



A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD MARCH 16, 2017
AT 5:30 PM COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Bill Mathers
Vice Chair - Li Roberts
Board Member - Larry Massing
Board Member - Michael Herbach
Board Member - Susan O'Rourke
Board Member - Ryan Strom
Board Member - John Leighton
Ex Officio - Garret Grabowski

ADMINISTRATIVE

Development Director, Terry O'Neil
Board Secretary, Michelle Vicat

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

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

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Approval of LPA Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

ORDINANCES

1. ORDINANCE No. 2348-2017 AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND NORTH OF THE INTERSECTION OF NE SAVANNAH ROAD AND NE BAKER ROAD, CONSISTING OF 14.85 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date: 3/16/2017

Prepared by: Michelle Vicat

Title of Item:

Approval of February 16, 2017 LPA Minutes

Summary Explanation/Background Information on Agenda Request:

In addition to the minutes, the following have been included:

Board Member Roberts Comments

Mark Mathes Comments

Karen Sayer's comments and documentation

Larry Massing's Voting Conflict Form

William Mathers Voting Conflict Form

Funding Source:

N/A

Recommended Action:

Approval

ATTACHMENTS:

Description	Upload Date	Type
☐ LPA Minutes plus attachments	3/8/2017	Cover Memo

MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEETING
FEBRUARY 16, 2017 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEMBERS

**Chair - Bill Mathers
Vice Chair - Li Roberts
Board Member - Larry Massing
Board Member - Michael Herbach
Board Member - Ryan Strom
Board Member - Susan O'Rourke
Board Member - John Leighton
Ex Officio - Garret Grabowski**

**ADMINISTRATIVE
Development Director, Terry O'Neil
Board Secretary, Michelle Vicat**

CALL TO ORDER  5:29 PM

ANNUAL BOARD REORGANIZATION

Larry Massing nominated Bill Mathers as Chair, John Leighton seconded the motion. Approved unanimously.

Larry Massing nominated Li Roberts as Vice Chair, John Leighton seconded the motion. Approved unanimously.

 5:30 PM Roll Call.

Present: Ryan Strom, William Mathers, Larry Massing, John Leighton, Mike Herbach, Susan O'Rourke.

Absent: Li Roberts

APPROVAL OF MINUTES  5:33 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by John Leighton. Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max): None

COMMENTS FROM THE BOARD MEMBERS: None

OTHER MATTERS BEFORE THE BOARD

1. An Ordinance of the City of Stuart, Florida, amending the "Baker Road Commons PUD" (Ordinance No. 2312-2015), consisting of 3.02 acres, located at 1440 NW Federal Highway and owned by Wynne Building Corporation, a Florida Corporation, said land being more fully described in Exhibit "A" attached hereto; approving an amended site plan; approving certain development documents; declaring the development to be consistent with the Comprehensive Plan of the city; approving amended development conditions and a timetable for development; providing directions to the City Clerk; providing for repeal of all ordinances in conflict; providing for severability; and providing for an effective date, and for other purposes.

PRESENTATION: Stephen Mayer, Senior Planner
Joel Wynne, Wynne Building Corporation

PUBLIC COMMENT: None

BOARD COMMENT:

Ryan Strom read the questions Li Roberts submitted in her absence. The first one was asking for a signage location and example.

Leo Giangrande, Giangrande Engineering and Planning said he believed there was a sign on the bottom right hand corner and the intent is to have a monument sign and they will come back to the next meeting with details.

Stephen Mayer said there was a condition of approval that all signage would meet code.

Ryan Strom asked for the outdoor lighting location and example.

Stephen Mayer said it is not a requirement at this level but will be at final site plan.

Ryan Strom asked about the exterior fence in the NW corner matching up with existing adjoining parcel to prevent pass through.

Leo Giangrande said they are proposing a fence to continue with the existing fence and there will be no gap.

Ryan Strom asked the definition of extended stay.

Terry O'Neil, Development Director said they need to be more specific of what that means but in his view it's a stay of three or four weeks.

Joel Wynne said extended stay is a specific definition in the hotel business and what they are trying to do, they agree with. He thought thirty days is a reasonable delineation.

Ryan Strom said there are two types of pools shown and asked about music and noise.

Leo Giangrande said the site plan and elements supersede the prototype submitted.

 **5:56 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by Ryan Strom. Motion passed unanimously.**

2. Ordinance No. 2345-2017 an Ordinance of the City of Stuart, Florida, annexing a parcel of land fronting NW Federal Highway (US Highway 1) south of and abutting North Stuart Baptist Church, consisting of 9.45 acres, said parcel being more fully described in Exhibit "A" attached hereto; providing directions to the City Clerk; providing for repeal of all ordinances in conflict; providing for severability; providing for codification; and providing for an effective date, and for other purposes.

PRESENTATION: Tom Reetz, Senior Planner
Nik Schroth, NAI Southcoast

PUBLIC COMMENT: None

BOARD COMMENT:

Chair Mathers abstained as he had consulted with the applicant on the annexation.

Larry Massing abstained from voting due to the contentious annexation relationship between his employer and the City of Stuart.

Ryan Strom read Li Roberts comments: Substantial part of boundary; approximately 2.5% of perimeter is adjacent to city boundary, completely ignored the road as required or looked at it as 20% of eastern side of property ignoring the narrow access round which means 5% is adjacent to city boundary and didn't think this meets the requirement of substantial part of a boundary. She thought that when if/when future annexation of property identified this would change. Reasonable compact finger areas in serpentine winding patterns add a block that is 100% contiguous on one side of four would create three additional boundary turns and would not be winding or turning. In this case the proposed parcel adds five additional boundary turns which would appear to be winding or turning.

Mike Mortell, City Attorney said he met with staff regarding these comments and attached a memo to the agenda package and expanded the issues that relates to serpentine as well as finger and said it does meet the legal criteria.

Susan O'Rourke said it meets the criteria and if the city's intent is to expand,



6:08 PM **Motion: Action:** Approve, **Moved by** Susan O'Rourke, **Seconded by** John Leighton.
Motion passed unanimously with Larry Massing and Bill Mathers abstaining.

3. An Ordinance of the City Commission of the City of Stuart, Florida amending the City's Comprehensive Plan; specifically amending the Future Land Use Element Table of land use densities and intensities in order to increase the maximum density calculations for low density residential, multi-family residential, office/residential and East Stuart District to provide for consistency with the City's existing minimum lot size requirements; approving transmittal of the Comprehensive Plan to the Department of Economic Opportunities (DEO) and other relevant agencies and local governments; providing for conflicts; providing for severability; providing for effective date, and for other purposes

PRESENTATION: Stephen Mayer, Senior Planner made a presentation for Items 3 and 4 together.

PUBLIC COMMENT:

Karen Sayer read her comments which are included with these minutes. After board comment she asked them to table the item until they received more data.

BOARD COMMENT:

Larry Massing reaffirmed that this shores up the numbers.

Terry O'Neil agreed.

Chair Mathers read comments from Mark Mathes and Li Roberts which are included with these minutes

Karen Sayer spoke at the February 27, 2017 City Commission Meeting Public Comment and asked that Susan O'Rourke's comments be accounted for in the LPA minutes in greater detail:

Susan O'Rourke said "I understand the need to correct things, but I also I'll use one of I think Mark wrote something about skinning the cat. I have a couple concerns. I know that the attorney had made a comment about the data and analysis and you know we've had this issue in the city and the county with the density and where the population goes and all that kind of thing and it's a somewhat contentious issue and so I think the data and analysis should come before the decision. And I also I do feel strongly that as you all know I primarily do a lot of work with land development and I do also work with Mainstreet and feel it's very important to even quirky neighborhoods lend character to the community and if you look at these different cities where we go in and make changes and somebody comes out with their urban design annual you start to get cities that you know we used to have anywhere USA along US1 because everybody did the same pattern and you couldn't tell when you went from one city to another and the same thing can happen with neighborhood and communities where you don't have a vision like in West Palm Beach. There's a decision, this is where the core is and then you have people coming in and preserving some of the different density types in the neighborhoods and whether they do it like as a historic neighborhood or they do it as a voluntary thing but I do have concerns that where we're cleaning things up I mean we've gone to wherever the high side was versus maybe looking at it and saying "maybe we need to stick with this number here and adjust no maybe we need to adjust the land use and the LDR. So I live in the city on a big lot and have a cottage lot that can combine into two you know I'd like to split mine. But I think I wouldn't want my neighbor to be able to do that and I know there are restrictions and people have to come in and go through a process but I do have concern about you know I don't have a problem with the true up of East Stuart going from 15 to 17 but you know just looking from you know the different."

John Leighton said "why wouldn't you have that concern, but you have concerns outside of that."

Susan O'Rourke said "because this was a 15 to 17 where the 17 was referenced in the document was what my understanding was."

John Leighton said "right so they have 25 foot lots over there in some cases that are legal, conforming lots so if you had that in a R1A district and the person owned it prior to zoning and they have the right to build on it, you would have an issue with that, when the density would actually be higher than what was proposed?"

Susan O'Rourke said "I'm having a problem with making a wholesale change to correct particular instances and my issue isn't necessarily with the result, my issue is with making it. I know staff is comfortable mathematically with it but I don't know what the impact of it is except we're you know on a table so I don't know you know the number of lots and it does concern me because I feel like we're we have areas that are going to look the same as everywhere else if the city makes this change without having some other thought of the development patterns and what it means. And we're saying we're going to do data analysis when we get to before it goes up to the state but it seems like that should be part of what we're reviewing and I don't know that neighborhoods understand and maybe there needs to be some visioning of the neighborhoods and what you know and how that you know moves out from the density and where the density is going to occur and are there any. Are we going to put any kind of more character binding you know it's not just because I mean you can look around and see and I know that you look down and I don't want to name cities but there are cities that you go to that used to be quaint and they just made a wholesale change and people came in and they got development but then they lost their character and there's other places that did density but they had a vision and they've retained they've been able to do density but it has a whole different feel and a whole different result to the community so I think those two things need to go hand in hand and I don't see this fix but I don't see the vision and I think the vision is something we struggle with a lot and I just think that should be first."

Terry O'Neil said that is how the lot sizes have been applied since 1967 and it's a really good way to illustrate what is the effect of our development patterns and if you look at what has been developed and if you feel comfortable with that, that what we have is of a scale and quaintness and mix of uses he would propose that continuing to do the same thing unchanged, they aren't risking this running away from us in any way because it's the way they've been doing business since 1967. He said if the board wants them to look at this for additional safeguards; his view is that lot size variances are not all that common and they certainly don't come if there is neighborhood opposition.

John Leighton said he thought the neighborhoods have grown appropriately from 1967 to today and land/home values have gone up exponentially so the market has clearly identified they like what's happened. He said if all they are doing is addressing a de minimis issue on a piece of paper and it's acceptable to everyone, he doesn't understand what the problem is.

Chair Mathers asked that staff look at both the maximum building coverage, impacts and said you can impact the current infrastructure because you are inducing a higher density.



**6:55 PM Motion: Action: Approve, Moved by John Leighton, Seconded by Larry Massing.
Motion passed 5/1 with Susan O'Rourke dissenting**

4. An Ordinance of the City of Stuart, Florida amending Chapter 2, Section 2.03.05, Table 3 "Maximum Dwelling Units Per Acre" of the City's Land Development Code, providing for consistency with the City's existing and long-standing minimum lot size requirements by increasing the maximum densities for the R-1A, R-1, R-2, R-3, RPUD, B-1, CPUD and Urban Districts to be consistent with the City's Comprehensive Plan; amending Chapter 2, Section 2.07.00, "Designation of Planned Unit Development (PUD); amending Chapter 12, "Definitions", to clarify the definition of net density and density bonus, declaring said amendments to be consistent with the City's Comprehensive Plan; providing for a severability clause, a conflict clause and codification; providing for an effective date, and for other purposes.

PRESENTATION: Stephen Mayer, Senior Planner

PUBLIC COMMENT: None

BOARD COMMENT: None



**7:02 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by Ryan Strom.
Motion passed 5/1 with Susan O'Rourke dissenting**

STAFF UPDATE: None

ADJOURNMENT  **7:02 PM Motion: Action: Adjourn, Moved by John Leighton, Seconded by Ryan Strom. Motion passed unanimously.**

Bill Mathers, Chair

Michelle Vicat, Board Secretary

1. Baker Road Commons CPUD:
 - a. Signage: location & example drawing
 - b. Outdoor Lighting: location & example drawing
 - c. Exterior Fence in NW Corner: can that continue to match up with existing fence on NE adjoining parcel to prevent pass thru
 - d. Development Condition 4: "not approved for extended stay"; what is definition of extended stay?; how is that enforced?; does this mean hotel offering discount for multi-night stay?; I think there is a Laundry Room next to Exercise Room...makes me think extended stay
 - e. Pool: o2.01 Prototype Package shows enclosed pool; SP-1 shows one type pool that looks to be not enclosed; LA-1 shows a third type pool that looks to be angled and not enclosed – which is correct?; if not enclosed, should there be language added regarding music/noise?
 - f. Exterior Seating Area: o2.01 Prototype Package shows NW Exterior seating area; other plans do not – which is correct?; if exterior seating area is proposed, music/noise?
2. Annexation Request:
 - a. Substantial part of a boundary: approximately 2.5% of perimeter is adjacent to city boundary (completely ignoring the road, as required); or look at it as 20% of eastern side of property (ignoring the narrow access road) which would mean 5% is adjacent to city boundary; don't think this meets the requirement of substantial part of a boundary; I will agree that if/when future annexation of property identified on pg 53 occurs, this would change
 - b. Reasonable Compact – Finger areas in serpentine (winding or turning) patterns: adding a block that is 100% contiguous on one side out of four would create three additional boundary turns and would not be winding or turning; in this case, the proposed parcel adds five additional boundary turns which would appear to be winding or turning
3. & 4. Comp Plan & LDC Amendments:
 - a. How does this impact the property that was vacated on Palm City Road?
 - b. How many other city parcels does this impact?

Item 3 + 4

Mayer, Stephen

From: Mark Mathes <mark.mathes@gmail.com>
Sent: Thursday, February 16, 2017 4:53 PM
To: Mayer, Stephen
Subject: Fwd: stuart density issue

I am writing in regard to the density question before you. A resident since 1995 and planner of 30 years, I would say that there is more than one way to skin a cat. The answer should not be to change the vision to match the practice but to change the practice to match the vision. We have a comp plan. We have a zoning map. We have development standards to implement them. In my neighborhood it comes down to what maximum variance to single family lot size could be allowed? Now, the rules state the minimum would be around 6,300sf but the change would legalize the practice to around 5,000sf. Ultimately it is a statement of vision. If the current vision, not practice, is desired, then just legalize existing lots at date of adoption and all future variance requests would be limited to the Comp Plan allowed minimum of around 6,300sf. Of course, there should always be an option to consider hardships not under the control of an owner - just not a choice to split and sell.

The City may also want to consider a limit to variances by choice versus variances by hardships not under the owner's control.

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Mark D. Mathes

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Mark D. Mathes

February 16th 2017

City of Stuart

LPA

My name is Karen Sayer and I reside at 607 SE 6th Street. I am not against growth and intensity of growth if it is strategic and if the citizens have a voice in the conversation. I believe in property rights but I also believe in a collective community consciousness which promotes maintaining the charm and quaintness that makes up the specialness of Stuart. What are we without it?

The staff has done a lot of study about our density situation but there is so much more to be considered. I've been studying alongside them and Stephen and I have shared information back and forth. I have talked one on one with Terry, Paul, and Teresa as well. I feel like we all need to be assured that we have done our due diligence to show how these numbers will translate across the city and how they will affect our daily lives. I understand partially the reason to rush through this density vote but I do not believe it is worth jeopardizing the essence of Stuart.

And I do feel the city is at a crossroads because this current proposal will virtually eliminate low density residential areas in the city. (present data analysis of other towns of our size). Is this really what the majority of citizens want? I know with certainty that I specifically bought into and am investing in my neighborhood for its unique character and a part of that character is low density, front yards, and small unpretentious homes.

The proposal that you will review tonight pretty much allows for urban density to occur adjacent to my low-density lot. This will be two of the four examples in the city's presentation this afternoon. It looks okay on paper but translated to actual reality on the ground, it is not in synch with the neighborhood (attach adjacent property owner plan, neighborhood analysis). Rather, drive over to Akron or Halpatiokee to see what it will look like. And it is probably not going to look anything like where you live if you are in a low-density zone. It has been expressed to me by the city administration that the zoning laws (lot size, lot width) will protect owners from improper encroachment but that system appears to have failed us and that is exactly why we are discussing this tonight. (attach BOA example-adjacent property project).

You are all professional and respected individuals in the community. You are the chosen advisors to the council and we, the citizens, depend on you to weigh the pros and cons involved with this sort of decision. The city staff report is a good starting point. But it is just that. And I'm sure you realize it is only one very small part of the conversation. I am here to ask the LPA to take a comprehensive approach before making a recommendation to the city council about increasing density throughout the city. We should all embrace this opportunity and make the most of it instead of making a hasty corrective administrative text change. Shouldn't we also encourage varied points of view that come from inside and outside the inner circles of the city offices. I think when the decision is final we want to look at our neighbors and say that it was an open process and fully vetted.

Please pledge to your neighbors that you will begin the process of evaluation and at least direct the staff to provide information such as:

- What cities share 9 and 14 units per acre designation of low density
- What is our growth analysis telling us?
- What is wrong with at the present time making a slight alteration in our current density numbers which will be adequate to synch the Comprehensive Plan and the LDC documents, for example: low density (from 7 to 7.26 or 7.5)
- Can we not grandfather the few non-conforming properties?
- Can we not have selective re-zoning, such as the intense duplex areas
- Can you encourage transparency which allows the citizens to decide how their neighborhoods will grow?
- Can we make changes incrementally based on neighborhood characteristics?
- Can we consider provisions for more appropriate infill architecture including mass/scale?
- Can we build in some mechanism that density is not by right but provide a review which provides latitude for mitigation for each individual project?
- Can provisions be put in place to give more guidance to the BOA

Summary Table of Densities

Cities	Key West	Longwood	New Port Richey	Vero Beach	Safety Harbor	Cocoa	Lake Park	Satellite Beach	Martin County	Naples	J Beach	Maitland	Eustis	Oldsmar	Ft Walton Beach	Punta Gorda	Marco island	West Melbourne	Average
Land Use Cat																			
Residential Low/Single Family	8	4	6	6	5	4	6	4	5	6	6	4.5	5	5	6	5	4	5	5.25
Low Medium/Duplex	-	-	10	-	-	7	9	6	-	12	-	-	-	7.5	-	-	-	-	8.6
Residential Medium	16	15	20	10	7.5	15	19	10	8	15	20	10	12	10	20	10	6	10	13.0
Residential High	22	-	30	15	15	25	24	22	10	18	41	19.8	40	15	-	15	16	18	21.6
Mixed Use	-	15	-	17	-	-	-	-	-	-	-	-	12	-	30	-	-	-	18.5
Residential/Office	16	-	-	-	10	-	-	-	-	-	-	-	-	15	-	-	-	-	13.7

Stuart

Low Residential - 7

Multi-Family - 10

Office-Res - 10

Downtown - 15

Density Analysis

A. Summary Table of Densities

B. Case Studies

- i. Stuart
- ii. Key West
- iii. Longwood
- iv. New Port Richey
- v. Vero Beach
- vi. Safety Harbor
- vii. Cocoa
- viii. Lake Park
- ix. Satellite Beach
- x. Martin County
- xi. Marco Island
- xii. Eustis
- xiii. Oldsmar
- xiv. Punta Gorda
- xv. Maitland
- xvi. West Melbourne
- xvii. Fort Walton Beach
- xviii. Jacksonville Beach
- xix. Naples
- No Comprehensive Plan
- xx. Juno Beach
- xxi. Tequesta
- xxii. St. Augustine

Stuart

Population: 16,078

Size: 5,436 Acres

Gross Cumulative Density: 2.95 du/acre

Key West

Population: 25,550

Size: 4,736 Acres

Gross Cumulative Density: 5.3 du/acre

Comprehensive Plan Density Policy

Policy 1-1.1.2: Density Defined. Maximum gross residential density shall be determined by dividing the "maximum allowable units" by the "gross acres of land" (i.e., dwelling units/ gross land acres). All residential densities denoted on the Future Land Use Map and Policy 1-1.1.5 below stipulate the maximum gross densities permitted for development on the land. Gross land area shall be defined as those contiguous land areas under common ownership proposed for residential development. In cases where developable land abuts jurisdictional waters of the State and transitional wetlands or uplands under State or federal jurisdictions, the boundary shall be delineated as established by the State or federal government and no density or floor ratio (FAR) credit shall be granted for undevelopable environmentally sensitive lands, including wetlands, transitional wetlands, mangroves, tidelands, submerged lands, upland hammocks, and waters of the State.

Comprehensive Plan Densities:

<u>Residential Zone</u>	<u>Maximum Density</u>
Low Density Coastal	1 du/acre
Single Family	8 du/acre
Medium Density	16 du/acre
Medium Density-1	8 du/acre
Medium Density Coastal	8 du/acre
Planned Redevelopment and Development	8 Du/acre
High Density Residential	22 du/acre
Residential Office	16 du/acre

LDC Determination of Density

Sec. 122-1142. - Density and intensity of land use.

(a) The density and intensity shall be consistent with the comprehensive plan. Refer to the table in section 122-1151 for specific density and intensity maximums by type of land use. The density and intensity expressed in the table in section 122-1151 is the maximum density/intensity which can be achieved. However, the maximum density/intensity is not guaranteed by right and shall be subject to the performance criteria set forth in the land development regulations.

(b) Maximum gross residential density shall be determined by dividing the maximum allowable units by the gross acres of land (i.e., dwelling units/gross land area). Maximum gross density for hotel, motel and transient facilities shall be determined by dividing the maximum allowable units by the gross acres of land (i.e., dwelling units/gross land area). Units within hotels, motels, and other transient facilities shall be defined as any room accommodating beds, including conventional beds as well as sofa beds, Murphy beds, or other types of beds with unique multipurpose or space saving designs, which can be locked and keyed from the exterior of the premises or from a common hallway, foyer, or other common area and can be held out to the public as distinct sleeping quarters for overnight lodging or for a longer period of time.

(c) All residential densities stipulate the maximum gross densities. Gross land area shall be defined as those contiguous land areas under common ownership proposed for residential development. When developable land abuts wetlands, waters of the state or other environmentally sensitive land, including but not limited to those lands within state and/or federal jurisdiction, the boundary shall be delineated as established in section 110-88 or as established by the state or federal government.

LDC Allowable Densities and Minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
Coastal Low Density	1 du/acre	Single family - 1 acre	Yes
Single Family	8 du/acre	Single family - 6,000 sf	Yes
Single Family	8 du/acre	Duplex - 10,890 sf	Yes
Medium Density-1	8 du/acre	Multi-family - 1 acre	
Medium Density-1	8 du/acre	Single Family -	
Medium Density	16 du/acre	Single Family and Duplexes- .5 acre	
Medium Density	16 du/acre	Multi-family - 1 acre	
Medium Density - Coastal	8 du/acre	.5 acre	
High Density	22 du/acre	1 acre	
Planned Development/Redevelopment	8 du/acre	1 acre	
Residential Office	16 du/acre	10,000 SF	

Note from LDC: "Two-family dwelling units (duplexes) are permitted as a conditional use in all portions of the SF district, excepting the area defined below, but only if the land area comprised a minimum area of 10,890 square feet in order to satisfy minimum *density* requirements. Two-family dwellings shall not be allowed within the areas described in subsections (5)a.1 and (5)a.2 of this section."

Longwood

Population: 13,882

Size: 3,583 Acres

Gross Cumulative Density: 3.87

Comprehensive Plan Density Policy

10. **Gross Residential Density** The total number of residential units which could be developed on a piece of land. It is computed by dividing the total land area by the total number of units. The area includes public lands, roads, and institutional uses, but does not include natural water bodies.

Policy B.

The Comprehensive Plan shall be the primary means of establishing the allowable use, maximum density, maximum intensity, and other conditions of development or redevelopment as required by State Statute.

Objective II.

The following land use categories are hereby established:

Policy A.

Low Density Residential (LDR). The purpose of this Future Land Use Category is to provide a location limited to single-family residential development as well as customary residential accessory uses incidental to the primary residential uses on the site. Specific uses, such as schools, parks, houses of worship, municipal uses, and low intensity mixed use, commercial and service uses intended to serve the needs of the adjacent neighborhoods and essential utilities may be allowable, through a conditional use approval by the City Commission, subject to additional development and design standards, including but not limited to landscaping, buffering, site layout, access, hours of operation and consistency with Traditional Neighborhood Design standards as may be applied by the City Commission to ensure a reduction of impact and compatibility with the surrounding uses Residential density shall be from 0 to 4.0 units per acre.

Comprehensive Plan Densities:

<u>Residential Zone</u>	<u>Maximum Density</u>
<u>Low Density Residential</u>	<u>4 du/acre</u>
<u>Medium Density Residential</u>	<u>15 du/acre</u>
<u>Neighborhood Commercial Mixed Use</u>	<u>15 du/acre</u>

LDC Determination of Density

2.2.0. - Adoption of districts.

The City of Longwood is currently divided into districts that mirror the future land use map (FLUM) of the Longwood Comprehensive Plan. The city may adopt, modify, amend or create new districts

consistent with the goals, policies and objectives of the Comprehensive Plan. **Error! Hyperlink reference not valid.**

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Hyperlink reference not valid.**Error! Hyperlink reference not valid.**LDC Determination of Density

- Calculation of density. The calculation of density for projects shall be as follows:

(1) *Net developable area*. The net developable area shall be based on the calculation of the total area of the parcel or the total area of contiguous parcels under common ownership and submitted for approval under a single development plan, including retention/detention areas, existing ponds, lakes and streams, wetlands, future public rights-of-way, parkland dedication, circulation, recreation facilities, etc., but excluding land in existing public rights-of-way, and any parcels with no allowable density.

(2) *Calculation*. The total amount of units allowed is calculated by multiplying the allowable units per acre for the parcel by the amount in acres of net developable area. All development must be consistent with the standards of the Longwood Development Code.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
Low Density Residential	4 du/acre	N/A*	Yes *
Medium Density Residential - 7	4 up to 7 du/acre	N/A*	Yes *
Medium Density Residential - 15	10 du/acre (up to 15 du/acre for mixed use as a conditional use)	N/A*	Yes *
Neighborhood Commercial Mixed Use	15 du/acre	N/A*	Yes*

* 3.2.2. Lot design standards.

A. Lot area standards. There shall be no minimum lot area, provided that all of the following requirements are met.

1. For residential land use districts, lot area shall be consistent with the maximum density of the area. Should cluster development be proposed, appropriate and adequate open space shall be set aside either through dedication to a public agency or homeowners' association, or through a recorded conservation easement. The purpose of the open space set aside is to ensure that the gross density is maintained where smaller lot sizes are proposed in order to achieve cluster development. (Appropriate and adequate open space means the amount of open, undeveloped land necessary to maintain the required gross density and to meet any minimum open space requirements set by the Longwood Comprehensive Plan or this development code. Such open space shall be considered appropriate and adequate if it is contiguous rather than in scattered, small portions of the overall development.)

2. For all land use districts, lot area shall be sufficient and adequate to accommodate all site design standards and requirements (such as, but not limited to parking, landscaping, buffers, and stormwater retention areas).

3. For all land use districts, lot area shall be consistent with the density for the land use district and compatible with the predominant lot area of the surrounding neighborhood.

a. Where larger lot areas are proposed, the proposed lot area shall not be greater than 150 percent of the average of lots in surrounding neighborhood.

b. Where smaller lots are proposed, the proposed lot area shall not be less than 70 percent of the average lots that are in the surrounding neighborhood.

New Port Richey

Population: 14,911

Size: 2,941 Acres

Gross Cumulative Density: 5 dus/acre

Comprehensive Plan Density Policy

Future Land Use

Map FLU-6 displays the geographical distribution of the City's future land use categories that are appropriate to the character and desires of community through 2020. The future land use categories are specific in terms of allowable densities (residential units per acre) and/or intensities (ratio of nonresidential floor area to lot area, or floor area ratio), locational and use characteristics, and any additional standards and criteria necessary to assist in managing the development of land. The future land use categories are shown Table FLU-5 along with the corresponding allowable units per acre (UPA) and/or floor area ratio (FAR). These FLUM categories are further defined in the Goals, Objectives, and Policies section of this element.

Table FLU-5
2020 Future Land Use Map Categories
City of New Port Richey

Future Land Use Category	Abbreviation	Max Density/Intensity	Acreage	%
Low Density Residential-5	LDR-5	5 UPA	238.21	10.2
Low Density Residential-6	LDR-6	6 UPA	0.0	0.0
Low Medium Density Residential-9 ¹	LMDR-9	9 UPA	0.0	0.0
Low Medium Density Residential-10	LMDR-10	10 UPA	724.64	30.9
Medium Density Residential-14 ¹	MDR-14	14 UPA	241.19	10.3
Medium Density Residential-20	MDR-20	20 UPA	33.83	1.4
High Density Residential-24 ¹	HDR-24	24 UPA	21.4	0.9
High Density Residential-30	HDR-30	30 UPA / 0.4 FAR	267.56	11.4
Residential/Office	R/O	10 UPA / 0.4 FAR	87.32	3.7
Residential/Office/Retail	R/O/R	10 UPA / 0.4 FAR	0.00	0.0

Development Density and Intensity

The methodology for calculating residential density and nonresidential intensity for single use parcels, mixed use parcels and mixed use subdivisions is described below:

Residential Density

Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property.

Comprehensive Plan Densities:

Residential Land Use	Maximum Density
Low Density Residential -5	0 to 5.0 units/gross acre
Low Density Residential-6	0 to 6.0 units/gross acre
Low-Medium Density Residential - 9	0 to 9.0 units/gross acre
Low-Medium Density Residential - 10	0 to 10.0 units/gross acre
Medium Density Residential - 14	0 to 14.0 units/gross acre
Medium Density Residential - 20	0 to 20.0 units/gross acre
High Density Residential - 24	0 to 24 units/gross acre
High Density Residential - 30	0 to 30 units/gross acre

LDC Determination of Density

Base density. The maximum number of dwelling units possible, per acre, on a parcel of land based on the future land use map (FLUM) designation in the comprehensive plan and zoning district.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
R-1	5 units/acre	7,500 SF	
R-2	5 units/acre	6,000 SF	
R-2 (platted prior to 1981)	5 units/acre	5,000 SF	
R-3	10 units/acre	5,000 SF	
MF-10	10 units per acre	Duplex - 5,500 SF Triplex - 8,000 SF Multi-family - 15,000 SF (not to exceed 10 units per acre)	
MF-14	14 units per acre	Duplex= 5,500 SF Triplex - 8,000 SF Multi-family - 15,000 SF (not to exceed 10 units per acre)	

14.05.04 Combination of contiguous lots nonconforming by density.

1. When two (2) or more contiguous lots have been combined for density purposes, whether conforming or nonconforming with the passage of this ordinance, those lots are considered unified by such development and cannot be separated unless the density requirements for the district are satisfied.

14.05.01 Use of single, nonconforming lots for single-family dwellings.

1. Notwithstanding the maximum density requirements of the Comprehensive Plan, in residential districts single-family and customary accessory structures may be erected,

reconstructed, occupied and used on separate nonconforming lots of record which are not in continuous frontage with other lots in the same ownership in accord with other requirements applying in the separate districts.

Vero Beach

Population: 15,749

Size: 8,276 Acres

Gross Cumulative Density: 1.9 du/acre

Comprehensive Plan Density Policy

1.1.1.0 General Density/Intensity of Use

Vero Beach has a relatively low density development character in which most buildings are one or two-story structures, even near the oceanfront. City zoning regulations restrict building heights to 35 feet, with few exceptions, and require minimum open space allocations of 15 percent of lot area for nonresidential uses and up to 50 percent for multifamily residential uses. Maximum residential densities permitted in specified districts are 17 dwelling units per acre. Hotels and motels are permitted up to 30 units per acre in specified districts. Lot sizes for single-family development, which is the dominant land use, are primarily in the 10,000- to 15,000-square-foot range.

1.1.1.1 Residential Density

Average residential density in Vero Beach in 1987 was 3.5 units per acre on a gross basis (i.e., including public rights-of-way) and 5.3 per acre, net. Single-family residential areas average 3.4 units per acre, net, while multifamily development averages 13.3 units per acre. The mix of an estimated 10,100 dwelling unit in the City as of 1987 is 57 percent single-family, 40 percent multifamily and three percent mobile homes. An estimated 1,105 residential units are seasonal homes (see Housing Element for further discussion).

The City zoning ordinance lists ten (10) residential districts in which housing is the principal use. The districts range in density from 15 units per acre at the high end to one unit per two acres at the low end.

Residential uses are also permitted in certain nonresidential districts, including a Mixed Use District at slightly higher densities (i.e., up to 17 units per acre) to encourage revitalization in older sections of the City.

- 1.14 The City adopts the maximum density and intensity standards in Table 1.10 for the land use categories, depicted on the Future Land Use Map.

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
Residential Low	0-6 du/ac
Residential Medium	6-10 du/ac
Residential High	10-15 du/ac
Mixed Residential	10-12 du/ac
Mixed Use	17 du/ac

LDC Determination of Density

Section 5.06. - Zoning limitations.

The building height limitations and density levels existing in the Zoning Ordinance of the City of Vero Beach, Florida, on August 15, 1989, shall not be increased by action of the city council unless such increase shall have first been approved by the electors of the City of Vero Beach, Florida, at a referendum proposing such a building height or density level increase.

Density: The measure of the intensity of residential development per unit area of land expressed in the land development regulations and the comprehensive land use plan as the number of dwelling units per acre, or in the case of hotels or motels, the number of rooms per acre.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
R-1AAA	6 du/ac	87,120 SF	
R-1AA	6 du/ac	15,000 SF	
R-1A	6 du/ac	10,000 SF	
R-1	6 du/ac	6,000 SF (7,500 SF for new subdivisions)	
RM-8	8 du/acre	SF - 10,000 SF Duplex - 5,000 SF per unit Multi-family - 5,445 SF per unit	
RM-10	10 du/acre	SF - 10,000 SF Duplex - 5,000 SF per unit Multi-family - 4,300 SF per unit	
RM -10/12	10 du/acre medium density land use 12 du/acre high density land use	SF - 10,500 SF Duplex - 5000 SF per unit Multi-family - 3,630 per unit at 12 units per acre Multi-family - 4,300 sf per unit at 10 du/ac	

• Sec. 61.56. - Density.

Residential development in this district may be developed at a maximum of ten units per acre in the areas designated medium density in the comprehensive plan and at a maximum of 12 units per acre in areas designated high density in the comprehensive plan.

Sec. 61.58. - Minimum lot size and floor area.

(d) Existing lots of record at the time of the adoption of this chapter or amendments thereto which contain less lot area or width than is required in this district may be used for duplex dwellings purposes but only in accordance with one unit for each 2,900 square feet of lot area and subject to site plan approval.

(e) Any lot within a plat of record as of December 2, 1980, shall not be redivided into two or more lots unless the provisions of chapter 27, Subdivisions, shall be satisfied.

Safety Harbor

Population: 17,139

Size: 3,188

Gross Cumulative Density: 5.38 du/acre

Comprehensive Plan Density Policy

G. Density

- (1) Density levels identified are maximum permissible densities.
- (2) Residential density is expressed in terms of a ratio of the number of dwelling units per gross acre of land.

F. Density - The measure of permitted residential development expressed as a maximum number of dwelling units per gross acre of land area.

G. Dwelling Unit; Unit - One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities for the exclusive use of a single family household.

H. Floor Area Ratio (FAR) - The gross floor area of all buildings on a site divided by the gross site area.

I. Gross Land Area - Gross land area for the purpose of computing density/intensity shall be that total land area within the property boundaries of the subject parcel, and specifically exclusive of any submerged land or public road right-of-way.

Policy 1.2.1: The following residential density categories shall be the adopted residential densities for the City of Safety Harbor and shall be incorporated into the land development regulations:

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
<u>Rural Residential</u>	<u>.5 du/acre</u>
<u>Residential Estate</u>	<u>1.0 du/acre</u>
<u>Residential Suburban</u>	<u>2.5 du/acre</u>
<u>Residential Low</u>	<u>5.0 du/acre</u>
<u>Residential Urban</u>	<u>7.5 du/acre</u>
<u>Residential Medium</u>	<u>15.0 du/acre</u>
<u>Residential/Office Limited</u>	<u>7.5 du/acre</u>
<u>Residential/Office General</u>	<u>10.0 du/acre</u>

LDC Determination of Density

Density: Number of dwelling units per acre of land excluding public road rights-of-way and submerged land.

• 23.01 Maximum *density*.

(A) Maximum *density* shall be expressed in terms of number of dwelling units per gross residential acre. In determination of the maximum number of units to be allowed, any proportional fraction thereof shall be rounded to the nearest whole number.

(B) The maximum *density* permitted in non-residential districts shall not exceed 15 units per acre, except as provided by the Community Redevelopment District.

23.02 Minimum lot or district size.

(A) Where a minimum lot size or district size is given for a particular use or zone, no area of land of a lesser size may be rezoned or intensified in use except as follows:

(1) Such lands are contiguous to such existing zone or zoned land and will be combined to meet the minimum regulation required.

(2) The rezoning was initiated by the City as a part of a comprehensive rezoning.

(3) A waiver authorized under the Planned Development Districts is included.

(B) No lot existing on the effective date of this Code shall be thereafter reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use.

(C) Lots created after the effective date of this Code shall meet the minimum dimensional requirements established herein.

(D) The resubdivision or alteration of the arrangements of dimensions or boundary locations for existing lots may be permitted provided the minimum dimensional regulations are complied with and the total number of lots is not increased.

(E) All uses shall be subject to the minimum lot size requirements specified for a given district unless other minimum requirements are specified elsewhere in this Code.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
E-1	Per underlying Comp Plan (.5 and 1)	40,000 SF	
R-1	Per underlying Comp Plan (2.5 and 5)	10,000 SF	
RS-60	Per underlying Comp Plan (5)	6,000 SF	
R-2	Per underlying Comp Plan (5 and 7.5)	6,000 SF	
RS-50	Per underlying Comp Plan (5 and 7.5)	5,000 SF	

R-2B	Per underlying Comp Plan (15)	6,000 SF	
R-3	Per underlying Comp Plan (5, 7.5. and 15)	SF - 7,000 SF Duplex - 9,000 SF Multi-family - 11,000 SF	
RM	Per underlying Comp Plan (7.5 and 15)	SF - 5,000 SF Duplex and Multi-family - 7,000 SF	

Cocoa

Population: 17,262

Size: 9,860 acres

Gross Cumulative Density: 1.75 du/acre

Comprehensive Plan Density Policy

Policy 1.1.1.1: Land Use Categories. The adopted FLUM contains and identifies appropriate locations for the following land use categories. The maximum densities/intensities shown in Figure FLU-1 are not guaranteed for all sites within each category. The zoning map and land development regulations may impose tighter densities and intensities of development based on land use allocation criteria policies.

Policy 1.1.1.2: Density/Intensity Standards for Future Land Use Categories. For the purposes of analyzing public facilities impacts of proposed Future Land Use Map amendments density and/or intensity shall be measured and regulated pursuant to Figure FLU-1.

Comprehensive Plan Densities:

<u>Residential Future Land Use Category</u>	<u>Maximum Density</u>
Very Low Density Residential	4 d/ac
Low Density Residential	7 du/ac*
Medium Density Residential	15 du/ac
High Density Residential	25 du/ac

*Maximum density may be increased up to 12 du/acre as a PUD

LDC Determination of Density

Sec. 6.01. - Residential density limits.

No part of the City of Cocoa Beach shall be zoned to a residential density greater than ten (10) dwelling units per acre for permanent occupancy dwellings, or twenty-eight (28) units per acre for transient accommodations (motels, hotels). There shall be no fractional weighting of dwelling units. The city commission may grant a variance to individual parcels upon petition and proof that the variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this section would result in unnecessary hardship. To grant such a variance, the city commission must make findings of fact that the petitioner has met the legal standards for variance set forth in the City of Cocoa Beach Code of Ordinances, and the variance must be approved by a concurring vote of four (4) members of the City Commission after due notice and public hearing. A request for variance will be considered after a written petition is submitted to the city commission indicating the grounds on which the variance is sought. After the petitioner has submitted a sufficient petition, the request must be scheduled for public hearing before the city commission as expeditiously as possible, but not earlier than thirty (30) days from the day of submission of a

sufficient petition. Notice and hearing requirements for such variance shall be in accordance with the provisions for such variance shall be in accordance with the provisions for variance as set forth in the City of Cocoa Beach Code of Ordinances. Transient accommodations shall not be converted to permanent occupancy at densities exceeding the limits of this section. Except as provided for in Section 6.09 of this Charter or as set forth below, structures if razed shall be replaced only by structures which, if residential, conform to density limits of this section. No owners of dwelling units destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to raze and rebuild to the same number of dwelling units in the same location.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
RU-2-10		SF or Duplex - 5,000 sf Triplex - 7,500 sf Fourplex - 10,000 sf	
RU-2-15	10 du/ac for single story 15 du/ac for two story	Multi-Family - not more than 15 du/ac (2,900 sf per dwelling unit Two story - 4,350 sf per dwelling unit One Story - 7,500 sf	
RU-2-25	SF - 8 du/acre Townhouse - 15 du/acre Multi-family - 25 du/acre	15,000 sf	
RE	4 du/acre	20,000 SF	

Lake Park

Population: 8,360

Size: 1,483 acres

Gross Cumulative Density: 5.64 du/acre

Comprehensive Plan Density Policy

Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>
<u>Single Family Residential</u>	<u>6 du/acre</u>
<u>Low Density Residential</u>	<u>9 du/acre</u>
<u>Medium Density Residential</u>	<u>19 du/acre</u>
<u>High Density Residential</u>	<u>24 du/acre</u>

LDC Determination of Density

Density means the number of dwelling units per acre for residential land uses, and the number of square feet per acre and specific land use for nonresidential land uses.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
R-1AA		10,000 sf Multi-family shall have 2,000 sf for each dwelling unit	
R-1A		7,500 sf	
R-1B		SF - 7,500 sf Duplex - 10,000 sf	
R-1		7,500 sf	
R-2A		7,500 sf Three family dwelling - 12,000 sf Multi-family - 2,000 sf for each unit added to the base of 12,000 sf	
R-2		SF - 7,500 sf Duplex - 10,000 sf Three family - 12,000 sf Multi-family - 2,000 sf for each additional unit added to the base of 12,000 sf	
R-3		No lot area restrictions (commercial allowed)	

Satellite Beach

Population: 10,633

Size: 2,743 Acres

Gross Cumulative Density: 3.88 du/acre

Comprehensive Plan Density Policy

Policy 1.1.4 - The City will maintain the predominant land use character as a low density, single family residential community. Approved permit applications for renovation and new development will not exceed the development density standards as defined for the Comprehensive Plan as follows:

Policy 1.1.9 – Application of Density and Future Land Use Category Boundaries:

- A. Density applicable to the various Future Land Use Categories is gross density and is the maximum allowable number of dwelling units per acre of land, including rights-of-way, located landward of the mean high water line.
- B. The boundaries between different Future Land Use Categories on the Future Land Use Map shall be considered as following parcel boundaries or centerlines of the adjacent rights-of-way unless otherwise specifically noted.
- C. The Future Land Use Map is intended only for general planning purposes and should not be used for determining the development potential of individual parcels of land.
- D. Development densities and intensities for individual parcels of land shall be calculated using only the land associated with the individual owner and excludes public rights-of-way.

C

Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>
Residential Low 1	1 du/ac
Residential Low	4 du/ac
Residential Low A	6 du/ac
Residential Medium	10 du/ac
Residential High	11 du/ac
Residential High A	22 du/ac

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
R-1A		20,000 sf	
R-1		10,000 sf	
R-2		8,000 sf	
R-3		7,500 sf	
R-4		7,500 sf	
R-5		7,500 sf	
RM-1		SF- 7,500 sf Duplex – 10,000 sf	
RM-2		13,068 sf	
RM-3	*	MF - 1 acre SF or duplex – 10,000 sf	
RM-4	**	5 acres	

*Maximum density is ten units per acre for property that is not direct oceanfront property.

**Maximum density: 108 units.

Martin County (Hobe Sound, Jensen Beach, Palm City)

Population: Port Salerno (10,070) + Hobe Sound (11,521) + Jensen Beach (11,707) Palm City (23,120) = 56,418

Size: Port Salerno (2,570) + Hobe Sound (3,657) + Jensen Beach (5,189) + Palm City (10,550) = 21,966

Gross Cumulative Density: 2.57

Comprehensive Plan Density Policy

Policy 4.1E.3. Density. The *density* provisions in this Plan shall not prevent construction of one single-family unit by the owner of a lot of record created (1) prior to the adoption of the Martin County subdivision regulations on November 7, 1972 or (2) consistent with the subdivision regulations adopted subsequent to November 7, 1972. The construction shall be in accordance with the other provisions of this Plan and the Land Development Regulations.

Policy 4.1E.4. Gross density. The permitted *densities* stipulated in Section 4.4 (Goals, Objectives and Policies) and on the FLUM designations shall be gross residential *densities* and the gross land area of which this *density* is applied is described as follows. These *densities* shall be applied to contiguous land areas under common ownership, with the following provisions and exceptions:

- (1) In cases where land abuts the waters of the Atlantic Ocean, St. Lucie River, Indian River, Loxahatchee River, Intracoastal Waterway, Lake Okeechobee or any tributary or manmade canal, the boundary of the land shall be delineated as established by State Statutes.
- (2) No submerged land areas waterward of the boundary described above shall be included under this definition.
- (3) No land areas proposed to be allocated to nonresidential uses shall be included under this definition except for contiguous land areas for:
 - (a) Utilities under common ownership and principally supporting the residential use;
 - (b) Recreational facilities for the primary use of on-site residents;
 - (c) Dedication to the County or other County-approved agencies or not-for-profit corporations;
 - (d) In mixed-use projects in the seven designated community redevelopment areas (CRAs) as described in Goal 4.3.
- (4) Maximum gross *density* is defined as maximum allowable units divided by gross land areas.

Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>
Residential Estate	2 du/ac
Low Density	5 du/ac
Medium Density	8 du/ac
High Density	10 du/ac

LDC Determination of Density

Section 4.3. - Future Land Use Map (Year 2025) and Map Series

The densities denoted on the FLUM reflect the maximum gross residential density permitted on the land. The maximum density is not guaranteed by right.

Zoning and site plan review procedures found in the LDRs are consistent with this Plan. The LDRs to ensure that specific density and intensity assigned to new development is (1) compatible and consistent with established development and (2) provides equitable use of the land in conformance with the Capital Improvements Element (Chapter 14) and natural resource restrictions contained in the Coastal Management and Conservation Elements.

The land use pattern and capacities indicated on the Year 2025 FLUM and related map series are consistent with the Capital Improvements Element and adopted population projections. The land use pattern and capacities, along with estimated population growth, form the basis of the 10-year capital improvement plan shown in the Capital Improvements Element. The policies for allocating land use development are listed under Goal 4.13.

Sec. 3.13. - Calculation of residential density.

As set forth in Table 3.12.1, maximum residential density means the maximum number of residential dwelling units that may be developed per acre of gross land area on a parcel of land. The gross land area of a parcel shall include all contiguous land areas under common ownership, including land to be dedicated for public or private rights-of-way, with the following provisions and exceptions:

3.13.A.

Waterbodies. In cases where land abuts the waters of the Atlantic Ocean, St. Lucie River, Indian River, Loxahatchee River, Intracoastal Waterway, Lake Okeechobee and all tributaries and manmade canals thereof, the boundary of land shall be delineated as established by state statutes (Chapter 177, Part II, Coastal Mapping, as may be amended).

3.13.B.

Submerged land areas. No submerged land areas waterward of the boundary described above shall be included in the calculation of gross site area.

3.13.C.

Areas allocated to nonresidential uses. No land areas proposed to be allocated to nonresidential uses shall be included in the calculation of gross residential site area except for contiguous land areas to be used for:

1. Utilities under common ownership and principally supporting the residential use;
2. Recreational facilities for the primary use of on-site residents; and
3. Dedication to the County or other County-approved agencies or not-for-profit corporations.

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions
R-5	8 du/ac	SF – 10,000 sf Duplex – 10,000 sf Multi-family – 4,500 sf for each additional unit in excess of the initial 10,000 sf. A max of 8 du/ac shall be permitted per gross acre	

C A T	Zoning District	Min. Lot Area (sq. ft.)	Max. Res. Density (upa)
A	AG-20A	20 ac.	0.05
A	AR-5A	5 ac.	0.20
A	AR-10A	10 ac.	0.10
A	RE-2A	2 ac.	0.50
A	RE-1A	1 ac.	1.00
A	RE-½A	21,780	2.00
A	RS-3	15,000	3.00
A	RS-BR3	10,000	3.00
A	RS-4	10,000	4.00
A	RS-5	7,500	5.00
A	RS-6	7,500	6.00
A	RS-8	5,500	8.00
A	RS-10	4,500	10.00
A	RM-3	15,000(h)	3.00
A	RM-4	10,000(h)	4.00
A	RM-5	8,500(h)	5.00
A	RM-6	7,500(h)	6.00
A	RM-8	5,500(h)	8.00
A	RM-10	4,500(h)	10.00(g)

C A T	Zoning District	Min. Lot Area (sq. ft.)	Max. Res. Density (upa)
A	MH-P	10 ac.(e)	8.00
A	MH-S	5,500	8.00
A	COR-1	10,000	5.00
A	COR-2	10,000	10.00
A	LC	10,000	10.00
A	WRC	10,000	10.00
B	HR-1	10,000	(a)
B	HR-1A	12,000	(a)
B	R-1	15,000	(a)
B	R-1A	10,000	(a)
B	R-1B	8,200	(a)
B	R1-C	15,000	(a)
B	R-2	7,500	(a)
B	R-2B	7,500	(a)
B	R-2C	5,000	(a)
B	R-2T	7,500	(a)
B	RT	5,500(f)	(a)
B	TP	10 ac.	(k)
B	E	43,560	(a)
B	E-1	30,000	(a)
B	WE-1	30,000	(a)

NOTES:

(a) Maximum residential density shall be one single family residential dwelling unit per lawfully established lot.

(b) In the RT district:

(1) Mobile home subdivisions shall be surrounded by a landscaped buffer strip at least 25 feet in depth on all sides. Buffers shall be unoccupied, except for underground utilities, canals, ditches, landscaping and entrance ornamentation.

(2) A minimum of five percent of the gross land area shall be required for recreation area.

(3) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.

(c) In the TP district:

(1) A minimum of five percent of the gross land area shall be required for recreation area.

(2) Fences and walls located on or within five feet of lot lines shall not exceed a height of six feet, except such fences or walls shall not exceed three feet six inches when located in a required front yard.

(d) In the R-1A district, waterfront lots shall have a minimum of width of 60 feet along the street frontage and 100 feet in width along the waterway.

(e) In the MH-P district, each mobile home shall have a site area of at least 5,500 square feet.

(f) Each mobile home subdivision shall have a site area of at least ten acres.

(g) The maximum density for the RM-10 district is 15 units per acre for sites meeting the affordable housing criteria set forth in Section 4.4.M.1.e.(5) of the Comprehensive Growth Management Plan.

(h) The minimum lot area and minimum lot width requirements shall not apply to zero lot line, townhouse or multifamily developments on lots created after March 29, 2002.

(i) In the RT and MH-S districts, single-family detached dwellings (site-built dwellings) shall also comply with the provisions of Section 3.98.

(j) In the TP zoning district, mobile homes, modular homes and single-family detached dwellings (site-built dwellings) shall be limited to a foot print approved by the owner of the property (e.g., president of a condominium association or cooperative). Verification of the location and foot print by the property owner shall be provided with the building permit application. Primary structures and attached accessory structures, regardless of construction type, shall maintain a ten foot separation from other primary structures and attached accessory structures. Also, single-family detached dwellings (site-built dwellings) shall comply with the provisions of Section 3.98.

(k) In the TP zoning district the maximum residential density shall not exceed that density established on the parcel on April 1, 1982. New mobile home park development, requiring final site plan approval, in the TP zoning district shall not exceed eight units per acre.

Marco Island

Population: 17,690

Size:

Gross Cumulative Density:

Comprehensive Plan Density Policy

Policy 1.1.1: The Marco Island Future Land Use Map (FLUM) incorporates the following Land Use designations, residential densities, and density incentive programs as allocated on Table 2.1.

Measurement: Incorporation of the above enumerated land use designations and densities on the adopted Future Land Use Map (FLUM).

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
Low Density	4 du/acre
Medium Density	6 du/acre
High Density	16 du/acre

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions

- **Sec. 30-101. - Purpose and intent.**
 - **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The purpose and intent of the residential multiple-family 6 district (RMF-6) is to provide for single-family, two-family and multifamily residences having a low profile, surrounded by open space, being so situated that it is located in close proximity to public and commercial services and has direct or convenient access to collector and arterial roads on the Island's road network. The maximum *density* permissible or permitted in the RMF-6 district shall not exceed the *density* permissible under the *density* rating system contained in the future land use element of the comprehensive plan.

(Ord. No. 01-33, § 1, 11-5-2001)

- **Sec. 30-102. - Permitted uses.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The following uses are permitted in the RMF-6 district:

- (1) Single-family dwellings.
- (2) Duplexes, two-family dwellings.
- (3) Multiple-family dwellings, townhouses subject to the provisions of the land development code.
- (4) Family care facilities, subject to the land development code.

(Ord. No. 01-33, § 2, 11-5-2001)

- **Sec. 30-103. - Accessory uses.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** Uses accessory to permitted uses [are as follows:]

- (1) Uses and structures that are accessory and incidental to uses permitted as of right in the RMF-6 district.
- (2) Private docks, subject to chapter 54, article IV.
- (3) Recreational facilities that serve as an integral part of a residential development and have been designated reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, clubhouse, community center building and tennis facilities, playgrounds and playfields.

(Ord. No. 01-33, § 3, 11-5-2001)

- **Sec. 30-104. - Conditional uses.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The following uses are permissible as conditional uses in the RMF-6 district, subject to the standards and procedures established in the land development code:

- (1) Churches and houses of worship.
- (2) Schools, public and private.
- (3) Child care centers and adult day care centers.
- (4) Civic and cultural facilities.
- (5) Recreational facilities not accessory to principal use.
- (6) Group care facilities (category I and II); care units; nursing homes; assisted living facilities; and continuing care retirement communities pursuant to the land development code.

(Ord. No. 01-33, § 4, 11-5-2001)

- **Sec. 30-105. - Dimensional standards.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.**

valid. The following dimensional standard shall apply to all permitted, accessory, and conditional uses in the RMF-6 district:

- (1) *Minimum lot area:*
 - a. Single-family, duplex and two-family dwellings: 7,260 square feet per dwelling unit.
 - b. Multiple-family and townhouse: One acre.
- (2) *Minimum lot width:* 100 feet.
- (3) *Minimum yard requirements:*
 - a. Front yard: 25 feet.
 - b. Side yard: Ten feet.
 - c. Rear yard: 25 feet.
- (4) *Maximum height of structures:*
 - a. *Principal structures:* 35 feet, as measured from the required FEMA base flood elevation to the mid-point of the roof.
 - b. *Accessory structures:* 15 feet.
- (5) *Maximum density:* Actual maximum *density* shall not to exceed six dwelling units per gross acre.
- (6) *Distance between structures:* The distance between any two principal structures on the same parcel shall be 15 feet or a distance equal to one-half the sum of their heights, whichever is greater. For accessory structure yards see the land development code.
- (7) *Dimensional standards for nonconforming lots of record:* The following dimensional standards for nonconforming lots of record in the RMF-6 district shall apply:
 - a. Single-family and two-family dwellings, minimum lot area per dwelling unit of 6,000 square feet.
 - b. Multifamily dwellings, in conformance with the development standards of the RMF-6 district, and;
 - c. Nonconforming lots of record shall be required to provide a minimum of 6,500 square feet of lot area for each dwelling unit.
 - d. When calculating the *density* on these nonconforming lots, a fractional unit of 0.50 or greater of a unit shall entitle the applicant to an additional unit.
- (8) *Minimum floor area:* 750 square feet.

- **Sec. 30-81. - Intent and purpose.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** It is the intent and purpose of this division to establish residential single-family (RSF) district regulations to provide comprehensive standards for uses and activities on lands primarily intended for detached, single-family residences. The RSF districts are intended to be single-family residential areas of low *density*. The nature of the uses allowed, either by right or by conditional approval, reflect the desire to promote orderly residential development and uses that will compliment the existing built environment, and comply with underlying minimum standards, *density* provisions, and aesthetics. It is further intended that this division shall be liberally construed to effect such intent and purpose.

(Ord. No. 01-15, § 1, 9-17-2001)

- **Sec. 30-82. - Permitted uses.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The following uses are permitted as of right in all the residential single-family districts:

- (1) Single-family dwellings.
- (2) Family care facilities subject to the land development code.
- (3) Public parks and open space.

(Ord. No. 01-15, § 2, 9-17-2001)

- **Sec. 30-83. - Accessory uses.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The following uses are permitted as uses accessory to permitted uses in all the residential single-family districts (RSF):

- (1) Uses and structures that are accessory and incidental to uses permitted as of right in the RSF districts.
- (2) Private docks, subject to chapter 54, article IV.
- (3) Home occupations, subject to chapter 30, article III.
- (4) Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development.

(Ord. No. 01-15, § 3, 9-17-2001)

- **Sec. 30-84. - Conditional uses.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The following uses are permissible as conditional uses in all the residential single-family residential districts (RSF), subject to the standards and procedures established in the LDC:

- (1) Churches and houses of worship.
- (2) Schools, public and private.
- (3) Guesthouses.
 - a. Underlying lot(s) must total one acre (43,560 square feet) or more. The living area of a guesthouse shall not be larger than 40 percent of the air-conditioned, enclosed living area (excluding garages, carports, patios, porches, utility areas and the like) of the principal dwelling.
 - b. A guesthouse shall not be used for commercial purposes, including leasing or renting. Similarly, if a main residence is leased rented, a guesthouse may not be occupied by the property owner.
- (4) Childcare centers and adult day care centers.
- (5) Group care facilities (category I and II) as defined in the land development code.

(Ord. No. 01-15, § 4, 9-17-2001)

- **Sec. 30-85. - Dimensional standards and regulations.**

Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid. Generally, The following dimensional standards and regulations shall apply as presented to all permitted uses within the various residential single-family (RSF) districts.

	RSF 2	RSF 3	RSF 4
Maximum <i>density</i> (units per gross ac)	2	3	4
Minimum lot area	20,000 s.f.	10,000 s.f.	7,500 s.f.
Minimum lot width	120 ft.	95 ft. (corner) 80 ft. (interior)	75 ft. (corner) 70 ft. (interior)
Minimum depth of: 1. Front yard 2. Rear yard 3. Side yard	25 ft. 25 ft. Lots with <100 ft.—7½ ft. Lots with >100 ft.—8 ft. Waterfront lots*—10 ft.	25 ft. 25 ft. Lots with <100 ft.—7½ ft. Lots with >100 ft.—8 ft. Waterfront lots*—10 ft.	25 ft. 25 ft. Lots with <100 ft.—7½ ft. Lots with >100 ft.—8 ft. Waterfront lots*—10 ft.
Minimum floor area (living area)	1,500 s.f.	1,500 s.f.	1,500 s.f.

* See definitions for irregular shaped lots and waterfront lots.

(b) *Accessory structure setbacks.* Pursuant to the land development code, accessory structures must be constructed simultaneously with or following the construction of the principal structure.

(c) *Maximum height.*

(1) Principal structures: Thirty-five feet as measured from required base flood elevation, or applicable measurement point, to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

(2) Accessory structures: Twenty feet as measured from existing ground elevation on average of the subject parcel except for attached screen enclosures which may equal the maximum height permitted for the principal structure.

(3) The height limitations do not apply to spires, belfries, cupolas, approved communications towers, water tanks, fire towers when operated by a branch of government, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level. Human occupancy, even casual use, is prohibited except for routine maintenance.

• **Sec. 30-121. - Intent and purpose.**

Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid. The purpose and intent of the residential multiple-family 12 district (RMF-12) is to provide lands for multiple-family residences having a mid-rise profile, generally surrounded by lower structures and open space, located in close proximity to public and commercial services, with direct or convenient access to collector and arterial roads. Governmental, social, and institutional land uses that serve the immediate needs of the multiple-family residences are permitted as conditional uses as long as they preserve and are compatible with the mid-rise multiple-family character of the district. The maximum *density* permissible or permitted in the RMF-12 district shall not exceed the *density* permissible under the *density* rating system.

(Ord. No. 01-26, § 1, 10-15-2001)

- **Sec. 30-122. - Permitted uses.**

Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid. The following uses are permitted in the residential multiple-family 12 district (RMF-12):

- (1) Multiple-family dwellings.
- (2) Townhouses, subject to the provisions of the land development code.
- (3) Duplexes.
- (4) Family care facilities, subject to the land development code.

(Ord. No. 01-26, § 2, 10-15-2001)

- **Sec. 30-123. - Accessory uses.**

Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid. Uses accessory to permitted uses [are as follows:]

- (1) Uses and structures that are accessory and incidental to uses permitted as of right in the RMF-12 district.
- (2) Private docks, subject to chapter 54, article IV.
- (3) Recreational facilities that serve as and integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields.

(Ord. No. 01-26, § 3, 10-15-2001)

- **Sec. 30-124. - Conditional uses.**

Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid. The following uses are permissible as conditional uses in the residential multiple-family 12 district (RMF-12), subject to the standards and procedures established in the land development code:

- (1) Childcare centers and adult day care centers.
- (2) Churches and houses of worship.

- (3) Civic and cultural facilities.
- (4) Noncommercial boat launching facilities.
- (5) Schools, public and private.
- (6) Group care facilities (category I and II); care units; nursing homes; assisted living facilities pursuant to F.S. § 400.401 et seq. and F.A.C. ch. 58A-5; and continuing care retirement communities pursuant to F.S. ch. 651 and F.A.C. ch. 4-193; and the land development code.

(Ord. No. 01-26, § 4, 10-15-2001)

- **Sec. 30-125. - Dimensional standards.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.** The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the residential multiple-family 12 district (RMF-12):

- (1) *Minimum lot area*: One acre.
- (2) *Minimum lot width*: 150 feet.
- (3) *Minimum yard requirements*:
 - a. Front yard: 30 feet.
 - b. Side yards: One-half of the building height as measured from each exterior wall or wing of a structure with a minimum of 15 feet.
 - c. Rear yard: 30 feet.
- (4) *Maximum height*: 50 feet.
- (5) *Maximum density*: Actual maximum *density* shall not to exceed 12 units for each gross acre.
- (6) *Distance between structures*: The distance between any two principal structures on the same parcel shall be 15 feet or a distance equal to one-half the sum of their heights, whichever is greater. For accessory structure yards see the land development code.
- (7) *Minimum floor area*: Efficiency, 450 square feet; one bedroom, 600 square feet; two or more bedrooms, 750 square feet.
- (8) *Maximum lot coverage*: 76 percent of total lot area.

Eustis

Population: 19,214

Size: 6,153 acres

Gross Cumulative Density: 3.12 du/acre

Comprehensive Plan Density Policy

Policy FLU 1.2.2: Future Land Use Map Limitations

The Future Land Use Classifications set forth the long range potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not entitled to the most potentially dense or intense uses permitted within a land use classification. Thus, in some cases, the application of land development regulations including design standards, subdivision, environmental, and other regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel.

Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>
Rural Residential	1 du/acre
Suburban Residential	5 du/acre
Urban Residential	12 du/acre
Mixed Use	12 du/acre
Downtown	40 du/acre

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions

- **Sec. 109-5.2. - Measurement of standards.**
- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.(a) Density.**

- (1) The number of residential dwelling units permitted per net buildable acre of land.
- (2) In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

- **Sec. 109-2.3. - Residential districts intent statements.**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.**
Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.
valid. (a) *Rural residential district (RR)*. This designation provides for large lot development near or on the periphery of the Eustis Urbanized Area. *Densities* of one unit per acre or less are appropriate in areas of steep slope near lakes where soil erosion is a potential problem and in remote locations where provision of urban services is not economically feasible.

(b) *Suburban residential district (SR)*. Areas designated suburban residential (SR) have a maximum *density* of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

(c) *Urban residential district (UR)*. This designation applies to areas near the downtown core of the city. This land use designation has a maximum *density* of 12 units per acre.

Oldsmar

Population: 14,170

Size: 6,178 acres

Gross Cumulative Density: 2.29

Comprehensive Plan Density Policy

Policy 1.2.1

The following residential density categories shall be the adopted residential densities for the city of Oldsmar and shall be incorporated into the land development regulations:

- Residential Rural, density of 0 to 0.5 units per gross acre;
- Residential Estate, density of 0.5 to 1.0 residential units per gross acre;
- Residential Suburban, density of 1.0 to 2.5 residential units per gross acre;
- Residential Low, density of 2.5 to 5.0 residential units per gross acre;
- Residential Urban, density of 5.0 to 7.5 residential units per gross acre;
- Residential Low Medium, density of 7.5 to 10.0 residential units per gross acre;
- Residential Medium, density of 10.0 to 15.0 residential units per gross acre; and
- Residential/Office/Retail, where the residential density ranges from 10.0 to 15.0 units per gross acre.

1. Residential Land Use Categories

For the purposes of this section, the maximum residential density allowed on a parcel of land is calculated by multiplying the gross land area of the parcel by the maximum density permitted for the future land use plan designation for the site.

Gross land area for the purpose of computing density shall be that total land area within the property boundaries of the subject parcel, and specifically exclusive of any submerged land or public road right-of-way.

Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>
Residential Low	2.5-5 du/acre
Residential Low Medium	7.5-10 du/acre

Residential Urban	5-7.5 du/acre
Residential Medium	10-15 du/acre
Residential Office	10-15 du/acre

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions

• OBJECTIVE FLUE B-2. - ALLOCATING RESIDENTIAL DEVELOPMENT

○ Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error!

Hyperlink reference not valid.Error! Hyperlink reference not valid. Map I-1: Future Land Use Composite Map, 2035, shall allocate residential *density* based on the following considerations:

1. Past and projected future population and housing trends and characteristics;
 2. Provision and maintenance of quality residential environments;
 3. Protection of environmentally fragile natural systems;
 4. The need to plan for smooth transition in residential *densities*; and
 5. Provision and maintenance of traffic circulation and public facility improvements.
- Redevelopment, rehabilitation, and/or renovation of existing structures shall also be required to meet acceptable level as indicated in the Land Development Code. This objective shall be measured through implementation of the following policies.

• Policy FLUE B-2.2. - Low *Density* Residential (LDR).

○ Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error!

Hyperlink reference not valid.Error! Hyperlink reference not valid. Areas delineated on the Future Land Use Map for single family residential development shall accommodate low *density* residential development in locations meeting specific conditions and criteria with a maximum *density* up to an average of five (5) dwelling units per acre and shall be comprised of single family detached or attached homes on individual lots. Attached dwellings are townhomes, duplexes, or row-houses. Specific *densities* and development clusters will be determined by such factors as natural features of the land, *density* and/or intensity of developed and/or undeveloped land surrounding development, level of accessibility, housing supply and demand, adequacy of public facilities, consumer preference and other factors that may be identified in the Land Development Code. Supportive community facilities and accessory land uses may be located within areas designated for single family low *density* residential uses. Mobile Homes are not allowed within this land use designation. The Land Development Code shall provide regulatory procedures for considering such uses. The low-*density* designation is established to:

1. Protect the quality and character of existing low *density* single family neighborhoods;
2. Preserve open space;

3. Encourage *densities* that are compatible with existing and anticipated future developments;
4. Promote compatibility with natural features of the land;
5. Minimize burden on existing and projected public services and facilities within the area; and
6. Create stabilized neighborhoods accommodating complementary permanent structures.
7. Mobile home units existing within the Single Family Home designation at the time of the adoption of the Comprehensive Plan, shall be considered non-conforming uses but may continue on-site according to criteria that shall be established within the Land Development Code.

• **Policy FLUE B-2.3. - Low *Density* Mobile Home (LDMH).**

○ **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error!**

Hyperlink reference not valid.Error! Hyperlink reference not valid. Areas delineated on the Future Land Use Map for single family - mobile home residential development shall accommodate low *density* residential development with a maximum *density* less than five (5) dwelling units per acre. Primary uses compatible with this future land use designation include mobile homes, manufactured homes, mobile home parks and single family detached homes. Recreational vehicles are not considered mobile homes. One residential unit is allowed on an individual lot.

Specific *densities* will be determined by such factors as natural features of the land, *density* and/or intensity of developed and/or undeveloped land surrounding development, level of accessibility, housing supply and demand, adequacy of public facilities, consumer preference and other factors that may be identified in the Land Development Code. Supportive community facilities and accessory land uses may be located within areas designated for single family - mobile homes. The Land Development Code shall provide regulatory procedures for considering such uses. The single family - mobile home designation is established to:

1. Promote opportunities for affordable housing within single family neighborhoods;
2. Preserve open space;
3. Encourage *densities* that are compatible with existing and anticipated future developments;
4. Promote compatibility with natural features of the land;
5. Minimize burden on existing and projected public services and facilities within the area.
6. Mobile home parks shall be viewed as reasonable development options but the applicant shall provide plans for mobile home development which assure that the development contains a significant open space buffer. Natural landscaping, including a landscaped berm where appropriate, upper story tree canopy and lower story shrubbery, and/or an aesthetic decorative wall or fence to effectively screen the mobile home development from adjacent residential development which exists or may potentially exist in the future.

Replacement of existing mobile homes in existing mobile home plats and sites of record, as of the effective date of this ordinance, shall be permitted and shall not be deemed inconsistent with the Comprehensive Plan.

• **Policy FLUE B-2.4. - Medium *Density* Residential (MDR).**

○ **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error!**

Hyperlink reference not valid.Error! Hyperlink reference not valid. Areas delineated on the Future Land Use Map for multiple family, medium *density* residential development shall be developed, redeveloped, and/or maintained as stable medium *density* residential neighborhoods. Medium *density*, residential developments shall range from a minimum of three (3) to a maximum of seven (7) units per acre. Primary uses allowed in this land use designation are single-family homes detached, duplexes, town homes, condominiums, and apartment buildings. Height restrictions, design guidelines, environmental, traffic,

drainage and other regulations governing specific developments and zoning district classifications shall be contained in the Land Development Code. Mobile homes, campgrounds, and recreational vehicles as residences are specifically prohibited in this district.

The medium *density* designation is intended to provide sufficient land area for developments of medium *density* residential development adequately supported by public services and facilities and compatible with existing and anticipated future land uses. The medium *density* policy designation shall allow for a mixture of single and multiple family structure types as further defined with the Land Development Code. Supportive neighborhood commercial facilities and accessory land uses may be located within areas designated MDR, on parcels developed under a site plan in tracts of 5 acres or more. Such neighborhood commercial or support facilities shall consume no more than 10% of the total land area within the development tract and shall be limited by an FAR of .25 or minimum open space requirement of 15%, as defined by the Land Development Code. The City Land Development Code shall provide further regulatory procedures for considering such uses.

Review of specific *densities* of developments shall be directed toward preserving stability of established residential areas. Sites for medium *density* residential developments should be:

1. Located so that they provide a smooth transition between lower *density* residential areas and areas developed and/or designated for other more intense uses.
2. Sufficient in acreage to accommodate all parking and other regulatory requirements for stormwater management, open space, landscaping, and others found in the Land Development Code demanded by its residents.
3. Generally, located between the perimeter of low *density* residential areas and the following areas: high *density* residential concentrations, commercial and industrial locations.

- **Policy FLUE B-2.5. - High *Density* Residential Development (HDR).**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error!**

Hyperlink reference not valid.Error! Hyperlink reference not valid. High *density* residential development shall range from a minimum of five (5) to a maximum of eight (8) units per acre.

The high *density* policy designation is intended to provide sufficient acreage for high *density* residential development which shall be adequately supported by public services and facilities, and maintain compatibility with the surrounding area. Sites used for high *density* residential housing must be sufficient in acreage to accommodate all regulatory requirements for traffic, environment, drainage, open space, and others required by the Land Development Code.

The specific areas designated for high *density* development shall be accessible to existing or anticipated future major thoroughfares and requisite utilities. In addition, these areas generally shall be highly accessible to commercial services. Specific *density* of future development proposals within these areas shall provide for smooth transition in residential *density*, preserve stability of established residential areas, and shall include sufficient open space, parking and landscaping to reinforce goals and objectives for quality living areas. Central sewer must be available or extended to buildings in this land use designation. On-site treatment systems shall not be allowed.

Recreation facilities to serve the residents, including but not limited to golf courses, parks swimming pools, other leisure activities and management offices accessory to the residential uses are allowed and encouraged.

Other permissible uses allowed within the HDR designation include public utilities, golf courses, country clubs with golf courses, and schools as allowed herein. Other uses that may accompany a golf

course or country club include limited retail (small scale specialty shops, beauty care, or other personal services), restaurant, child care, maintenance facilities, practice facilities such as driving range or putting greens, golf training facilities, and recreation facilities (such as tennis courts, swimming pools, ball fields) so long as the permeable open space area of the golf course occupies at least 70% of the site. For non-residential permissible uses, the Land Development Code shall prescribe standards and criteria to assure their compatibility with residential uses. At a minimum, such commercial facilities shall consume no more than 10% of the total land area within the development tract and shall be limited by an FAR of .25 or minimum open space requirement of 15%, as defined by the Land Development Code.

- **Policy FLUE B-2.6. - New Low *Density* Mixed-Use Neighborhood (LDMXN).**

- **Error! Hyperlink reference not valid.Error! Hyperlink reference not valid.Error!**

Hyperlink reference not valid.Error! Hyperlink reference not valid. The City recognizes that new large scale planned neighborhoods or developments are desirable to promote economic development, provide a diverse range of housing styles and costs to upgrade and improve the City's housing stock and promote employment centers. These neighborhoods and communities provide a place for a predominance of residential dwellings, along with other non-residential uses that serve the community, and are in harmony with the overall character of the area. Specific standards for Low *Density* Mixed-Use Neighborhoods shall be adopted as part of the City's Land Development Code, and at a minimum, meet the following principals:

1. Shall be planned on a minimum of five (5) acre tracts or as part of an overall Planned Development project using the Planned Development zoning district and process.
2. For lands annexed into the City as of December, 2006, they may have an overall maximum average *density* up to five (5) dwelling units per acre.
3. For lands annexed after December, 2006, the maximum overall average *density* shall not exceed 3 dwelling units per acre.
4. Shall be served by an internal transportation system that includes pedestrian and bicycle facilities.
5. Shall incorporate conservation areas into the overall design and development pattern to the extent practicable to promote multi-purpose use of open space and conservation of natural resources.
6. Shall provide for public facilities and services, such as water, wastewater, stormwater management, transportation networks, and other utilities at its own expense and such facilities shall be available at accepted levels of service at the time of development.
7. Utility services for the new development, such as electric, gas, cable, and the like shall be underground.
8. To the extent practicable, developments should include a mix of housing types or styles to provide architectural and market interest and diversity including, but not limited to single family detached; town homes, condominiums, garden apartments, ACLF, zero lot line, and urban estates.
9. Clustering of residential development shall be utilized to the extent feasible around the edges and adjacent to designated conservation areas so that portions of the land may remain as undeveloped open space, creating a sense of openness and creating natural linkages with open space areas.
10. Conservation areas shall be protected and managed as open lands (through use of conservation easements or other tools) and *densities* may be transferred to other portions of the development through a transfer of development rights program established within the Land Development Code.
11. Golf courses and support facilities, tennis or other leisure clubs, including, but not limited to club houses, pro-shops, restaurants, golf cart parking/storage/maintenance areas, and other non-residential uses compatible with or supportive of Golf Course leisure activities shall be allowed within low-*density* mixed-used developments and shall be included in the Development Plan. Golf courses and support facilities shall not exceed 75% of the project areas.
12. Shall adhere to higher levels of architectural and site design guidelines than traditional developments.

Sec. 3.6. - Establishment of size and dimension criteria.

A. General. In order to carry out the purpose and intent of this article, size and dimension criteria for particular zoning districts are hereby established. Such size and dimension criteria shall be applied in accordance with this section and other applicable provisions of the land development regulations. The minimum area for yards and other required open spaces for each and every building hereafter erected, constructed or structurally altered shall not be encroached upon or considered as area, yard or open space requirements or intensity of use requirements for any other building. Variances from these provisions, excluding the maximum density limitations, may be granted by the board of adjustment pursuant to the procedures and criteria of the land development regulations.

B. Maximum residential density. In no instance shall the maximum density specified for a given zoning district be exceeded in the approval of any permit or development order except for development orders that utilize density blending with a contiguous parcel as set forth herein. Maximum density shall be expressed in number of dwelling units per gross acre. In the determination of the maximum number of units to be allowed on a lot, the permitted number shall be made proportional to any fraction of an acre(s) that is a part of the lot. Gross area shall mean the area of a lot devoted to residential uses and related open space, yards, parking and circulation, drainage, recreation, waterbodies, and other related or accessory facilities, inclusive of commercial, industrial, and other nonresidential uses for mixed use projects.

Properties may be developed with density blending as a unified plan of development under the city's planned development (PD) zoning regulations. Density blending means the allowable density across two or more contiguous properties may be averaged or "blended" over the entire project, notwithstanding the specific density limitations of the underlying future land use designations, so long as the total allowable units do not exceed that which would be allowed under each separate land use. When using density blending, the resultant gross density of that portion of the property that is located within an agricultural and rural density or Indian River County agricultural future land use district shall not exceed one unit per acre unless central water and sewer services are provided.

C. Lot size requirements.

1. Generally. Except as may be qualified by the provisions of the land development regulations, including article VIII, Nonconformities, no structure or part thereof shall hereafter be constructed or relocated onto a lot which does not meet all of the minimum lot size requirements established for the zoning district in which the structure is or is to be located. Furthermore, no structure or land shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum lot size requirements presented for the district in which such structure or land is located unless such lot meets the criteria of article VIII. Properties upon which essential services uses are located are exempt from minimum lot size requirements.

2. Reduction of lot size or yards; subdivision. No lot or yard existing at the effective date of this Code shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase, and the like. Lots or yards created after the effective date of this chapter shall meet the minimum requirements established herein.

3. Applicability to all uses. All permitted uses shall be subject to the lot size requirements specified for a given district unless other minimum requirements are specified for such uses elsewhere in the land development regulations.

4. Structure built on two lots. A building constructed on a site consisting of two lots must be located either within the required setback of the individual lot or the setback from the common or unified lot line. Any person wishing to build a structure on two lots must provide legal assurance, approved by the city attorney, which demonstrates unity of title for both lots. In those cases where construction does not commence, such unity of title may be released upon approval of the city manager, or designee, and recording of a dissolution of unity of title in the public records.

5. Lots of record less than minimum size. Any lot of record legally created prior to the adoption of this Code which contains less lot area or width than required in the district in which it is located may be used for a use in such district. This provision shall not be construed to permit more than one dwelling unit on a lot with less lot area per dwelling than required for the district in which such lot is located.

6. Use of lots in single-family districts. In single-family districts, every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than the principal building and the customary accessory buildings on one plot or parcel of land.

4. Required yards for lawfully created nonconforming lots. Lawfully created nonconforming lots shall have required yards provided, however, that the buildable width of such lot shall not be reduced by front or side yard requirements to less than 30 feet and provided further that no accessory structure on a corner lot shall project into the required front yard on any street. In those instances where the 30-foot minimum applies, the house shall be centered between the lot lines, unless an alternate siting arrangement is approved by the community development director.

(Ord. No. 2011-02, § 3(Exh. A), 7-7-2011)

TABLE 3D. DIMENSIONAL STANDARDS, RESIDENTIAL DISTRICT									
	Zoning Districts								
RESIDENTIAL	RR	SR	EU	R-1	R-1A	R-1B	R-1MH	R-2	R-3

TABLE 3D. DIMENSIONAL STANDARDS, RESIDENTIAL DISTRICT

[illegible]

TABLE 3D. DIMENSIONAL STANDARDS, RESIDENTIAL DISTRICT

Zoning Districts									
RESIDENTIAL	RR	SR	EU	R-1	R-1A	R-1B	R-1MH	R-2	R-3
Three-bedrooms	-	-	-	-	-	-	-	-	1,200
Patio and garden homes	-	-	-	-	1,000	-	-	-	-
Assisted living	-	-	-	-	500/ person	-	-	-	-
Independent living	-	-	-	-	>800/one bedroom - 200 each additional	-	-	-	-
Maximum Height (ft.)	35'	35'	35'	35'	35'	35'	35'	35'	35'
Minimum Setback Requirements (ft.)									
Front	25'	25'	25'	25'	20'	20'	25'	25'	25'
Side interior	25'	10'	10'	7.5'	7.5'	5'	7.5'	7.5'	10'
Side corner	25'	15'	15'	25'	15'	15'	15'	15'	25'
Rear	20'	20'	20'	25'	20'	20'	25'	25'	25'
Abutting alley	-	-	-	-	15'	-	-	15'	15'
Barns and stalls	F=125' S/R=50'	-	-	-	-	-	-	-	-

TABLE 3D. DIMENSIONAL STANDARDS, RESIDENTIAL DISTRICT										
		Zoning Districts								
RESIDENTIAL		RR	SR	EU	R-1	R-1A	R-1B	R-1MH	R-2	R-3
Accessory buildings (not allowed in front; setback from side and rear)	15'	15'	10'	10'	7.5'	5'	7.5'	7.5'	10'	
Minimum setback from water	25'	25'	20'	20'	15'	15'	15'	15'	15'	
Maximum building length (ft.) for townhouses only	-	-	-	-	-	-	-	200'	200'	
Enclosed garage per single- or two-family unit	R	R	R	R	R	May be required	N	May be required	May be required	
Note: R = Required										

(Ord. No. 2011-02, § 3(Exh. A), 7-7-2011)

TABLE 3E. DIMENSIONAL STANDARDS, NONRESIDENTIAL DISTRICTS

NON-RESIDENTIAL	RPO	OTD	C-1	C-2	REAC	I	PIN
Minimum Lot Area (sq. ft.)	5,000	6,250	12,000	12,000	5	0.5	0.5 acre
Minimum Lot Width (ft.)	50	50	100	100	150	100	100
Minimum Lot Depth (ft.)	100	100	100	100	150	100	100
Maximum Lot Coverage (%)	60	100	85	85	701	85	65
Minimum Open Space	15	15	15	15	15	15	
Floor Area Ratio	na	1 (footprint)	0.5	Note 2	0.5 average	Note 2	0.35
Building Area (sq. ft.)	1,500 (min)	20,000 (max)	20,000 (max)				
Maximum Height (ft.) ³	35	35	35	354	355	355	35
Minimum Setback Requirements (ft.)							
Front	20	0-3	35	25	75	25	25
Side interior lot	7.5	None	7.5	15	25	7.5/10	7.5
Side corner lot	15	5	15	25	40	20	15
Rear	20	5	25	25	30	20	25
Rear-abutting alley	15	5	20	20	20	10	10
Additional Landscaping or Buffer/Refer to Code	Y	N	Y	Y	Y	Y	Y
Residential Uses Allowed	Per R-1 district </= 5 dupa	(5 dupa Res/30 dupa Hotel	Y	Mxd Uses	N	N	N

TABLE 3E. DIMENSIONAL STANDARDS, NONRESIDENTIAL DISTRICTS							
NON-RESIDENTIAL	RPO	OTD	C-1	C-2	REAC	I	PIN
Potential for CR 512 Overlay Standards Applicability	Y	Y	Y	Y	Y	Y	Y
Notes: 1 FAR shall equal an average of 0.5 or a minimum of 15% open space. 2 0.35 on 10 ac or greater site/or 15% open space, whichever is greater. 3 See height definition. 4 Height may increase up to a maximum of 65 feet at I-95 through conditional use approval. 5 Height may increase up to a maximum of 50 feet through conditional use approval; height may increase up to a maximum of 65 feet at I-95 Interchange through conditional use approval.							

Sec. 3.11. - RR Rural Residential.

A. Purpose. The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one dwelling unit per 2.5 gross acres together with such other uses as may be necessary for and compatible with very low density rural residential surroundings.

B. Permitted uses. Permitted uses in the RR zoning district shall be in accordance with Table 3B. Any development of 20 or more units will be processed as a planned development.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

D. Dimensional regulations. Dimensional requirements shall be in accordance with Table 3D.

E. Conditional uses. Conditional uses in the RR zoning district shall be in accordance with Table 3B.

F. Accessory uses. Accessory uses shall be in accordance with Table 3D and subject to the general requirements of article IV.

(Ord. No. 2011-02, § 3(Exh. A), 7-7-2011)

Sec. 3.12. - SR Suburban Residential.

A. Purpose. The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one dwelling unit per gross acre together with such other uses as may be necessary for and compatible with residential surroundings.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.13. - ER Estate Residential.

A. Purpose. The purpose of this district is to provide and protect an environment suitable for single-family dwellings at a maximum density of one to three dwelling unit per gross acre together with such other uses as may be necessary for and compatible with residential surroundings.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.14. - R-1 Single-Family Detached Residential District.

A. Purpose. The R-1 Single-Family Detached Residential Zoning District shall encompass lands devoted to single-family residential development up to five units per acre providing a range of housing choice together with such accessory uses as may be necessary or are normally compatible with residential surroundings. This district may be applied to new subdivisions, redevelopment of existing single family areas, or vacant lots contained within low density or low density mixed use residential land use classifications where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.15. - R-1A Single-Family Attached Residential District.

A. Purpose. The R-1A Single-Family Attached Residential Zoning District encompasses lands devoted to a variety of single-family attached residential developments up to five units per acre on smaller lots providing a range of housing choice together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.17. - R-1B Single-Family Affordable Housing Residential District.

A. Purpose. The R-1B Single-Family Affordable Housing Residential Zoning District is intended to apply to a specific area of the city proposed for affordable single-family residential development up to four units per acre. Lot sizes and other restrictions are intended to permit a flexibility of design and a variety of housing styles, promote affordable single-family housing, and encourage the preservation of natural features. Housing in this district is provided strictly for those in the 80 percent or less of the median income brackets as determined for the Fellsmere area through the department of housing and urban development. To be eligible to be considered for using the R-1B district, a project must consist of a minimum of ten acres and developed by a not-for-profit organization or community development

corporation (CDC) approved by city council and engaged solely in the business of providing affordable housing.

BC. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.18. - R-1MH Single-Family/Mobile Home Residential District.

A. Purpose. The R-1MH Single Family/Mobile Home Residential District is designed to preserve existing low-density, (less than five dwelling units per acre), single-family and mobile home developments, designated as low density mobile home on the city's future land use map. This district shall not be applied to other lands in the city.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.19. - R-2 Medium Density Multi-Family Residential District.

A. Purpose. The purpose of the R-2 Medium Density Multi-Family Residential Zoning District is to provide suitable areas for medium density single or multi-family residential development with a density of three to seven dwelling units per acre where sufficient urban services and facilities are provided.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Sec. 3.20. - R-3 High Density Multi-Family Residential District.

A. Purpose. The purpose of the R-3 High Density Multi-Family Residential Zoning District is to provide suitable areas for high density multi-family residential development at a density of five to eight dwelling units per acre where sufficient urban services and facilities are provided.

C. Lot size requirements. Lot size requirements shall be in accordance with Table 3D.

Punta Gorda

Population: 17,172

Size: 13,440 acres

Gross Cumulative Density: 1.27 du/acre

Comprehensive Plan Density Policy

Article 3

The City of Punta Gorda describes the regulating districts adopted by the City. These zoning districts regulate the density and configuration of new residential and commercial construction. There are three (3) zoning districts which allow mixed use developments. Additionally the article allows accessory dwelling units in the Neighborhood Residential (NR) Zoning District.

The City's LDRs allow new single-family and multi-family homes to be built on any platted lot of record, as respectively zoned. The minimum lot size for single-family homes is 3,500 square feet in order to encourage affordable infill housing development on many of the City's older vacant lots.

Staff reviewed the current Future Land Use Categories and reviewed Policies 1.1.14.2 through 1.1.14.9, which establish the Future Land Uses Categories for non-residential categories and conservation/preservation lands in order to propose changes to provide clear measures governing future nonresidential development. The categories include residential density standards and non residential intensity standards thereby providing meaningful and predictable standards for both public and private lands in these land use categories as required by Rule 91-5.006(2)(c)(I) F.A.C.

Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>
Low Density	1-5 du/acre
Medium Density	5-10 du/acre
High Density	10-15 du/acre

LDC Determination of Density

LDC Allowable Densities and minimum lot size

<u>Zoning Name</u>	<u>Maximum Density</u>	<u>Minimum Lot Size</u>	<u>Density matches dimensions</u>

Maitland

Population: 16,464

Size: 4,102 acres

Gross Cumulative Density: 4.0 du/acre

Comprehensive Plan Density Policy

POLICY 1.3: The City shall ensure that land development regulations to implement the Comprehensive Development Plan are based on standards consistent with the Comprehensive Development Plan.

STANDARD 1.3.1: Single-family detached units are required to be developed at fewer than 4.5 units per gross acre.

STANDARD 1.3.2: Low-to-medium density residential areas are required to be developed at between 4.5 and 10.0 units per gross acre.

STANDARD 1.3.3: High density residential areas are required to be developed at between 10.0 and 19.8 units per gross acre. The Downtown Maitland portion of the TCEA is controlled by the Downtown Maitland Master Plan/Downtown Maitland Revitalization Plan.

STANDARD 3.14.2: Within development regulations, include standards for floor area ratio (.3-1.9), height, buffers, density, infrastructure and traffic service levels consistent with the Comprehensive Development Plan.

STANDARD 3.14.3: The Planned Development (PD) zoning district shall be required in residential or non-residential land use districts for properties which exceed a Floor Area Ratio (FAR) of .5 or a density of 10 units per gross acre. A maximum FAR increase to 1.9 or density increase to 19.8 units per gross acre is allowed for land uses west of Interstate-4 provided all design standards (i.e., landscape, buffering, open space etc.) are met. Through

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
Single Family	4.5
Low to Medium Density	4.5-10
High Density	10-19.8

LDC Determination of Density

LDC Allowable Densities and minimum lot size

<u>Zoning Name</u>	<u>Maximum Density</u>	<u>Minimum Lot Size</u>	<u>Density matches dimensions</u>

West Melbourne

Population: 18,355

Size: 6,548 acres

Gross Cumulative Density: 2.8 du/acre

Comprehensive Plan Density Policy

2.1 Residential Category Identification

The adopted Future Land Use Map shall identify appropriate locations for the following land use categories, as defined in the following descriptions of each land use designation. Density is expressed as dwelling units per gross acreage of each development (du/acre or du/ac).

Table 1 – Residential Future Land Use Categories

Land Use Category	Land Uses	Maximum Density
Low Density (LD-RES)	Single Family Residences	5 dwelling units (du)/acre
Medium Density (MD-RES)	Single and Multi-Family Residences	10 du/acre
Urban Density (UD-RES)	Single and Multi-Family Residences	18 du/acre Density bonus up to 25 du/acre
Manufactured Homes (MH-RES)	Manufactured and Mobile Homes Residences	6 du/acre

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
Low Density	5 du/acre
Medium Density	10 du/acre
Urban Density	18 du/acre

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions

Fort Walton Beach

Population: 21,817

Size: 5,239 acres

Gross Cumulative Density: 4.16 du/acre

Comprehensive Plan Density Policy

OBJECTIVE A.1 – THE CITY HEREBY ADOPTS THE FUTURE LAND USE MAP 2020. THE FOLLOWING POLICIES DESCRIBE THE LAND USE CATEGORIES, AND THE DENSITIES AND INTENSITIES APPLICABLE TO EACH CATEGORY. ONE OR MORE ZONING DISTRICTS MAY BE IMPLEMENTED FOR EACH LAND USE CATEGORY AND MAY FURTHER LIMIT THE DENSITY OR INTENSITY OF DEVELOPMENT WITHIN THE ZONING DISTRICT.

Policy A.1.11

The density and intensity standards for each land use category are shown below.

Land Use Category	Maximum Residential Density (Dwelling units per acre)		Maximum Floor Area Ratio For Nonresidential Development	
	Basic Standard ¹	Bonus Standard ²	Basic Standard ¹	Bonus Standard ²
LDR	6.0	NA	NA	NA
MDR	20.0	1.5 times the base density for the applicable zoning district	NA	NA
COM	0.0	NA	1.5	NA
MBI	0.0	NA	1.5	NA
IND	0.0	NA	1.5	NA
MU	30.0	1.5 times the base density for the applicable zoning district	2.0	1.5 times the base floor area ratio for the applicable zoning district

CIU	0.0	NA	1.5	NA
REC	0.0	NA	0.2	NA
CNS	0.0	NA	0.01	NA
PC	6.0	NA	NA	NA

¹The base standard means the maximum density or intensity for the land use category. Lower standards may be established for each zoning district to ensure compatibility with adjacent zoning districts. See Policy A.4.5 for details.

²The maximum density or intensity when meeting bonus provisions is dependent on location and compatibility standards established for each zoning district.

Comprehensive Plan Densities:

<u>Residential Zone</u>	<u>Maximum Density</u>

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches
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			dimensions

Jacksonville Beach

Population: 23,064

Size: 14,060 acres

Gross Cumulative Density: 1.64 du/acre

Comprehensive Plan Density Policy

Objective LU.1.2

All regulatory measures enacted by December 31, 2012 to aid in the implementation of this Comprehensive Plan shall be consistent with the standards established in this Element for the distribution and extent, type, density, and intensity of future land use.

Policy LU.1.2.1

The land development regulations shall be consistent with the following standards for residential densities:

- (1) Low Density Residential: Not more than six (6) units per acre.
- (2) Medium Density Residential: Seven (7) to twenty (20) units per acre.
- (3) High Density Residential: Twenty-one (21) to forty (40) units per acre.

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
Low Density Residential	6 du/acre
Medium Density Residential	7-20 du/acre
High Density Residential	21-41 du/acre

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions

Naples (21,512)

Population: 21,512

Size: 9,216 acres

Gross Cumulative Density: 2.33 du/acre

Comprehensive Plan Density Policy

Policy 1-2: Unless otherwise permitted in the Comprehensive Plan, new development, redevelopment and reuse shall be consistent with the permitted use and density/intensity of each designation.

Comprehensive Plan Densities:

<u>Residential Land Use Category</u>	<u>Maximum Density</u>
Beach Front Estate	1 du /acre
Low Density Residential	0-6 du/acre
Medium Density Residential	0-12 du/acre
High Density Res - Low Rise	0-15 du/acre

Juno Beach

Population: 3,176

Size: 1,186 acres

Gross Cumulative Density: 2.68 du/acre

Comprehensive Plan Density Policy

Not available online

Comprehensive Plan Densities:

<u>Residential Zone</u>	<u>Maximum Density</u>

LDC Determination of Density

LDC Allowable Densities and minimum lot size

<u>Zoning Name</u>	<u>Maximum Density</u>	<u>Minimum Lot Size</u>	<u>Density matches dimensions</u>
RM-1	SF - 4 du/acre Duplex - 8 du/acre Townhouse - 8 du/acre Multi-family - 8 du/acre	SF - 10,000 sf Duplex - 10,000 sf Townhouse - 20,000 sf Multi-family - 20,000 sf	
R-DUP	5 du/acre	SF - 8,750 sq. ft. Duplex - 17,500 sq. ft.	
RS-1	4 du/acre	10,000 sf	
RS-2	4 du/acre	8,000 sf	
RS-3	5 du/acre	6,000 sf	
RS-4	5 du/acre	5,500 sf	

*Except for a planned unit development (PUD), in which case the average *density* per gross acre may be increased as set forth in section 34-1333(b)(4).

*Two additional dwelling units per gross acre may be permitted for up to every five acres that a minimum ten-foot-wide beach access easement is irrevocably dedicated for public use. (For example, if an eight-acre site provides two ten-foot-wide public beach access easements with the required improvements, then the project may be permitted an additional two dwelling units per gross acre for the total eight acres). The easement shall be located, constructed, and improved at a minimum with a paved walkway and a wooden dune walkover structure over the dune, covered and uncovered seating benches on the walkover, landscaping, irrigation, and lighting as determined by the town, and shall be at the expense of the property owner.

Tequesta

Population: 5,629

Size: 1,409 acres

Gross Cumulative Density: 4.0

Comprehensive Plan Density Policy

Comprehensive plan not online

Comprehensive Plan Densities:

<u>Residential Land Use Categories</u>	<u>Maximum Density</u>

LDC Determination of Density

LDC Allowable Densities and minimum lot size

Zoning Name	Maximum Density	Minimum Lot Size	Density matches dimensions

Sec. 78-143. - Schedule of site requirements.

The following schedule establishes the minimum property and building regulations for development within the village:

SCHEDULE OF SITE REQUIREMENTS

				Minimum Setbacks			
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District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard	Maximum Building Height	Minimum Living Area Requirements	Minimum Open Space
R-1A	12,000 sq. ft.	100 ft.	37%	25 ft.1	10 ft. for main building and accessory building 20 ft. for any corner lot2	20 ft. for main building or structure 10 ft. for any accessory building or structure	2 stories/30 ft. main building or structure 1 story/15 ft. for any accessory building or structure	1,600 sq. ft.	30%
R-1	8,000 sq. ft.	75 ft.	37%	25 ft.1	7½ ft. for main building and accessory building 20 ft. for any corner lot2	20 ft. for main building or structure 10 ft. for any accessory building or structure	2 stories/30 ft. main building or structure 1 story/15 ft. for any accessory building or structure	1,200 sq. ft.	30%

				Minimum Setbacks					
District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard	Maximum Building Height	Minimum Living Area Requirements	Min Lot Area Open Space
R-2	8,000 sq. ft. for a single-family dwelling 10,000 sq. ft. for a 2-family dwelling 10,000 sq. ft. for first 2 multifamily dwelling units plus 3,356 sq. ft. for each additional dwelling unit not to exceed a maximum density of 12 dwelling	80 ft.	37%	25 ft.	7½ ft. for main building and accessory building 20 ft. for any corner lot	20 ft. for main building or structure 10 ft. for any accessory building or structure	2 stories/30 ft. main building or structure 1 story/15 ft. for any accessory building or structure	1,100 sq. ft. for first 2 bedrooms plus 225 sq. ft. for each additional bedroom.	30%

				Minimum Setbacks					
District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard	Maximum Building Height	Minimum Living Area Requirements	Min Lot Area
	units per gross acre								
R-3	10,000 sq. ft. for the first multifamily dwelling unit, plus 3,356 sq. ft. for each additional dwelling unit to a maximum of 12 dwelling units per acre.	80 ft. 200 ft.3	35%	20 ft. 10 ft. for an accessory structure not exceeding one story/10 ft. in height used for the parking of vehicles only (covered parking) and provided that the design of the front	20 ft. plus 2 ft. for each additional 10 ft. or portion thereof over 50 ft. in height of the main building or structure. 10 ft. for any accessory one-story building or structure. Plus 2 ft. for each additional story of the accessory building or structure.	20 ft. plus 2 ft. for each additional 10 ft. or portion thereof over 50 ft. in height of the main building or structure. 10 ft. for any accessory one-story building or structure. Plus 2 ft.	11 stories/101 ft. measured from the average height of the crest of the sand dune line, for main building or structure east of Beach Road, and measured from grade west of Beach Road.4 2 stories/20	1,500 sq. ft. for first 2 bedrooms, plus 225 sq. ft. for each additional bedroom.	30%

				Minimum Setbacks					
District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard	Maximum Building Height	Minimum Living Area Requirements	Mir Lan Ope Spa
				of the covered parking structure includes fully landscaped grade and/or raised planters that provide a minimum of 10 ft. of landscaped width along the full frontage of the covered parking structure.		for each additional story of the accessory building or structure.	ft. for any accessory building or structure.		

District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Minimum Setbacks			Maximum Building Height	Minimum Living Area Requirements	Minimum Lot Area Requirements
				Front Yard	Side Yard	Rear Yard			
C-1	7,500 sq. ft.	75 ft.	40%	15 ft.	None, except 10 ft. at any intersecting street and if contiguous with any noncommercial district	10 ft. from property line or 10 ft. from center of rear alley if applicable	2 stories/35 ft.	Not applicable	25%
C-2	7,500 sq. ft.	75 ft.	40%	25 ft., except 4- and 5-story buildings require an additional 5 feet for each story above 50 ft. See note 5	10 ft., except 20 ft. at any intersecting street and where a property is contiguous with any noncommercial district. See note 5	10 ft. however, none where property abuts railroad right-of-way or spur track. See note 5	4 stories/50 ft.	N/A	25%
PCD special exception uses in a C-2	3 contiguous	N/A	40%	25 ft. except 4- and 5-	10 ft., except 20 ft. at any intersecting	10 ft. however, none	4 stories/50	1,000 square feet per residential	25%

District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Minimum Setbacks			Maximum Building Height	Minimum Living Area Requirements	Minimum Open Space
				Front Yard	Side Yard	Rear Yard			
zoning district	acres			story buildings require an additional 5 ft. for each story above 50 ft. See note 5	street and where a property is contiguous with any noncommercial district. See note 5	where property abuts railroad right-of-way or spur track. See note 5	ft.	dwelling unit	
C-3	5,000 sq. ft.	50 ft.	40%	15 ft.	None, except 10 ft. at any intersecting street and if contiguous with any noncommercial district	10 ft. however, none where property abuts railroad right-of-way or spur track	3 stories/40 ft.	Not applicable	25%
Recreation/Open Space	Not applicable	Not applicable	Not applicable	25 ft.1	10 ft. except 20 ft. for any	20 ft.	2 stories/30 ft. for main	Not applicable	Not app

				Minimum Setbacks					
District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard	Maximum Building Height	Minimum Living Area Requirements	Mir Lan Op Spa
					corner lot2		building or structure 1 story/15 ft. for accessory building or structure		

MU	(See special general requirements, regulations, design principles, design objectives, and development standards that apply in this district as set forth at section 78-180.)
----	--

1 For properties fronting Country Club Drive, the front yard setback shall be measured from the roadway side of the wide special easements. In no event shall the building or structure be less than 25 feet from the edge of the roadway pavement of Country Club Drive.

2 For properties that are corner lots, where a side yard fronts Country Club Drive, the corner side yard setback shall be measured from the roadway side of the 15-foot side special easements. In no event shall the building or structure be less than 25 feet from the edge of the roadway pavement of Country Club Drive.

3 Minimum buildable lot depth cannot include submerged lands, conservation easement areas, protected wetlands, mangrove stands or similar protected areas. Accessory structures, not exceeding one story/ten feet in height, may be constructed on lots with less than the minimum lot depth. See the definition for lot depth in section 78-4 for additional requirements.

				Minimum Setbacks					
District	Minimum Lot Size	Minimum Lot Width	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard	Maximum Building Height	Minimum Living Area Requirements	Minimum Open Space
4 Each of these criteria shall be subject to the requirements, methodology and exemptions as set forth in the Florida Building Code when determining building height.									
5 Example: Where minimum front yard requirement is 25 feet, an additional five feet per story is added for buildings than three stories in height, so that a five-story building shall have a minimum front yard of 35 feet. Minimum side yard minimum rear yards shall be adjusted in like fashion.									
Note: For more specific requirements, see the supplemental district regulations in article IX of this chapter.									

DIVISION 2. - SCHEDULE OF USE REGULATIONS[4]

Sec. 78-171. - Scope.

This division establishes the use regulations for development within the village. For other more specific requirements see the supplemental district regulations in article IX of this chapter.

Sec. 78-172. - R-1A single-family dwelling district.

(a) Purpose. It is the purpose and intent of the R-1A single-family dwelling district to provide lands within the village for single-family residential uses of the lowest population density, consisting of no more than one dwelling unit per any platted lot. Density shall not exceed 3.6 dwelling units per gross acre based on a minimum 12,000-square-foot lot size. This district recognizes the need to provide areas within which the traditional single-family residence can thrive and can be protected from the more intense activities of other land uses.

Sec. 78-173. - R-1 single-family dwelling district.

(a) Purpose. It is the purpose and intent of the R-1 single-family dwelling district to provide lands within the village for single-family residential uses, consisting of no more than one dwelling unit per any platted lot. Density shall not exceed 5.4 dwelling units/gross acre based on a minimum 8,000-square-foot lot size. As in the R-1A district, this district also recognizes the need for traditional single-family areas, however, at a slightly higher density.

Sec. 78-174. - R-2 multiple-family dwelling district.

(a) Purpose. It is the purpose and intent of the R-2 multiple-family dwelling district to provide lands within the village for a range of residential multiple-family uses that should be applied within the medium density designated areas of the village comprehensive development plan. In no event shall density exceed 12 dwelling units per gross acre.

Sec. 78-175. - R-3 multiple-family dwelling district.

(a) Purpose. It is the purpose and intent of the R-3 multiple-family dwelling district to provide lands within the village for a higher density range of multiple-family residential uses. In no event shall density exceed 12 dwelling units per gross acre. This district is further intended for development of concentrated residential populations and should be applied only within the high density designated areas as depicted by the comprehensive development plan.

St. Augustine

Population 13,679

Size: 8,154 acres

Gross Cumulative Density: 1.67 du/acre

Comprehensive Plan Density Policy

Comprehensive Plan not available online

Comprehensive Plan Densities:

<u>Residential Zone</u>	<u>Maximum Density</u>

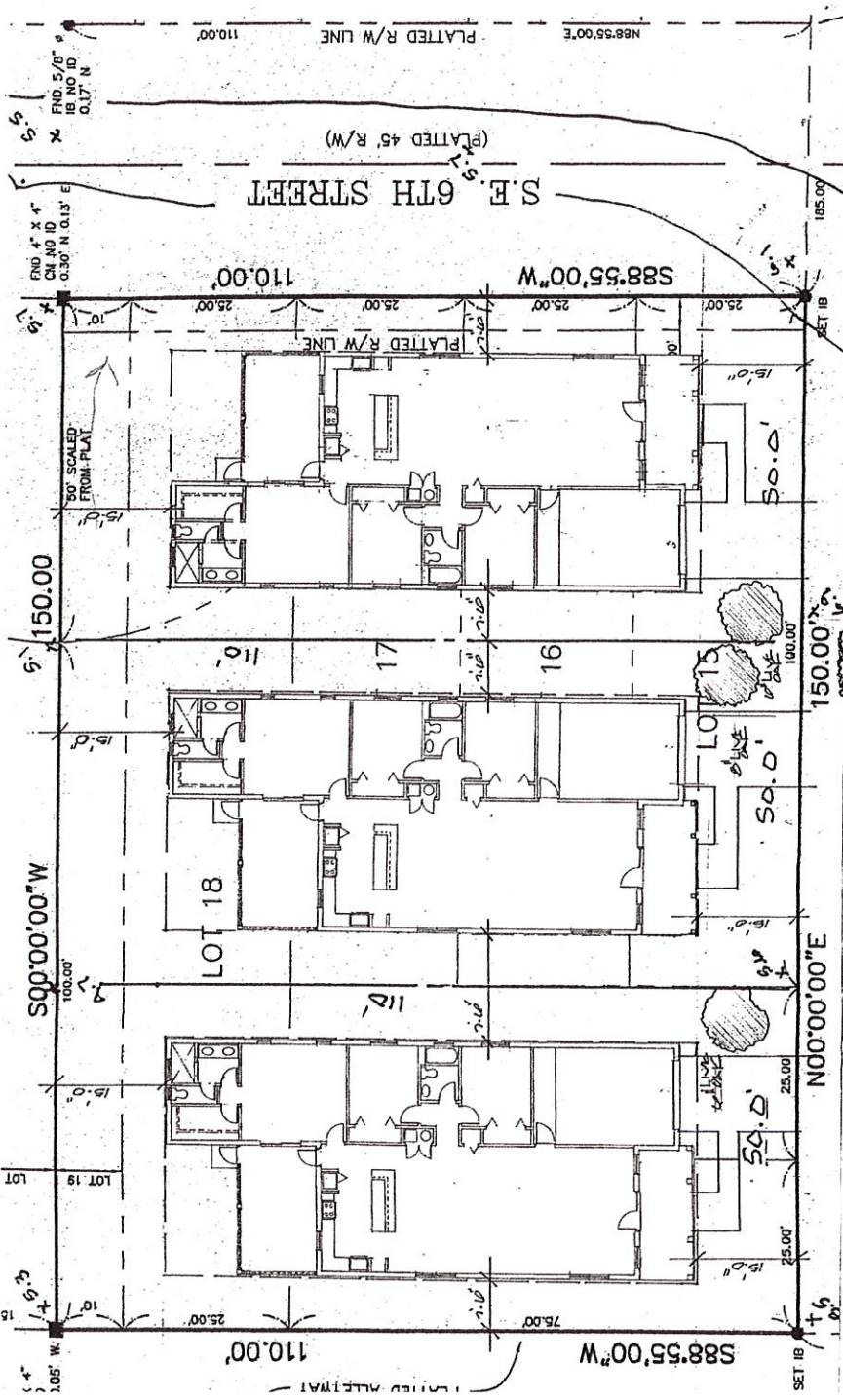
LDC Determination of Density

Sec. 28-144. - Determining residential density.

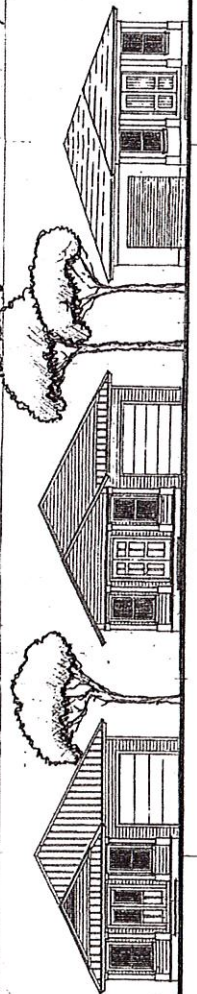
In determining the maximum allowable dwelling units per acre on a parcel of land, the gross density per acre established by the applicable zoning district may be credited only for that portion of the parcel determined to be "developable land" as defined in section 28-2. See section 28-119, Nonconforming lots of record.

Allowable Densities and minimum lot size

<u>Zoning Name</u>	<u>Maximum Density</u>	<u>Minimum Lot Size</u>	
Residential Low-One	8 dwelling units per acre	Single-Family – 5,450 sf	
Residential Low-One	8 dwelling units per acre	Multi-family – 10,900 sf For the first two units, 5,400 sf for each additional unit to a maximum of 8 dwelling units per acre	
Residential General - Two	16 units per acre	Single Family – 5,450 sf	
Residential General - Two	16 units per acre	Multi-Family – 7,250 sf for the first two units and 1,750 sf for each additional unit to a maximum of 16 units per acre	
Residential General - One	16 units per acre	Single Family – 5,450 Sf	
Residential General - One	16 units per acre	Multi-Family – 7,250 sf for the first two units and 1,750 sf for each additional unit to a maximum of 16 units per acre	
Residential Single Family - One		10,890 SF (1/4 acre)	
Residential Single Family - Two		5,450 SF	



Lot Coverage - Building Size	5500 SF
Building Size	1773 SF
Actual Covered Area	157 SF
Garage	236 SF
Front Porch	2474 SF
Back Porch	2474 SF
Roof under roof	2474 SF
Lot Coverage	44%
Lot Coverage	2474 SF
Building and Front sidewalk	2537 SF
Roof and A/C unit	2749 SF
Total lot coverage	2799/5500
	49.9%



JOSEPH P. McCARTY, ARCHITECT, Inc.
900 EAST OSCEOLA STREET 287-6735
STUART
FLORIDA
D.P.E. Registration Number 9619

Survey attachment Feb 16 2017

illegal
duplex legal duplex

11510	.1275	.1275	.138	.138	.1275	.138	.1177
704 704	841/841	1090	885	940	864 100	792 231	816

Strymarch

1157	.138	.275	.275	.138	.1275	.1322
1215	2080 (newest)	1364	820 288	672	1008	912 400

.127	.383	2474	.498
.127		2474	
.127		2474	
	.350	.7	

see below

2/16/17 Sayed
presentation



Development Department

City of Stuart

121 SW Flagler Avenue ~ Stuart, FL 34994

Phone: (772) 288-5326 ~ Fax: 288-5388

NOTICE OF CANCELLATION OF PUBLIC HEARING ITEM

Dear Property Owner,

Please be advised that the public hearing scheduled for October 27, 2016 at 5:30 PM, to consider the following variance before the Board of Adjustment has been **CANCELLED**. The City recently discovered the inconsistencies between the Comprehensive Plan and the Land Development Code regarding the density, therefore, additional time is required to do research and amend the plans to clarify the requirements. A proper notice will be mailed out if or when the item is rescheduled for a public hearing.

AGENDA ITEM

REQUEST TO CONSIDER A VARIANCE TO THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR: 1) A MINIMUM LOT WIDTH OF 50 FEET, WHERE 60 FEET IS REQUIRED AND A MINIMUM OF LOT AREA OF 5,500 SQUARE FEET, WHERE 6,000 SQUARE FEET IS REQUIRED TO ALLOW THE LOT TO SPLIT INTO THREE PARCELS FOR DEVELOPMENT OF ONE-STORY SINGLE-FAMILY HOME ON EACH PARCEL AFTER THE LOT SPLIT ON A PROPERTY LOCATED WITHIN A 'R-2' ZONING DISTRICT OF THE CITY OF STUART.

If you have any questions regarding this notice, please feel free to call Pinal Gandhi-Savdas at (772) 288-5368, M-F 8:30 A.M. – 5:00 P.M.

Sincerely,

Pinal Gandhi-Savdas
Project Planner
pgandhi@ci.stuart.fl.us

Enclosure: Location Map

Super attachment Feb 16 2017

The following relief from the minimum lot width and lot area, and setbacks are highlighted in the table below:

Land Development Regulations vs Variance Request	
B-2 Zoning Requirements	Proposed Development Standards
Minimum Zoning Lot = 10,000 square feet	Minimum Zoning Lot = 5,673 square feet
Minimum lot width = 100 feet	Minimum lot width = 60 feet
Maximum Impervious Surface Coverage = 65%	Maximum Impervious Surface Coverage = 65%
Front Setback = 30 feet	Front setback = 12 feet 2 inches
Side Setback (South) = 5 feet	Side setback (South) = 5 feet
Side Setback (North) = 5 feet	Side Setback (North) = 5 feet
Rear Setback = 20 feet	Rear setback = 20 feet
Maximum Height = 45 feet	Maximum Height = 45 feet

IV. CRITERIA FOR REVIEWING VARIANCE

In accordance with Section 8.04.02. (A) and (B), "Limitations on Granting Variances", Variances may be granted in such cases of unnecessary hardship, upon a finding by the Board of Adjustment that grant of a minimum variance to alleviate the unnecessary hardship, due to existing unique characteristics and conditions of the property, will not:

1. Authorize any use of the property that is not allowed as a permitted use or a use allowed by special exception 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.

V. STAFF ANALYSIS

A. Site and Area Characteristics

The existing property is located at 319 SE Florida Street in an area which consists of commercial and warehouse uses, within a B-2 zoning district between Dixie Highway and Federal Highway. The property is bounded on all sides by existing commercial development. The zoning on the property is Business General (B-2) and a Future Land Use designation of Commercial (Attachment C). The properties surrounding the proposal site are designated with a Business, General (B-2) and Commercial on all sides. The architectural design and scale of the proposed one-story commercial building is considered to be in keeping with the surrounding area and will not detract from the commercial character surrounding the property, and will comply with applicable architectural standards for commercial development.

The Public Works Department will require details of the construction to ensure there are no issues of storm water run-off in relation to the property and its surroundings at the Building Permit stage in the process. Further, the applicant will be required to provide a full landscape plan, architectural renderings, and civil plans that shall comply with all applicable requirement of code. The applicant will be subject to a detailed plan

Staffer attachment Feb 16 2017

review at the time when a site and construction permit is submitted to the Building Department for the construction of the commercial building to allow indoor auto sales on the property. The detailed plans shall substantially conform to the conceptual plans provided in the Final Order. Staff has added a condition of approval that no storm water run-off will occur on adjacent properties.

The Public Works Department has agreed that due to the low intensity of the use, a dumpster enclosure is not required for the site. However, should the use of the property ever change, the land owner agrees to provide a dumpster enclosure should the City require it.

The use of the property is limited to indoor automotive sales. Staff has included a condition of approval that outdoor displays and major automotive repair is not permitted at this location due to the higher intensity of use on a constrained lot.

Finally, staff has included a condition of approval that the applicant will require to obtain from the City a revocable permit in order to build a portion of the proposed parking stall and connections to the Hillcrest Avenue right-of-way. The removal of the requirement to provide a ten foot landscaping easement between on-site parking and a right-of-way will allow the applicant to provide parking that backs out onto Hillcrest Avenue. Staff notes that parking does occur elsewhere on Hillcrest Avenue, and that the low speed and volume of traffic does not pose a safety concern regarding the proposed manner of parking.

VI. STAFF RECOMMENDATION

Consider approval of the attached draft Final Order in light of the following:

1. Criteria for reviewing a variance (section 8.04.02);
2. Testimony from the Applicants;
3. Receipt of public comment; and
4. Suggested conditions of approval:
 - a. Construction of the Subject Property shall substantially conform to the Conceptual Site Plan and Architectural Plans by BC Architects, and attached as 'Exhibit 2' of this document, along with all other required documents for permitting, which shall be submitted for Building Permit review. The applicant shall meet all applicable landscaping, storm water, architectural and all other applicable requirements of the code, except those that have been provided relief via this Final Order. The Petitioner shall also demonstrate that no storm water run-off will occur on adjacent properties by provision of a gutter and downspout system, as applicable.
 - b. Automobile sales shall remain indoor and there major automotive repair is not permitted.
 - c. Prior to construction of any parking stalls within the right of way, the Petitioner shall obtain a revocable permit from the City Manager.
 - d. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
 - e. Any changes to the use may require a dumpster with enclosure, as approved by the City's Public Works Department.

VII. PUBLIC COMMENT

There have been several residents that have requested information regarding the proposed variance. A majority of residents that have expressed their concerns are primarily concerned with the lot staying as is, which is reported to be unsightly, underutilized and lowering property values in the area. A majority of those same residents expressed that the development appears to be quality due to the fact that it will not be metal and are pleased that the use will be indoor auto sales, rather than outdoor, and that there will not be auto repair on the site.

Sally and Clifford Jones, owners of commercial property at 917 Lincoln Avenue, which lies to the north of the project site, have expressed concerns about providing variances to the property and the potential development of it. Their primary concerns regard the allowance of what would be perceived as off street parking, the size of the building being too large, the potential future uses of the properties (that the use may change to repair) and they request that the drainage of the site be considered.

VIII. ATTACHMENTS

Attachment A: Final Order of Variance Approval dated April 28, 2016

Exhibit 1: Boundary Survey and Legal Description

Exhibit 2: Conceptual Site Plan and Architectural Elevations

Attachment B: Application for variance and Supporting Information

Attachment C: Maps

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>MISSING CARY</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LPA</i>
MAILING ADDRESS <i>464 NW 7th Street, Apt 404</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Sanford</i> COUNTY <i>Polk</i>	NAME OF POLITICAL SUBDIVISION: <i>City of Sanford</i>
DATE ON WHICH VOTE OCCURRED <i>2/16/17</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Larry Assink, hereby disclose that on February 16, 20 17:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, _____;

☐ inured to the special gain or loss of my relative, _____;

☒ inured to the special gain or loss of Martin County, by
whom I am retained; or employed by

☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

An annexation of unincorporated lands into the City of Stuart, an issue of contention between the two governments.

2/16/17
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MATHERS, William Jordan		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LOCAL PLANNING AND ZONING BOARD	
MAILING ADDRESS 1230 PARAKEET ST.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY STUART	COUNTY MARTIN	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 2/16/2017		NAME OF POLITICAL SUBDIVISION: CITY OF STUART	
		MY POSITION(S): <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William J. MATHERS, hereby disclose that on Feb, 17, 2017, 20 17.

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

~~Applied~~
Ordinance No. 2345-2017 For ANNEXATION
to city of Stuart parcel of land owned by, or submitted
by Anchor Commercial Bank Annexation was before
my Board for approval.

I had provided Engineering Consultation to this project
AND owner representatives in 2016, AND MAY OR MAY
NOT provide future consultation.

I did NOT participate in discussion AND abstained from voting

Date Filed

2/17/17

Signature

William J. MATHERS

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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

Meeting Date:3/16/2017

Prepared by:PinalGandhi-Savdas

Title of Item:

ORDINANCE No. 2348-2017 AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND NORTH OF THE INTERSECTION OF NE SAVANNAH ROAD AND NE BAKER ROAD, CONSISTING OF 14.85 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Staff has received an application to annex a property located north of the intersection of NE Savannah Road and NE Baker Road. The parcel is owned by Werner Bols and is 14.85-acres in size and is undeveloped. The parcel is contiguous to the City, compact in from and will not create an enclave if annexed. The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. The property owner is not proposing a development plan or timetable for development at this time. The owner understands that City land use and PUD zoning designation will be applied for at a later date. In the meantime, Martin County's land use and zoning regulations remain in effect. As called for by Florida Statute, the Martin County BOCC has been notified of the proposed annexation by certified mail. A complete copy of tonight's agenda item was provided to the County's Growth Management Department on March 10, 2017.

In addition to the Development Department's review, the City Manager, City Attorney, Public Works and Financial Services Departments have reviewed the application without objection.

With regard to cost, annexing the subject properties will have a de minimum impact on City Services. When land use, zoning and specific development plans are proposed at a later date, a comprehensive fiscal impact analysis will occur. In the meantime, based on the as-is assessed value of the parcel (\$614,310) the City's ad valorem revenues, at the current millage rate of 4.552, will be approximately \$2,800.

ATTACHMENTS:

- Ordinance No. 2348-2017
- City Attorney Memorandum
- Staff Report and maps
- Annexation Application
- Martin County Notification
- Affidavit for sign posting on site/photos

Funding Source:

N/A

Recommended Action:

Recommend approval of Ordinance No. 2348-2017.

ATTACHMENTS:

Description

Upload Date

Type

▣	Ordinance No. 2348-2017	2/28/2017	Ordinance add to Y drive
▣	City Attorney Memorandum	3/6/2017	Backup Material
▣	Staff Report and Maps	3/3/2017	Staff Report
▣	Annexation Application	2/28/2017	Backup Material
▣	Martin County Notification	2/28/2017	Backup Material
▣	Affidavit	3/1/2017	Backup Material

Return to:

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

ORDINANCE No. 2348-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND NORTH OF THE INTERSECTION OF NE SAVANNAH ROAD AND NE BAKER ROAD, CONSISTING OF 14.85 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Petitioner, Werner Bols, constituting the fee simple title holder to the land north of the intersection of NW Savannah Road and NE Baker Road, consisting of 14.85 acres, more particularly described in **Exhibit "A"**, attached hereto and made a part thereof, has voluntarily requested the City of Stuart annex said land into the corporate limits of the City; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for annexation, and has also considered the recommendation of the Stuart Local Planning Agency and City staff.

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

Section 1. Findings. The City Commission finds the above statements are true and correct, and serve as a basis for consideration of this ordinance; that said lands are contiguous with the

corporate limits of the City of Stuart, creates no enclaves, is reasonably compact, and that the City can effectively provide police, fire, and sanitary services to said land, all in compliance with the terms and requirements of Sec. 171.44, Florida Statutes, and the City of Stuart Code.

Section 2. Annexation. The City Commission has determined that development of said lands upon annexation shall be in accordance with the regulatory requirements of Martin County until such time as amendments to the City's Comprehensive Land Use Plan and Official Zoning Map become effective; and that the parcel of land more particularly described in **Exhibit "A"**, is hereby annexed into and shall be within the corporate limits of the City of Stuart, Florida, and that same shall henceforth be a part of said City as if said lands were originally a part of the City of Stuart.

Section 3. Directions to the City Clerk. The City Clerk shall cause the boundaries as set forth in the City's Charter to be amended and codified. The City Clerk shall submit such documentation as required by law to give effect to this ordinance to the Clerk of the Circuit Court, Board of County Commissioners Florida Statute 171.044(6) within 10 days prior to second reading adoption, the Chief Administrative Officer of Martin County, and the Florida Department of State within seven (7) days following adoption, in accordance with Section 171.044, Florida Statutes. Upon complete execution of this Ordinance, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by

a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance. The corporate boundary of the City shall be re-codified to include lands annexed.

Section 6. Effective Date: This ordinance shall be effective upon its adoption.

Passed on first reading the _____ day of _____, 2017.

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

THOMAS CAMPENNI, MAYOR
TROY MCDONALD, VICE MAYOR
JEFFERY KRAUSKOPF, COMMISSIONER
KELLI GLASS-LEIGHTON, COMMISSIONER
EULA CLARKE, COMMISSIONER

YES	NO	ABSENT

ADOPTED on second and final reading this _____ day of _____, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

THOMAS CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MIKE MORTELL, CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Print Name: _____

By: _____
Werner Bols, Trustee

Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. 2348-2017 was acknowledged before me this ____ day of _____, 2017, by Werner Bols, Trustee, of the parcel.

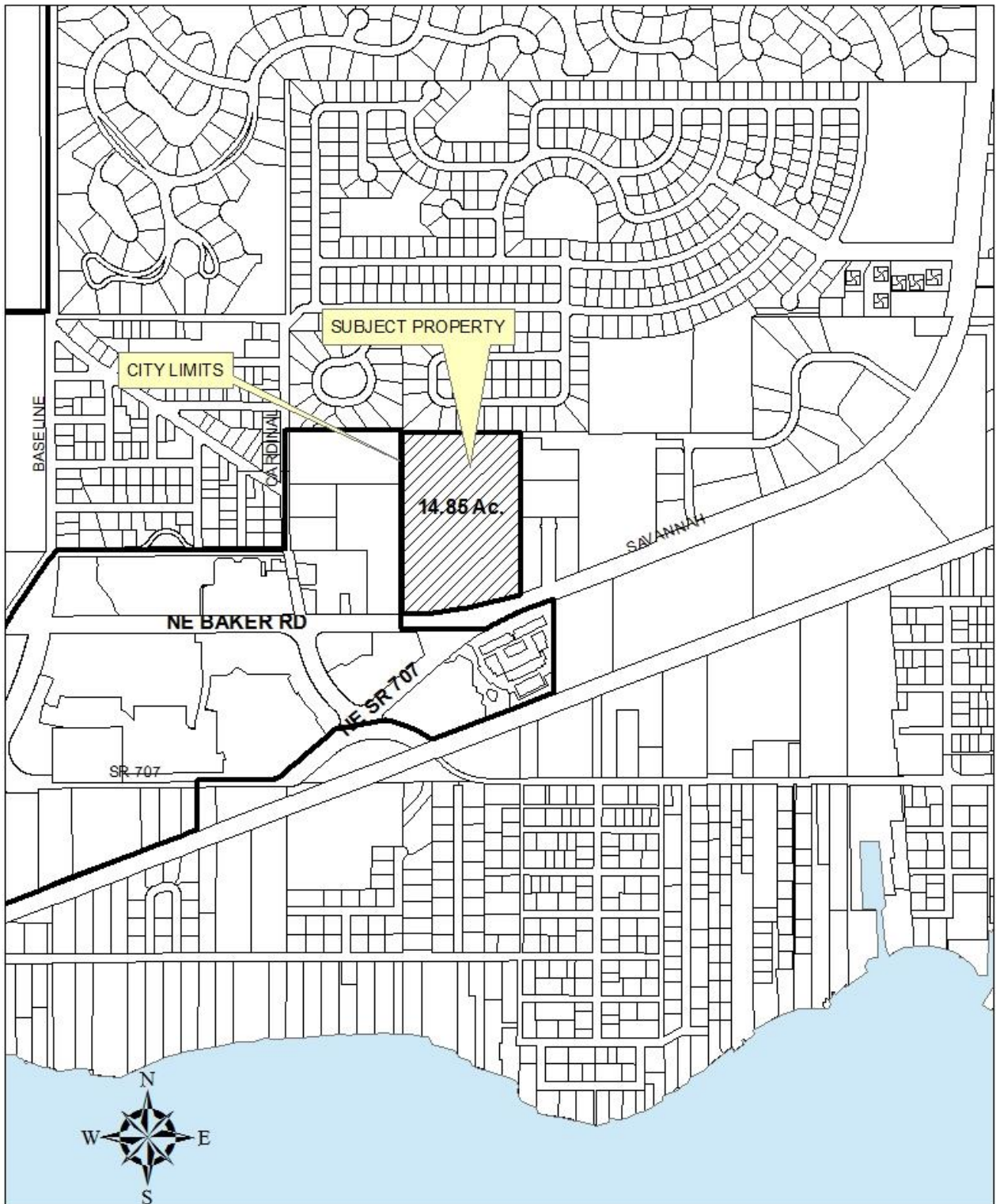
Notary Public, State of Florida
My Commission Expires:
Notary Seal

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Exhibit "A"
Legal Description

Section 28, Township 37 South, Range 41 East; That portion of NE 1/4 of SE 1/4 of SW 1/4 lying Northerly of North right-of-way of NE Savannah Road and Northerly right-of-way Extension of Baker Road and SE 1/4 of NE 1/4 of SW 1/4 of Sec.

LOCATION MAP



**CITY OF STUART
OFFICE OF THE CITY ATTORNEY**



MEMORANDUM

TO: TERRY O'NEIL, DEVELOPMENT DIRECTOR

SUBJECT: VOLUNTARY ANNEXATION OF A 14.85 ACRE PARCEL OF LAND
ON N.E. SAVANNAH ROAD

CC: PAUL NICOLETTI, CITY MANAGER

DATE: March 6, 2017

ISSUE

I have reviewed an annexation request for a 14.85 acre parcel located on NE Savannah Road as depicted in Exhibit "A".

Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

“(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The statute contains four (4) general requirements. First, a petition for voluntary annexation must be unanimously signed by all property owners in the area to be annexed. Second, the property proposed to be annexed must be contiguous and reasonably compact. Third, the proposed annexation cannot produce an enclave. Finally, county charters which provide for an exclusive method of municipal annexation override the Florida Statute. Martin County is not a Charter county and therefore, the fourth criteria does not apply to an annexation in the City of Stuart, Florida.

1. **Signed by all property owners in the geographic area being annexed.** In the present

matter, the request for annexation has been executed Werner Bohls as Trustee for the property owner and therefore all owners have executed the application.

2. **Contiguous to the Municipality:** Pursuant to Section 171.044(1), F.S., “the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.” Property is deemed to be “Contiguous” under Section 171.031 (11), F.S., where a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous (sharing a common boundary) with a part of the boundary of the municipality. “Contiguous” has also been defined as “touching or adjoining in a reasonably substantial ... sense.” See City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989); May v. Lee County, 483 So. 2d 481 (Fla. 2d DCA 1986). The Sanford Court found that Section 171.031(11) F.S. only requires “that a substantial part of a boundary” touch municipal property as opposed to the entire perimeter of the property.

Section 171.031(11) provides that:

Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In the current application, a substantial part of the boundary is coterminous with the City of Stuart. Approximately 50 percent of the property seeking annexation is bordered by the City of Stuart. Therefore, the property meets condition one and deemed is contiguous to the City of Stuart.

3. **Reasonably Compact**

“Compactness is defined under subsection (12) of 171.031, F.S., to mean a concentration of a piece of property in a single area. The requirement for compactness precludes any action which would create enclaves, pockets, or ginger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of

geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985).

A review of the map and the application determines that this property is reasonably compact and meet Florida Statute 171.031(12). Given the configuration of the City as well as the property requesting annexation, the annexation will not create pockets of unincorporated areas or serpentine finger areas.

(1) No Enclaves

Subsection 5 of 171.044, F.S. Provides that “[l] and shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves”. The term “enclave” is defined under Section 171.031(13), F.S., as “any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.” A review of the map, Exhibit “A”, clearly shows that annexation of the parcel would not create an area bounded on all sides by a single municipality, and there is no natural or manmade obstacle to vehicular traffic in close proximity to either parcel. Therefore, no enclaves are created.

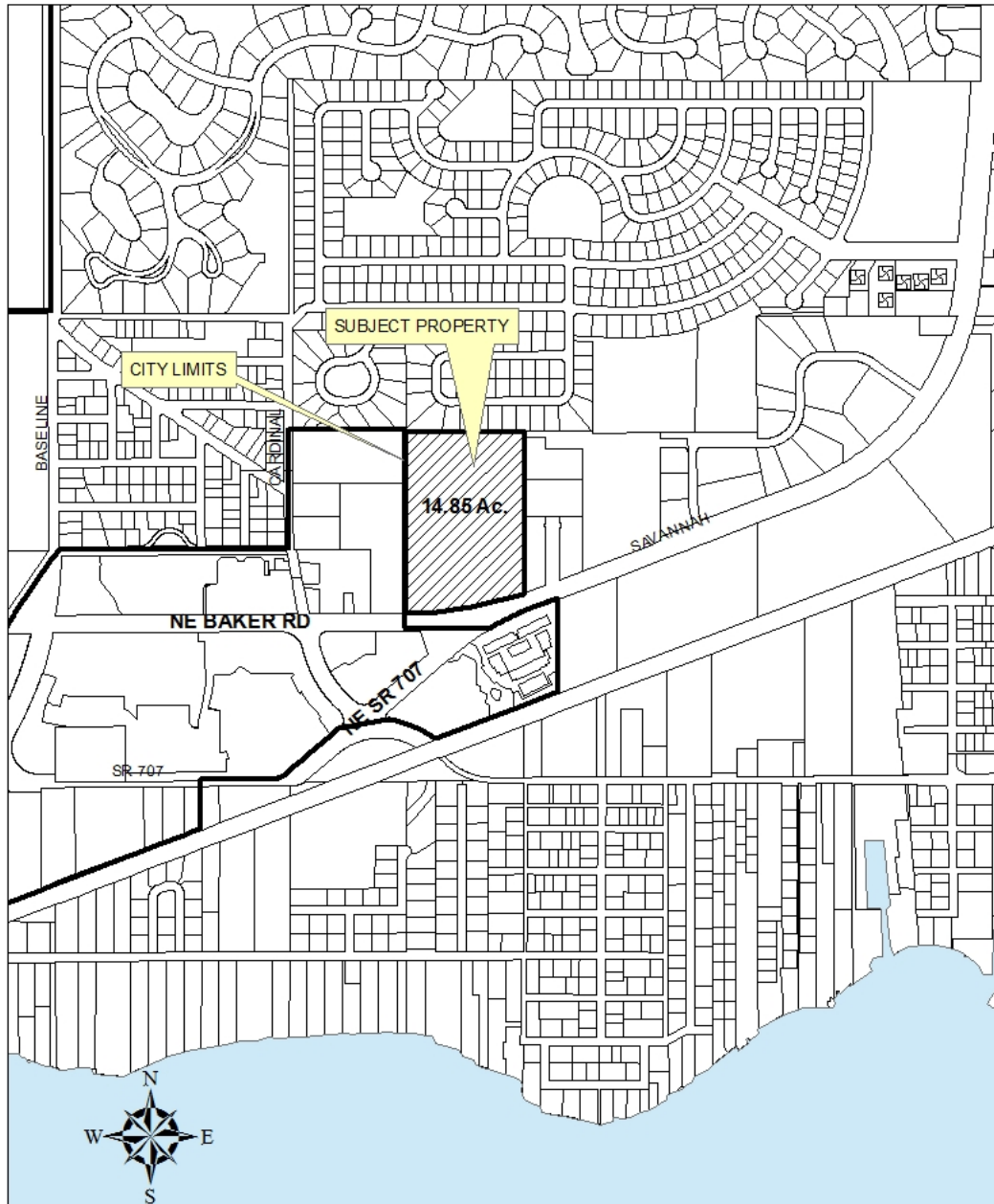
A review of the map clearly shows that an annexation of this parcel would not create an area bound on all sides by a single municipality, and there is no natural or manmade obstacle to vehicular traffic in close proximity to either parcel. Therefore, no enclaves are created.

Conclusion

Based upon the foregoing facts and analysis it is my opinion that the voluntary annexation of this parcel into the municipal boundaries of the City of Stuart comply with Florida Statute §171.044. This opinion is prepared solely at the request of and for the use of, the City of Stuart, and no other person or entity may rely on it for any purpose without the express written permission of the City of Stuart.

Exhibit 'A'

LOCATION MAP

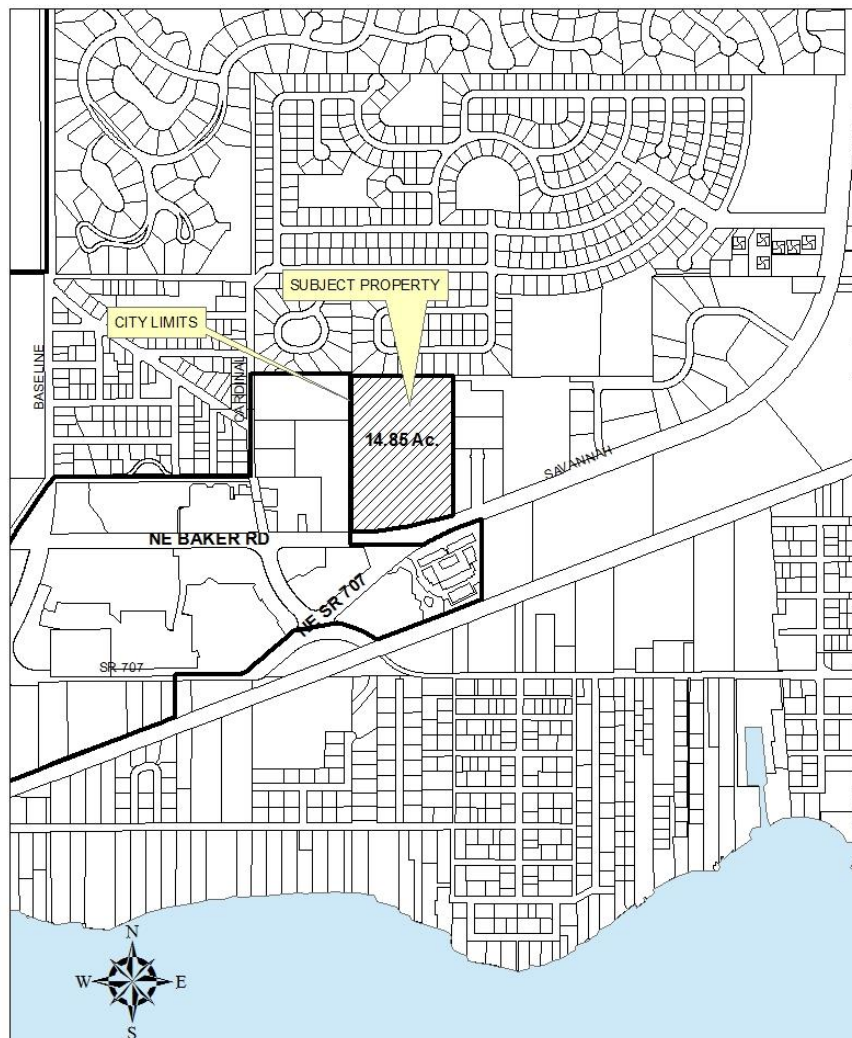


STAFF REPORT & MAPS

Background:

Staff has received an application to annex a single parcel on the north side of the intersection of NE Savannah Road and NE Baker Road. The 14.85 acre subject parcel owned by Werner Bols, Trustee, and is undeveloped.

The property is considered contiguous to the City, compact in form and will not create an enclave if annexed. The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. The property owner is proposing a development plan or schedule of development at this time and understands that City land use and PUD zoning designations will have to be applied for at a later date. In the meantime, Martin County's land use and zoning regulations remain in effect. As called for by Florida Statute, the Martin County BOCC has been notified of the proposed annexation by certified mail. A complete copy of tonight's agenda item was provided to the County's Growth Management Department on Friday, March 10, 2017.

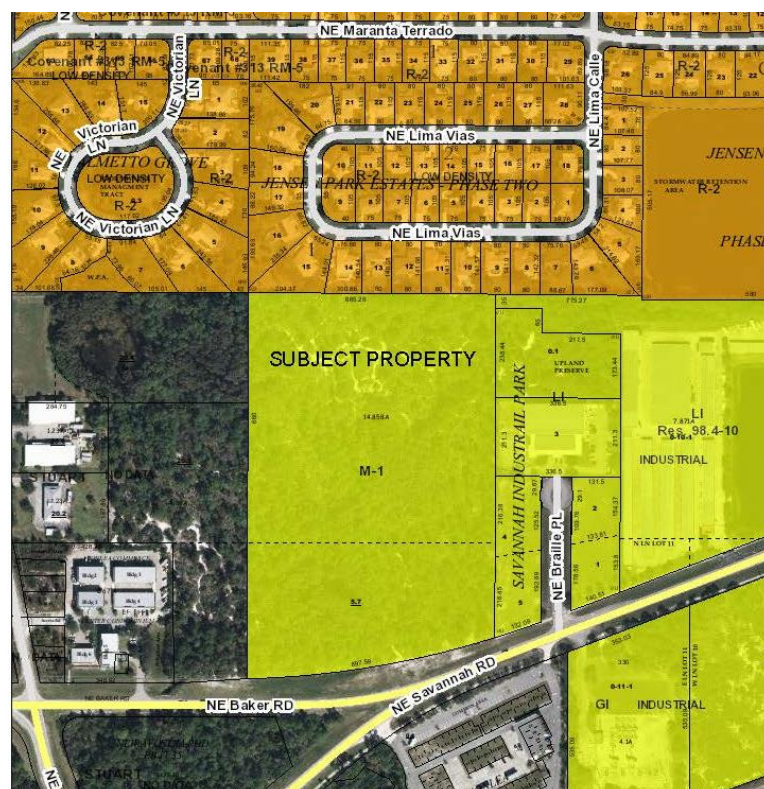


Parcel Information

	Size (Ac)	Status	County Land Use	County Zoning	City Land Use	City Zoning	Utilities
14.85 Acres NE Savannah Road	14.85	Vacant, undeveloped	Industrial	M-1 (Industrial)	TBD (Likely multi- family, limited commercial)	TBD (Likely R-PUD)	County to provide water & sewer service and City of Stuart to provide sanitation service

County Land Use

The parcel's land use is **Industrial** under the County's Comprehensive Plan, a designation which is "land resources for existing and anticipated future industrial development needs. The allocation process gives high priority to industry's need for lands accessible to rail facilities, major arterials or interchanges, labor markets and the services of the Primary Urban Service District. Industrial development includes both Limited Impact and Extensive Impact Industries. Limited Impact Industries include research and development, light assembly and manufacturing. Extensive impact industries include heavy assembly plants, manufacturing/processing plants, fabricators of metal products, steam/electricity co-generation plants and uses customarily associated with airports."



County Zoning

The property is zoned ***M-1 Industrial District*** on the County's official zoning map. *In this district, a building or structure or land shall be used for only the following purposes, subject to any additional limitations pursuant to [section 3.402](#):*

M-1 Industrial District

1. Any use permitted in the B-2 Business-Wholesale Business District that meets the standards prescribed in subsections (2)(a) through (j) of this subsection.
2. Light manufacturing plants that meet the following standards:
 - a. All operations shall be conducted and all materials and products shall be stored within the buildings of the plant. All waste materials shall be stored while on the premises in a screened enclosure, which shall be counted as a part of the area allowed for occupation by buildings and structures.
 - b. All machine tools and other machinery shall be electric powered. No forging, drop pressing, riveting or other processes involving impacts from other than nonpowered hand tools, or processes producing high frequency vibrations shall be permitted.
 - c. No processes which result in the creation of smoke from the burning of fuels shall be permitted.
 - d. No processes which emit an odor nuisance beyond the plant site shall be permitted. Where odors are produced an provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the manufacturer.
 - e. Dust and dirt shall be confined within the buildings of the plant. Ventilating and filtering devices shall be provided, such being determined necessary by the building inspector.
 - f. No processes which result in the escape of noxious gases or fumes in concentrations dangerous to plant or animal life or damaging to property shall be permitted.
 - g. Operations creating glare shall be so shielded that the glare cannot be seen from outside the plant site.
 - h. Where processes involve disposal of industrial sewage wastes, approval of proposed method of disposal by the County health officer shall be secured and presented to the director of zoning and building before a building permit shall be issued.
 - i. Off-street parking for the motor vehicles of employees and visitors shall be provided on the basis of one space for each two employees. Off-street loading docks for the handling of all materials and products shall be provided in area treated to prevent dust, and shall be screened from view from outside the plant site. Such screening maybe 50 percent opaque shrubbery or fencing.
 - j. Buildings and fences shall be painted, unless the materials are naturally or artificially colored. No signs, other than a single sign bearing the name of the manufacturer and product, limited in size to 40 square feet or one per cent of the area of the front elevation of the main building, whichever is greater, multiplied by one-fortieth of the setback in feet, shall appear on or be painted on any building or fence.

Manufacture of the following:

Brooms and brushes
Candy
Cigars, cigarettes or snuff
Cosmetics and toiletries, except soap
Clothing and hats
Ceramic products, electrically fired

Candles
Dairy products
Electronic devices
Ice cream
Jewelry
Leather goods and luggage
Optical equipment
Orthopedic and medical appliances
Pottery, electrically fired
Perfume
Pharmaceutical products
Precision instruments
Plastic products, except pyroxylin
Paper products and cardboard products
Silverware
Spices and spice packing
Stationery
Shoes
Televisions, radios and phonographs

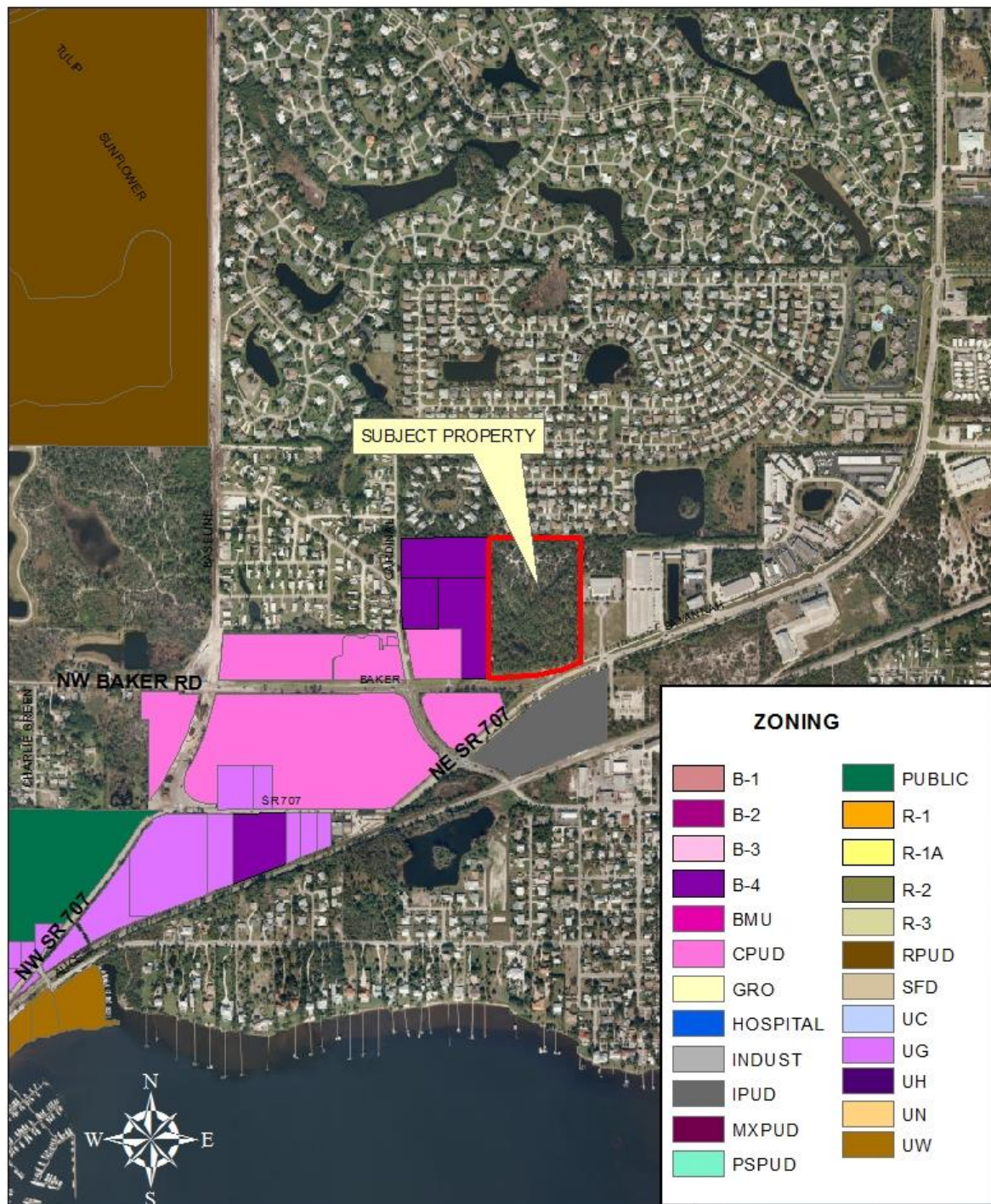
Required lot area, width, and building height limits.

1. Lots or building sites in an M-1 Industrial District shall have an area of not less than 15,000 square feet, with a minimum width of 100 feet measured along the front property line. Not more than 40 percent of the lot area shall be occupied by structures or buildings. Buildings shall be limited to not more than 30 feet in height.
2. Where the lot abuts a residential or estates district, the minimum lot area shall be increased by the number of square feet necessary to provide a 50-foot-wide buffer area between the line of abutment and the nearest building.

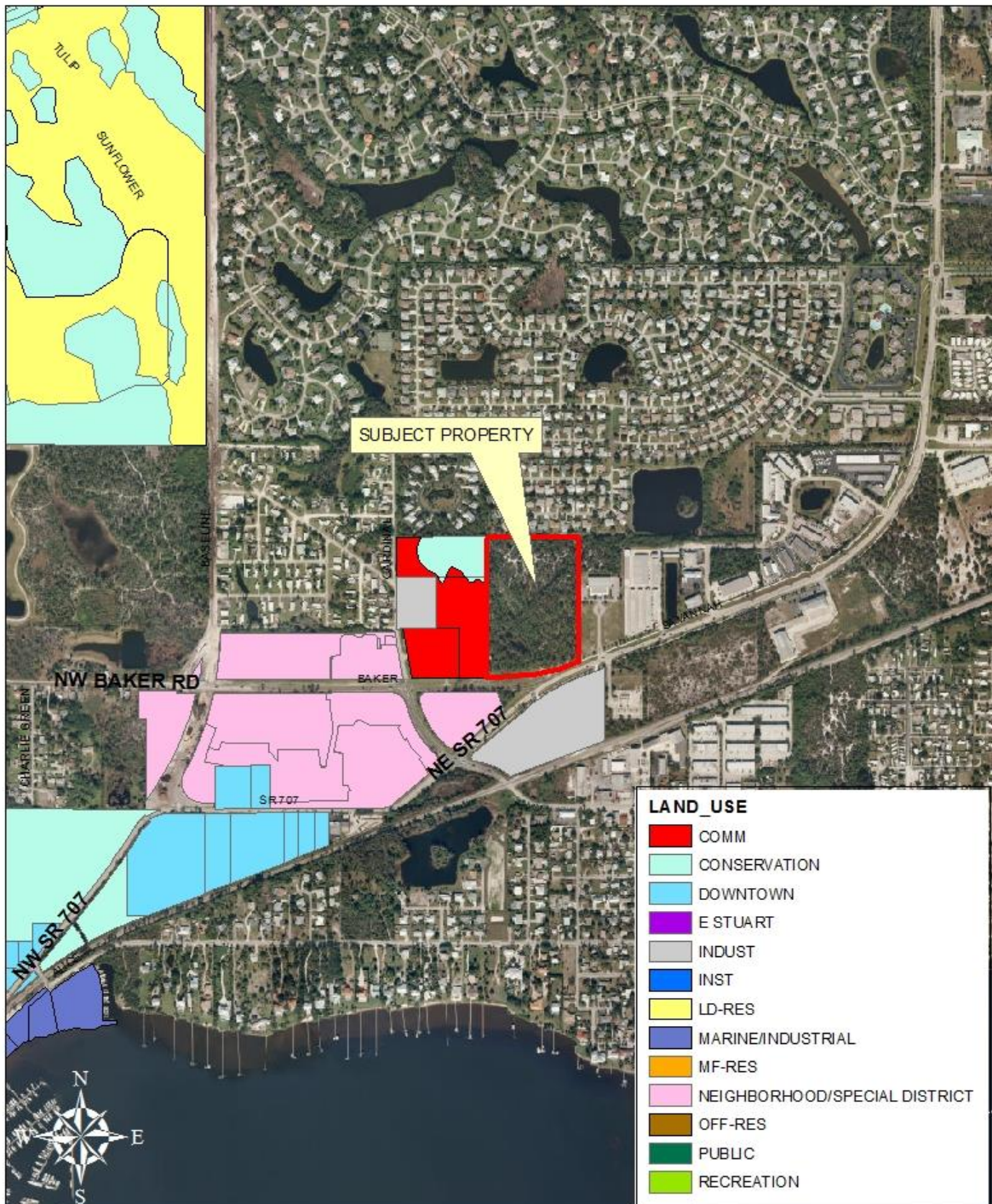
Minimum yards required.

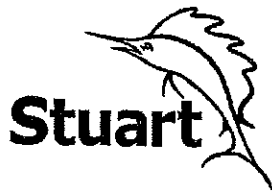
1. *Front:* 50 feet, except an office building may be located within 20 feet of the front property line.
2. *Rear and side:*
1 story: 15 feet.
2 stories: 15 feet.
3. No structure shall be built within 20 feet of the property line adjoining any public platted right-of-way not a designated through-traffic highway.
4. No structure shall be built within 40 feet of the property line adjoining a designated through-traffic highway.
5. No setback or yard shall be required adjacent to railroad spurs or sidings.
6. Where the lot abuts a residential or estates district, the yard requirements for the abutting sides or rear shall be increased to 50 feet, and planting shall provide for an evergreen hedge, uniformly colored masonry wall or board fence 6 feet high. Such screen shall be located on the sides and rear of the property.
7. Where the lot is separated from a residential or estates district only by a road, a landscaped planting shall provide for an evergreen hedge, uniformly colored masonry wall or board fence 6 feet high. Such screen shall be located on the sides and rear of the property.

CITY OF STUART ZONING MAP



CITY OF STUART FUTURE LAND USE MAP





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

Received by: _____
Reviewed by:
Approved by:

Annexation Application

Project ID# 217020003
(Staff Entry)

Pre-App Conference Date:	Application Date:
Project Name: 14.9 acres Savannah Road	
Parcel ID# 28-37-41-000-000-00057-9	Project Address: NE Savannah Rd, Stuart, FL
Zoning/CRA Sub-district:	
Subdivision:	Lot(s):
Fee: \$1,792.00 <i>(this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)</i>	
Submittal Requirements: <ul style="list-style-type: none">A. Completed application form;B. Payment of fees;C. A concept plan;D. An estimate of the direct public costs to provide capital facilities for City utilities and other municipal services required by the development;E. An estimate of the ad valorem tax revenues to be generated by the subject property at the current millage rate both prior to and after development;F. An estimate of the residential population increase of the City after development; andG. Any other information as may be required by the City Development Director in order to do a thorough review of the request.H. One (1) copy of all documents on a PDF formatted disc electronically signed and sealed. <i>(The data requirements for a concept plan are available at the Development Department)</i>	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.	
Justification: Please explain how the proposed annexation would further the relevant goals, objectives, and policies of the City's comprehensive plan <i>(include additional pages if needed)</i> .	

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: BOLS WERNER (TR)	City/State/Zip Code: PALM CITY FL 34991
Title: Trustee	Telephone Number: 772-283-8200
Company:	Facsimile Number:
Company Address: PO BOX 194	Email Address (optional): brianbols@hotmail.com

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name: Boyd Bradfield	City/State/Zip Code: Stuart, FL 34994
Title: President	Telephone Number: 772-286-6292
Company: Southcoast, Inc	Facsimile Number:
Company Address: 2055 Kanner Hwy	Email Address (optional): boyd@naisouthcoast.com

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

Name: Werner Bols	City/State/Zip Code: PALM CITY FL 34991
Title: Trustee	Telephone Number: 772-283-8200
Company:	Facsimile Number:
Company Address: PO BOX 194	Email Address (optional): brianbols@hotmail.com

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

4. Signed this 16th day of February, 2017.



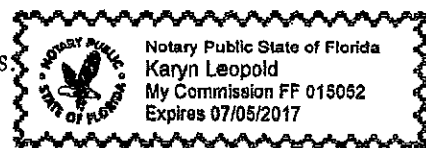
Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 16th day of

February 2017 by Werner Bols who is personally known to me, or who has produced Personally Known as identification and who did/~~did not~~ take an oath.

Karyn Leopold
Notary Signature

Commission Expires



01258404

97 OCT -8 PM 12:27

This Document Prepared By and Return to:
C. NORRIS TILTON, ESQ.
C. NORRIS TILTON, P.A.
1935 NE RICOU TERRACE
JENSEN BEACH, FL 34957

Parcel ID Number:

Grantee #1 TIN:

Grantee #2 TIN:

DOC-DEED # 1411.20 MARSHA STILLER
DOC-MTS # _____ MARTIN COUNTY
DOC-ASM # _____ CLERK OF CIRCUIT COURT
INT. TAX # _____ BY JK D.C.

Warranty Deed

This Indenture, Made this 18th day of August, 1997 A.D., Between
REN TILTON, and C. NORRIS TILTON, Individually and as Trustees

of the County of _____, State of Florida, grantors, and
WERNER BOLLS, individually and as trustee under Trust Agreement dated
November 1, 1995

whose address is: PO BOX 194, Palm City, FL 34991

of the County of _____, State of _____, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of
-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of MARTIN State of Florida to wit:
Section 28, Township 37 South, Range 41 East; That portion of NE 1/4
of SE 1/4 of SW 1/4 lying Northerly of North right-of-way of NE
Savannah Road and Northerly right-of-way Extension of Baker Road and
SE 1/4 of NE 1/4 of SW 1/4 of Sec.

This property is not Homestead being vacant land.

Full power and authority is granted by this deed to Trustee or his
successors to deal in or with said property or any interest therein
or any part thereof, to protect, conserve, sell, lease, encumber,
convey, or otherwise to manage and dispose of the real estate or any
part of it.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Holly M. Stokes
Printed Name: HOLLY M. STOKES
Witness

Martha J. Kratz
Printed Name: MARTHA J. KRATZ
Witness

REN TILTON (Seal)

P.O. Address: # 1935 NE Ricou Terrace
Jensen Beach, FL 34957

C. Norris Tilton (Seal)

P.O. Address: # 1935 NE Ricou Terrace
Jensen Beach, FL 34957

STATE OF Florida
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 18th day of August, 1997 by
REN TILTON, individually and as trustee and C. NORRIS TILTON,
individually and as trustee

who are personally known to me or who have produced their Florida driver's license as identification.



MARTHA J. KRATZ
My Comm. Exp. 3/24/2001
Bonded By Service Ins
No. CC532351
1) Personally Known 1) Other I.D.

Martha J. Kratz
MARTHA J. KRATZ
Notary Public

My Commission Expires: 03/24/01

REN

DR BK 1 2 6 5 P 0 1 0 6 1

LAST
PAGE



Development Department

City of Stuart

121 S.W. Flagler Avenue • Stuart • Florida • 34994

Phone: (772) 288-5326

Fax: (772) 288-5388

February 28, 2017

Via: Return Receipt
Mail

Chairperson Doug Smith & Commissioners
MC Board of County Commissioners
2401 SE Monterey Road
Stuart, Florida 34996

Re: Application for voluntary annexation

Dear Chairperson Smith & Commissioners,

Pursuant to Florida Statute Section 171.044 (6), attached please find a notice of proposed annexation which will be published in the Stuart News, once each week for two consecutive weeks, prior to the Stuart City Commission's final consideration of the item on April 10, 2017. A complete copy of the annexation ordinance and Local Planning Agency (LPA) agenda packet will be provided to County Growth Management Director, Nicki VanVonne, by March 10, 2017. If you have any questions regarding this letter, please do not hesitate to contact this office at (772) 288-5368.

Sincerely,

Terry O'Neil
City Development Director

cc: Taryn Kryzda, County Administrator
Nicki VanVonne, County Growth Management Director
Stuart City Commission
Paul Nicoletti, City Manager

Attached: Stuart News Advertisement

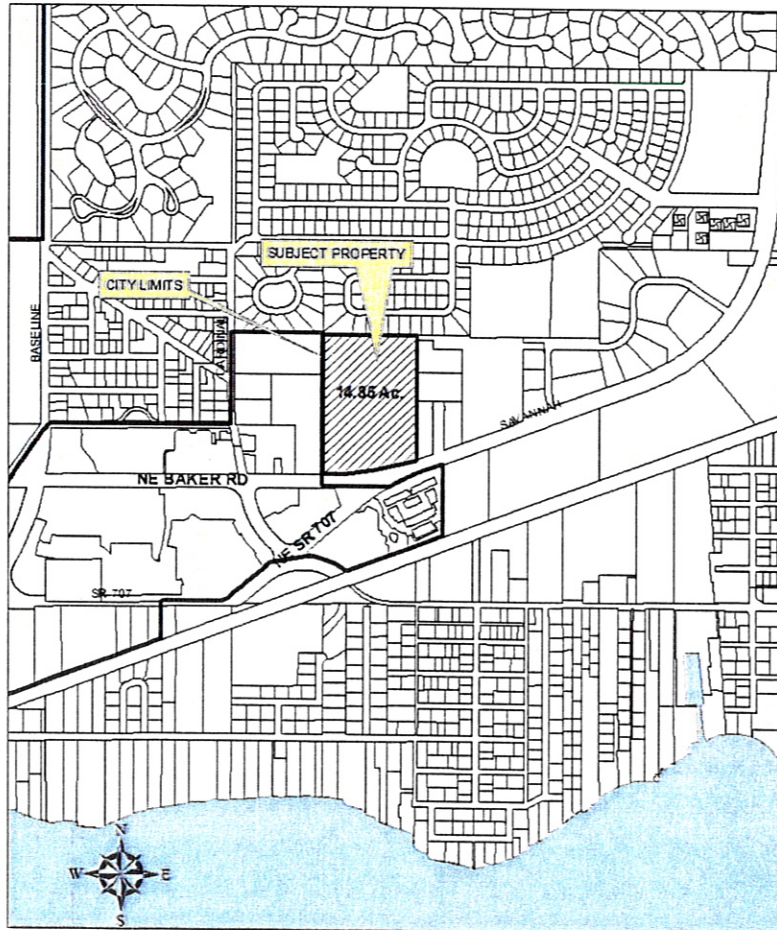
**CITY OF STUART
NOTICE OF PUBLIC HEARING
ON THE ANNEXATION OF LAND**

An ordinance (title shown below) to annex a single parcel (map shown below) will be considered by the Stuart Local Planning Agency (LPA) on Thursday, March 16, 2017 at 5:30 PM and by the Stuart City Commission on Monday, March 27, 2017 and Monday, April 10, 2017 at 5:30 PM. All hearings will take place at the Stuart City Hall Commission Chambers, 121 SW Flagler Avenue in Stuart. A complete legal description by metes and bounds and a complete copy of the ordinance may be obtained from the Office of the City Clerk or by calling (772) 288-5368.

ORDINANCE No. 2348-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND NORTH OF THE INTERSECTION OF NE SAVANNAH ROAD AND NE BAKER ROAD, CONSISTING OF 14.85 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

LOCATION MAP



Publish March 11, 2017 & March 27, 2017 & April 3, 2017

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

AFFIDAVIT ATTESTING TO NOTIFICATION

Werner Bols, being first duly sworn, depose(s) and say(s):

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

NE SAVANNAH RD, JENSEN BEACH
Legal Description: SEC 28-T37S-R41E; THAT PORTION OF
NE 1/4 OF SE 1/4 OF SW 1/4 LYING NLY OF N R/W OF NE
SAVANNAH RD & NLY R/W EXT OF BAKER RD & SE 1/4 OF
NE 1/4 OF SW 1/4 OF SEC

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



SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SWORN TO AND SUBSCRIBED before me this 27th day of FEBRUARY, 2017.



NOTARY PUBLIC, STATE OF FLORIDA:

My Commission Expires:



NOTICE OF PUBLIC HEARING

PROPOSED ANNEXATION OF 14.85
ACRE (+/-) PARCEL INTO THE CITY OF
STUART

Stuart Local Planning Agency, March 16, 2017
and the Stuart City Commission, March 27, 2017 and
April 10, 2017 at 5:30 P.M. at

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM - 4:00 P.M.
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

FOR SALE
772 286 6292
15 ACRES

NOTICE OF PUBLIC HEARING

**PROPOSED ANNEXATION OF 14.85
ACRE (+/-) PARCEL INTO THE CITY OF
STUART**

Stuart Local Planning Agency, March 16, 2017
and the Stuart City Commission, March 27, 2017 and
April 10, 2017 at 5:30 P.M. at
STUART CITY HALL 121 SW FLAGLER AVE 772-288-5328 9:30 AM - 4:00 P.M.
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION.