BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2439-2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY OF STUART'S COMPREHENSIVE PLAN VIA A SMALL-SCALE COMPREHENSIVE MAP AMENDMENT FROM RESIDENTIAL LOW TO EAST STUART; REZONING FROM RESIDENTIAL, SINGLE-FAMILY (R-1) TO EAST STUART/SINGLE FAMILY AND DUPLEX SUBDISTRICT (SFD) ON THE CITY'S OFFICIAL ZONING MAP; AND APPROVING A MAJOR URBAN CODE CONDITIONAL USE FOR PROPERTY TOTALING 0.72 ACRES, LOCATED BETWEEN MARTIN LUTHER KING JR. BOULEVARD AND SE 6th STREET, WEST OF PALM BEACH ROAD; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED TO ALLOW THE DEVELOPMENT OF TWO DUPLEX LOTS AND THREE SINGLE FAMILY LOTS; 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, on August 24, 2020, 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 Future Land Use designation from Residential Low to East Stuart, and the zoning from Single-Family, General (R-1) to Single Family and Duplex (SFD) for said lands within the Community Redevelopment Agency (CRA) boundary; and

WHEREAS, the City Commission has considered the Petitioner's voluntary request for future land use and zoning designations and has also considered the recommendation of City staff; and

WHEREAS, the owner has committed to the City that its development will comply with all development codes, plans, standards and conditions of the Major Urban Code Conditional Use, approved by the City Commission; comply with the use and density restrictions of the underlying Future Land Use of Downtown Redevelopment; 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 site plan depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference**.**

Development conditions including a timetable for construction attached hereto as **Exhibit "C"** 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 "East Stuart". The Zoning designation of the subject property shall be established as "Single Family and Duplex" 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, the City's Comprehensive Plan, and the Major Urban Code Conditional Use approval.

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				
MERRITT MATHESON, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				

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

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A 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: Lone Palm Property Investments, LLC

By: _____ _____

Print Name: _____ Ransom R. Hartman, Manager and Owner

By: _____

Print Name: _____

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"

EXHIBIT "C"

DEVELOPMENT CONDITIONS

Approved Plans and Documents

1. The Lone Palm Property Investments MUCCU, specifically the subdivision of the two duplex lots and three single family lots shall comply with the following drawings:

    a. Final Site Plan, Sheet 1 of 1, prepared by Conceptual Design Group, Inc. dated 9.2.2020

2. Any modifications to the Master RPUD Site Plan that is less than 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via a public hearing.

3. The approved building setbacks for development of the lots are as follows:

    Single Family
    Front: 15'
    Side: 5'
    Rear:20'

    Duplex
    Front: 50'
    Side: 10'
    Rear: 10'

Density and Allowable Uses

4. Only the following uses shall be permitted:
    a. Single Family, detached
    b. Single Family, Duplex
5. The maximum number of units that are approved is seven (7) dwelling units.

Prior to Issuance of Site Permits

6. Applicant shall provide a digital boundary survey and civil plan prior to the issuance of a site permit.

7. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.

8. The duplex units shall share driveways so that there will only be 2 driveways entering Martin Luther King Jr. Boulevard.

9. Each property is required to install and maintain a hedge no less than 3-foot-high and no more than 4-foot-high, along the front yard and along the side yards adjacent to R-1 property (which is along the western side of the westernmost properties.

10. Plat approval per Section 11.01.05 of the City Land Development Code, shall occur prior to the issuance of the first building permit.

11. The applicant shall acquire plat approval prior to August 1, 2022, or the Major Conditional Use approval is null and void. If the Major Conditional Use approval becomes null and void for any reason, the Future Land Use Map and Zoning District designations shall revert to Residential Low Density and Residential, Single Family (R-1).