**BEFORE THE CITY COMMISSION**

**CITY OF STUART, FLORIDA**

**ORDINANCE NUMBER 2439-2020**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM RESIDENTIAL, SINGLE-FAMILY (R-1) TO URBAN DISTIRCT/ URBAN NEIGHBORHOOD SUBDISTRICT (UN) ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.72 ACRES, OWNED BY LONE PALM PROPERTY INVESTMENTS, LLC, LOCATED BETWEEN MARTIN LUTHER KING JR. BOULEVARD AND SE 6th STREET, WEST OF PALM BEACH ROAD; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.**

* * * * *

**WHEREAS**, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Lone Palm Property Investments, LLC (owner) of .72 acres of undeveloped land located between Martin Luther King Jr. Blvd and SE 6th Street, west of Palm Beach Road, and

**WHEREAS**, the City of Stuart has determined the need to change the Single-Family, General (R-1) zoning for said lands within the Community Redevelopment Agency (CRA) boundary to Urban District, with a subdistrict designation of Urban Neighborhood; and

**WHEREAS**, the City Commission has considered the Petitioner's voluntary request for zoning designations and has also considered the recommendation of City staff.

**WHEREAS**, the owner has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; comply with the use and density restrictions of the underlying Future Land Use of Residential Low; and that it will bind its successors in title to any such commitments made upon this ordinance; and

**WHEREAS,** at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Stuart Comprehensive Plan, and the Land Development Code of the City, and with the procedural requirements of law; and

**WHEREAS**, this residential development will be in harmony with surrounding properties and their anticipated development; and

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

**WHEREAS,** the property is legally described in **"Exhibit A"** of this ordinance. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference**.**

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

**SECTION 1**: The land use designation in the City's Comprehensive land Use Plan shall be established as "Residential Low Density". The Zoning designation of the subject property shall be established as "UN" on the City of Stuart's Official Zoning Map.

**SECTION 2:** Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code and the City's Comprehensive Plan.

**SECTION 3:** All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

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

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

and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

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

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

**SECTION 6:** This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owners.

**SECTION 7:** The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval.

**SECTION 8:** Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owners, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Passed on first reading the ____ day of _____, 2020.

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:

| | YES | NO | ABSENT | ABSTAIN |
|---|---|---|---|---|
| MICHAEL J. MEIER, MAYOR | | | | |
| EULA R. CLARKE, VICE MAYOR | | | | |
| BECKY BRUNER, COMMISSIONER | | | | |
| KELLI GLASS LEIGHTON, COMMISSIONER | | | | |
| MERRITT MATHESON, COMMISSIONER | | | | |

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. 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 A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS PROPERTY IN ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

By: _____

Print Name: _____

By: _____

Print Name: _____

Lone Palm Property Investments, LLC

_____

Ransom R. Hartman, Manager and Owner

OWNER'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____day of _____, 2020, by MICHAEL J. MEIER, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

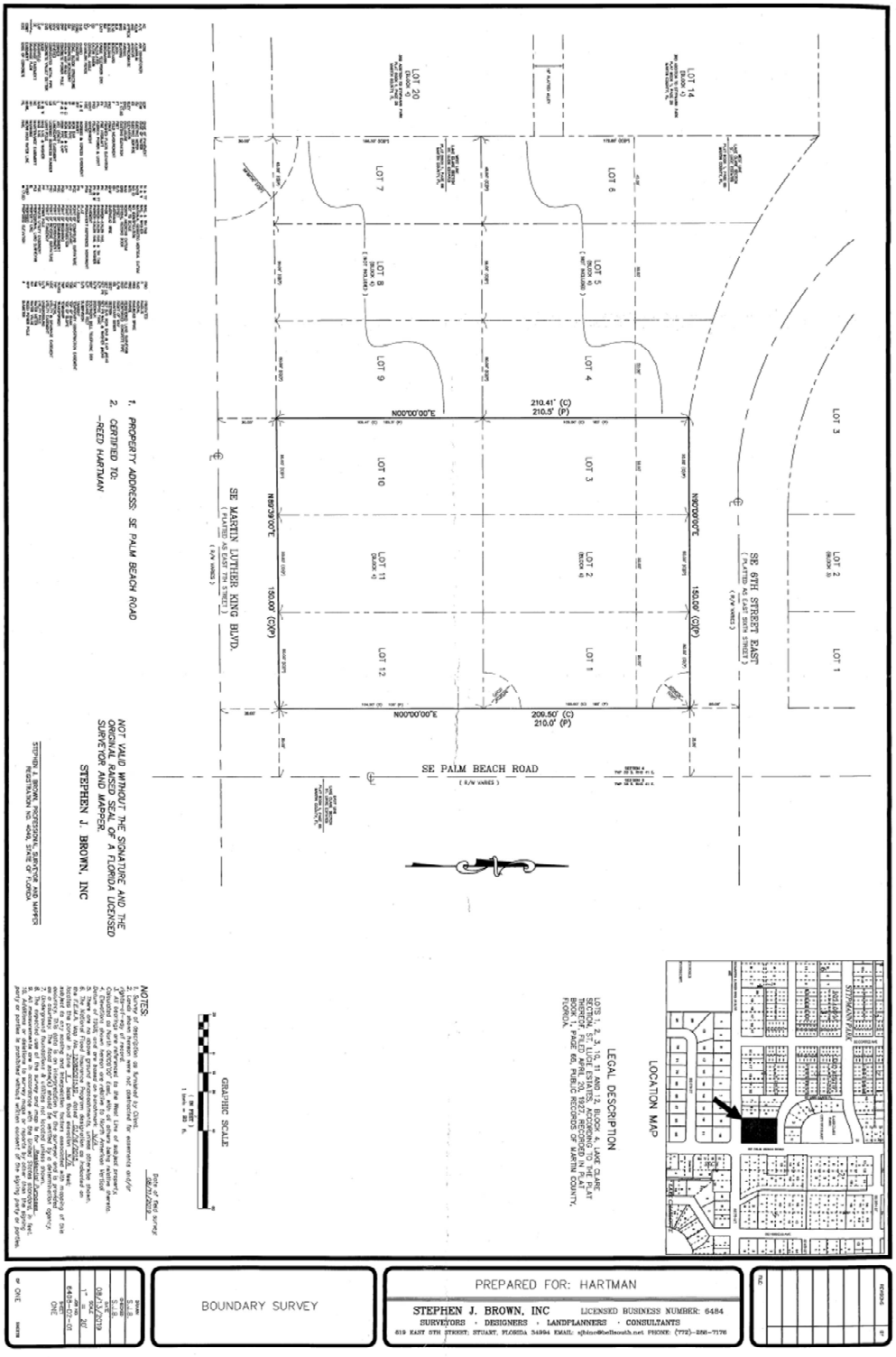
Notary Seal:

**EXHIBIT "A"**

## LEGAL DESCRIPTION

LOTS 1, 2, 3, 10, 11 AND 12, BLOCK 4, LAKE CLARE SECTION, ST. LUCIE ESTATES, ACCORDING TO THE PLAT THEREOF, FILED APRIL 20, 1927, RECORDED IN PLAT BOOK 1, PAGE 66, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

**EXHIBIT "B"**


BOUNDARY SURVEY
PREPARED FOR: HARTMAN
STEPHEN J. BROWN, INC
LICENSED BUSINESS NUMBER: 6484
SURVEYORS · DESIGNERS · LANDPLANNERS · CONSULTANTS
819 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-286-7176
LEGAL DESCRIPTION
LOCATION MAP
SE PALM BEACH ROAD
SE MARTIN LUTHER KING BLVD.
SE 6TH STREET EAST
NOTES:
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
STEPHEN J. BROWN, INC
GRAPHIC SCALE