BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2460-2021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE CITY'S OFFICIAL ZONING MAP FOR PROPERTY TOTALING 0.75 ACRES, OWNED BY 245 ST LUCIE, LLC AND 257 4WINDS, LLC, LOCATED ON THE NORTHEAST CORNER OF ST LUCIE BOULEVARD AND SE FOURWINDS DRIVE; 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 245 St. Lucie LLC & 257 4Winds LLC, (owner) of 2 parcels of developed land totaling .75 acres and located on the northeast corner of SE St. Lucie Boulevard and SE Fourwinds Drive.

WHEREAS, the City of Stuart has determined the need to change the zoning district from (R-1) Single-Family General to (R-2) – Duplex for said lands; 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; 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 Boundary Survey 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 Zoning designation of the subject property shall be established as "R-2" 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.

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 PUD 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, failing which this ordinance shall be void.

SECTION 8: Passed on first reading the ____ day of _____, 2021.

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
EULA R. CLARKE, MAYOR				
MERRITT MATHESON, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2021.

ATTEST:

_____	_____
MARY R. KINDEL	EULA R. CLARKE
CITY CLERK	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 REZONING ORDINANCE 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:

_____ 245 St. Lucie LLC & 257 4Winds LLC,

By: _____ _____

Print Name: _____ Douette Pryce, MGMR

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 _____, 2021, 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 _____, 2021, by EULA R. CLARKE, 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 _____

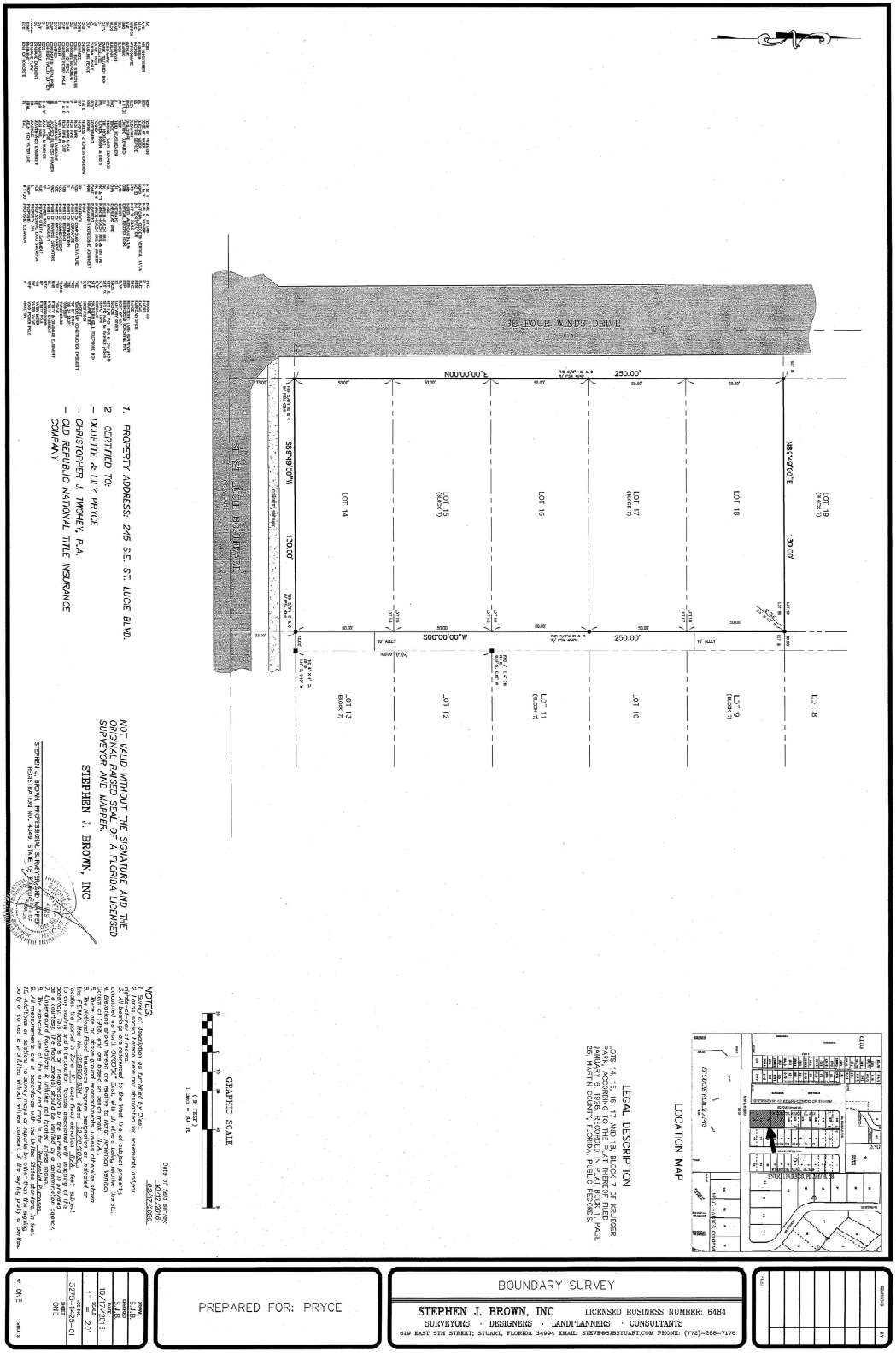
Signature of Notary Public: _____
Commission Expires:

Notary Seal:

EXHIBIT "A"

LOTS 14, 15, 16, 17 AND 18, BLOCK 7 OF KRUEGER PARK, ACCORDING TO THE PLAT THEREOF FILED JANUARY 6, 1926, RECORDED IN PLAT BOOK 1, PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS.

EXHIBIT "B"


SE FOUR WINDS DRIVE
SE ST. LUCIE BLVD.
N00°00'00"E 250.00'
S89°49'07"W 130.00'
N89°49'07"E 130.00'
S00°00'00"W 250.00'
LOT 14
LOT 15 (BLOCK 7)
LOT 16
LOT 17 (BLOCK 7)
LOT 18
LOT 19 (BLOCK 7)
LOT 13 (BLOCK 7)
LOT 12
LOT 11 (BLOCK 7)
LOT 10
LOT 9 (BLOCK 7)
LOT 8
16' ALLEY
1. PROPERTY ADDRESS: 245 S.E. ST. LUCIE BLVD.
2. CERTIFIED TO:
– DOUVETTE & LILY PRYCE
– CHRISTOPHER J. TMOHEY, P.A.
– OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
STEPHEN J. BROWN, INC
STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4348 STATE OF FLORIDA
GRAPHIC SCALE
(IN FEET)
1 INCH = 50 FT.
NOTES:
LEGAL DESCRIPTION
LOTS 14, 15, 16, 17 AND 18, BLOCK 7, OF RE-LEDGER PARK, ACCORDING TO THE PLAT THEREOF, FILED IN PLAT BOOK 1, PAGE 25, MARTIN COUNTY, FLORIDA, PUBLIC RECORDS.
LOCATION MAP
BOUNDARY SURVEY
PREPARED FOR: PRYCE
STEPHEN J. BROWN, INC LICENSED BUSINESS NUMBER: 6484
SURVEYORS · DESIGNERS · LANDPLANNERS · CONSULTANTS
619 EAST 5TH STREET; STUART, FLORIDA 34994 EMAIL: STEVE@SJBSTUART.COM PHONE: (772)-288-7176
10/17/2015
1" = 50'
3275-215-01
SHEET ONE
OF ONE SHEETS