by any other information required by the City Development Director.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:

1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) working days to proceed with the review.
2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.



3. The City Development Department shall then commence final review of the plat application. Comments from reviewing Departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The Department shall have five (5) working days to complete this compliance review.
4. The Department shall determine if the plat application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - a. If in compliance, the Director shall set a time and place for a City Commission Public Hearing to consider whether the application complies with the requirements of the Code, Chapter 177 F.S., and the approved plan document upon which the plat is based. The Staff Report shall include a recommendation from the Public Works Department.
 - b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within thirty (30) working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the Department shall be amended accordingly.

E. Report to the City Commission

The Development Director will prepare a Staff Report and recommendation for consideration by the City Commission concerning whether the application complies with the requirements of the Code and F. S. Chapter 177.

F. City Commission Public Hearing

1. At the Public Hearing the City Commission shall hear from all interested parties regarding whether the plat application complies with the requirements of this Code, Chapter 177 F.S., and the approved plan document upon which the plat is based. The City Commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the Development Department, and the comments presented to the City Commission during the course of the Public Hearing.
2. During the Public Hearing the City Commission may decide that additional information is necessary to complete its review and may continue the Public Hearing for this purpose. A continuance shall be to a time certain, shall not exceed sixty (60) days and shall be announced at the Public Hearing. Not more than one (1) continuance shall be granted for this purpose.
3. At the conclusion of the Public Hearing or within thirty (30) days thereafter, the City Commission shall determine whether the application is in compliance with the requirements of this Code, Chapter 177 F.S., and the approved residential, minor development or, major development plan. The City Commission shall adopt a resolution setting forth its determination.



4. The determination of the City Commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the application shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the Department within forty-five (45) working days which complies with said conditions and modifications. The Development Director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code Chapter 177 F.S., and the approved residential, minor development or, major development plan.

G. Recordation

Subdivision plats approved by the City Commission shall be submitted to the City Clerk along with the filing fee within forty-five (45) working days for recordation in the Public Records of Martin County, Florida. If the applicant fails to comply, the plat approval is rendered invalid.



Sec. 11.01.05. "LARGE SCALE" COMPREHENSIVE PLAN AMENDMENT APPLICATION

A. Generally

1. As used in this section, the phrase "Large Scale Comprehensive Plan Amendment" means a proposed amendment to the City Comprehensive Plan that:
 - a. Is not a "Small Scale Comprehensive Plan Amendment" as defined by Chapter 163.3187, Florida Statute or:
 - b. Changes the text of the Comprehensive Plan including the list of land uses within any land use classification or the goals, policies, and objectives of the plan.
 - c. As provided in F.S. Chapter 163, Comprehensive Plan amendments may be considered at any time by the City without any limit on frequency.
2. A Large Scale Comprehensive Plan application shall not be filed if the City Commission has denied the same application within the previous two (2) years.

B. Pre-Application Conference Required

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

C. Application Submittal Requirements

Application forms for a Large Scale Comprehensive Plan Amendment shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, or by the applicant and shall be notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, justifications for the proposed change and by any other information required by the City Development Director.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:



1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) working days to proceed with the review.
2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants. Each Departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.
3. The City Development Department shall then commence final review of the plan amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application is, on balance, consistent with other relevant components of the Comprehensive Plan. The Department shall have five (5) working days to complete this compliance review.
4. The Department shall determine if the application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - a. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.
 - b. If in compliance, the Director shall set a time and place for a Public Hearing before the Local Planning Agency to consider the application.

E. Report to the Local Planning Agency

The Development Director will prepare a staff report and recommendation for consideration by the Local Planning Agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.

F. Local Planning Agency Public Hearing Notice

1. Change to the Future Land Use designation
 - a. *Mailing.*
 - i. Notice of a proposed Comprehensive Plan amendment shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by



reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.

ii. Notice shall be mailed not less than 15 days prior to the Local Planning Agency meeting which is the subject matter of the notice. If the proposed amendment was initiated by the City and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the Local Planning Agency meeting date.

iii. The mailed notice shall advise of:

- a) The substance of the proposed amendment generally describing the land use classification being proposed including the title of the amending ordinance;
- b) The time, date and place of the meeting of the Local Planning Agency at which the proposed amendment will be considered;
- c) The right of the public to be heard by the Local Planning Agency regarding the proposed amendment at the meeting;
- d) The times and places for public inspection of the proposed ordinance; and
- e) A map depicting the subject real property.

b. Posting.

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



- viii. Evidence of posting shall be done in accordance with Section 11.02.02.G.
- ix. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
FUTURE LAND USE AMENDMENT
FROM _____ TO _____
PROJECT NAME

STUART LPA _____, 20__ AT 5:30 P.M.
AND
CITY COMMISSION _____, 20__ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

c. Publication

- i. Notice of the meeting at which a proposed Comprehensive Plan Amendment will be considered by the Local Planning Agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the City.
2. Change to the text of the Comprehensive Plan
- a. Notice
 - i. Notice of the meeting at which a proposed Comprehensive Plan Amendment will be considered by the Local Planning Agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the City.

G. Local Planning Agency Public Hearing

- 1. At the Public Hearing the Local Planning Agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The Local Planning Agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the Development Department. If the application is for an amendment to the Future Land Use Map, the Local Planning Agency shall consider the following:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;



- c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the City's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the City's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
 - h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood;
 - i. The impact of the amendment upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed amendment upon property values in the adjacent area;
 - k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the City for the proposed use in land use classifications already permitting such use.
2. The Local Planning Agency shall review a proposed Comprehensive Plan Amendment and shall make an advisory recommendation to the City Commission as to the need and justification for the change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this code. The Local Planning Agency shall include in its recommendation to the City Commission any information which it deems is relevant to issues relating to the proposed amendment.

H. Report to the City Commission

The Development Director will prepare a staff report and recommendation for consideration by the City Commission concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this code and include the recommendation of the Local Planning Agency.

I. City Commission Transmittal Stage and Adoption Stage Public Hearing Notice

1. *Change to the future land use map:* Before the transmittal stage public hearing and the adoption stage public hearing, the City shall provide notice as follows:



- a. *Publication:* The City shall cause notice of each hearing to be published in a newspaper of general paid circulation in the City, at least seven days prior to the transmittal public hearing and at least five days prior to adoption public hearing.
- i. The advertisement shall be not less than two columns wide by ten inches long and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
 - ii. Published notice shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN AMENDMENT

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



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

NOTICE OF PUBLIC HEARING
FUTURE LAND USE AMENDMENT
FROM _____ TO _____
PROJECT NAME



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

AND

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

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

2. *Change to the text of the Comprehensive Plan:* Before the transmittal stage public hearing and the adoption stage public hearing, the City shall provide notice as follows:

- a. *Publication:*

- i. The advertisement shall be not less than two columns wide by ten inches long and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- ii. Published notice shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN AMENDMENT

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

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

J. City Commission Public Hearing

1. *Transmittal Stage Public Hearing.*

- a. The City Commission shall conduct a "transmittal stage" public hearing on a weekday to consider the proposed Comprehensive Plan amendment. The public hearing may be scheduled on an agenda of a regular City Commission meeting.



- b. The "transmittal stage" public hearing shall be held not less than seven days after an advertisement of the public hearing is published in a newspaper of paid circulation in the City.
- c. At the hearing, evidence will be presented to the City Commission that all publication, mailed and posted notices as required in this code have been provided.
- d. At the public hearing the City Commission may adopt the proposed ordinance on first reading.

2. *Transmittal of copy of proposed amendment.*

If adopted on first reading, the City Commission shall transmit within 10 days a copy of the proposed amendment to the State Land Planning Agency, the Treasure Coast Regional Planning Council, the South Florida Water Management District, the Department of Environmental Protection, Department of State, the Department of Education (amendments relating to public schools), the Department of Transportation, and Martin County. The City Commission shall also transmit a copy of the proposed amendment to any other unit of local government or government agency in the state that has filed a written request with the City Commission to receive copies of proposed Comprehensive Plan Amendments. The City Commission shall follow the statutory procedures relating to Comprehensive Plan amendments at F.S. § 163.3184, as the same may be amended from time to time by the Florida Legislature.

3. *Review of comments, recommendations and objections.*

The City Development Director shall review the comments, recommendations and objections submitted to the City by the review agencies and shall provide copies thereof, or a summary of its content, to the City Commission.

4. *Adoption stage Public Hearing by the City Commission.*

- a. The City Commission shall conduct an "adoption stage" public hearing on a weekday within 180 days of its receipt of the Objection, Recommendation and Comment report (ORC) to again consider the proposed Comprehensive Plan amendment. The public hearing may be scheduled on an agenda of a regular City Commission meeting.
- b. The "adoption stage" public hearing shall be held not less than five days after an advertisement of the public hearing is published in a newspaper of paid circulation in the City.
- c. At the hearing evidence will be presented to the City Commission that all publication, mailed and posted notices as required in this code have been provided.
- d. The decision to adopt the proposed amendment with or without changes or to not adopt the proposed amendment shall be made by the City Commission during the course of the "adoption stage" public hearing.



- e. At the "adoption stage" public hearing the City Commission may adopt the proposed ordinance on second and final reading.

K. Recordation

Upon approval of an ordinance for a Large Scale Comprehensive Plan amendment, the ordinance together with any conditions, maps, and illustrations shall be recorded in the public records of Martin County, Florida at the expense of the applicant.



Sec. 11.01.06. "SMALL SCALE" COMPREHENSIVE PLAN AMENDMENT APPLICATION

A. Generally

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

B. Pre-Application Conference Required

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

C. Application Submittal Requirements

Application forms for a Small Scale Comprehensive Plan Amendment shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, or by the applicant and shall be notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, justifications for the proposed change and by any other information required by the City Development Director.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:

1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) working days to proceed with the review.
2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants. Each departmental reviewer shall then submit written



comments to the City Development Department within twenty (20) working days after receipt.

3. The City Development Department shall then commence final review of the plan amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application is, on balance, consistent with other relevant components of the Comprehensive Plan. The Department shall have five (5) working days to complete this compliance review.
4. The Department shall determine if the application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - a. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the Department shall be amended accordingly.
 - b. If in compliance, the Director shall set a time and place for a Public Hearing before the Local Planning Agency to consider the application.

E. Report to the Local Planning Agency

The Development Director will prepare a staff report and recommendation for consideration by the Local Planning Agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this code.

F. Local Planning Agency Public Hearing Notice

Notice of consideration of a proposed Small Scale Future Land Use Map Amendment by the Local Planning Agency shall be provided in accordance with the provisions of this section.

1. *Mailing.*
 - a. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.
 - b. Notice shall be mailed not less than 15 days prior to the Local Planning Agency meeting which is the subject matter of the notice. If the small scale Future Land Use Amendment was initiated by the City and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the Local Planning Agency meeting date.
 - c. The mailed notice shall advise of:



- i. The substance of the proposed Small Scale Future Land Use Map Amendment generally describing the land use classification being proposed including the title of the amending ordinance;
- ii. The time, date and place of the meeting of the Local Planning Agency at which the proposed Small Scale Future Land Use Map Amendment will be considered;
- iii. The right of the public to be heard by the Local Planning Agency regarding the proposed Small Scale Future Land Use Map Amendment at the meeting;
- iv. The times and places for public inspection of the proposed ordinance; and
- v. A map depicting the subject real property.

2. *Posting.*

- a. Notice shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.
- b. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the Development Department in advance of installation.
- c. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
- d. The sign shall have a uniform "City blue" background.
- e. The sign shall have white lettering of a font size that is legible.
- f. The sign shall be double-sided and waterproof.
- g. The duration of sign posting shall be done in accordance with Section 11.02.02.F.
- h. Evidence of posting shall be done in accordance with Section 11.02.02.G.
- i. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
FUTURE LAND USE AMENDMENT
FROM _____ TO _____
PROJECT NAME

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



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

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

3. *Publication.*

- a. Notice of the meeting at which a proposed Comprehensive Plan Amendment will be considered by the Local Planning Agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the City.

G. Local Planning Agency Public Hearing

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



- k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the City for the proposed land use classifications already permitting such use.
2. The Local Planning Agency shall make an advisory recommendation to the City Commission as to the need and justification for the change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this code. The Local Planning Agency shall include in its recommendation to the City Commission any information which it deems is relevant to issues relating to the proposed amendment.

H. Report to the City Commission

The Development Director will prepare a staff report and recommendation for consideration by the Local Planning Agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this code.

I. City Commission Public Hearing Notice

Notice of consideration of a Small Scale Future Land Use Map Amendment by the City Commission shall be provided in accordance with the provisions of this section.

1. *Mailing.*
 - a. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.
 - b. Notice shall be mailed not less than 15 days prior to the hearing or Public Hearing which is the subject matter of the notice. If the Small Scale Future Land Use Map Amendment was initiated by the City and not owner(s) of the subject property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the Local Planning Agency meeting date.
 - c. The mailed notice shall advise of:
 - i. The substance of the proposed Small Scale Future Land Use Map Amendment generally describing the land use classification being proposed including the title of the amending ordinance;
 - ii. The time, date and place of the meeting of the City Commission at which the proposed Small Scale Future Land Use Map Amendment will be considered;



- iii. The right of the public to be heard by the City Commission regarding the proposed Small Scale Future Land Use Map Amendment at the meeting;
- iv. The times and places for public inspection of the proposed ordinance; and
- v. A map depicting the subject real property.

2. *Posting.*

- a. Notice shall be posted on the subject real property not less than 15 days prior to the hearing or Public Hearing which is the subject matter of the notice.
- b. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street, in a location approved by the Development Department in advance of installation.
- c. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
- d. The sign shall have a uniform "City blue" background.
- e. The sign shall have white lettering of a font size that is legible.
- f. The sign shall be double-sided and waterproof.
- g. The duration of sign posting shall be done in accordance with Section 11.02.02.F.
- h. Evidence of posting shall be done in accordance with Section 11.02.02.G.
- i. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
FUTURE LAND USE AMENDMENT
FROM _____ TO _____
PROJECT NAME

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

AND

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

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

3. *Publication.*



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

J. City Commission Public Hearing

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

K. Recordation

Upon approval of an ordinance for a Small Scale Future Land Use Map Amendment, the ordinance together with any conditions, maps, and illustrations shall be recorded in the public records of Martin County, Florida at the expense of the applicant.



Sec. 11.01.07. LAND DEVELOPMENT CODE TEXT AMENDMENT APPLICATION

A. General

A proposal to amend the text of this Code, including changes to the actual list of permitted, conditional or prohibited uses within a zoning category may be initiated by the City or by the owner of land affected by the proposed amendment.

B. Pre-Application Conference Required

Prior to filing a text amendment, the applicant shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed text amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. Application Submittal Requirements

Application forms for a text amendment shall be available from the City Development Department. A completed application shall be signed by the applicant. The completed application form shall be accompanied by appropriate review fees, statements justifying the proposed changes, and by any other information required by the City Development Director.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:

1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) working days to proceed with the review.
2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.
3. The City Development Department shall then commence final review of the text amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five (5) working days to complete this compliance review.



4. The department shall determine if the text amendment application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - a. If in compliance, the Director shall set a time and place for a Public Hearing before the Local Planning Agency to consider whether the application complies with the requirements of the Code.
 - b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within thirty (30) working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the Department shall be amended accordingly.

E. Report to the Local Planning Agency

The Development Director will prepare a staff report and recommendation for consideration by the Local Planning Agency concerning whether the application complies with the requirements of the Code

F. Local Planning Agency Public Hearing Notice

Notice of the Public Hearing shall be provided by publication. Requirements for notice of Public Hearings can be found in Section 11.02.00 of this Code.

G. Local Planning Agency Public Hearing

1. At the Public Hearing the Local Planning Agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The Local Planning Agency shall consider the application, the written comments of each responding Department, consultant, and agency as well as the compliance recommendation of the Development Department.
2. The Local Planning Agency shall make an advisory recommendation to the City Commission as to the need and justification for the change considering the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.

H. Report to the City Commission

The Development Director shall prepare a written report for submittal to the City Commission, which includes the recommendation of the Local Planning Agency, and set a time and place for a Public Hearing before the City Commission.

I. City Commission Public Hearing Notice

Notice of the Public Hearing shall be provided by publication. Requirements for notice of Public Hearings can be found in Section 11.02.00 of this Code.



1. The date of first publication shall be not less than ten (10) days prior to the second Public Hearing which is the subject matter of the notice.

J. City Commission Public Hearing

1. Two (2) hearings shall be conducted by the City Commission to consider a proposed text amendment. Such hearings shall be scheduled on the agenda of a regular City Commission meeting but shall be held after 5:00 p.m.
2. At the Public Hearing the City Commission shall hear from all interested parties regarding whether text amendment application complies with the requirements of this Code and the Comprehensive Plan. The City Commission shall consider the application, the written comments of each responding Department, consultant, and agency, the compliance recommendation of the Development Department, the recommendation of the Local Planning Agency.
3. The determination of the City Commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the application shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the Department within forty-five (45) working days which complies with said conditions and modifications. The Development Director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
4. In the event of a determination of in compliance, the adopting ordinance shall be read by title or in full on two (2) separate days and shall become effective as provided in the ordinance.

K. Recordation

Upon approval of an ordinance to be amended the Land Development Code, the ordinance, maps and illustrations shall be recorded in the public records of Martin County, Florida at the expense of the applicant.



Sec. 11.01.08. ZONING MAP CHANGE APPLICATION INCLUDING PLANNED UNIT DEVELOPMENT (PUD)

A. General

The term "rezoning" refers to a change in the zoning district designation for a parcel or parcels as reflected by the City zoning map. Designated zoning districts within the City are:

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

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

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



B. Pre-Application Conference Required

Prior to filing for a rezoning, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed rezoning, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. Application Submittal Requirements

Application forms for a rezoning shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. Only for a rezoning to a Planned Unit Development (PUD), a concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the City Commission prior to submitting an application for a development permit.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:

1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) working days to proceed with the review.
2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.
3. The City Development Department shall then commence final review of the rezoning application. Comments from reviewing Departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The Department shall have five (5) working days to complete this compliance review.
4. The department shall determine if the rezoning application is either in compliance or not in compliance with this Code and the Comprehensive Plan.



- a. The Development Director will prepare a Staff Report and recommendation for consideration by the Local Planning Agency concerning whether the application complies with the requirements of the Code
- b. If not in compliance, the Director shall specify the reasons therefore, how the rezoning application may be brought into compliance, and convey this information to the applicant. Within thirty (30) working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.

E. Report to the Local Planning Agency

The Development Director will prepare a Staff Report and recommendation for consideration by the Local Planning Agency concerning whether the application complies with the requirements of the Code

F. Local Planning Agency Public Hearing Notice

Notice of the Public Hearing shall be provided by mailing and by posting the subject property. Requirements for notice of Public Hearings can be found in Section 11.02.00 of this Code.

G. Local Planning Agency Public Hearing

1. At the Public Hearing the Local Planning Agency shall hear from all interested parties regarding whether the rezoning application complies with the requirements this Code and the Comprehensive Plan. The Local Planning Agency shall consider the application, the written comments of each responding Department, consultant, and agency as well as the compliance recommendation of the Development Department.
2. In formulating its recommendation to the City Commission, the Local Planning Agency shall consider the following criteria:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the City's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the City's drainage system;



- f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;
 - h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
 - i. The impact of the rezoning upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed rezoning upon property values in the adjacent area;
 - k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the City for the proposed use in districts already permitting such use.
3. In recommending approval of a rezone application to a PUD zone district, the Local Planning Agency may recommend and the City Commission may approve a variation of the strict application of the land development requirements of this Code and may in lieu thereof impose suitable conditions to otherwise attain the objectives of those requirements.

H. Report to the City Commission

The Development Director shall prepare a written report for submittal to the City Commission, which includes the recommendation of the Local Planning Agency and set a time and place for a Public Hearing before the City Commission.

I. City Commission Public Hearing Notice

Notice of the Public Hearing shall be provided by mailing and by posting the subject property. Requirements for notice of Public Hearings can be found in Section 11.02.00 of this Code.

J. City Commission Public Hearing

1. Two (2) hearings shall be conducted by the City Commission to consider a proposed rezoning. Such hearings may be scheduled on the agenda of a regular City Commission meeting but shall be held after 5:00 p.m. and shall be not less than ten (10) calendar days apart.
2. The rezoning ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The rezoning ordinance may be adopted at the conclusion of the quasi-judicial hearing.



3. At the Public Hearing the City Commission shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the Comprehensive Plan. The City Commission shall consider the application, the written comments of each responding Department, consultant, and agency, the compliance recommendation of the Development Department, the recommendation of the Local Planning Agency.
4. During the Public Hearing the City Commission may decide that additional information is necessary to complete its review and may continue the Public Hearing for this purpose. A continuance shall be to a time certain, shall not exceed sixty (60) working days and shall be announced at the Public Hearing. Not more than one (1) continuance shall be granted for this purpose.
5. At the conclusion of the Public Hearing or within thirty (30) working days thereafter, the City Commission shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The City Commission shall adopt an ordinance setting forth its determination.
6. The determination of the City Commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the rezoning shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised rezoning application with supporting documentation to the Department within forty-five (45) working days which complies with said conditions and modifications. The Development Director shall review the plan for a finding of in compliance; or
 - e. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.

K. Recordation

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



Sec. 11.01.09. PLANNED UNIT DEVELOPMENT AMENDMENT APPLICATION

A. General

Any major amendment to a previously adopted Planned Unit Development zoning ordinance, including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application (See 11.01.02).

Any minor amendment to a previously adopted Planned Unit Development Zoning Ordinance including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application with the exception that review by the Local Planning Agency is not required. However, any modifications to the PUD Final Site Plan, due to final engineering, that is less than 5% of the approved plan documents shall be processed administratively by the Development Department.

B. Major Amendment - Definition

1. A major amendment shall include:
 - a. A change of two (2) percent or more in the area of any land use designations shown on the site plan;
 - b. Any change in the list of proposed uses;
 - c. An increase in residential density of five (5) percent or more;
 - d. An increase in nonresidential building square footage of ten (10) percent or more;
 - e. A change in the boundary of the PUD district;
 - f. A change in the site plan or approval regarding any area(s) set aside and designated for future development;
 - g. Any other change determined by the City Development Director to have a potentially significant impact on City services or the surrounding neighborhood;
 - h. Any modifications to the PUD Final Site Plan, due to final engineering, that exceeds 5% of the approved plan documents for items including, but not limited to, those affecting building footprint, building setbacks; density; building location; parking size, location and number; signage; drainage areas; and location of landscaping shall require further approval by the LPA and City Commission via a public hearing process. A written record of the modification shall be entered upon the original approval and maintained in the files of the City Clerk.

C. Minor Amendment - Definition

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



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

- a. A change of two percent or less in the area of any land use designations shown on the final development plan;
- b. An increase in residential density of less than five percent;
- c. An increase in nonresidential building square footage of less than ten percent;
- d. An amendment to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the city commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A one-time timetable extension of 180 days may be granted by administrative variance in accordance with Section 8.05.08 and does not require a new traffic concurrency review in accordance with section 4.02.03 of this Code.

Recordation

Upon approval of an ordinance amending a planned unit development, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida at the expense of the applicant.



Sec. 11.01.10. MAJOR AND MINOR CONDITIONAL USE APPROVAL APPLICATION

A. Generally

A Major Conditional Use Approval is a specific authorization granted by the City Commission to permit certain uses of property, which are unique due to the nature of the use, size, location, or various characteristics particular to the zoning district. The issuance of a Major Conditional Use Approval is required for the use or occupancy of a structure specifically designated as a Conditional Use in the "Zone District" Chapter of this Code and is subject to the limitations and conditions specified therein. A Major Conditional Use Approval application may not be filed if the city commission has denied an application for a Conditional Use for the subject property within the previous two years. A Minor Condition Use Approval is required for a minor urban code conditional use. Issuance of a Minor Conditional Use Approval is granted by the City Community Redevelopment Board.

B. Pre-Application Conference Required

Prior to filing for a Major or Minor Conditional Use Approval, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed Conditional Use, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. Application Submittal Requirements

Application forms for a Major or Minor Conditional Use Approval shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. A concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the City Commission prior to submitting an application for a development permit.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:

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



2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.
3. The City Development Department shall then commence final review of the Major or Minor Conditional Use Approval application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The Department shall have five (5) working days to complete this compliance review.
4. The Department shall determine if the Major or Minor Conditional Use Approval application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - a. If in compliance, the Director shall set a time and place for a City Commission Public Hearing for Major Conditional Use Approvals, or the City Community Redevelopment Board for Minor Conditional Use Approvals to consider whether the application complies with the requirements of the Code.
 - b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within thirty (30) working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the Department shall be amended accordingly.

E. Report to the City Commission or Community Redevelopment Board

The Development Director will prepare a Staff Report and recommendation for consideration by the City Commission for Major Conditional Use Approvals or Community Redevelopment Board for Minor Conditional Use Approvals concerning whether the application complies with the requirements of the Code

F. City Commission or Community Redevelopment Board Public Hearing Notice

Notice of the Public Hearing shall be provided by mailing and by posting the subject property. Requirements for notice of Public Hearings can be found in Section 11.02.00 of this Code.

G. City Commission or Community Redevelopment Board Public Hearing



1. A hearing conducted to consider a proposed Major Conditional Use Approval shall be scheduled on the agenda of a regular City Commission meeting or City Community Redevelopment Board for Minor Conditional Use Approval, but shall be held after 4:00PM.
2. The hearing shall be quasi-judicial and the applicant shall have the burden of proof. The hearing shall be conducted in accordance with the procedures for quasi-judicial hearings set forth in this Code.
3. At the Public Hearing the City Commission or Community Redevelopment Board shall hear from all interested parties regarding whether the Major or Minor Conditional Use Approval application complies with the requirements of this Code and the Comprehensive Plan. The City Commission or Community Redevelopment Board shall consider the application, the written comments of each responding Department, consultant, and agency, and the compliance recommendation of the Development Department.
4. During the Public Hearing the City Commission or Community Redevelopment Board may decide that additional information is necessary to complete its review and may continue the Public Hearing for this purpose. A continuance shall be to a time certain, shall not exceed sixty (60) working days and shall be announced at the Public Hearing. Not more than one (1) continuance shall be granted for this purpose.
5. At the conclusion of the Public Hearing or within thirty (30) working days thereafter, the City Commission or Community Redevelopment Board shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The factors that the City Commission or Community Redevelopment Board shall consider when making its determination are as follows:
 - a. The proposed use is not contrary to the established land uses in the immediate area;
 - b. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure;
 - c. The proposed use will not be contrary to the future land use designation and will not have an adverse effect on the goals, policies and objectives of the Comprehensive Plan;
 - d. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
 - e. The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.
 - f. The proposed use will not create drainage or a storm water quality problem.



- a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the Department within forty-five (45) working days which complies with said conditions and modifications. The Development Director shall review the plan for a finding of in compliance; or
 - e. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
8. A Major Conditional Use Approval shall be granted by the City Commission, with or without conditions, by resolution. The resolution shall state the findings of facts and the conclusions of law which indicate that the applicant has satisfied the requirements of this Code for issuance of the Major Conditional Use Approval. A Major Conditional Use Approval may include reasonable conditions to protect surrounding properties and to insure the continuing compliance of the approved use with the provisions of this Code. A Minor Conditional Use Approval shall be granted by the City Community Redevelopment Board, with or without conditions. The Minor Conditional Use Approval shall contain the findings of facts and the conclusions of law which indicate that the applicant has satisfied the requirements of this Code for issuance of the Minor Conditional Use Approval.

H. Recordation

Upon approval of a resolution, or minor conditional use approval approving the Major or Minor Conditional Use Approval, the resolution, or minor conditional use approval, together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida at the expense of the applicant.



Sec. 11.01.11. ANNEXATION APPLICATION

A. General

Voluntary annexations shall occur in a manner consistent with Chapter 171, Florida Statutes.

B. Pre-Application Conference Required

Prior to filing for a voluntary annexation, the developer shall meet with the City Development Director and City Staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed voluntary annexation, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. Application Submittal Requirements

Application forms for a voluntary annexation shall be available from the City Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a concept plan, a survey, and by any other information required by the City Development Director including:

1. An estimate of the direct public costs to provide capital facilities for City utilities and other municipal services required by the development;
2. An estimate of the ad valorem taxation revenues to be generated by the subject property at the then current millage rate both prior to and after development; and
3. An estimate of the residential population increase of the City after development.

D. Compliance Review Procedures

After receipt of the application, the Development Department shall have five (5) working days to:

1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) days to proceed with the review.
2. Once complete, the City Development Department shall then route the application within two (2) working days to each reviewing Department including, but not limited



to: Public Works, Fire, Building and Public Safety. Notice may also be sent to the City's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the City Development Department within twenty (20) working days after receipt.

3. The City Development Department shall then commence final review of the annexation application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five (5) working days to complete this compliance review.
4. The department shall determine if the annexation application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - a. If in compliance, the Director shall set a time and place for a Public Hearing before the Local Planning Agency to consider whether the annexation application complies with the requirements of this Code and the Comprehensive Plan;
 - b. If not in compliance, the Director shall specify the reasons therefore, how the annexation application may be brought into compliance, and convey this information to the applicant. Within thirty (30) working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the Department shall be amended accordingly.

E. Report to the Local Planning Agency

The Development Director will prepare a Staff Report and recommendation for consideration by the Local Planning Agency concerning whether the application complies with the requirements of the Code

F. Local Planning Agency Public Hearing Notice

Notice of the Public Hearing shall be provided by publication and by posting. Requirements for Notice of Public Hearings can be found in Section 11.02.00 of this Code.

G. Local Planning Agency Public Hearing

At the Public Hearing the Local Planning Agency shall hear from all interested parties regarding whether the annexation application complies with the requirements this Code and the Comprehensive Plan. The Local Planning Agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the Development Department when making its recommendation to the City Commission

H. Report to the City Commission



The Development Director shall prepare a written report for submittal to the City Commission, which includes the recommendation of the Local Planning Agency and set a time and place for a Public Hearing before the City Commission.

I. City Commission Public Hearing Notice

Notice of the Public Hearing shall be provided by publication and by posting. Requirements for Notice of Public Hearings can be found in Section 11.02.00 of this Code.

J. City Commission Public Hearing

1. A Public Hearing shall be conducted by the City Commission to consider a proposed annexation. Such hearings may be scheduled on the agenda of a regular City Commission meeting, but shall be held after 5:00 p.m.
2. The annexation ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The annexation ordinance may be adopted at the conclusion of the quasi-judicial hearing.
3. At the Public Hearing the City Commission shall hear from all interested parties regarding whether annexation application complies with the requirements of this Code and the Comprehensive Plan. The City Commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the Development Department, and the recommendation of the Local Planning Agency.
4. During the Public Hearing the City Commission may decide that additional information is necessary to complete its review and may continue the Public Hearing for this purpose. A continuance shall be to a time certain, shall not exceed sixty (60) working days and shall be announced at the Public Hearing. Not more than one (1) continuance shall be granted for this purpose.
5. At the conclusion of the Public Hearing or within thirty (30) working days thereafter, the City Commission shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The City Commission shall adopt an ordinance setting forth its determination.
6. The determination of the City Commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the adopting ordinance shall be read by title or in full on two (2) separate days and shall become effective as provided in the ordinance. The adopting ordinance may include conditions, agreements, covenants, maps, and illustrations as may be appropriate;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the



department within forty-five (45) working days which complies with said conditions and modifications. The Development Director shall review the application for a finding of in compliance; or

- c. "Not in compliance" - In the event of a determination of not in compliance with the Code and the Comprehensive Plan, the application shall be rejected.

K. Recordation

Upon approval of an ordinance approving the annexation, the ordinance together with any conditions, agreements, covenants, maps, and illustrations shall be recorded in the Public Records of Martin County, Florida at the expense of the applicant.



11.02.00. PUBLIC NOTICE REQUIREMENTS

Sec. 11.02.01. Notice by Mail

- A. Where notice of a hearing or of a public hearing is required to be provided by mail, such notice shall be mailed by regular U.S. Mail. Notice shall be deemed complete upon mailing regardless of whether or not the notice was actually received by the addressee.
- B. Notice shall be mailed to property owners whose names and addresses appear on the latest ad valorem tax rolls maintained by the Martin County Property Appraiser. Notice shall be mailed to all real property owners whose property is located within 300 lineal feet of the boundary of the subject property. The applicant shall provide to the City the names and addresses of the owners of property entitled to mailed notice. It shall be the responsibility of the applicant or petitioner to mail the required notice and provide proof thereof to the City. For property in condominium ownership, both the property owners association and the owners of condominium dwelling units located within the prescribed distance shall be notified.
- C. The notice shall advise the addressee of the time, place and purpose of the hearing or public hearing and shall state the substance of the proposed action as it affects the addressee.
- D. At the commencement of the public hearing or the hearing which is the subject of the mailed notice, the applicant or petitioner shall present evidence that the notice was mailed in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the affidavit of someone with personal knowledge. The evidence shall include a copy of the mailed notice, the date of mailing, and the list of the addressees and their addresses.

Sec. 11.02.02. Notice by posting

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



subject matter of the hearing or Public Hearing may be addressed. Posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING
PROJECT TYPE
PROJECT NAME

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

AND

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

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

F. Failure to provide posted notice continuously from the time posted notice is to commence until the public hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this code and action taken by the City subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the City. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.

G. At the commencement of the public hearing or the hearing which is the subject of the posted notice, the applicant or petitioner shall present evidence that the notice was posted in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the affidavit of someone with personal knowledge. The evidence may include a photograph of the posted notice and the date the posted notice commenced.

H. Notice by publication.

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

NOTICE OF (TYPE OF) CHANGE

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

2. At the commencement of the public hearing or the hearing which is the subject of the published notice, the applicant or petitioner shall present evidence that the notice was published in accordance with the provisions of this Code. The affidavit of the



publisher is appropriate for this purpose. Alternatively, the evidence may take the form of live testimony or the affidavit of someone with personal knowledge. The evidence shall include a copy of the published notice and the date the notice was published.

Sec. 11.02.04. Costs.

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

Sec. 11.02.05. Public Notice Schedule

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

Application	Mailed Notices	Posting	Publications	Hearing
Major Development Plan Sec. 11.01.01	15 days prior to public hearing	15 days prior to public hearing	N/A	City Commission – Resolution
Minor Development Plan Sec. 11.01.02	N/A	N/A	N/A	N/A
Residential Development Plan Sec. 11.01.03	N/A	N/A	N/A	N/A
Plat Application Sec. 11.01.04	N/A	N/A	N/A	City Commission – Resolution
Large-Scale Comprehensive Plan Amendment (Sec. 11.01.05)	Refer to Section 11.01.05			
Small-Scale Comprehensive Plan Amendment (Sec. 11.01.06)	Refer to Section 11.01.06			
Land Development Code Text Amendment (Sec. 11.01.07)	N/A	N/A	5 days prior to LPA hearing; 10 days prior to SCC hearings	Local Planning Agency and City Commission - Ordinance
Zoning Map Change (Sec. 11.01.08)	15 days prior to public hearings	15 days prior to public hearings	10 days prior to 2 nd reading at City Commission	Local Planning Agency and City Commission - Ordinance



PUD Amendment – Major (Sec. 11.01.09)	15 days prior to public hearings	15 days prior to public hearings	10 days prior to 2 nd reading at City Commission	Local Planning Agency and City Commission - Ordinance
PUD Amendment – Minor (Sec. 11.01.09)	15 days prior to public hearings	15 days prior to public hearings	N/A	City Commission – Resolution
Conditional Use (Sec. 11.01.10)	15 days prior to public hearings	15 days prior to public hearings	N/A	City Commission – Resolution
Annexation (Sec. 11.01.11) Note: refer to F.S. Ch. 171 for involuntary annexations	N/A	15 days prior to public hearings	5 days prior to LPA hearing; 1* and 2 weeks prior to 2 nd reading at City Commission. *10 days prior to publishing, provide a copy of notice, via certified mail, to Martin County Board of County Commissioners	Local Planning Agency and City Commission - Ordinance



11.03.00. QUASI-JUDICIAL PROCEEDINGS

Sec. 11.03.01. Intent

The intent of this section is to provide an efficient and equitable procedure for the consideration by the City Commission, the Board of Adjustment and the Local Planning Agency of quasi-judicial matters in the course of quasi-judicial proceedings.

Sec. 11.03.02. Ex-parte Communications

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

The written ex-parte communication shall be a public record of the City and shall be made a part of the record of the pending quasi-judicial proceeding. An ex-parte communication, investigation, site visit or expert opinion shall be disclosed by the City official who is a party thereto at the commencement of the hearing and shall include the substance of the communication, investigation, site visit or expert opinion as well as the identity of the person, group, or entity with whom any communication took place. Persons with opinions contrary thereto shall be given a reasonable opportunity to refute or otherwise respond to the information acquired by the communication, investigation, site visit or expert opinion. (Ord. No. 1423-95, 9-25-95).

Sec. 11.03.03. Notice of Quasi-Judicial Hearings

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

Mailed notice and published notice shall also advise that any affected person may become a party to such proceeding entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the secretary of the appropriate board not less than five days prior to the hearing. (Ord. No. 1941-03, § 1, 6-9-03)

Sec. 11.03.04. Quasi-judicial Hearings – Generally

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

The City Attorney shall act as attorney to the board. Any motions or objections made by a party may be referred to the City Attorney for advisory ruling. The presiding officer shall act



on behalf of the board and shall respond to motions and other matters with the assistance of the City Attorney.

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

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

Sec. 11.03.05. Commencement of Quasi-Judicial Proceedings

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

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

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

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

Sec. 11.03.06. Parties.

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

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



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

Sec. 11.03.07. Order of Presentation

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

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

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

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

Sec. 11.03.08. Burden of Proof; Conditions; Re-zonings

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

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



Sec. 11.03.09 Cross Examination

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

Sec. 11.03.10 Deliberation by the Commission

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

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

Sec. 11.03.11. Continuances

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

Sec. 11.03.12. Order

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

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

Sec. 11.03.13. Record of Proceedings

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



Sec. 11.03.14. Judicial Review

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

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



CHAPTER XII

DEFINITIONS



DEFINITIONS

Abandoned signs: A sign located on a property where the use advertised on the sign is unlicensed; has failed to pay its local business taxes or which use is no longer located on the premises.

(Ord. No. 2145-07, § 4, 11-26-07)

Accessory dwelling unit, detached: A second dwelling unit located on the same property as the primary dwelling unit but in a separate structure. An accessory dwelling unit and the primary dwelling unit shall be occupied by members of a single family as "family" is defined herein and shall use the same street address. May include a garage apartment as defined below.

(Ord. No. 1827-02, § 3, 1-28-02)

Accessory structure (or building): A subordinate building or structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal building or structure. Examples of accessory buildings and structures include detached garages, cabanas, and gazebos (screened or open walled). Accessory structures shall not include pool screen enclosures, a porch, or a screened porch.

(Ord. No. 1720-00, 3-27-00)

Accessory uses: A subordinate use which is not an integral part of the principle structure; a use that is commonly or customarily incidental to the principal use; a secondary use that is located on the same premises as the principal use, such as garages, parking lots, or maintenance structures.

Addition to an existing building: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: The condition of being near to or close to but not necessarily having a common dividing line. Two properties which are separated by only a street or alley shall be considered as adjoining one another.

Adult business: Means individually or in combination an adult arcade, adult bookstore, adult dancing establishment, adult motel, adult motion picture theater or massage establishment as the terms are defined herein and any other establishment whose employees display or expose specified anatomical areas as defined herein.

Adult arcade: Means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore: Means an establishment including a video store which sells or rents adult materials in any form to the public, the revenues of which represent more than ten percent



of the gross revenues of the establishment over the same period, or that comprise more than 25 percent of the individual materials displayed within the establishment as its stock-in-trade.

Adult dancing establishment: Means an establishment whose employees display or expose specified anatomical areas while dancing.

Adult materials: Means books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations or recordings which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel: Means any hotel or motel, boardinghouse, rooming house, or other lodging used predominantly for transient customers which provides motion pictures and other film material which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities for observation by the occupants thereof.

Adult motion picture theater: Means an establishment designed to permit the viewing of motion pictures and other film material which has as its primary or dominant theme matters depicting, illustrating or relating to specified sexual activities for observation by the patrons thereof.

Adult massage establishment: Means an establishment in which an employee thereof manipulates the skin and muscle tissues of the body of another person with any part of the hand, but not including an establishment licensed under F.S. ch. 480, whose employees practicing massage are licensed under ch. 480, or an establishment exempted under F.S. § 480.034, or a physician or nurse engaged in the practice of their professions, or a licensed health care facility.

Adult business premises: Means an enclosed building or a portion of an enclosed building which is physically occupied by an adult business.

Adult day care center: means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services, as defined in F.S. 429.901(1), amended time to time., as defined in F.S. 429.65(2), amended time to time.

Assisted living facility or facility: For purposes of this Code, the term "assisted living facility" or "facility" shall mean any building or buildings, section of a building or distinct part of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership and staff, to provide, for a period exceeding 24 hours, housing, food service, and one or more personal services, for adults who are not related to the owner or administrator by blood or marriage and who require such services, as defined in F.S. 429.02(5), amended time to time. The term, as defined herein, shall specifically exclude centers or facilities which are primarily intended as treatment centers for individuals suffering from chemical dependency (alcohol or drugs) or mental illness.
(Ord. No. 1879-02, § 1, 7-22-02)



Adverse effects: Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Advertising structure: Any structure erected for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property, upon which any poster, bill printing painting, device, or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed or otherwise fastened, affixed or displayed; provided that the term shall not include buildings.

Affected person: The owner, resident or other occupant of the real property which is the subject of a quasi-judicial proceeding, or an "aggrieved or adversely affected party" as the term is defined at § 163.3215(2), Florida Statutes. (Ord. No. 1941-03, § 1, 6-9-03)

Aggregate sign area: Total area of all permanent signs on the premises.
(Ord. No. 2145-07, § 4, 11-26-07)

Allowable discharge: The peak runoff rate which may be approved from a site or parcel such that no adverse impacts to existing off-site properties will result. Allowable discharge is limited to the predevelopment rates and patterns or rates or patterns determined in a previous approved surface water management permit or plan.

Alter or alteration: To cut, remove, defoliate or destroy by any means.

Alteration of a watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 09-13-10)

Amenity space: Amenity spaces include open space and public plaza areas which may be open or covered and permanently available for use as public gathering areas, fountains and water features, street-scaped areas with benches and landscape, and areas with required landscaping that are at minimum, 150 percent above the code specifications at section 6.04.06 of the Land Development Code.
(Ord. No. 2077-06, § 3, 7-10-06)

Animated sign: A sign which uses movement or change of lighting to depict action or to create a special effect or scene.
(Ord. No. 2145-07, § 4, 11-26-07)

Antenna: A transmitting or receiving device used for personal wireless or other communications services that radiates or captures electromagnetic waves, including directional antennas, panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas and satellite earth stations.



Antenna support structure: Means any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Appeal: A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Appliance stores: establishments primarily engaged in retailing an array of new household appliances, such as refrigerators, dishwashers, ovens, irons, coffeemakers, hair dryers, electric razors, room air-conditioners, microwave ovens, sewing machines, and vacuum cleaners, or retailing new appliances in combination with appliance repair services.

Approved pain specialist: Means a physician, or group of physicians licensed under either Chap. 458 or Chap. 459, Florida Statutes, and who comply with Rule 64B8-9.0131 (medical doctors), or Rule 64B15-14.005 and Rule 64B15-14.009 (osteopathic physicians), Florida Administrative Code, as each is amended from time to time (Ord. No. 2212-10, 09-13-10).

Appurtenances: That which is an accessory to another structure, including but not limited to stonewalls, fences, light fixtures, steps, paving, sidewalks, shutters, and signs. (Ord. No. 2145-07, § 4, 11-26-07)

Arbor: an open, lightweight structure that may have a horizontal element spanning over a walkway, deck, or garden area, intended primarily to provide shade and support the growth of vegetation such as vines and climbing plants.

Arcade: a covered walkway located on private property along the street facade of a building, except where specifically designated to occur on public property. Arcades are open to the adjacent street between columns, which may be either load-bearing or cosmetic. "Arcade" as used herein is not meant to imply that the columns must carry arches; horizontal lintels may be used to span between columns. Interior building space may be constructed above an arcade.

Architectural character: the basic detailing, architectural rhythm, architectural style, appearance and historic period of a building or group of buildings or structures, including site and landscape development.

Architectural feature: a structural or ornamental feature of a building or structure including, but not limited to, balconies, chimneys, bay windows, cornices, coping, parapets, steps, staircases, screened utilities, and tower structures, other than telecommunications towers.

Area of copy: (to be used when copy is on facia or wall sign only) The entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a facia or wall sign.

Area of sign: (to be used only when area of copy is not applicable) The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, and which forms an integral part of the display, but excluding the necessary supports or



uprights on which the sign may be placed, if the sign consists of more than one section or module, all areas will be totalled.

Art shop/galleries: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

Artisanal use: Premises for the manufacture and sale of artifacts employing only handwork and/or table mounted electrical machinery emitting no odors or noise beyond the immediate premises.

Artist: An individual or group of individuals whose vocation or avocation is the creation of visual art; or who possesses a university degree in visual art; or who has exhibited visual art publicly in galleries or museums; or who has published critical reviews of visual art; or who has been commissioned for works of art for public places.

ASCE 24: A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Automatic amusement center and game room: A place of business having at least 50 coin-operated amusement games or machines on premises, which are operated for the entertainment of the general public and tourists as a bona fide amusement facility, as defined in F.S. 849.161, amended from time to time.

Automobile rental/leasing establishment: Leasing or renting of automobiles, motorcycles, and light load vehicles.

Automobile repair services, major: The replacement of engine parts, body work, tire or exhaust system repair or replacement, or the installation of any electrical device within an enclosed facility. If located within Industrial zoned district, repairs are not limited to within an enclosed facility.

Automobile repair services, minor: An enclosed facility where motor vehicles are serviced and where minor repairs to vehicles are made but not including major auto repair. If located within Industrial zoned district, repairs are not limited to within an enclosed facility. (Ord. No. 1685-99, 7-26-99)

Automobile sales: A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Availability/available: With regard to the provision of facilities and services concurrent with the impacts of development, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Ch. 163.3180 F.S.



Avoidance: Taking action so there is no adverse impact to environmentally sensitive resources.

Awning sign: Letters or characters placed upon an awning or awning valance.
(Ord. No. 2145-07, § 4, 11-26-07)

Bakery, retail: A place for preparing, cooking, baking, and selling of products on the premises.

Bakery, warehouse: A place for preparing, cooking, baking, and selling of products intended for off-premise distribution.

Balcony: a structural platform, surrounded by a railing or other retaining device that projects from the street facade of a building at an elevated floor without direct support from the ground.

Balloon: A lighter than air sign or display tethered to the ground or a structure.

Banks/financial institutions: Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines (ATMs).

Banner: A temporary sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only the material for a backing. "Banner" shall include any animated or fluttering devices designed to attract attention.
(Ord. No. 2145-07, § 4, 11-26-07)

Bars: A commercial establishment whose principal business is the sale of drinks, especially alcoholic drinks, and sometimes food which is served to the customer in a ready to consume state on premises. Bars may include beer gardens, pubs, taverns, night clubs, private clubs, and similar facilities serving alcohol.

Barbershop: means any place of business wherein the practice of barbering is carried on, as defined in Ch. 473.034 F.S. amended from time to time.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood." (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Basement: That portion of a building having its floor sub grade (below ground level) on all sides. A basement shall not be considered a story.
(Ord. No. 1979-04, § 1, 6-28-04)



Basement: The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Beauty salon: Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

Bed & breakfast inn: A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry, as defined in F.S. 509.242(1)(f), amended time to time.

Beer garden: A permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food are served.

Below grade: occurring or situated below the surface of the ground.

Beneficial functions of a protected environmentally sensitive area: Those functions, described in the conservation element of the Stuart Comprehensive Plan, that justify designating an area as environmentally sensitive.

Berm: Mounding of soil which is planted with living plant material designed as a natural landscape feature or buffer to screen incompatible land uses or to absorb or otherwise reduce undesirable impacts, such as noise, smoke, glare, or similar nuisances.

Bicycle parking: an area intended for secure bicycle parking, with appropriate racks and storage areas, located within required parking areas.

Billboard: A flat surface (such as a panel, wall or fence) on which bills are placed; specifically, a large panel designed to carry outdoor advertising, particularly for an off-premises sale. (Ord. No. 2145-07, § 4, 11-26-07)

Board: the city commission, the board of adjustment and the planning advisory board, all of the City of Stuart.

Boat sales and service: A retail business where the principal use of the site shall be the marketing of new or used boats, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Boat storage, dry: Any building, structure or area in which boats are stored, out of water, by placing them in racks, trailers or other devices.

Book and stationary store: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any “adult bookstore,” “adult theater,” “theater,” or “studio theater.”



Bower: a leafy shelter or recess; arbor.

Bowling alley: means a place of business having at least 12 bowling lanes on the premises which are operated for the entertainment of the general public for the purpose of engaging in the sport of bowling, as defined in F.S. 849.141(2)(b), amended time to time.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer: a landscape area which may include walls, fences, berms, trees, shrubs, hedges, ground cover and other plant materials.

Buffer screen: that portion of a buffer which includes a six-foot high, opaque vegetative landscape screen designed and maintained to visually screen a development or portion thereof from adjacent property within one year of construction and planting.

Building face: Means the total area of the exterior walls of a building that generally faces one direction. For example, a rectangular building has four building faces. (Ord. No. 2206-10, 07-12-10).

Building footprint: the area of land covered by the building foundation, including the area contained within a line three feet from the foundation around the entire perimeter of the building (As referenced in Chapter 6).

Building footprint: the area of land covered by the building foundation to the outside of the exterior walls (As referenced in Chapter 3).

Building frontage:

- (a) The building frontage for an interior lot is the portion of the lot abutting the primary street minus the required side setbacks.
- (b) The building frontage for the primary street side of a corner lot is the portion of the lot abutting the primary street minus the required side setbacks.
- (c) The building frontage for the secondary street side of a corner lot is the portion of the lot abutting the secondary street minus the required front and rear setbacks.
- (d) Building frontage is expressed in percentages and may vary from floor to floor. (Ord. No. 2145-07, § 4, 11-26-07)

Building height: The vertical distance from grade to the highest finished roof surface of a flat roof or to the mean level between eaves and ridge for gable, hip, or gambrel roofs. (Ord. No. 1841-02, § 2, 6-10-02; Ord. No. 1979-04, § 1, 6-28-04; Ord. No. 2145-07, § 4, 11-26-07)

Building height: means the vertical distance measured from the lowest permissible finished first-floor elevation to the surface of a flat roof and to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height. A parapet wall shall not be counted in the calculation of building height (As referenced in Chapter 3).



Build-to line: that a building must be built to the specified line set forth in the urban code.

Bulletin board: A board for posting notices.

Bus and train (passenger) station: A facility for the transfer, pickup, or discharge of people or goods without the long-term storage of such items.

Bus and train (passenger) terminal: Any premises for the transient housing or parking of motor-driven buses or trains, and may or may not include the loading and unloading of passengers.

Buttocks: Means the area of the rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing, the top such line drawn at the top of the cleavage of the nates and the bottom line drawn at the lowest visible point of the cleavage, and between two imaginary lines perpendicular to the ground drawn at the point at which each nate meets the outer side of each leg.

Cabana room: A rigid porch, metal Florida room and other similar permanent unit installed or constructed as home adjuncts, totally or partially enclosed with sidewalls made of metal or other approved rigid material.

Cabinet sign: A sign incorporating a rigid frame which supports and retains the sign face panel(s) and/or background constructed of plastic or similar material, and which has an internal light source. Cabinet signs do not include signs composed of individually-mounted and individually-illuminated letters, or logos no larger than the lettering to which they relate. (Ord. No. 2145-07, § 4, 11-26-07)

Canopy: A covered structure projecting from the face of the principal building. Canopies may be cantilevered or self-supporting and include awnings.

Car wash: The primary use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Carport: An open structure that shelters a parking area. Carports may be detached from the principal building; when attached, they are typically of a contrasting architectural character from the principal building (as opposed to a porte cochere, which is considered part of the building.)

Catering shop: An establishment whose principal use is the preparation and provision of food served to the customer at a location off the premises. A catering shop may be accessory to a restaurant.

Cells-on-wheels: means a temporary, transportable wireless telecommunications facility (WTCF) used to provide emergency or temporary transmission capacity.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including, mausoleums and funeral homes, if operated in connection with and within the boundaries of such cemetery.



Changeable copy sign: A sign with informational content that can be changed or altered by manual or electronic means to display a message.
(Ord. No. 2145-07, § 4, 11-26-07)

Child care center: A child care facility or arrangement which provides child care for more than five children not related to the operator excepting schools, summer day camps, bible schools normally conducted during vacation periods and transient establishments, as defined in F.S. 402.302(2), amended time to time. All facilities of this size must be licensed with the Florida Department of Children and Family Services unless determined to be exempt.
(Ord. No. 1935-03, § 2, 4-28-03)

City development director: The administrative head of the city development department of the City of Stuart or his/her designee.

Civil plan: A document providing detailed engineering and construction features including all underground construction, storm water management structures, utilities, curb cuts, driveway cuts, work within a public right of way, and site lighting and complying with the reasonable design criteria contained in Appendix A.

Clinic: See “pain management clinic”.

Clothiers: Stores selling or accepting for sale clothing at retail.

Clubs, lodges, and fraternal organizations: An establishment providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

Coastal construction control line: The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC,B defines and uses the term “flood hazard areas subject to high velocity wave action” and the FBC, R uses the term “coastal high hazard areas.”] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Coastal wetlands and shorelines: Shall consist of the following: water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to oceanic waters or estuaries; coastal barriers; living marine resources; marine wetlands; water-dependent facilities or water-related facilities on oceanic or estuarine waters; or public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development activities would impact the integrity or quality of the above.



Coldframes: A frame with a glass or plastic top in which small plants are grown and protected without artificial heat.

Cold storage: Means the storage of things in an artificially cooled place for preservation.

Combustible sign: Any sign or sign structure which has an internal electrical circuit which may ignite or support flames and which has a low flame point. Prime examples of combustible signs would be wood, cloth, and the like.
(Ord. No. 2145-07, § 4, 11-26-07)

Commercial nursery or tree farm: A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the general public in the ordinary course of said licensee's business.

Commercial Planned Unit Development (CPUD): An alternative means of development and an alternative zoning procedure for predominately commercial purposes, in accordance with section 2.07.00.E and with the planning and development objectives of the City.

Commercial cruise boats: Any boat used for sightseeing or excursion purposes. "Commercial" shall mean that a charge is made on a per-passenger or per-trip basis.

Common area: With respect to an **ACLF**, the term "common area" shall mean that interior, under roof area of the facility open to all residents for common usage (not including hallways), which shall include, but not be limited to, such uses as dining and recreation.

Common elements: Lands, structures and facilities whose ownership or use is shared by all owners or occupants within the PUD. Common elements may include, but are not limited to, open space, recreation facilities, water bodies, private streets and roads, utility systems, and joint parking or loading provisions.

Community center: A building used for recreational, social, educational and cultural activities, owned and operated by a public or nonprofit group or agency.

Community Redevelopment Agency (CRA): a public agency that was created by the City Commission on May 12, 1986 in accordance with the provisions of Florida statutes and encompasses approximately 700 acres of land, including those areas with an Urban Code or East Stuart zoning district designation.

Community residential home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents, as defined in F.S. 419.001(1)(a), amended time to time.

Community garden: An area of land managed and maintained for the use of one or more individuals to grow and harvest food crops, non-food ornamental crops, such as flowers, or both



solely for the use, consumption or donation by two (2) or more persons maintaining the community garden.

Comparable zoning district: shall mean to the most closely similar zoning district based upon the land use designation, the Comprehensive Plan, proposed uses, densities and lot sizes.

Comprehensive Plan Text Amendment: Any amendment to the text of the comprehensive plan that does not include an amendment to the future land use map and that does not include amendments that change the actual list of permitted, conditional or prohibited uses in a land use category.

Concept plan: A document containing a verbal or graphic depiction, or both verbal and graphic depictions (specifications and/or drawings) providing the generalized arrangement of land and structures including buildings, tenancies or premises, landscape, storm water management, utilities, paved surfaces, sidewalks, parking areas, and open space, and complying with the reasonable design criteria contained in Appendix B.

Concurrency: Means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency management system (CMS): The procedures and/or process that the City of Stuart uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Concurrency Service Area (CSA): The geographic subsection of the School District within which School Concurrency is measured.

Conditional Use: A use or occupancy of a structure which because of the unique nature of the use, size, location, or various characteristics particular to the zoning district, is permitted only upon issuance of a major conditional use approval and subject to the limitations and conditions specified therein.

Construction permit: A permit as that term is used in the Florida Building Code.

Construction plan: One or more detailed and specific written, graphic and pictorial documents depicting a proposed or completed construction, and the term is synonymous with *Construction Documents*, as that term is used in the Florida Building Code to describe the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit.

Contiguous lots: Lots which are included in a unified development plan that are either abutting or separated by a public right-of way.

Copy services and duplicating services: A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.



Corps: Means the United States Army Corps of Engineers.

Cottage lot: An individual parcel of real property, individually platted or otherwise "of record" on December 10, 2007, which does not meet the minimum lot requirements within its land use (zoning) district.
(Ord. No. 2146-07, § 2, 12-10-07)

Cottage lot application form: The form submitted to the development department containing details of the development requesting consideration under section 2.05.00, pertaining to cottage lots.
(Ord. No. 2146-07, § 2, 12-10-07)

Craft distillery: means a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the Florida Division of Alcoholic Beverages and Tobacco in writing of its decision to qualify as a craft distillery, as defined in F.S. 565.03, amended time to time.

Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation.

Curb cut: An area designated on a property for ingress and egress.

Day: Means a calendar day unless a working day is indicated.
(Ord. No. 1899-02, 11-18-02)

Decorative paving materials: Materials used in/for sidewalks and other forms of pedestrian accessways and shall include paver blocks, bricks and stamped concrete. Decorative paving materials shall not include asphalt or smooth or broom-finished concrete.
(Ord. No. 1719-00, 4-10-00)

Demolition: The intended destructive removal of a building, in whole or in part, from its site.
(Ord. No. 2091-06, § 1, 12-11-06)

Demolition by neglect: Neglect in the maintenance of any building or structure resulting in one or more of the following:

- A. The deterioration of a building(s) or structure, to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official; and
- B. The deterioration of a building or structure, as determined by the building official, characterized by one or more of the following:
 1. Parts that may fall and injure persons or property;
 2. Deteriorated or inadequate foundation;
 3. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads safely;
 4. Walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 5. Walls or other vertical supports that are insufficient to carry imposed loads safely;
 6. Ceilings, roofs, ceiling and roof supports, or other horizontal parts of a structure which sag, split, or buckle due to defective material or deterioration or are insufficient to carry imposed loads safely;



7. Any fault, defect or condition in the building which renders the building or structure structurally unsafe or not properly water-tight;
 8. Unsafe electrical, plumbing or mechanical (HVAC) systems;
 9. Water intrusion causing water damage to the interior of the building or structure caused by broken or missing windows, broken or missing doors and/or deterioration of roofing material; or
 10. Excessive damage to exterior and interior wood framing, flooring systems, and finishes caused by termites, to the extent that the building or structure may be unsafe.
- (Ord. No. 2091-06, § 1, 12-11-06)

Department: the Florida Department of Environmental Protection.

Depth: A lineal dimension of a site or building measured on a line perpendicular to the line of the street frontage.

Depth: A lineal dimension of a site or building measured on a line perpendicular to the line of the lot frontage (As referenced in Chapter 3).

Design flood: The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

(As referenced in Chapter 5 – Floodplains Management; Ord. No. 2303-2015, 02-09-15)

Design flood elevation: The elevation of the “design flood,” including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Developer: Any person or entity, including a governmental agency, undertaking any development as defined in this Code.

Development: Any activity that: (a) produces a material change in the function, use or appearance of a parcel of land or of any structure, including, but not limited to tree removal, landscaping, environmental maintenance or remediation, demolition, excavation, earth moving, land grading, construction, underground construction, renovation, or structural alterations; (b) any activity that results in or is intended to result in a change in the intensity or use of land; or (c) the subdivision of land.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)



Development order: Any order granting, denying, or granting with conditions an application for a development permit as defined in this Code.

Development permit: A document issued by the city authorizing the physical development, redevelopment or alteration of real property, including any one or more of the following permits: construction (including underground construction), demolition, environmental remediation, excavation, filling land or submerged land, grading, land clearing, landscaping, paving, or tree removal. A *development permit* does not include a site plan, concept plan, sketch plan, civil plan, or plat.

Diameter at breast height or DBH: The trunk diameter of a tree measured at 4 1/2 feet above ground level at the base of the Tree, provided however, if the tree trunk forks below 4 1/2 feet above ground level, each trunk shall be considered a tree.

Directional sign: An on-premises, incidental sign designed to guide or direct pedestrians or vehicular traffic. No commercial message shall be placed on directional signs. (Ord. No. 2145-07, § 4, 11-26-07)

Directory sign: A sign listing the tenant's names, locations, buildings or group of buildings. (Ord. No. 2145-07, § 4, 11-26-07)

District: the South Florida Water Management District.

Division: the division of hotels and restaurants of the State of Florida Department of Business and Professional Regulation. (As referenced in Chapter 2 – Dog-friendly restaurants; Ord. 2216-10, 10-18-10)

Dog: an animal of the subspecies *Canis lupus familiaris*. (As referenced in Chapter 2 – Dog-friendly restaurants; Ord. 2216-10, 10-18-10)

Dog day care: A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Dog-friendly restaurant: A public food service establishment, which allows patrons' dogs within certain designated outdoor areas, as permitted by this Code and F.S. 509.233, as amended from time to time.

Drip line: An imaginary, perpendicular line that extends downward from the outermost tips of the tree branches (i.e. crown) to the ground.

Drive-through facility: An establishment which provides parking facilities and service to those facilities in order that patrons may utilize on-site goods or services without leaving their vehicles. Said drive-in service may be in conjunction with, or exclusive of, any other form of service, including drive-through or conventional seating.



Drycleaning establishment: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry with or without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Drycleaning plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Duplex dwelling units: A structure containing two dwelling units, each of which has direct access to the outside.

Dwelling unit: A room or group of rooms connected together that forms a single independent habitable unit used or intended to be used for living for one housekeeping unit, and containing independent sleeping, sanitation, and cooking facilities. A dwelling unit may be used for owner occupancy, rental, lease, or other occupancy on a weekly or longer basis.

East Stuart Code District Conditional Use: the granting of relief from the provisions of this Code relating to permitted uses, setbacks, building height, location of parking, location of buildings and structures, conflicts with utilities, historic buildings, and architectural requirements within the East Stuart Code District [zone].

Elevated building: A building which is partially or wholly supported more than four feet above the ground by pilings, columns, posts or piers. (Ord. No. 1979-04, § 1, 6-28-04)

Elevated building: a building which is partially or wholly supported more than four feet above the ground by pilings, columns, posts or piers, which does not have parking beneath (As referenced in Chapter 3).

Emitters: the devices used to control the applications of irrigation water. This term is used to refer to the low flow rate devices used in micro-irrigation systems.

Employee: Means a person who works or performs in an adult business regardless of compensation or the manner of compensation, specifically including an independent contractor.

Enclosed building: A building with a roof, and four sides, two of which shall be fixed walls.

Encroachment: The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Engineer: A person registered as a professional engineer in the State of Florida.

Environmentally sensitive area: An area encompassing any one or more of the following resources as identified in the conservation element map series; coastal wetlands and shorelines, estuaries (including the St. Lucie estuary), living marine resources, native upland vegetative communities, wildlife habitats, (including threatened and endangered species)



surface waters, wellfields and cones of influence, historical and archaeological resources, natural recharge areas, and 100-year floodplains.

Environmentally sensitive lands: those lands designated to be viable and functioning wetlands as determined by the South Florida Water Management District and native upland vegetative communities that provide wildlife habitat necessary for the survival of listed species as determined by the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service.

Environmentally Sensitive Resources or resource area: Wetlands, native vegetation, protected and endangered species, mangroves, shorelines, trees, floodplains, well fields, and historic resources.

Estuary: A semi-enclosed, naturally existing coastal body of water in which saltwater is naturally diluted by freshwater and which has an open connection with oceanic waters. Estuaries include bays, embayments, lagoons, sounds and tidal streams. Principal among these is the St. Lucie Estuary.

Exfiltration: An underground system designed for retention of limited volumes by promoting runoff to exfiltrate into the ground via a porous media. Design of underground exfiltration systems shall be in accordance with South Florida Water Management District Permit Information Manual, Volume IV or most recent volume.

Existing building and existing structure. Any buildings and structures for which the “start of construction” commenced before August 15, 1978. [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 15, 1978. As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Expansion to an existing manufactured home park or subdivision: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Ex-parte communication – a private communication made to a member of a board which pertains to a quasi-judicial matter then pending before that board.

Fabric, hobby and handicraft shop: A retail establishment specializing in fabrics, sewing and quilting tools and accessories, and related craft items.

Facade: An exterior wall of a building.

Family: One or more persons who occupy a single dwelling unit, all of whom are related by blood, marriage, or adoption, or a group of persons all of whom are not somehow related



which does not exceed two persons in number. This term shall not include the occupants of a rooming house, a group home/congregate living facility, a fraternity or sorority house or other similar use with shared cooking or sanitary facilities. This definition shall be construed to include those individuals protected as a family unit by the Fair Housing Act or other applicable laws that do not result in a fundamental alteration of the City's local land use regulations

Family day care home (F.S. 402.302(8)): means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Farm equipment and supplies sales establishment. Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Federal Emergency Management Agency (FEMA): The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Final development order: A development permit.

Finished grade: The final elevation of the ground surface after completion of all site preparation and development, and conforming to the approved plans, but not including berms or artificial fills to elevate signs above the surrounding finished grade.
(Ord. No. 2145-07, § 4, 11-26-07)

Fire station: A building used for fire equipment and firefighters.

Fixed projection sign: Any sign projecting at an angle from the outside wall of any building and rigidly affixed thereto.

Flag: A piece of cloth usually attached at one edge to a staff/pole or cord.
(Ord. No. 2145-07, § 4, 11-26-07)

Flat wall sign: A sign erected parallel to the building to which it is attached, and supported entirely by the facade.
(Ord. No. 2145-07, § 4, 11-26-07)

Flea market: A building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for use by individuals to sell articles that are either homemade, home grown, hand crafted, used, obsolete, or antique, and may include



the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Flood hazard area: The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Flood Insurance Study (FIS): The official report provided by Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2]. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of the Floodplain Management Ordinance (may be referred to as the Floodplain Manager). (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Floodplain development permit or approval: An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)



Floodway: The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Floodway encroachment analysis: An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area: For purposes of this Code, the floor area is the sum of the enclosed areas on all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below grade floor areas used for access and storage. Not countable as floor area are open terraces, patios, balconies, atriums, breezeways and parking.
(Ord. No. 1879-02, § 1, 7-22-02)

Floor area, maximum permitted: The maximum floor area permitted for any specific development or use in certain zoning districts. It is calculated by multiplying the gross lot square footage by the floor area ratio contained in section 2.03.00 of this Code, then dividing by ten.
(Ord. No. 1879-02, § 1, 7-22-02)

Floor area ratio, basic: Means the relationship of floor area to the area of the lot.
(Ord. No. 1879-02, § 1, 7-22-02)

Floor area ratio, maximum permitted: The floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.
(Ord. No. 1879-02, § 1, 7-22-02)

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Florist: Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Formula business: A retail business establishment, including a restaurant, which is one of not less than six or more similar establishments located elsewhere which as a group satisfy two or more of the following criteria:

1. They have the same or a similar name, trade name, trademark or logo;
2. They maintain a standardized menu, food ingredients or food preparation;
3. They maintain a standardized array of merchandise;
4. They have the same or similar building appearance;



5. They benefit from common advertising of the group of businesses as opposed to a single business;
 6. They utilize common or similar signage; and
 7. If the group is comprised of restaurants:
 - a. They provide for the sale of food or beverages to the customer in a ready-to-consume state, or
 - b. The design of the building or the principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, or
 - c. Food where orders are generally not taken at the customer's table, or
 - d. Food is generally served in disposable wrapping or containers, or
 - e. Where food and beverages may be served directly to the customer in a motor vehicle.
- (Ord. No. 2010-05, § 5, 2-14-05)

Freestanding sign: A freestanding sign is not affixed to any other structure and is limited to no more than two faces. All signs supported by one or two posts, with the top edge of the sign no more than six feet above the finished grade, shall have a pole cover. All free-standing signs shall contain the street number.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Frontage: A lot boundary adjoining a street.
(Ord. No. 2145-07, § 4, 11-26-07)

Frontage wall face: The building facade, including parapet and fascia, excluding soffit, mansard, and roof, which faces the frontage of the premises.
(Ord. No. 2145-07, § 4, 11-26-07)

Fuel production facility: any establishment engaged in the manufacturing, processing, distilling, refining, transporting, or distributing of petrochemicals, ethanol or biodiesel fuels, or any liquid or gaseous hydrocarbon products, including the conversion of products to fuel, and including the storage of any materials associated therewith. This definition shall not include gasoline of other motor fuel stations, nor shall it apply to research and development activities involving incidental volumes of materials, as determined by the City Development Director, which are stored in accordance with all applicable laws and regulations.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building or ship repair facilities; the term does not include long-term storage or related manufacturing facilities.
(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)



Funeral home: A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

Future land use amendment (FLUA): A change in the land use designation of a parcel or parcels of land indicated on the city future land use map on "small scale". (Ord. No. 1929-03, § 1, 3-24-03)

Garage apartment: An accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one family only and the enclosed space for at least one automobile is attached to such dwelling unit.

Garage, residential: An accessory building or a portion of a main building (including a carport) designed and used for the parking or storage of vehicles owned or used by the occupants of the building to which it is an accessory use.

Garish: Too bright or gaudy; showy, glaring; also cheaply brilliant or involving excessive ornamentation. (Ord. No. 2145-07, § 4, 11-26-07)

Gasoline or other motor fuel service station: Property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash.

Gasoline or other motor fuel service station, including bulk storage: Same definition as above, plus bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail sale, wholesale, or wholesale distributing.

Gender: Words importing the masculine gender shall be construed to include the feminine and neuter.

Gift shop: A retail store that sells a wide variety of relatively small and inexpensive items.

Golf course: A use providing private or public golf recreation services and support facilities, excluding miniature golf facilities. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory use.

Golf course, miniature: A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Golf driving range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Governmental buildings: A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

Green development: The use of sustainable building and development planning methods utilized in a way that results in minimum impact on natural resources, energy consumption, use



of water, use of raw materials, and waste generation, thereby affording inhabitants a potentially higher quality of life. (Ord. No. 2113-07, § 1, 7-23-07)

Greenhouse: a building with transparent walls and roof, usually of glass, for the cultivation and exhibition of plants under controlled conditions.

Greenway: a corridor of native vegetation managed for conservation purposes with a minimum average width of at least 100 feet, and no width less than 50 feet.

Grocery stores/supermarkets: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Gross area: All that area of land included in a development application as defined by a certified legal survey.

Gross density: The gross density of any development application shall be calculated by dividing the total number of units to be constructed in the project by the gross area of the project.

Gross floor area: The area within the inside perimeter of the exterior walls of a building with no deduction for corridors, stairs, closets, thickness of walls, elevator shafts, columns, or other features. Areas open and unobstructed to the sky, including terraces, patios, atriums, arcades, open balconies and porches, breezeways, and parking areas are not included. As an incentive to encourage more generous public areas within a building and to encourage a higher architectural quality, arcades, porches and balconies, common public bathrooms, public lobbies, common mail rooms, common janitorial storage rooms, and open stairs contiguous to ground floor lobbies, which function as publicly accessible common space, are not included in the gross floor area for purposes of calculating parking requirements.

Ground cover: plants of species which normally reach an average height of 24 inches upon maturity, installed in such a manner as to form a continuous cover over the ground. Sod shall not be considered ground cover.

Ground level: The lowest elevation of ground abutting each building.

Ground sign: A sign affixed to the ground and supported by a masonry foundation with posts, uprights, or braces extending from the ground, or a permanently mounted object on the ground, but not attached to any part of a building.
(Ord. No. 2145-07, § 4, 11-26-07)

Group home or housing: Facilities which provide short-term or long-term lodging, meals, and resident support services, such as counseling, guidance, and varying levels of medical care.

Guyed tower: A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.



Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Hardware store: A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery; if greater than 30,000 square feet, such a facility is a home improvement center.

Hatracked: Otherwise known as topping or heading, refers to the removal of major portions of a tree crown by cutting (pruning) branches back to stubs and/or to the trunk. (Sec. 6.04.04 A.4)

Health club: An establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

Health spa: A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, non-surgical face lifts, electrical toning, and electrolysis. Hydro-therapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services.

Hedge: A row of closely planted shrubs or other vegetative screening forming a boundary or restrictive barrier which shall be 80 percent opaque within one year thereafter. At planting, hedge shrubs shall be not less than 24 inches in height with an 18-inch spread and shall be "full" specimens which are fully rooted in three-gallon containers. Hedge shrubs shall be planted 24 inches on center. Hedges shall be maintained at a minimum height of 30 inches.

Height (of a sign): The vertical distance measured from the highest point of the sign, to the finished grade at the base of the sign.
(Ord. No. 2145-07, § 4, 11-26-07)

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls or foundation of a structure. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Historic structure: Any building identified in the City of Stuart's update to the 1991 historic property survey dated April 2003 and any subsequent amendments thereof; or any other structure which has local architectural, historical, or cultural significance that is later identified and placed within such survey, using recognized criteria for designation as "historic," including, but not limited to, structure age of 50 years or more, cultural significance, notoriety of former occupants, and architecture. (Ord. No. 2091-06, § 1, 12-11-06)



Historic Structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Historic tree - a tree which has been identified by the city commission to have special historic significance or that has achieved at least 50 percent of the DBH of the species as identified in the Florida Champion Trees of Florida database, maintained by the Forest Service, as amended, excluding invasive plant species as defined in this Code.

Home improvement center (without major storage areas and manufacturing): A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, housewares and household appliances, garden supplies, and cutlery. This use is considered a Retail, non-intensive sales and services as defined below.

Home occupations: An occupation conducted as an accessory use in a dwelling unit in a manner clearly incidental and accessory to the residential use.

Hoophouse: structure used as a greenhouse or a season extender and is characterized by a half-round "hoop" shape. Hoop houses are typically constructed of lengths of PVC pipe, which is both flexible and sturdy.

Hospital: An institution requiring a certificate of need that (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. A hospital may include auxiliary uses such as offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories, child care centers for employees, and other related uses.

Hospital auxiliary uses: Health care services provided exclusive of room and board that can be classified into three categories such as diagnostic (e.g. laboratory tests), therapeutic (e.g. physical therapy), and custodial (e.g. nursing home). These uses can be located in hospitals, medical offices and free-standing sites.

Hotel or motel: A public lodging establishment licensed by the State of Florida which offers transient or permanent lodging accommodations to the general public, and may provide additional services, such as restaurants, meeting rooms, and recreation facilities.

Identification sign: A sign, indicating the name of the primary use.
(Ord. No. 2145-07, § 4, 11-26-07)

Illegal sign: A sign which does not meet the requirements of this code and which has not received legal nonconforming status.
(Ord. No. 2145-07, § 4, 11-26-07)

Illuminated sign: A sign with an internal or external artificial light source.



(Ord. No. 2145-07, § 4, 11-26-07)

Impact: Means damage to an upland or wetland caused by any means.

Impervious surface coverage: Refers to any surface which has been altered, covered or controlled resulting in the virtual elimination of the infiltration and percolation of water to the underlying soils. The term includes most conventionally surfaced streets, roofs, buildings and structures, sidewalks, parking lots and similar facilities.

Industrial, high-impact: characterized by intense industrial activities that may have impacts on surrounding areas, including, but not limited to noise, odor or aesthetic impacts. Commercial, residential and recreational uses are discouraged, except for small-scale secondary uses serving the industrial area. Activities could include the manufacturing, producing, processing, repairing, altering recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odor and noise;
- potential for significant offsite impacts in the event of fire, explosion or toxic release;
- generates high heavy vehicle usage in the context of the locality or the road network;
- generates a significant demand on the local infrastructure network;
- the use may involve night time and outdoor activities;
- onsite controls are required for emissions and dangerous goods risks.

Industrial, low-impact: intended for industrial businesses that need industrial resources, but that do not have the potential impacts on surrounding areas that high-impact industrial users do. Low-impact industrial sites may have a special emphasis and attention given to aesthetics, landscaping and community compatibility. Low-impact industrial sites are comprised of predominantly industrial uses but may incorporate office and neighborhood-sized commercial uses that support and compliment the industrial site. Residential use is generally discouraged except for master planned industrial developments that provide residences intended to house employees of the planned industrial use. Activities could include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odor and noise;
- minimal heavy-vehicle usage;
- demands imposed upon the local infrastructure network consistent with surrounding uses;
- the use generally operates during the day (e.g. 7am to 6pm);
- offsite impacts from storage of dangerous goods are negligible;
- the use is primarily undertaken indoors.

Industrial planned unit development (IPUD): An alternative means of development and an alternative zoning procedure for predominately industrial purposes, in accordance with section 2.07.00.G and with the planning and development objectives of the City.

Infill development: Development on a site of prior development or a site which is located between two developed parcels.



Installation and maintenance guarantee: a document which binds the developer or property owner of a major development or a minor development to guarantee the amount, installation, and maintenance of required landscape and irrigation materials. The guarantee document shall include a listing of the required landscape and irrigation materials and shall guarantee the installation of irrigation devices and the survival of 100 percent of the living materials in perpetuity. The guarantee shall specifically provide that if all required landscaping does not remain in a healthy, growing condition after one year after planting, such landscaping shall be replaced and thereafter maintained in a healthy, growing condition.

Interior decorating establishment: A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered; however, cloth, wallpaper, and paint samples may be provided.

Interlocal Agreement for School Facilities Planning and Siting: The interlocal agreement between Martin County, the City of Stuart, and the School Board of Martin County, signed by the School Board on February 19, 2008, by Martin County on March 11, 2008, and by the City of Stuart on February 25, 2008, which details the responsibilities and coordination processes necessary to implement joint planning, school siting procedures, and school concurrency.

Invasive plant species: a native or non-native plant species that is able to spread on its own, causing environmental or economic harm.

Irrigation system: a permanent, supplemental watering system designed to transport and distribute water to plants.

Jewelry store: Shops that sell new merchandise primarily and some used merchandise from estate sales or reconstitute precious metals they purchase into jewelry forms that are sold at retail on the premises.

Junked or inoperative motor vehicle: A vehicle or conveyance propelled by or intended to be propelled by internal or external combustion, electricity or similar means, intended or designed to be operated on the public streets, roadways, waterways, or highways which does not display current license tags, inspection decal (if required), or which is not legally equipped or which is in such a state of disrepair whereby it cannot be driven or propelled under its own power.

Kennel: An indoor facility used for the temporary boarding of domestic animals, such as dogs and cats, not owned by the occupants of the premises.

Land clearing - any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.

Landmark or historic sign: A sign designated as a landmark or having historic value as determined by the city. A sign may be designated as a landmark sign when it is associated with one or more historic figures, events, or places, or is considered significant as evidence of the history of the product, business, or service advertised.
(Ord. No. 2145-07, § 4, 11-26-07)



Landscape plan - a plan prepared in accordance with professional standards that meets the requirements set forth in this landscape code.

Landscaping - any combination of living plants such as grass, ground cover, shrubs, vines, hedges, or trees and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

Large scale commercial development: Means any commercial or other non-residential development of greater than 20,000 square feet in gross building area. In the case of multiple buildings within the same commercial or other non-residential development, including planned unit developments, phased developments and outparcels in different ownership than the primary parcel, the total square footage of all buildings shall comprise the gross building area. When making a determination as to whether or not a particular development constitutes a LCD, the city development director shall consider the inclusion of facilities and site components which are likely to be shared with other developments, including but not limited to parking areas, drainage and stormwater management, vehicular access, native preservation and common areas.

(Ord. No. 1678-99, 6-28-99)

Large scale comprehensive plan amendment: A proposed amendment to the city comprehensive plan that either changes the land use designation of certain property on the future land use map on a large scale or that changes the actual list of permitted, conditional or prohibited uses within a land use category.

Laundry Establishment (Self-Service): A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

LEED®: The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ latest edition, as promulgated by the U.S. Green Building Council.

(Ord. No. 2113-07, § 1, 7-23-07)

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.



Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.
(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Library: A facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Licensed sign electrician: A person who possesses the necessary qualifications, training, and technical knowledge to plan, build lay out, and supervise the installation of all types of electrical signs.
(Ord. No. 2145-07, § 4, 11-26-07)

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.
(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Lighted sign: Any sign which is illuminated by any type of light from an artificial or man-made source, whether separate and apart from or contained within or on the sign, which is intended and used to make the sign visible or readable.

Listed species: Those plants or animals listed as threatened species, endangered species, or *species of special concern* by the State of Florida in Chapters 62 and 68, Florida Administrative Code, or Florida Statutes ch. 379 or listed as *endangered* or *threatened* by the U.S. Fish and Wildlife Service in accordance with the federal Endangered Species Act, as either may be amended from time to time.

Littoral zones: Areas located waterward of the Mean High Water Line (natural systems) or Control Elevation (man-made systems) in natural and manmade bodies of water including retention areas.

Living marine habitat: Area where living marine resources naturally occur, such as mangroves, seagrass beds, algal beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars or flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.



Living marine resources: Oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat; fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

Lot: A parcel or tract of land, distinguished from surrounding parcels by ownership boundaries and excluding public rights-of-way.

Lot, corner: A lot located at the intersection of two or more streets.

Lot frontage: The smallest (narrowest) portion of the lot abutting a public right-of-way.

Lot, through: A lot (with the exception of a corner lot) that has frontage on two public streets.

Lot width: The diameter of the largest circle that can be inscribed within the side lot lines at any point on a continuous line from the frontage of the lot to the front line of the principal structure of the lot.

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage, provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Maintenance agreement: A legal constituted maintenance agreement for improving, perpetually operating, and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities that are to remain private or such documents as are necessary to show how the said common areas are to be improved, operated and maintained. Such documents shall be subject to the approval of the city attorney.

Major Conditional Use Approval: an authorization granted by the City Commission to use property or structures located in a particular zoning district that would otherwise be prohibited in that district by this Code but, because of the precise location of the subject property or the configuration of the planned use on the subject property, may with certain conditions be appropriate on the subject property. No use or structure shall be approved for a Major Conditional Use Approval unless the use or structure is specifically authorized as a Conditional Use in the district by this Code. Major Conditional Use Approvals are issued for uses of land and may be transferable from one owner of the land to another given the conditions of the approval have not changed. Major Conditional Use Approvals also include the granting of relief from certain provisions of the urban code not related to uses.

Major development: A single-family, multi-family or duplex residential project of greater than 35 units, a non-residential development over 50,000 square feet of floor area; a mixed use development over 50,000 square feet of floor area; and a public or private institutional development more than one acre in size (Ord. No. 1346-94, 3-28-94).

Major Planned Unit Development (PUD) amendment: Any major changes in or amendments to a PUD master development plan, a PUD final development plan or PUD



agreement approved as part of a rezoning to a PUD district shall be processed as a new application for a PUD district zoning. Major changes or amendments shall include:

- a. A change of two percent or more in the area of any land use designations shown on the final development plan;
- b. Any change in the list of proposed uses;
- c. An increase in residential density of five percent or more;
- d. An increase in nonresidential building square footage of ten percent or more;
- e. A change in the boundary of the PUD district;
- f. A change in the final development plan or approval regarding any area(s) set aside and designated for future development;
- g. Any other change determined by the city development director to have a potentially significant impact on city services or the surrounding neighborhood;

Major urban code district conditional use: The granting of relief from the provisions of the urban code relating to density, permitted uses, setbacks, location of parking, location of buildings and structures, conflicts with utilities, curb cuts, historic buildings, pitched roofs in the Old Downtown District, parking located within a building envelope, number of stories, building height but not to exceed 45 feet, and architectural requirements.

Mangrove stand: An assemblage of mangrove trees.

Mangroves: Any specimen of the species *Avicennia germinans* (black mangrove), *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove) and *Conocarpus erectus* (buttonwood mangrove).

Manual changeable copy sign: See Changeable copy sign.
(Ord. No. 2145-07, § 4, 11-26-07)

Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer". [Also defined in 15C-1.0101, F.A.C.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Marina: An establishment with a waterfront location for the refueling of watercraft used for recreational and noncommercial purposes and providing minor repair services for such craft not involving removal of watercraft from the water. A marina may provide storage not involving



the removal of craft from the water and may include, as accessory uses, a restaurant or snack bar, laundry facilities and other customary accessory facilities.

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Marquee: A canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

Marquee sign: A sign attached to or supported by a marquee structure, which is a permanent roof-like structure or canopy extending from the facade of the building. (Ord. No. 2145-07, § 4, 11-26-07)

Massage therapy establishment: An establishment licensed under F.S. Ch. 480, whose employees practicing massage are licensed under Ch. 480, unless exempt under F.S. Ch. 480.034. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Memorial signs or tablets: A marker set at the head of a grave or crypt.

Menu board sign: A changeable copy sign for displaying a menu selection and pricing of the items for sale. (Ord. No. 2145-07, § 4, 11-26-07)

Microbrewery: A brewery that produces no more than 15,000 barrels of beer in a year. Microbreweries may or may not include an on-site tasting room and retail space, and may or may not operate in conjunction with a bar or restaurant.

Micro-irrigation: The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along water delivery pipes.

Minimization: Lessening impacts by reducing the degree or magnitude of the proposed action prior to and during site alteration and construction.

Minor Conditional Use Approval: an authorization issued by the City Community Redevelopment Board granting relief from the provisions of the urban code relating to paint colors, fence requirements, public art, and architecture materials.

Minor development: A single-family, multi-family or duplex residential project of between three and 35 units, inclusive; a non-residential development under 50,000 square feet of floor area; a mixed use development under 50,000 square feet of floor area; a public or private



institutional development less than one acre in size; and commercial tenant finishes (Ord. No. 1665-99, 4-26-99 and Ord. No. 1357-94, 8-8-94).

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

- a. A change of two percent or less in the area of any land use designations shown on the final development plan;
- b. An increase in residential density of less than five percent;
- c. An increase in nonresidential building square footage of less than ten percent;
- d. An amendment to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the city commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A timetable extension of 180 days or less may be granted by administrative variance in accordance with Section 8.05.08 and does not require a new traffic concurrency review in accordance with section 4.04.03 of this Code.

Minor urban code district conditional use: The granting of relief from the provisions of the urban code relating to paint colors, fence requirements, public art, and architectural materials.

Mixed use planned unit development (MXPUD): An alternative means of development and an alternative zoning procedure for combinations of two or more integrated residential, commercial, hospital, governmental and light industrial uses, in accordance with section 2.07.00.H and with the planning and development objectives of the City.

Mobile home: a structure as defined in Florida Statute Section 320.01.

Monopole tower: A telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation and constructed without guy wires or ground anchors.

Monument sign: A freestanding low-profile sign with the sign area at the top of a solid base.
(Ord. No. 2206-10, 07-12-10).



Example:



(Ord. No.2206-10, 07-12-10)

Mulch: non-living, organic or synthetic materials used in landscape design to retard erosion and retain moisture.

Multi-family dwelling unit: A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

Multi-story building: Means a building that has one or more floors above ground.
(Ord. No. 2206-10, 07-12-10).

Mural: Means a painting, drawing, or mural painted or drawn on an external wall which is considered generic art, and which does not graphically contain a message or logo, or depict a product or service of a particular business being offered to the public.
(Ord. No. 2206-10, 07-12-10).

Mural sign: Means a painting or drawing on an external wall which contains a message, or logo, or depiction of a product or service of a particular business being offered to the public.
(Ord. No. 2206-10, 07-12-10).

Museum: An establishment either publicly or privately owned where objects of art or objects of historical, educational, or cultural value are displayed.
(Ord. No. 1686-99, 7-26-99)

Nameplate sign: A non-electric, on-premises identification sign giving only the name, address and/or occupation of the occupants.
(Ord. No. 2145-07, § 4, 11-26-07)

Native uplands: those land areas that consist of vegetation in which 50 percent or more of the vegetative cover is native vegetation.

Native upland vegetative community: A concentration of plant species indigenous to the region. These communities such as coastal hammocks, sandhills, and scrub are classified based on the presence of certain soils, vegetation and animals.

Native vegetation: Vegetation comprised of those vegetative species that were present in Florida at the time of European contact including threshold wetlands. Any species introduced to Florida thereafter is non-native vegetation. Descriptions of species considered non-native vegetation are contained in the latest version of the Florida Exotic Pest Plant Council list of exotic and invasive plants.



Native vegetation preserve area: means that portion of a property in which no development activity is permitted including threshold wetlands, upland buffers, greenways, and habitat of listed species or areas of native vegetation.

Neighborhood retail establishments: Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Net density: The net density of a project shall be computed by dividing the total number of units to be constructed by the net residential acreage of the parcel. The net residential acreage of a parcel shall be the acreage devoted to residential buildings and accessory structures less all bodies of water including wet retention areas, the dedicated public open space, all easements dedicated to a governmental body for a public use, all public and private road right-of-ways, and protected environmentally sensitive areas.

New construction: Construction of a new building or structure (As referenced in Chapter 3).

New Construction For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the “start of construction” commenced on or after August 15, 1978 and includes any subsequent improvements to such structures. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

New development: The construction of a building or structure on unimproved real property.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 15, 1978. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Newspaper or publishing plant: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Newsrack: means any type of unmanned device, whether a self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, sale, vending, or free distribution of, newspapers, news periodicals, or commercial handbills.

Night club: an establishment that is a stand-alone bar, bottle club, or restaurant that:

- (1) Serves or allows the consumption of alcoholic beverages on the premises; and
- (2) Provides or permits entertainment; and
- (3) Which is open for business later than 12:00 a.m. at least one evening per week.



Nonconforming development: development that does not conform to the use regulations in Chapter II and/or the development standards in Chapter VI.

Non-commercial sign: A temporary sign erected for purposes other than advertising a commercial business.

Non-conforming sign: A sign which was erected legally but no longer complies with the current sign code regulations.
(Ord. No. 2145-07, § 4, 11-26-07)

Non-native uplands: those land areas that are either devoid of vegetation or consist of vegetation of which less than 50 percent is native vegetation.

Non-native vegetation: any vegetation that is not native vegetation.

Non-roadway banner sign: See Special event banner sign.
(Ord. No. 2145-07, § 4, 11-26-07)

Novelty and curio shop: A retail establishment specializing in items valued for its oddness or rareness and sometimes valued as a collector's item.

Nuisance species: plant species which have the potential to dominate disturbed or created mitigation areas and form large vegetative colonies (e.g. cattail, spatterdock, Carolina willow). These species can be native to the geographical area.

Number: Words in the singular shall include the plural and words in the plural shall include the singular.

Nursing home: An extended or intermediate care state licensed facility approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Occupiable space: The gross area of a building excluding parking areas and vehicle access thereto and storage space.

Office, business or professional: An establishment used for the provision of advice, information, or consultation of a professional nature, including but not limited to medical, veterinary, insurance, real estate, banking, and financial services, executive management and administrative services, but excluding as a principal use commercial storage of goods for the purpose of sale.
(Ord. No. 1904-02, 12-9-02)

Office equipment and supplies store: establishments primarily engaged in one or more of the following: (1) retailing new stationery, school supplies, and office supplies; (2) retailing a combination of new office equipment, furniture, and supplies; and (3) retailing new office equipment, furniture, and supplies in combination with selling new computers.

Office, low-intensity medical: An establishment used by licensed acupuncturists, chiropractors, clinical social workers, marriage and family therapists, occupational therapists, optometrists, physical therapists, psychologists, and psychiatrists or similar medical



professionals. These medical professionals serve a narrower client base, tend to require appointments, offer one-on-one consultations with clients and tend to have minimal support staff. Because such low-intensity medical services do not demand high parking requirements, generate fewer trips and disperse these trips more evenly throughout the day, fewer parking spaces are required than more intensive medical uses such as clinics and dentists' offices.

Office, medical: An establishment used for the provision of therapeutic, preventive, or other corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services on an outpatient basis. (Ord. No. 1904-02, 12-9-02)

Office, veterinary: An establishment used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those animals in need of medical or surgical attention but not including an outdoor kennel. (Ord. No. 1904-02, 12-9-02)

Off-premises sign: A sign advertising a business which is not located on the property where the sign is located. (Ord. No. 2145-07, § 4, 11-26-07)

Open space: An area not occupied by any structures or impervious surfaces. A body of water is considered impervious.

Optical store: establishments primarily engaged in one or more of the following: (1) retailing and fitting prescription eyeglasses and contact lenses; (2) retailing prescription eyeglasses in combination with the grinding of lenses to order on the premises; and (3) selling nonprescription eyeglasses.

Outbuilding: A secondary building, other than a storage shed, located in the rear yard of the principal building.

Outdoor area: an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above. (As referenced in Chapter 2 – Dog-friendly restaurants; Ord. 2216-10, 10-18-10)

Outdoor storage area: An area not within an enclosed building which is used for the outdoor storage of any materials, goods, merchandise or equipment used in conjunction with and ancillary to the primary use on the property. (Ord. No. 1683-99, 7-26-99)

Outstanding resource wetland: a wetland that is naturally connected to the St. Lucie River, to Poppleton Creek, to Frazier Creek, to Haney Creek, to Krueger Creek, to Willoughby Creek, or to the tributaries thereto. To constitute an *outstanding resource wetland*, the connection must be natural and not man-made.

Overflow parking: Means off-street parking which is provided in addition to the number of off-street parking spaces required for specific uses which occur on a development site as required by section 6.03.00, Parking, of this Code. (Ord. No. 1678-99, 6-28-99)

Pain management clinic or clinic: Means the same as the definition found in Sec. 458.3265(1)(a), Florida Statutes (2012), as may be amended from time to time. Such definition shall not include any of the following:



1. A clinic that is licensed as a facility pursuant to chapter 395; or
2. A majority of the physicians who provide services in the clinic primarily provide surgical services; or
3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million; or
4. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows; or
5. The clinic does not prescribe controlled substances for the treatment of pain; or
6. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3); or
7. The clinic is wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or
8. The clinic is wholly owned and operated by a physician multispecialty practice where one or more board-eligible or board-certified medical specialists who have also completed fellowships in pain medicine approved by the Accreditation Council for Graduate Medical Education, or who are also board-certified in pain medicine by the American Board of Pain Medicine or a board approved by the American Board of Medical Specialties, the American Association of Physician Specialists, or the American Osteopathic Association and perform interventional pain procedures of the type routinely billed using surgical codes. (Ord. No. 2212-10, 09-13-10).

Painted wall sign: A sign applied with paint or similar substance on the face of a wall.
(Ord. No. 2145-07, § 4, 11-26-07)

Parapet wall: Means a wall which serves as a guard at the edge of a balcony or roof. A parapet shall not exceed 24 inches in height, provided, however, a greater height of up to ten feet may be permitted by the city development director if necessary to conceal rooftop utilities such as stairway and elevator bulkheads and other roof equipment. No height of greater than 24 inches shall be permitted for more than 40 percent of any facade of a building. A parapet wall shall be designed to be consistent and compatible with the design and treatment of the facade of the structure.
(Ord. No. 1841-02, § 2, 6-10-02; Ord. No. 1979, § 1, 6-28-04)

Parcel: see "Lot".

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 320.01, F.S.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Parking intensive vessel slip: A location where a vessel is docked at a facility and inhabited by a person or persons for five (5) consecutive days or a total of ten (10) days within a thirty (30) day period.

Parking lot: All private or government provided public property used for off-street parking, vehicular aisles and accessways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.



Parking garage: A private or government provided public structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in underground parking garage) or either partially or totally above grade with those levels being either open or enclosed. Notwithstanding the four story limit provided for in Section 1.04.02, a parking garage, as defined herein, may be built without regard to the number of stories provided all Florida Building Code and Life Safety Code requirements are met and the structure does not exceed 45 feet in height to the top surface of the uppermost roof deck, which may be used for parking.

Party: The petitioner, the city and any affected person who files a notice of intent to be a party as provided in this article.

Patron: The same as guest as provided in F.S. § 509.013. (As referenced in Chapter 2 – Dog-friendly restaurants; Ord. 2216-10, 10-18-10)

Pervious concrete: A concrete paving surface designed to permit the percolation of a percentage of stormwater through its surface. Pervious concrete may receive a credit towards impervious surface coverage if it is installed and maintained according to manufacturer's specifications and this Code.

Petition: An application made by a petitioner to initiate a quasi-judicial proceeding.

Petitioner: The individual, corporation or other entity which files a petition.

Pharmacy: Means the same as the definition in Sec. 465.003, Florida Statutes (2012), as may be amended from time to time, and includes *community pharmacy*, *internet pharmacy*, and *special pharmacy*, but does not include *institutional pharmacy* or *nuclear pharmacy*, as each of those terms are used in that section. (Ord. No. 2212-10, 09-13-10)

Photo supplies and studios: A facility primarily engaged in the retail sale, lease, and service of photography equipment and supplies, including limited on-site processing or development. This also includes establishments known as portrait studios primarily engaged in providing still, video, or digital portrait photography services.

Place of public assembly: A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other entertainment events, including stadiums, convention centers, coliseums, athletic centers, concert halls, amphitheaters, and arenas.

Plan document: A verbal or graphic depiction or both verbal and graphic depictions (specifications and/or drawings) of a proposed or completed development, and includes concept plans, site plans, sketch plans and plats as may be appropriate for the proposal.

Planned Unit Development (PUD):

- (a) Is land under unified control, planned and developed as a whole, a single development operation or an approved programmed series of development operations by multiple developers.
- (b) Includes principal and accessory uses and structures substantially related to the character of the development itself and the surrounding area of which it is a part.



(c) Is ultimately developed according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, an elevation for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings.

(d) Is ultimately developed according to an officially approved final development plan which does not necessarily correspond to property zoning district in which the property was previously or would otherwise be placed.

Point of purchase sign: Any structure, device, display board, screen, surface or wall with characters, letters or illustrations placed thereto, thereon or thereunder by any method or means whatsoever, where the matter displayed is used for advertising on the premises a product actually or actively offered for sale or rent or services rendered thereon.

Pole sign: Any sign erected upon a pole or poles with the exception of freestanding signs or billboards and which is wholly or partially independent of any building for support.
(Ord. No. 2145-07, § 4, 11-26-07)

Political sign: Any advertising structure or banner used in connection with a local, state or national election campaign, or other political activities.

Pool hall and billiard parlor: A primary commercial entertainment land use containing one or more pool or billiard tables.

Porch: An open, roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building which exists without window sash or any other form of permanent enclosure other than the exterior wall of the attached building. Open mesh screening with a roof impervious to weather shall not be considered an enclosure. See "screened porch".
(Ord. No. 1720-00, 3-27-00)

Porch: An open-air roofed structure attached to the exterior wall of a building, supported by columns or piers, located along the facade of a building at any level, and enclosed by a low railing or other retaining device, when necessary for safety purposes (As referenced in Chapter 3).

Portable sign: Any sign designed to be easily moved, such as a sidewalk or sandwich boards sign, and is not permanently affixed to the ground or to a building.
(Ord. No. 2145-07, § 4, 11-26-07)

Porte-cochere: A covered structure attached to and part of the principal building used to provide a sheltered loading area for the automobile and its occupants. Porte-cocheres may carry a second story of habitable space. A porte-cochere is considered a part of the building and may count as parking.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. In order to be practicable, an alternative must be both available to the permit applicant and capable of fulfilling the overall project purpose.

Preliminary development order: Is one of the following: rezoning; conditional use approvals; and preliminary plat approval.



Preserve area: Means that portion of a property in which no development activity is permitted and has been set aside to satisfy the native habitat and wetland protection requirements.

Preserve Area Maintenance Plan (PAMP): Means a document required of all applicants for site plan approval on sites which contain native habitat preserve areas (upland and wetland). The Preserve Area Maintenance Plan shall include provisions for the protection, maintenance, and monitoring requirements of preserve areas prior to, during and subsequent to, completion of the approved development, pursuant to Section 5.04.03.

Primary facade: Means any facade which is visible from public right-of-way.
(Ord. No. 1678-99, 6-28-99)

Principal building (or structure): A building in which is conducted the principal use of the property on which such building is located.

Principal use: The main use of a lot or structure, as distinguished from an accessory use.

Principally above ground: Means that at least 51 percent of the actual cash value of the structure is above ground. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Program deficiency: Means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Projecting sign: A sign which is attached at a right angle to the outside wall of the building.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Prop roots: The structures originating below the lowest limbs of red mangroves, which are also known as stilt roots.

Protected environmentally sensitive area: An environmentally sensitive area designated for protection in the conservation element of the Stuart Comprehensive Plan and in accordance with Chapter V, Resource Protection, of this Code.



Protective barrier: A physical structure limiting access to a protected area, composed of wooden or other suitable materials which assures compliance with the intent of this chapter.

Public approved: Indicates acceptance by a majority vote of the city commission.

Public art: An artistic work that is an expression of a historic person, place or event or an expression of an important local theme that is represented in good taste and craftsmanship. The work may be a fountain, mural, sculpture, painting or other generally acceptable art form as directed by the community redevelopment board. The work must be original, not reproducible, and must be created individually by an artist or team of artists. Public art may be displayed in a public venue including public lobbies as approved by the community redevelopment board.

Public art location: A location accessible to the general public or is clearly visible to the general public from another public space such as city park or public right-of-way.

Public courtyard: A landscaped space or plaza on private property that has at least one side open to a public street, and is intended for public use. Building facades that face onto a public courtyard are subject to the same requirements as if facing a street.

Public facilities and services: Those covered by the City of Stuart Comprehensive Plan required by F.S. § 163.3177, and for which levels of service standards must be adopted pursuant to F.S. § 163.3180 . These are: roads, sanitary sewer, schools, solid waste, drainage, potable water, and parks and recreation.

Public food service establishment: the same as the meaning given it by F.S. § 509.013. (As referenced in Chapter 2 – Dog-friendly restaurants; Ord. 2216-10, 10-18-10)

Public parks: Any and all outdoor and covered grounds and facilities owned, operated or designed by the city for the purpose of recreational, sports or leisure activities.

Public safety and nuisance: Means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Public service planned unit development (PSPUD): An alternative means of development and an alternative zoning procedure for predominately public service purposes, in accordance with section 2.07.00.F and with the planning and development objectives of the City.

Public utility: Includes but is not limited to telephone, electric, and cable television lines, poles, equipment, and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations, stormwater systems, telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.



Publicly dedicated: Meeting the following criteria: 1. Be in compliance with standards for the facility/service in question as adopted by the city; and 2. Having ownership of the facility/service transferred to the city through a legal instrument approved by the city attorney.

Publicly maintained: This term means that the city shall responsible the facility/service for a period of time as stipulated by the city commission or by any applicable service agreement.

Pylon sign: An advertising structure projecting from the wall or extending over the roof of any building comprising a framework and display surface, the structural members of which are an integral part of the building upon which such sign is erected.

Quasi-judicial matter: a matter which involves the application of a land use standard established by local law to specific real property and its impact upon the owners, residents and other occupants thereof and upon other affected persons, and includes, but is not limited to, a site specific land use amendment or rezoning, a major development site plan review, a variance, a conditional use approval and a plat review.

Quasi-judicial proceeding: the process which comports with constitutional due process requirements whereby a board adjudicates the private rights of the parties thereto in a quasi-judicial matter.

Radio and/or television broadcast stations: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

Railroad freight station/terminal: A heavy rail facility for freight pick-up or distribution; may include intermodal distribution facilities for truck or shipping transport.

Rain sensor device: a low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

Real estate sign: Any temporary sign advertising the real estate where the sign is placed, stating as being for sale, rent or lease.
(Ord. No. 2145-07, § 4, 11-26-07)

Recreational vehicle: A vehicle, including a park trailer, which is: [See section 320.01, F.S.]

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and



- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Registered landscape architect: a person who holds a license to practice landscape architecture as defined in and in accordance with F.S. ch. 481.

Religious institution: A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Remove or removal: The actual removal by digging up or cutting down, or the effective removal through damage or other means.

Remove or Removal: actual or effective removal through killing, damaging or destroying of any trees which are not exempt trees (As referenced in Chapter 6).

Renovation: Work which changes or modifies the original size, location, materials or exterior finish of the components of a building. The change may include expansion or upgrading of a building.

Renovation development: A development which includes:

1. Additions to existing buildings or structures totaling 30 percent or more of the total gross floor area of all existing buildings or structures on the site inclusive of any additions made during the previous three years; or
2. Improvements to existing buildings and site improvements consisting of any combination of repairs, reconstruction and alteration to a building or site the cumulative costs of which, according to most current edition of the Marshall and Swift Cost Estimator, equal or exceed 25 percent of the market value of the buildings on the site and site improvements, not including the market value of the land, prior to improvement.

Repair services: Establishments within enclosed buildings with no outdoor storage, primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, furniture repair, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Replication: the replacement of a historical building in the original footprint and building envelope using the original facade, materials, and architectural design.

Research facility and scientific laboratories: An establishment which is designed for research, development and testing related to such fields as biological, chemical, pharmaceutical, medical, electrical, transportation, and engineering, providing such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings. Considered an "Industrial, low-impact" use.



Residential floor area: The floor space of a building which is used primarily as a dwelling unit for human habitation. A dwelling unit shall contain not less than 450 square feet of gross floor area.

Residential PUD: An alternative means of development and an alternative zoning procedure for predominately residential purposes, in accordance with section 2.07.00.D and with the planning and development objectives of the City.

Residential units combined with non-residential uses: A building containing residential in addition to non-residential uses permitted in the zone.

Restaurant, convenience: An establishment where the principal business is the sale of food and beverages to the customer in a ready-to-consume state where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

Restaurant, general: An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation includes one or more of the following:

- As sit-down restaurant where customers, normally provided with an individual menu, are generally served in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
- A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant building.

Restaurants, limited: An establishment intended to serve businesses in the local vicinity with a maximum seating capacity of not more than thirty (30) patrons.

Retail, bulk merchandise: A retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e., "big box" retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry-out goods (e.g., groceries, household, and personal care products).

Retail, department store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

Retail, furniture store: A commercial establishment wherein home or office furnishings and related accessories are sold to the ultimate consumer.



Retail, intensive sales and service: Shops and stores limited to retail sales of frequently needed convenience items or services typically needed on a recurring basis. This definition includes shops with (1) limited inventory; (2) a household market area in the immediate vicinity; (3) a specialized market with customized service demand; or (4) a tourist oriented market area in the immediate vicinity. This definition includes but is not limited to the following:

- Art shops/galleries
- Book and stationary stores
- Building trade shops with no outside storage
- Candy and ice cream stores
- Clothiers
- Copy services and duplicating services
- Dog day care
- Pharmacies
- Fabric, hobby and handicraft shops
- Florists
- Gift shops
- Hardware stores
- Interior decorating establishment
- Jewelry stores
- Neighborhood retail establishment
- Newsracks
- Novelty and curio shops
- Optical stores
- Photo supplies and studios
- Tailors or seamstresses
- Tobacco shops
- Shops for making articles of an artisanal use to be sold on the premises, provided such manufacturing is incidental to the retail business or service

Retail, non-intensive sales and service: A location or building which provides retail sale or rental from the premises of goods and/or services and highway oriented sales and services that generally cater to a market area in excess of three miles, excluding establishments with significant wholesaling, warehousing, outside storage, and distribution functions. Uses include but are not limited to the following:

- Appliance stores without major warehousing
- Farm equipment and supplies sales, without outdoor storage
- Grocery stores/supermarkets
- Home improvement centers without major storage areas and manufacturing
- Office equipment and supplies

Retail, regional mall: A large commercial development with retail, entertainment, and service uses of a scale and function to serve a regional market, that: (i) has primary and ancillary structures in an integrated development with an overall site plan; (ii) contains at least 50,000 square feet of floor area within the primary structure; (iii) provides vehicular and pedestrian access from ancillary structures within the complex to the primary structure; and (iv) is adjacent and accessible to a major or minor arterial roadway .



Retail, strip shopping center: Two or more adjoining business establishments in sequence, the underlying ownership of land and building(s) being in a single entity.

Rezoning: The initial zoning of a parcel or parcels of land within the city as well as a change in the zoning classification of a parcel or parcels of land indicated on the city zoning map (Ord. No. 1927-03, § 1, 3-24-03).

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Rigid awning: A unit designed to protect a window or door against sun or weather supported entirely from the walls to which it is attached, constructed of metal, wood, or other approved rigid material and capable of being securely anchored in that position and being lowered readily and easily within a few minutes time to function as a shutter or to close the protected opening.

Rigid canopy and canopy-shutter: A unit designed to protect a window or door, or a group of windows or doors, against sun or weather supported by the mobile home or building to which it is attached or by separate metal or other rigid columns supported by the ground.

Roadway banner sign: A temporary sign that is constructed with a standard vinyl awning material that drapes above the roadway, attached to city installed poles on both sides of the road.
(Ord. No. 2145-07, § 4, 11-26-07)

Roof peak: Means the highest point of a pitched roof.
(Ord. No. 1841-02, § 2, 6-10-02)

Roof sign: A sign which projects above the roof line or is located on the roof of the building structure.
(Ord. No. 2145-07, § 4, 11-26-07)

Rooftop dining: The use of a rooftop area by a restaurant for assembly or the consumption of food or beverages. The term "restaurant" shall have the same meaning as set forth in this Chapter.

Rooming and boardinghouse: any public lodging establishment that may not be classified as a hotel, motel, nontransient apartment, bed and breakfast inn, vacation rental, or transient apartment under this section. A roominghouse includes, but is not limited to, a boardinghouse [F.S.509.242(1)(f), as amended from time to time].

Sand dune: Naturally occurring accumulations of sand in ridges or mounds landward of the beach. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Sandwich sign: See Sidewalk sign.
(Ord. No. 2145-07, § 4, 11-26-07)



Satellite television antenna system: Any system of equipment, usually including a dish antenna, designed to receive television, radio and other communication signals, primarily from orbiting satellites. The term does not apply to any community antenna or cable television system that is governed by a separate city franchise.

School: Means a public, parochial, or private institution of learning for children which offers instruction in those courses of study required by F.S. ch. 1000-1013, or which is maintained pursuant to standards set by the state board of education including a day care facility, nursery school, pre-school, kindergarten, elementary school, middle school, junior high school, senior high school, junior college, college and any special institution of learning under the jurisdiction of the state department of education.

Screened porch: A roofed-over porch, portico, piazza, veranda, or structure attached to a building, at least two exterior walls or facades of which porch is constructed principally of screen or mesh material pervious to air. A screened porch is characterized by the fact that at least two of its sides consist primarily of broad expanses of uncovered screen material through which air circulates freely, and visibility is not significantly impeded. (Ord. No. 1720-00, 3-27-00)

Search light: Any intensified light used for identification, advertising or promotional purposes.

Secretary of the board: the city clerk for the city commission, for the planning advisory board and for the board of adjustment, is the employee appointed by the city manager to act in such capacity.

Self-supported or lattice tower: A telecommunications tower that is constructed without guy wires and ground anchors.

S.E. Ocean Boulevard Overlay Zone Major Conditional Use: the granting of relief from the provisions of this Code relating to permitted uses, setbacks, building height, location of parking, location of buildings and structures, conflicts with utilities, historic buildings, and architectural requirements within the S.E. Ocean Boulevard Overlay Zone.

Setback: The minimum required front yard, side yard, and rear yard distances between a building or structure and the property line. Excluding streetwalls and fences, a setback must be free of structures that are higher than four feet. Any recorded easements that increase the required minimum setback take precedence over the dimensions established in this Code.

Shade tree: a hardwood tree that locally reaches a minimum height of 25 feet at maturity, provides relief from direct sunlight for at least six months of the year and is included in the recommended tree list in the landscape code.

Shall, may: The word "shall" is mandatory; "may" is permissive.

Shooting range, indoor. A facility, entirely enclosed in a building, designed for the safe discharge of firearms at targets.

Shoreline protection zone: the land adjacent to the shoreline, including the shoreline of, the St. Lucie River and Poppleton Creek, Frazier Creek, Haney Creek, Krueger Creek and



Willoughby Creek. Except as otherwise provided in §5.06.02.B.4, no development shall be permitted within the shoreline protection zone.

Shrub: any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base. Shrubs shall be a minimum of 24 inches in height and have a minimum 12-inch spread or be a three gallon container size at planting.

Sidewalk sign: A temporary, movable sign, made of metal and/or wood, having not more than two faces, and not permanently attached to the public sidewalk, but stable enough to support its own weight.
(Ord. No. 2145-07, § 4, 11-26-07)

Sign: Any device, structure or fixture using graphics, symbols or written copy designed to advertise, or identify an establishment, product, goods or services.
(Ord. No. 2145-07, § 4, 11-26-07)

Sign area: The sign area shall be the area of a rectangle enclosing all lettering, illustrations, ornamentation and logos which form an integral part of the display, or differentiates the display area from the background on which it is placed.
(Ord. No. 2145-07, § 4, 11-26-07)

Signs confusing to vehicular drivers: Means a sign erected at the intersection of any streets or in any street right-of-way in a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, a traffic signal, or traffic device; or which makes use of the words "stop", "look", "danger", or any other word, phrase, symbol, or character in a manner as to interfere with, mislead, or confuse vehicular drivers.
(Ord. No. 2206-10, 07-12-10).

Sign manufacturing/painting shops: Establishments primarily engaged in manufacturing signs and related displays of all materials.

Significant adverse effects: Any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces the zone's beneficial functions as delineated in the conservation element of the Stuart Comprehensive Plan.

Single-family dwelling unit: A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Single-family estate: Detached housing designed to house one family and to maximize usable open space through the use of adequate building separation, the variance of building setbacks and landscape designed feature, such as courtyards and patios.

Site plan: A plan document providing the detailed and specific arrangement of land and structures including buildings, tenancies or premises, landscape, storm water management, utilities location, paved surfaces, including sidewalks and parking areas, and open space, prepared by a design professional, and complying with the reasonable design criteria contained in Appendix C.



Skating rink, roller or ice: An establishment that provides facilities for participant skating.

Sketch plan: A plan document providing the generalized arrangement of land and structures including buildings, landscape, utilities location, paved surfaces, including sidewalks and parking areas, and complying with the reasonable design criteria contained in Appendix D.

Small-scale future land use amendment (FLUA): defined at F.S. §163.3187, as the same may be hereafter from time to time. A “small scale” FLUA may be considered at any time by the city without any limit on frequency. (Ord. No. 1929-03, §1, 3-24-03)

Snipe sign: Any sign located in the public right-of-way or placed in the ground for commercial purposes, excluding garage sales, yard sales, homeowners and civic meeting signs.
(Ord. No. 2145-07, § 4, 11-26-07)

Special event banner sign: A sign which announces a special event or function which is of general benefit to the community at large. (Ord. No. 2145-07, § 4, 11-26-07)

Special flood hazard area: An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]
(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Special landscape treatment: Landscaping that creates a park-like setting or plaza, opposed to the landscaping requirements normally associated with siting of a development project and has at least one side open to a public street which is intended for public use.

Specialty salon: means any place of business wherein the practice of one or all of the following specialties are engaged in or carried on:

- (a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- (b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- (c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.

Species of special status: Can be either endangered or threatened as listed by the City of Stuart in the conservation element of the Comprehensive Plan. An endangered species is any species of fish, wildlife or plants which have been designated as such by the Secretary of the U.S. Department of the Interior, the Florida Fish and Wildlife Conservation Commission, or the Florida Department of Environmental Protection, or successor agencies. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. A threatened species is one which is likely, within the foreseeable future, to become endangered. A species of special concern is a species which does not clearly fit into the endangered, threatened, or rare categories yet which, for certain reasons, warrants special attention.



Specified anatomical areas: Means the human genitals, pubic region, anus, anal cleft, buttocks, and that portion of the female breast below the top of the areola.

Specified sexual activities: Means any sexual act which is prohibited by state statute law as a criminal act, and acts of sexual intercourse, oral and anal copulation, masturbation, flagellation, and the touching, caressing or fondling of breasts, buttocks, anus or genitals, or the simulation of any of the foregoing.

Specimen tree - a Slash Pine which has achieved a DBH of ten inches; or any other tree as referenced in Chapter V of this Code which has achieved a DBH of 4.5 inches which is listed on the City of Stuart Tree List in this Code; or any other tree which has achieved a DBH of 6 inches which is listed on the City of Stuart Flowering Tree List; or any other tree which has achieved the lesser of a DBH of ten inches or at least 25 percent of the DBH of a species identified in the Florida Champion Trees of Florida database, maintained by the Forest Service, as amended, excluding all invasive plant species as defined in this Chapter. (Ord. No. 1788-01, § 1, 6-25-01)

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

State of Florida - the Department of Environmental Protection and the South Florida Water Management District, as well as any other state agencies, but not including counties.

Stealth telecommunications facility (STF): Any telecommunications facility which is not readily identifiable as a tower and is harmonious, complementary and blends into the proposed site location and surrounding environment as determined by the city development director. Examples of stealth facilities include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to look like light poles, power poles, ball-field lights or trees.

Storage shed: Means a structure which has a maximum size of 200 square feet of gross floor area and a maximum height of ten feet.

Storage yard: means those areas intended for the regular, consistent, or long-term placement, keeping, storage, or location, of any type of industrial, construction, or agricultural machinery, supplies, equipment or vehicles which are not on the premises in connection with a properly allowed project. Such items shall include, but not be limited to, concrete mixers, asphalt



and tar heaters, trucks, cranes, tractors, bulldozers, backhoes, scaffolding materials, welding machines, concrete blocks or bricks, cement, lumber, angle iron, and other related items.

Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
(Ord. No. 1979-04, § 1, 6-28-04)

Street facade: That facade of a building which is nearest an adjacent street.
(Ord. No. 1678-99, 6-28-99)

Streetwall: An opaque freestanding wall built on the front property line, or on the line of a facade, with the purpose of screening parking from the street. Streetwalls shall be between three and four feet in height without fenestration or architectural opening and four to eight feet in height if gridded windows provide the fenestration. Streetwalls may either be constructed of a material matching the adjacent building or be a continuous, maintained hedge. Streetwalls may have openings to allow automobile and pedestrian access. Landscaping which is irrigated and maintained by the private property owner is required on the public side of the streetwall.

Structure, principal: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which the structure is located. (Ord. No. 1827-02, § 3, 1-28-02)

Studio (art, dance, music, exercise): An establishment where classes in the various arts (e.g. dance, painting, sculpting, singing) are taught to four or more persons at a time. Exercise studios shall be limited to those activities such as martial arts, yoga, pilates, etc., which do not require equipment typical of a health club.

Subdivision: The platting of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Subdivision entrance sign: An entrance sign identifying the name of the subdivision or residential development.
(Ord. No. 2145-07, § 4, 11-26-07)

Subject property - the real property which is the subject matter of a quasi-judicial proceeding.

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 1612.2.] (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)



Substantial improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
(As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Substantial renovation: a development that includes:

1. Improvements to existing buildings and site improvements consisting of any combination of repairs, reconstruction and alteration to a building or site the cumulative costs of which, according to the latest edition of the Marshall and Swift Cost Estimator, equal or exceed 50 percent of the market value of the buildings on the site and site improvements, not including the market value of the land, prior to improvement; or
2. Additions to existing buildings or structures totaling 50 percent or more of the gross floor area of all existing buildings or structures on the site inclusive of any additions made during the previous three years. (As referenced in Chapter 3).

Swimming pool (public): A swimming pool to which the general public has access through the payment of a fee or admission charge.

Swinging projection sign: Any sign projecting at an angle from the outside wall of any building, which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.

Swinging sign: A flexible swinging sign hanging from the outside wall or walls of any building or any pole structure which is not rigidly affixed thereto.
(Ord. No. 2145-07, § 4, 11-26-07)

Tailor or seamstress: One that makes, repairs, and alters garments such as suits, coats, and dresses.

Tank farm: An open-air facility containing a number of aboveground, large containers for the bulk storage in liquid form of petroleum products.

Telecommunications tower: A guyed tower, monopole tower, or self-supported or lattice tower constructed as a free-standing structure containing one or more antennas used in the provision of personal wireless or other communications services.

Temporary construction storage container: A container or trailer typically carried by a semi-tractor truck, usually constructed of steel, utilizing one door at one end and having no windows, used for the temporary storage of tools, equipment and building materials during construction of a permanent building or structure.
(Ord. No. 1684-99, 7-26-99)



Temporary sign: Any sign erected for a limited time period not to exceed six months per year.
(Ord. No. 2206-10, 07-12-10).

Tenant: A person who pays rent to occupy or use, but who acquires no interest in, land, a building, dwelling, or dwelling unit.
(Ord. No. 2145-07, § 4, 11-26-07)

Theater: Any structure used for showing motion pictures or live performances, including video and film presentations in conjunction with live performances with a minimum seating capacity of 25.

Threshold wetland- A wetland that is less than one-half acre or is not otherwise regulated by the State of Florida. A threshold wetland is considered to be native vegetation.

Tobacco shops: A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

Trailer sign: An advertising structure mounted on wheels or skids; the entire structure being designated primarily for portable use and constructed for the purpose of advertising, whether licensed or unlicensed as a trailer.

Transplant: The digging up by a property owner or professional contractor of a tree from one place on a property, and the planting of the same tree in another place on the same property.

Tree: Any self-supporting, woody plant which normally grows to a minimum height of 15 feet or greater with a mature crown spread of 15 feet or greater and having trunks which can be maintained with over five feet of clear wood. No provision relating to trees in this landscape code shall include invasive plant species.

Tree location map- a current aerial photograph not more than three years old with a minimum scale of one inch = 200 feet that indicates the trunk location of all specimen and historic trees plotted with the common or scientific name and DBH of all such trees.

Tree survey- a survey consisting of field flagging and identification of all historic and specimen trees within the proposed development area of a project. The tree locations shall be tied into a boundary survey of the site. Tree locations in a preserve area and wetland, and any other area that will not be filled or affected by the proposed construction, are not required to be surveyed.

Trellis: An open, lightweight, decorative structure, suitable as a landscaping and architectural element, which can be utilized as a support for vines or other vegetation, intended primarily as a semi-transparent screen or shading device, not as a cover or shelter.

Truck terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities.



Ultimate right-of-way: The area claimed by the city, county or state as required for a planned road right-of-way within the ensuing five-year period, as reflected in the city's capital improvement program, or the county's or state's five-year roadway plan.
(Ord. No. 2145-07, § 4, 11-26-07)

Under-canopy sign: A sign attached or suspended under the canopy or roof of a walkway.

Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Unified control: All land included for purposes of development within a planned unit development district owned or under control of the applicant for such designation with a commitment made under present ownership binding future owners to comply with all planned unit development standards and provisions. The applicant may proceed with development only after recording of the subdivision plat, in the case of a parcel of land five or more lots, sites or parcels, or two acres or more in area, and after certification by the city development director that the submitted items above required are in substantial conformance with all documents submitted and approved at the time of zoning to PUD. The applicant must produce evidence that would bind his successors in title to any commitments made upon approval of PUD.

Unified signage plan: Means a graphic and narrative representation of the signage to be utilized on the site. The unified signage plan shall include colors, construction materials and method, illumination method, copy style, and sign type(s) and location(s). The unified signage plan may be amended and resubmitted for approval to reflect style change or changing tenant needs.
(Ord. No. 2206-10, 07-12-10).

Unit: With respect to mobile homes, means any section or plot of ground for the accommodation of a single mobile home.

Unit: With respect to assisted living facility (ALF), the term "unit" shall mean the area or room within the facility which is designated for the private, personal use and occupancy of specific resident(s), which use shall include, but not be limited to, such functions as sleeping, dressing, or any other functions normally performed in the privacy of a private residence. No more than two persons may occupy a unit at the same time.

Unlawful sign: A sign which does not meet the requirements of this code and which has not received legal nonconforming status.
(Ord. No. 2145-07, § 4, 11-26-07)

Untrimmed mangrove: A mangrove that has not been trimmed over two successive growing seasons (years).



Urban agriculture: The use of land for the production, distribution and marketing of food. Urban agriculture comprises of community and school gardens; backyard and rooftop horticulture; and other innovative food production methods that maximize production in a small area that may have the ability to supply urban farmers markets and community supported agriculture.

Upland buffer - an area of undisturbed or appropriately managed vegetation surrounding a wetland that will minimize disturbances to the wetland during and after development.

Urban code district overlay zone, or urban district: That area of the city which is coterminous with the boundary of the community redevelopment area as established in Ordinance No. 1059 adopted to take effect on May 12, 1986, by the city commission of the City of Stuart, Florida.

Urban code subdistrict: That particular subdistrict of the urban code district for which a specific set of regulations apply, as described in this Code such as urban center and urban general.

Urban farm: means an area of land managed and maintained by an individual or group of individuals growing and harvesting food crops and/or non-food, ornamental crops, such as flowers, for commercial sale, frequently sold directly to consumers and restaurants. Urban farms may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. It is distinguishable from other types of farming by the diversity of crops grown on a small area of land, typically from under one acre to a few acres, or sometimes in greenhouses grown on site, including but not limited to using growing methods such as hydroponics.

Vacant development: A building or buildings which comprise a single development and have remained unoccupied for not less than 365 days, or for which there has been no active occupational license issued for more than 365 days, or for which there has been no active electric, water, or sanitation utility service for more than 365 days. (Ord. No. 1678-99, 6-28-99)

Value of work of art: The total actual cost to create and install a work of art on a project site as determined by the city development director. The value of the work of art may only include a maximum of 15 percent to artist representatives, gallery dealers or art consultants to assist in the selection and procurement of required art work. Artists representatives, gallery dealers, and art consultants shall have no financial relationship with the artists or any ownership interest in art work purchased by the developer.

Variance: A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Vehicular sign: Means a sign placed on vehicles or trailers that are parked in the public right-of-way or on private property for the primary purpose of displaying the sign. (Ord. No. 2206-10, 07-12-10).



Verified wetland delineation: a determination of the extent of wetlands within a site that has been verified in writing by the State of Florida.

Vertical construction cost: the total actual construction costs, not including planning, surveying, appraisal, legal, architecture, permitting, site preparation or other so-called "soft" development costs, incurred in the construction of a building or buildings on a project site as determined by the city development director.

Via: A pedestrian walkway or passageway, which is located either between two buildings or within an individual building.

Vine - any ornamental plant requiring physical support to grow upwards.

Violation: Means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Visibility triangle - the area of land described as either of the following:

1. The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; or
2. The triangular area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being 30 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the two other sides.

Vista: A visual corridor at ground level with an unobstructed view from any public right-of-way to the St. Lucie River or its tributaries such as Haney Creek and Frazier Creek.

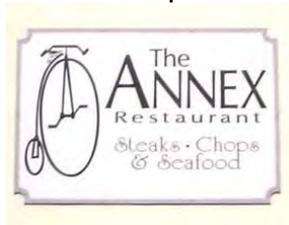
V-shape sign: Means a sign containing two faces of approximately equal size erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than ninety (90) degrees.
(Ord. No. 2206-10, 07-12-10).

Walk-through facilities: An establishment which sells at retail certain food readily prepared for immediate consumption without facilities and services customarily incidental to a restaurant operation, including but not limited to waiter service. "Walk-up business" also means and includes other forms of retail business which are conducted with the customers being situated outside the structure in which the business is located, such as but not limited to exterior automatic tellers or exterior walk-up teller (banking) windows and the like; and ice cream or frozen dessert facilities.

Wall sign: A sign painted or attached parallel to the outside of a building.



Example:



(Ord. No. 2145-07, § 4, 11-26-07)

Warehouse, general storage: An establishment whose principal use is the bulk storage of merchandise, products, or materials for distribution to other locations operated by the same business or establishment and may have an area within warehouse facility or in adjacent building for commercial and/or retail use, with minor traffic impacts. This type of warehouse shall not include mini-storage. A residence may be located on the premise and occupied only by a caretaker or guard employed on the premises, and his or her family.

Warehouse, mini-storage: A building or group of buildings in a controlled access or fenced area that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of consumer goods or wares. For purposes of this category, "Dead storage" shall mean the storage of items not used on a day-to-day basis. A residence may be located on the premise and occupied only by a caretaker or guard employed on the premises, and his or her family.

Warehouse, wholesale and distribution: Any building designed, arranged, or used exclusively for the sale or distribution of goods, merchandise and commodities in gross, primarily for purposes of resale of these items. Wholesale sales are generally sold to retailers rather than directly to the consumer, or the products may be sold to industrial or institutional customers.

Waterborne sign: Means a sign displayed on a vessel plying the waterways, excluding those required by law for the identification of the vessel.
(Ord. No. 2206-10, 07-12-10).

Watercourse: A river, creek, stream, channel or other topographic feature in, on, through, or over which waters flow at least periodically. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Watershed: that area that has been identified in studies or adopted plans to drain into the St. Lucie River basin and includes those tributaries of the St. Lucie River being Poppleton Creek, Frazier Creek, Haney Creek, Willoughby Creek and Krueger Creek.

Water surface elevation: Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (As referenced in Chapter 5 – Floodplain Management; Ord. No. 2303-2015, 02-09-15)

Wayfinder sign: An off-premises sign designed to guide or direct pedestrians or vehicular traffic.
(Ord. No. 2145-07, § 4, 11-26-07)



Wetland: an area that is inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is verified to be a "wetland" by the State of Florida, as defined in Chapter 62-340.200(19), Florida Administrative Code, as amended from time to time.

Wetland delineation: the process by which wetlands are mapped and located within a project site.

Wetland mitigation: the creation of wetland values and functions to offset direct and indirect development impacts to existing wetlands resulting from a proposed project.

Whip antenna: A cylindrical antenna that transmits in all directions.

Width: Means a lineal dimension of a site or building measured on a line parallel to the line of the street frontage.

Wind sign: Signs consisting of banners, pennants, ribbons, spinners, streamers, balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by natural or artificial wind.
(Ord. No. 2145-07, § 4, 11-26-07)

Window sign: Means any sign placed on the inside or outside of any window of any building or door and which is visible from any public right-of-way. This does not include merchandise on display.

Works of art or urban public art or public art or art work or art (as variously used within this Code): All mean an object or objects created or produced according to aesthetic principles by a professional artist, including, but not limited to, sculptures, fountains, engravings, carvings, murals, collages, mosaics, statues, special landscape treatments and collaborative design projects between architects or landscape architects and artists that may include a public courtyard and/or a special landscape treatment. To constitute a public work of art, the object must be readily visible to the public. Not more than 50 percent of the total art displayed on private property may be interior to a building. Art within a building must be displayed in an unrestricted public venue such as a public lobby and must be accessible to the general public during normal business hours, at least eight hours per day, five days per week.

Written or in writing: The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Xeriscape landscaping - a set of design and maintenance principles which promote good horticultural practice and the economic and efficient use of water.

Yard: That area which lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Code.

Yard: A building setback area of open space in which no structure of a height greater than four feet may be located except as provided herein. (As referenced in Chapter 3)



Yard, front: A yard extending between the side lot lines across the portion of a lot adjacent to a street. On corner lots, the front yard shall be provided facing the street on which each lot of record or lots of record involved have their lesser dimension.

Yard, rear: A yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots.

Yard, side: A yard extending along the side of a lot between the rear line of the front yard and the rear lot line.

(Ord. No. 1841-02, § 1, 6-10-02; Ord. No. 1872-02, § 1, 10-10-02; Ord. No. 1978-04, § 1, 6-28-04); Ord. No. 2010-05, § 2, 2-14-05; Ord. No. 2014-05, § 1, 2-14-05)

Year: The word "year" shall mean a calendar year, unless otherwise indicated.

Zoning in progress: means the city intends to make a text amendment or district map change to the land development code, and apply that change to development applications submitted following the declaration of zoning in progress. Additionally, zoning in progress allows a temporary hold on development orders, permits and licenses already in progress, if there is a pending change in the land development code that would affect the development order, permit or license.

(Ord. No. 2056-05, § 2, 11-28-05)

Zoning in progress period or freeze period: The period of time allowed in the land development code, beginning with public notice of a proposed zoning measure, and continuing through final consideration of such zoning measure by the city commission, plus any applicable appeal periods, or periods tolled by developer postponements, but not longer than permitted in the land development code.

(Ord. No. 2056-05, § 2, 11-28-05)

APPENDIX A – CIVIL PLAN COMPONENTS

ITEM #	CIVIL PLAN COMPONENTS	REVIEWER
1	Plans shall be 24" x 36" in size (2 sets) - "State Plane Coordinates"	City
2	Legible graphic scale displayed on each sheet of both sets	City
3	All drawings to be folded to nominal 9" x 12" size.	City
4	Seal and Signature of the design professional who prepared the site plan	City
5	Title Block including: north arrow; street address of the zoning lot; date of preparation; name and address of the firm that prepared the site plan; type of plan; project or development name (includes any former name if existing); name of owner, developer, engineer, surveyor, and landscape architect; PUD Ordinance or Resolution Number	City
6	Site data summary to include: a) Total anticipated phases/units b) Total site area c) Active recreation area d) Number of buildings with square footage e) Existing and proposed zoning f) Parking requirements g) Percent of building coverage to lot area h) Existing and proposed Use i) Current Zoning j) Future land use designation k) Impervious/Pervious area l) Surrounding zoning of all adjacent parcels	City
7	Key Sheet	City
8	Legal description of the property	City
9	Vicinity Map preferably at a scale of 1' = 2,000'	City
10	All submittals shall be on a CD in PDF downloadable file	City
11	Final submittal of plan documents shall be signed and sealed in a PDF downloadable file on a disc	City
12	All revised plans must be clouded and must be accompanied by a cover letter indicating all changes and their locations (Included on application form)	City and Consultants
13	Stormwater Plan shall include: a) The entity or agency responsible for the operation and maintenance of the stormwater management system b) A layout of drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas (turning radii) c) Drainage basin or watershed boundaries identifying locations of the routes of off-site waters	Engineering Consultant

APPENDIX A – CIVIL PLAN COMPONENTS

	<p>onto, through, or around the project.</p> <p>d) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.</p> <p>e) Grading plans specifically including perimeter grading</p> <p>f) Runoff calculations</p>	
14	Water and sewer mains and services, existing and proposed, including size and capacity	City
15	<p>Fire flow suppression and sprinklers support; Water flow demands including:</p> <p>a) number and size of water meters based on the fixture unit count method</p> <p>b) Irrigation demand in peak gallons per minute</p> <p>c) Identify type of Fire Protection Service, give distances to location of nearest fire hydrants and show all proposed hydrants</p>	City
16	<p>Transportation:</p> <p>a) A layout of all street, bike paths, and driveways with paving showing existing and proposed elevations and grades of all public and private paved areas (turning radii)</p> <p>b) Indicate existing and proposed right-of-ways, easements, sidewalks, and platted lots; Show all contiguous right-of-ways, easements, sidewalks, and platted lots within 200 feet; Indicate all median opening and driveways within 200 feet of proposed project; Identify all streets and give right-of-way dimensions and pavement widths</p>	City and Engineering Consultant
17	<p>Provide a site plan of proposed development and proposed phasing and show existing improvements that will be undisturbed including:</p> <p>a) Existing surface water bodies, wetlands, streams, canals and preserve area within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.</p>	City and Engineering Consultant
18	<p>Maps:</p> <p>a) A soil map of the site (existing U.S. Soil Conservation Service maps are acceptable)</p> <p>b) A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure</p> <p>c) A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area</p> <p>d) A map showing the locations of any soil borings or percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (retention), or exfiltration (detention with filtration) designs</p>	
19	The location of any underground or overhead utilities, culverts and drains on the property and within 100 feet of the proposed development boundary.	City

APPENDIX A – CIVIL PLAN COMPONENTS

20	The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development and general compliance with 2004 State/NFIP (National Flood Insurance Program) requirements.	Engineering Consultant
21	The location of off-site water resource facilities such as, surface water management systems, wells, or wellfields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.	City
22	Indicate locations of signage with dimensions and locations for compactors/dumpster pads	City
23	Cross sections and specifications of all proposed pavements	City
24	Typical and special roadway and drainage sections	City

APPENDIX B – CONCEPT PLAN COMPONENTS

ITEM #	CONCEPT PLAN COMPONENTS *	REVIEWER
1	Plans shall be 24" x 36" in size (2 sets) - "State Plane Coordinates"	City
1a	All submittals shall be on a CD in PDF downloadable file	
1b	Final submittal of plan documents shall be signed and sealed in a PDF downloadable file on a disc	
2	All drawings to be folded to nominal 9" x 12" size	City
3	Legible graphic scale displayed on each sheet of both sets	City
4	Title Block including: north arrow, street address of the zoning lot, date of preparation, name and address of the firm that prepared the site plan; type of plan; project or development name (includes any former name if existing)	City
5	Site data - all development concept plan need site data tables provided	City
6	Legal description and parcel boundary(s) survey of the property prepared by a licensed surveyor in the State of Florida	City
7	Vicinity map preferably at a scale of 1' = 2000"	City
8	Zoning Map, Future Land Use Map, Aerial of subject property	City
9	Existing features/native habitat - existing trees, buildings or other features to remain - show & label	City and/or Environmental Consultant
10	Traffic circulation - access points to the surrounding roadway system; all median openings on adjacent streets, and driveways/street intersection locations on the other side of the street, the internal circulation system, off-street parking areas, drive-through windows, including vehicle stacking areas; and passenger drop off/pick-up areas	City and/or Traffic Consultant
11	Landscape buffers and open space - delineate and give dimensions of all landscape buffers and/or open space areas. Identify significant existing vegetation that is to be incorporated into the site plan design	City and/or Environmental Consultant
12	Development features - layout of proposed lots and/or structures and total square footage of structures; approximate age of any structures that will be demolished	City
13	Location and size of all proposed buildings and structures, labeled with allowable use, height, total and gross floor area, and distance to all property lines and between buildings	City
14	Number, height, and type of residential units; Provide density units per acre (Gross)	City
15	Location of proposed retention/detention areas	City
16	PRE-APPLICATION MEETING(S) REQUIRED TO REVIEW POTENTIAL ENVIRONMENTAL IMPACTS Before creating a detailed conceptual site plan or seeking environmental permits from federal, state or other agencies, the applicant shall first schedule and attend at least one pre-application	City and/or Environmental Consultant

APPENDIX B – CONCEPT PLAN COMPONENTS

	meeting with City Development Department staff to discuss the project’s probable environmental impacts. For the pre-application meeting, the applicant shall provide an environmental report, prepared by a qualified environmental professional (i.e. Certified Ecologist, Certified Environmental Professional, Professional Wetland Scientist, or other recognized certification), in accordance with the City’s Land Development Code. The applicant is also encouraged to provide a rough layout of the proposed site plan, if available. The primary purpose of the pre-application meeting(s) is to ensure that before detailed site planning begins and substantial costs are incurred, the applicant is made fully aware of the City’s environmental design standards, particularly its “avoidance or minimization” of impact standards, and that this awareness is ultimately reflected in the site’s final design.	
16A	<p>Avoidance or Minimization of Wetland and Other Environmental Impacts</p> <p>On-Site Avoidance</p> <ol style="list-style-type: none"> 1. Can another vertical level be added to a building to decrease the overall building footprint? 2. Can the building footprint be reduced and still achieve the project's purpose and need? 3. Can a building be repositioned on the parcel to reduce or eliminate environmental impacts? 4. Can multiple structures be clustered to reduce or eliminate impacts? 5. Can road or utility alignments be reconfigured? 6. Can spans and bridges be used instead of culverts? 7. Can grading be minimized by incorporating natural topography? 8. Can more trees and vegetation be preserved? 9. Can lot layout be reconfigured? 10. Can state waters, including wetlands, be concentrated into subdivision "common areas"? 11. Can the project’s storm water facilities be designed using Low Impact Development (LID) Techniques? 	City and/or Environmental Consultant
16B	<p>On-Site Minimization</p> <ol style="list-style-type: none"> 1. Can some of the above listed techniques be used to further minimize impacts? 2. Can directional drilling be used to install underground utilities instead of excavation and backfill? 3. Can equipment fitted with low pressure tires or tracks be used? 4. Can any permanent impacts (e.g. access roads) be converted to temporary impacts? 5. Can construction staging or stockpiling of materials occur in areas outside of environmentally sensitive lands? 	City and/or Environmental Consultant
17	Phasing, if any; Total acreage in each phase and gross/net intensity (non-residential) and gross/net density (residential) of each phase; What will be built in each phase	City

APPENDIX B – CONCEPT PLAN COMPONENTS

18	Demonstrate ability to meet concurrency (School, Traffic, Utility, Parks & Recreation)	City, Traffic Consultant, School Board
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***The concept plan approval does not constitute issuance of a permit or enable issuance of a permit**

APPENDIX C – SITE PLAN COMPONENTS

ITEM #	SITE PLAN COMPONENTS	REVIEWER
1	Schedule a pre-application meeting	City
2	Plans shall be 24" x 36" in size (2 sets)- "State Plane Coordinates"	City
3	All drawings to be folded to nominal 9" x 12" size	City
4	Legible graphic scale displayed on each sheet of both sets	City
5	Title Block including: north arrow, street address of the zoning lot, date of preparation, name and address of the firm that prepared the site plan, type of plan, project or development name project (includes any former name if existing)	City
6	Site data summary to include but limited to: a) Tabulation of total project area b) Total anticipated phases/units c) Lot coverage of structures d) Number of buildings with square footage e) Impervious/pervious surface coverage f) Density units per acre, if applicable g) No. of off-street parking spaces, required and provided, including handicapped spaces h) No. of off-street loading space(s) i) Existing and proposed zoning j) Future Land Use designation k) Existing and proposed use l) Floor area ratio m) Open space or urban open space, if applicable n) Handicapped access to structures, including type of ramping and slope	City
7	Legal description and parcel boundary(s) survey of the property prepared by a licensed surveyor registered in the State of Florida	City
8	Vicinity map preferably at a scale of 1' = 2,000'	City
9	Zoning Map, Future Land Use Map, Aerial of subject property	City
10	All submittals shall be on a CD in PDF downloadable file	City
11	Final submittal of plan documents shall be signed and sealed in a PDF downloadable file on a disc	City
12	All revised plans must be clouded and must be accompanied by a cover letter indicating all changes and their locations (Include it with the application form)	City and Consultant
13	Access and Traffic Flow Plans including parking, loading and internal traffic circulation patterns (Turning radius trucks)	City and Traffic Consultant
14	Any traffic lights installed by the proposed project will include installation of traffic pre-emption device as approved by the development director	City

APPENDIX C – SITE PLAN COMPONENTS

15	<p>Fire Department Access and Water Supply</p> <p>a) Fire department access road shall extend to within 50 ft of a single exterior door providing access to the interior of the building;</p> <p>b) Fire department access roads shall have an unobstructed width of not less than 20 ft.</p> <p>c) Fire department access roads shall be provided such that any portion of the facility is located not more than 150 ft from the fire dept. access road;</p> <p>d) Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no further than 30 feet from the building;</p> <p>e) Turning radius (25' inside, 45' outside and height minimum of 13'6")</p> <p>f) Fire Department Connection Location</p> <p>g) Fire Hydrant Locations, existing and proposed - clearance of 7'6" in front of and to the side of the fire hydrant, with a 4' clearance to the rear of the hydrant</p> <p>h) Fire mains - minimum 6" supply; minimum 8" dead end main as approved by Public Works</p>	City
16	Existing buildings and structures on the project zoning lot(s) and within fifty (50) feet of the project's property lines, or such additional distance as may be necessary in order to show major features or conditions that may affect the project	City
17	Existing Uses and zoning on all adjacent property	City
18	Locations of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used	City
19	<p>Proposed development shall include but not limited to:</p> <p>a) Location and size of all proposed buildings and structures, labeled with allowable use, height, total and gross floor area, and distance to all property lines and between buildings</p> <p>b) Number, height, and type of residential units; Provide density units per acre (Gross)</p> <p>c) Architectural elevations of all sides of all buildings</p> <p>d) Height and Type of Fencing and Walls, existing and proposed</p> <p>e) Off-Street Parking and Loading layout including typical size and number of spaces by location (parking bays). If structured parking, include parking layout of each level (ground and typical)</p> <p>f) Minimum of six-foot wide sidewalks</p> <p>g) Drive-thru windows, including vehicle queuing or stacking spaces and queuing lane dimensions, if any</p> <p>h) Passenger drop-off/pick-up areas; Decorative benches, if provided</p>	
20	Building setback distances from property lines, abutting right-of-way centerlines, and all adjacent buildings and structures	City
21	Minimum floor elevations of buildings and finished floor elevations of subject property and adjacent property	City
22	Pedestrian Circulation System and Points of Ingress and egress (including proposed public street	City and Traffic

APPENDIX C – SITE PLAN COMPONENTS

	modifications)	Consultant
23	<p>Concurrency Review:</p> <p>a) Demonstrate ability to meet concurrency (Traffic, School, Utility, Parks & Recreation)</p> <p>b) A <u>traffic statement</u> shall be required if proposed development have the potential to generate 19 or less peak-hour trips</p> <p>b) A traffic study shall be required if proposed development have the potential to generate 20 or more new peak-hour trips</p> <p>d) School Concurrency requirement - Residential developments shall comply with bus stops size, location and turning radius to accommodate a school bus by coordinating with the Martin County Zoning, Planning and Engineering Departments, as well as the Martin County School District Planning and Transportation Department.</p>	City/Traffic Consultant/School Board
24	Phasing, if any; Total acreage in each phase and gross/net intensity (non-residential) and gross/net density (residential) of each phase; What will be built in each phase; Construction phase lines	City
25	<p>Dumpsters:</p> <p>a) Refuse and recycling collection areas</p> <p>b) Dumpster enclosure details per City of Stuart's standard specification</p>	City
26	<p>Various plans including:</p> <p>a) Site Lighting Plan including location, type, height and intensity pattern of all exterior lights, if applicable</p> <p>b) Signage plan/Unified signage plan</p> <p>c) Landscape plan and specifications, signed/sealed/dated by a Florida Registered Landscape Architect</p>	
27	Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, public spaces, and Rights-of-Way and similar facts regarding adjacent property	City
28	Utility Lines and Structures such as water, sewer, gas, electric, telephone, hydrants, main size to support fire flows and FDC locations, on the project site, including size and/or capacity and similar facts regarding adjacent property	City
29	Cross sections and specifications of all proposed pavements	Engineering Consultant
30	Location of proposed retention/detention areas	City
31	Typical and special roadway and drainage sections	Engineering Consultant
32	Locations of all land to be abandoned, dedicated or reserved for all public or private uses including rights-of-way, easements, special reservations	City

APPENDIX C – SITE PLAN COMPONENTS

33	Location of onsite well and any wells within 1,500 feet of any property line	City
34	<p>PRE-APPLICATION MEETING(S) REQUIRED TO REVIEW POTENTIAL ENVIRONMENTAL IMPACTS</p> <p>Before creating a detailed conceptual site plan or seeking environmental permits from federal, state or other agencies, the applicant shall first schedule and attend at least one pre-application meeting with City Development Department staff to discuss the project’s probable environmental impacts. For the pre-application meeting, the applicant shall provide an environmental report, prepared by a qualified environmental professional (i.e. Certified Ecologist, Certified Environmental Professional, Professional Wetland Scientist, or other recognized certification), in accordance with the City’s Land Development Code. The applicant is also encouraged to provide a rough layout of the proposed site plan, if available. The primary purpose of the pre-application meeting(s) is to ensure that before detailed site planning begins and substantial costs are incurred, the applicant is made fully aware of the City’s environmental design standards, particularly its “avoidance or minimization” of impact standards, and that this awareness is ultimately reflecting in the site’s final design.</p>	City and/or Environmental Consultant
34A	<p>Avoidance or Minimization of Wetland and Other Environmental Impacts</p> <p>On-Site Avoidance</p> <ol style="list-style-type: none"> 1. Can another vertical level be added to a building to decrease the overall building footprint? 2. Can the building footprint be reduced and still achieve the project's purpose and need? 3. Can a building be repositioned on the parcel to reduce or eliminate environmental impacts? 4. Can multiple structures be clustered to reduce or eliminate impacts? 5. Can road or utility alignments be reconfigured? 6. Can spans and bridges be used instead of culverts? 7. Can grading be minimized by incorporating natural topography? 8. Can more trees and vegetation be preserved? 9. Can lot layout be reconfigured? 10. Can state waters, including wetlands, be concentrated into subdivision "common areas"? 11. Can the project’s storm water facilities be designed using Low Impact Development (LID) Techniques? 	City and/or Environmental Consultant
34B	<p>On-Site Minimization:</p> <ol style="list-style-type: none"> 1. Can some of the above listed techniques be used to further minimize impacts? 	City and/or Environmental Consultant

APPENDIX C – SITE PLAN COMPONENTS

	<p>2. Can directional drilling be used to install underground utilities instead of excavation and backfill?</p> <p>3. Can equipment fitted with low pressure tires or tracks be used?</p> <p>4. Can any permanent impacts (e.g. access roads) be converted to temporary impacts?</p> <p>5. Can construction staging or stockpiling of materials occur in areas outside of environmentally sensitive lands?</p>	
34C	All water bodies, watercourses, wetlands and associated buffers on-site and immediately adjacent to the site and within the watershed, inclusive of all environmentally sensitive land on the site, including wetlands, and any proposed disturbance thereof.	Environmental Consultant
34D	Vegetation – existing vegetation on site, including each separate type of upland vegetation or land cover and each type of wetland vegetation cover mapped and described in accordance with the Florida Land Use, Cover, and Forms Classification System (FLUCCS), including total acreage calculations of each vegetative type shown on the map, as well as a recent aerial photograph of the subject property.	Environmental Consultant
34E	Wetlands – a copy of a wetland delineation map according to the State of Florida, including a separate map determining the existence of outstanding resource wetlands, if applicable, including an opinion from the Florida Fish & Wildlife Conservation Commission (FWCC) or U.S. Fish and Wildlife Service (USFWS), or a professional biologist rendering an opinion as to whether the wetland or wetlands on site have significant wildlife values.	Environmental Consultant
34F	Wildlife – a description of the wildlife observed or expected to be present on site, based on habitat, using indicators such as tracks, burrows, nests, and live sightings of species listed by Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service as endangered, threatened or of special concern, including an account of field reconnaissance and identification efforts, as well as all correspondence, documents, reports, etc. to and from all pertinent environmental regulatory agencies.	Environmental Consultant
34G	Preserve area and upland buffer evaluation -- calculation of the preserve area and upland buffer requirements, including a summary of total site area, acreage of wetlands, acreage of native upland and of non-native upland, as well as a map depicting each area type and location of wildlife observations from the wildlife evaluation. Native vegetation constituting up to 25 percent of a development site shall be preserved.	Environmental Consultant
34H	Native Vegetation Preserve Area Onsite/Offsite -- for proposed upland native vegetation preserve areas – either onsite or offsite – the location of the proposed relocation area, consisting of the same type of vegetative community, provided on-site and offsite preserve areas of a different type may be proposed, providing that the area is a native vegetative community that is rare within the City or Martin County.	Environmental Consultant
34I	Use of drought-tolerant, native vegetation in landscaping.	Environmental

APPENDIX C – SITE PLAN COMPONENTS

		Consultant
34J	Exotic and invasive vegetation to be removed upon development or redevelopment.	Environmental Consultant
For building in the Urban Sub-districts, include:		
35	Frontage Type(s)	City
36	Minimum percentage of façade along front lot line, indicate amount required and provided	City
37	Location of transition line, if applicable	City
38	Minimum percentage of glass, indicate amount required and provided	City
39	Slope of pitched roof, if provided	City
40	Height of parapet wall, if any	City
41	List of exterior materials, colors and finishes	City
42	<p>Except for single-family residential, all developments which are less than 20,000 square feet shall incorporate a minimum of four of the following building design standards, and all developments which exceed 20,001 square feet shall incorporate a minimum of five of the following building treatments:</p> <ul style="list-style-type: none"> a. Overhangs; b. Arcades as defined by this Code; c. Sculptured artwork and/or fountains; d. Raised cornice parapets over doors; e. Peaked roof forms; f. Display windows; g. Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design; h. Clock or bell towers; i. Decorative light fixtures; j. Decorative landscape planters or planting areas, a minimum of five feet in width, and areas for shaded seating consisting of a minimum of 100 square feet; k. Integration of specialty pavers, or stamped, colored concrete along the building's walkway to constitute a minimum of 60 percent of walkway area; l. Water elements, a minimum of 50 square feet in area; and m. Courtyards along the front building facade. 	City
43	Curb cut, if any	City
44	Outbuildings, if any	City

APPENDIX C – SITE PLAN COMPONENTS

45	Height/length/depth/projection of balconies and balcony rails	City
46	Traffic drive aisle width	City
47	Material of roofs and gutters	City
48	Specifications of arcades and porches, if any	City
49	Materials, configuration, and operations of windows and doors	City
50	Garden wall, if any	City

APPENDIX D – SKETCH PLAN COMPONENTS

ITEM #	SKETCH PLAN COMPONENTS*	REVIEWER
1	Legible graphic scale displayed on each sheet	City
2	Title Block including: north arrow; street address; date of preparation; name and address of the firm that prepared the sketch plan (if applicable)	City
3	Location map	City
4	Legal description of the right-of-way and property	City
5	Survey (which may be waived by the Development Director) shall include but not limited to: - Lot dimensions - Location of existing and proposed utilities, access, irrigation, easements, streets, right-of-way, refuse storage, lighting, landscaping, signs and parking/loading - Layout of existing structure(s)	City
6	Written description and location of proposed improvements and uses	City
7	Layout of proposed structure(s) including dimensions and setbacks	City
8	Additional data/information as may be determined by the Development Director	City

*May be used for revocable permit; change in use; or other minor activities.