BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2465-2021

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 15 (FIFTEEN) FEE SIMPLE OWNED PARCELS, LOCATED BETWEEN S.E. FLAMINGO AVENUE AND S.E. OCEAN AVENUE, NORTH OF S.E. 8TH STREET AND SOUTH OF S.E. OCEAN BOULEVARD; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE REZONING 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, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the proposal by the City of Stuart's Development Department to rezone 15 (fifteen) fee simple owned parcels of developed land located between S.E Flamingo Avenue and S.E. Ocean Avenue, north of S.E. 8th Street and south of S.E. Ocean Boulevard.

WHEREAS, the City of Stuart has determined the need to change the zoning district from (R-1) Single-Family General to (R-2) – Duplex as a matter of housekeeping in order to

legalize existing (Two-Family) units and provide uniform zoning for said lands located in the Broadway Section of Saint Lucie Estates; and

WHEREAS, existing two-family unit setbacks causing the structure to be non-conforming due to the rezoning will become legalized, however, any proposed structural addition to a two-family unit shall adhere to section 2.04.00 Residential Area, Impervious Surface, Setback and Height Requirements contained in Table 7 of the City's Land Development Code for the R-2 zoning district.

WHEREAS, the City Commission has considered the Development Department's request for zoning designations.

WHEREAS, at the hearing staff showed by substantial competent evidence that the rezoning 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 existing residential development is in harmony with surrounding properties; and

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

WHEREAS, the properties are legally described in **"Exhibit A"** of this ordinance. A Map depicting the property is attached hereto as **Exhibit "B"** of this ordinance. A R-2 Rezoning Parcels Map depicting the 15 parcels subject to rezoning is attached hereto as **Exhibit "C"** and individual enlarged Maps of 15 parcels subject to the rezoning is attached hereto as **Exhibit "D"** 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 properties 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 owners of properties, 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 6: This ordinance and agreement shall be effective upon the adoption and execution by the City Commission.

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.

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
CITY CLERK

_____
EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

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"

1. BROADWAY REVISED S 80' OF LOT 21 BLK 38 B
2. BROADWAY, ST LUCIE ESTATES, W 86' OF LOT 7 & W 86' OF LOT 8 BLK 30
3. BROADWAY, ST LUCIE ESTATES, LOTS 5 & 6 BLK 30
4. BROADWAY, ST LUCIE ESTATES, LOTS 3 & 4 BLK 30
5. BROADWAY, ST LUCIE ESTATES, LOTS 1 & 2 BLK 30
6. BROADWAY, ST LUCIE ESTATES LOTS 15 & 16 BLK 30
7. BROADWAY, ST LUCIE ESTATES, LOTS 7 & 8 BLK 37
8. BROADWAY, ST LUCIE ESTATES, W1/2 LOTS 9 10 & 11 BLK 37
9. BROADWAY, ST LUCIE ESTATES, E1/2 LOTS 9 10 & 11 BLK 37 OR 361/984
10. BROADWAY ST LUCIE ESTATES LOT 4 & N 2' OF LOT 3 BLK 39
11. BROADWAY ST LUCIE ESTATES LOT 3 (LESS N 2') BLK 39
12. BROADWAY, ST LUCIE ESTATES LOTS 9 & 10 BLK 39
13. BROADWAY ST LUCIE ESTATES, W 1/2 OF LOTS 1 & 2 BLK 39 PI# 3-38-41-023-039-00011-60000
14. BROADWAY ST LUCIE ESTATES, E 1/2 OF LOTS 1 & 2 BLK 39
15. BROADWAY, ST LUCIE ESTATES LOTS 11 & 12, BLK 39

EXHIBIT "B"

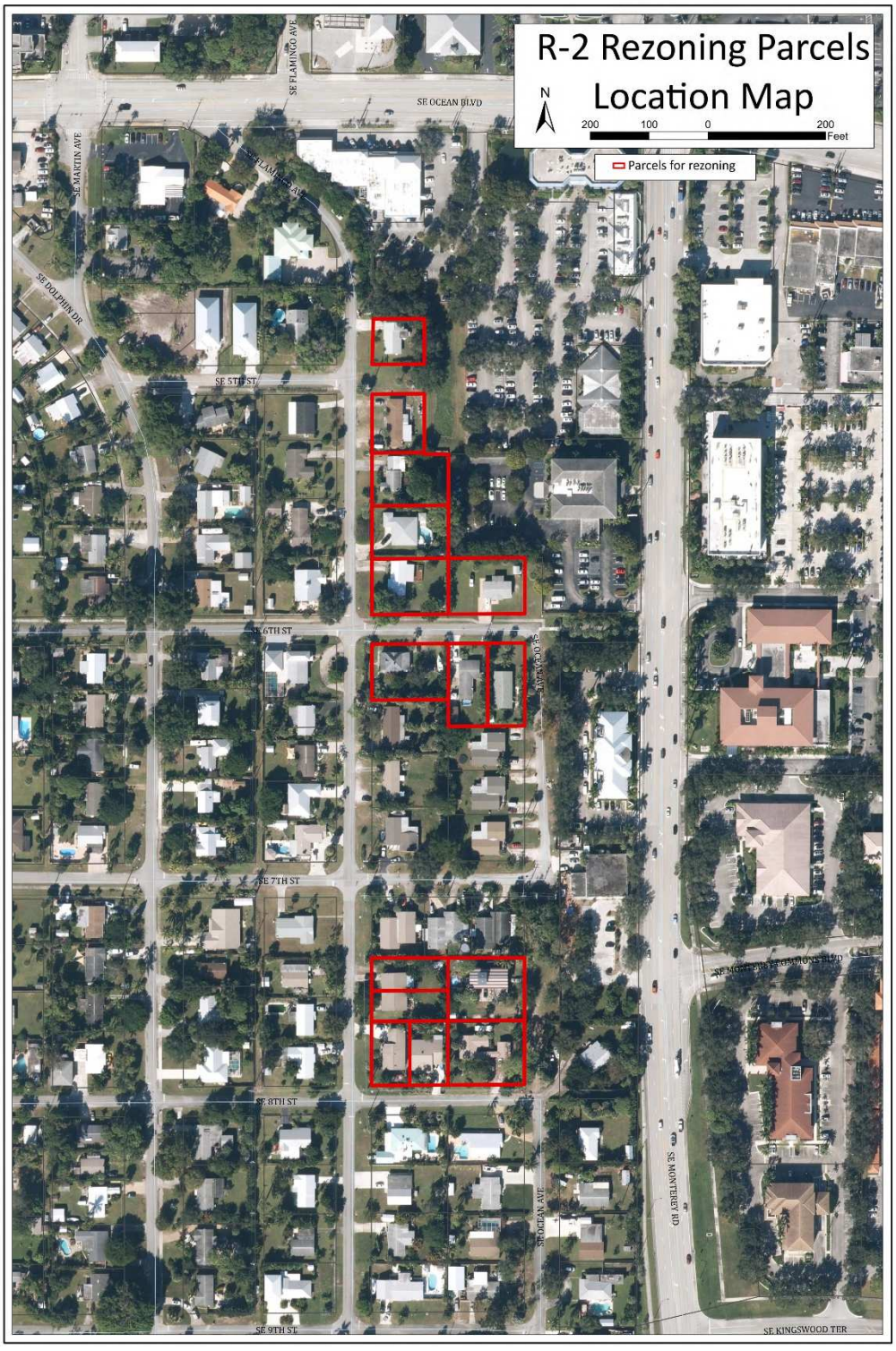

R-2 Rezoning Parcels
Location Map
N
200 100 0 200
Feet
Parcels for rezoning
SE FLAMINGO AVE
SE OCEAN BLVD
SE MARTIN AVE
SE DOLPHIN DR
SE 5TH ST
SE 6TH ST
SE 7TH ST
SE 8TH ST
SE 9TH ST
SE OCEAN AVE
SE MONTEREY RD
SE KINGSWOOD TER

EXHIBIT "C"


R-2 Rezoning Parcels
N
125
62.5
0
125
Feet
Parcels for rezoning
City of Stuart Zoning
Zoning Type
CPUD:Commercial Planned Unit Development
R1:Single Family- General
R2:Duplex
R3:Multifamily/Office
SE 5TH ST
SE 6TH ST
SE 7TH ST
SE 8TH ST
SE OCEAN AVE
SE MONTEREY RD
SE MONTEREY COMMONS BLVD