BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2401-2019

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER II ENTITLED "ZONING DISTRCTS USES ALLOWED, DENSITY, INTENSITY" AND CREATING ADDITIONAL ZONING DISTRICT DESIGNATIONS OF URBAN PLANNED UNIT DEVELOPMENT AND EAST STUART PLANNED UNIT DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's comprehensive plan to discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill to achieve a compact urban form; and

WHEREAS, the purpose of this Land Development Code amendment is to establish standards for compact planned unit development within the designated community redevelopment area; and

WHEREAS, the purpose of this Land Development Code amendment is to establish standards for compact planned unit development within the designated East Stuart code overlay area; and

WHEREAS, the Land Development Code amendments were presented to the Community Redevelopment Board on 13th February, 2019; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on 21st February, 2019 and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter II

ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

2.00.00
GENERALLY

Sec. 2.00.01. Purpose
Sec. 2.00.02. Exception

2.01.00
ZONING DISTRICTS

Sec. 2.01.01. Relationship of zoning districts to future land use categories
Sec. 2.01.02. Designation of districts
Sec. 2.01.03. Table 1 – Zoning district/future land use category compatibility

2.02.00
USES ALLOWED IN ZONING DISTRICTS

Sec. 2.02.01. Generally
Sec. 2.02.02. Table 2 – Zoning Districts Uses

2.03.00
DENSITY

Sec. 2.03.01. Generally
Sec. 2.03.02. Density
Sec. 2.03.03. Planned Unit Development Density
Sec. 2.03.04. ALF Density
Sec. 2.03.05. Maximum dwelling unit per acre table
Sec. 2.03.06. Intensity of development: Lot area and Floor Area Ratio (FAR) Tables 3 and 4

2.04.00
AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT REQUIREMENTS

Sec. 2.04.01. Generally; Tables 5, 6, & 7
Sec. 2.04.02. Supplemental Area Requirements
Sec. 2.04.03. Supplemental Impervious Surface Coverage Requirements
Sec. 2.04.04. Supplemental Building Setback Requirements
Sec. 2.04.05. Supplemental Building Setback on Certain Streets
Sec. 2.04.06. Supplemental Building Height, Maximum Number of Stories and Minimum Living Area Requirements

2.05.00

COTTAGE LOTS

Sec. 2.05.01. Purpose
Sec. 2.05.02. Applicability
Sec. 2.05.03. Permitted uses
Sec. 2.05.04. Future annexed area
Sec. 2.05.05. On-site parking standards
Sec. 2.05.06. Development standards
Sec. 2.05.07. Exhibit A – Building Form Standard Cottage Lots

2.06.00
SUPPLEMENTAL USE STANDARDS

Sec. 2.06.01. Generally
Sec. 2.06.02. Manufactured/Mobile home/Recreational vehicle developments
Sec. 2.06.03. Assisted living facility (ALF)
Sec. 2.06.04. Child care centers
Sec. 2.06.05. Automobile/boat sales and service facilities
Sec. 2.06.06. Automatic amusement centers and game rooms
Sec. 2.06.07. Industrial uses
Sec. 2.06.08. Urban agriculture
Sec. 2.06.09. Home occupations
Sec. 2.06.10. Adult businesses
Sec. 2.06.11. Telecommunication facilities
Sec. 2.06.12. Formula businesses
Sec. 2.06.13. Dog-friendly restaurants
Sec. 2.06.14. Pain Management Clinics
Sec. 2.06.15. Minimum Single-Family and Duplex Residential Design Standards for New Construction
Sec. 2.06.16. Shooting ranges, indoor
Sec. 2.06.17. Supplemental parking standards for parking intensive vessel slips
Sec. 2.06.18 Kennels, veterinarians, or similar facilities
Sec. 2.06.19. Rooftop dining
Sec. 2.06.20. Conditional use approval required for the location of any gasoline or other motor fuel stations on certain properties fronting U.S. Highway-1 and Palm City Road.
Sec. 2.06.21. Conditional Use Approval required for fuel production facilities.

2.07.00
DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

2.00.00. GENERALLY

Sec. 2.00.01. Purpose.

The purpose of this chapter is to: (a) identify the implementing zoning districts for the future land use categories contained in the City's Comprehensive Plan; (b) establish development approval processes for specific uses and (c) identify measurable development standards (e.g. building height, setback, lot size, density).

Sec. 2.00.02. Exceptions and Additional Standards.

The Urban Code District, East Stuart District and S.E. Ocean Boulevard Overlay Zone are established by the City of Stuart based on the need for special protective measures, additional design standards, and redevelopment incentives in those areas. Due to the special nature of these areas, the uses and development standards allowed are described in Chapter 3 of this Land Development Code. The additional design standards described in Chapter 3 of this code will be applied in the case of any proposed planned unit development (PUD) within these areas or within the defined Community Redevelopment Area (CRA).

2.01.00. ZONING DISTRICTS

Sec. 2.01.01. Relationship of zoning districts to future land use map categories.

Land use classifications for Stuart are identified and described in the Future Land Use Element of the Comprehensive Plan and delineated on the future land use map. *Table 1 – Zoning District/Future Land Use Category Compatibility* reflects the zone districts and the future land use categories that the zone districts implement.

Sec. 2.01.02. Designation of districts.

The designated zoning districts within the City are:

A. R-1A Residential - Single Family Estate;R-1 Residential - Single Family General;
B. R-2 Residential - Duplex;
C. R-3 Residential - Multi-Family/Office;
D. B-1 Business Limited;
E. B-2 Business General;
F. B-3 Business Restricted;
G. B-4 Limited Business/Manufacturing;
H. P Public Service;
I. I Industrial;
J. H Hospital;
K. Planned Unit Development (PUD)
    1. Residential (RPUD)
    2. Commercial (CPUD)
    3. Public Service (PSPUD)
    4. Industrial (IPUD)
    5. Mixed Use (MXPUD)

6. Urban (UPUD)
7. East Stuart (ESPUD);
~~5.~~

L. Urban District
   1. Urban General (UG)
   2. Urban Center (UC)
   3. Urban Neighborhood (UN)
   4. Urban Highway (UH)
   5. Urban Waterfront (UW);

M. East Stuart District
   1. Business and Mixed Use (BMU)
   2. General Residential and Office (GRO)
   3. Single-family and Duplex (SFD)

N. S.E. Ocean Boulevard Overlay

Sec. 2.01.03. - TABLE 1

ZONING DISTRICT/FUTURE LAND USE CATEGORY COMPATIBILITY

		IMPLEMENTING ZONING DISTRICTS													
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
FUTURE LAND USE CATEGORIES	Low Density Residential	X	X	X									RPUD UPUD			X
	Multi-family Residential				X								RPUD CPUD MXPUD UPUD			X
	Office/Residential				X								RPUD CPUD MXPUD UPUD			X
	Commercial					X	X	X	X				CPUD IPUD MXPUD UPUD			X
	Industrial								X		X		CPUD IPUD MXPUD UPUD			
	Public					X	X	X	X	X	X	X	CPUD PSPUD	X	X	X

		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
													MXPUD UPUD			
	Institutional			X	X	X	X	X		X		X	RPUD MXPUD UPUD	X		X
	Recreation	X	X	X	X	X	X	X		X			PSPUD MXPUD UPUD	X		X
	Downtown Re-development	X	X	X	X	X	X	X	X	X			RPUD CPUD PSPUD MXPUD UPUD	X		
	Neighborhood Special District												RPUD CPUD MXPUD PSPUD	X		
	East Stuart	X	X	X	X	X	X	X	X	X			RPUD CPUD MXPUD PSPUD ESPUD	X	X	

		IMPLEMENTING ZONING DISTRICTS														
		R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	PUD	Urban District Overlay	East Stuart	S.E. Ocean Blvd.
	Conservation	X	X	X	X	X	X	X	X	X	X	X	PSPUD	X		
	Marine Industrial										X		RPUD CPUD PSPUD IPUD MXPUD UPUD	X		

2.02.00. USES ALLOWED IN ZONING DISTRICTS

Sec. 2.02.01. Generally.

It is the purpose of this section to identify the uses allowed in each zoning district (~~See~~ *Table 2 – Residential uses, ~~and PUDs (Planned Unit Development) Districts Uses; Table 3 –~~ Business uses and ~~PUD Districts Uses; and Table 4 –~~ Public Service, Industrial, Agriculture, Hospital and PUD Districts u~~U~~ses*).

A. Consideration of uses not specifically listed. If a use is not listed within a specific zoning district, then the use is not allowed. However, a proposed use that is not listed within a particular zoning district, but which is determined by the city development director to have a character, similar nature, and impact to a permitted use in that district, the city development director may make a determination of comparability to the applicant. Conditions may be placed on the decision. A determination by city development director that a proposed use is not similar to a permitted use may be appealed according to procedures in Chapter VIII.

In making such finding, the city development director may assess all relevant characteristics of the proposed use, including but not limited to the following, as applicable:

a. The typical volume and type of sales (retail or wholesale); size and type of items sold; and nature of inventory on the premises;
b. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
c. The nature and location of storage and outdoor display of merchandise; whether storage is enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders hazardous or not);
d. The type, size, and typical massing of buildings and structures associated with the unlisted use;
e. Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site; trip purposes and whether trip purposes can be shared by other uses on the site;
f. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
g. The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;

h. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

i. The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses allowed in the zoning district.

Sec. 2.02.02. TABLE 2

Residential and PUD Districts Uses	R-1A	R-1	R-2	R-3	R-M	RPUD	CPUD	MXPUD
Accessory dwelling units, detached (refer to Section 6.09.02)	P	P	P	P		A		A
Assisted living facilities of 4 or fewer persons (refer to supplemental standards in Section 2.06.03)	P	P	P	P	P	A		
Assisted living facilities of 5 or more persons (refer to supplemental standards in Section 2.06.03)				CU	CU	A		
Adult day care centers (less than 5 acres)				CU	P	A	A	A
Bed & breakfast inns	-	-	-	P	-	A	A	A
Child care center (less than 5 acres) (refer to supplemental standards in Section 2.06.05)	-	-	-	CU	P	A	A	A
Community centers	-	-	P	P	-	A	A	A
Community garden (refer to supplemental standards in Section 2.06.08)	P	P	P	P	P	A	A	A
Community residential home of 7- 14 residents	-	-	-	CU	CU	A	A	A
Duplex dwelling units	-	-	P	P	-	A	-	A
Family day care home in a residence	P	P	P	P	P	A	A	A
Golf course						A	A	A
Governmental buildings	-	-	P	P	-	A	A	A
Group home of six or fewer residents	P	P	P	P	-	A	A	A
Home occupations (refer to supplemental standards in Section 2.06.10)	P	P	P	P	-	A	A	A
Libraries	-	-	P	P	-	A	A	A
Massage therapy establishments				P		A	A	A
Multi-family dwelling units	-	-	-	P	P	A	-	A
Nursing homes	-	-	-	P	-	A	A	A
Office, business or professional	-	-	-	P	-	A	A	A
Office, low intensity medical				P		A	A	A
Office, medical				P		A	A	A
Pain management clinics (refer to supplemental standards in Section 2.06.16)				CU			CU	
Public facilities and services	P	P	P	P	P	A	A	A
Public parks	P	P	P	P	P	A	A	A
Public utilities [4]	P	P	P	P	P	A	A	A
Religious institution (less than 5 acres)			CU	P		A	A	A
Religious institution (more than 5 acres)				CU		A	A	A

Residential and PUD Districts Uses	R-1A	R-1	R-2	R-3	R-M	RPUD	CPUD	MXPUD
Residential units combined with non-residential uses	-	-	-	P	-	A	A	A
Rooming and boardinghouses	-	-	-	P	-	A	A	A
Schools – private, parochial, , or technical (less than 5 acres)	CU	CU	CU	CU	-	A	A	A
Single-family dwelling unit	P	P	P	P	-	A	-	A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	-	-	-	P	-	A	A	A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in Section 2.06.12).	-	-	-	CU	-	A	A	A
Studio (art, dance, music, exercise)				P		A	A	A

Footnotes:

P - Use Permitted By Right; subject to all other applicable requirements of the Code.
CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process
A - Allowed through city commission public hearing process
- Prohibited

Sec. 2.02.03. TABLE 3

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Adult businesses (refer to supplemental standards in Section 2.06.11)	-	CU	-	-		
Adult day care centers	P	P	P	CU	A	A
Automatic amusement center and game room		P			A	A
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.06)		P			A	A
Automobile sales provided all repair and service shall be done within an enclosed building (refer to supplemental standards in Section 2.06.06)	-	P	-	-	A	A
Bakery, retail and/or wholesale warehouses	-	P	-	P	A	A
Banks/financial institutions	P	P	-	P	A	A
Barbershop, beauty salons, specialty salons	P	P	-	-	A	A
Bars	P	P	-	-	A	A
Boat building, indoors	-		-	-	A	-
Boat sales and service (refer to supplemental standards in Section 2.06.06)		P			A	A
Boat storage, dry		P		P	A	A
Bowling alleys	-	P	-	-	A	A
Bus and train (passenger) station/terminals	-	P	-	-	A	A
Car wash		P			A	A
Catering shops	P	P			A	A
Cemeteries	-	P	-	-	A	A
Child care center (refer to supplemental standards in Section 2.06.05)	P	P	P	CU	A	A
Clubs, lodges, and fraternal organizations	-	P	-	-	A	A
Cold storage					A	
Community garden (refer to supplemental standards in Section 2.06.08)	P	P	P	P	A	A
Craft distillery	P	P		P	A	A
Crematoriums		CU			A	A
Dry boat storage		P		P	A	A
Drycleaning establishment		P		P	A	A
Family day care home in a residence	P	P	-	-	A	A
Farm equipment and supply sales establishments, including open storage					A	A
Flea markets					A	
Funeral homes	-	P	-	-	A	A
Funeral homes with crematorium		CU			A	A
Gasoline or other motor fuel stations (refer to supplemental standards in Section 2.06.06)	-	P	-	-	A	A

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Golf course					A	A
Golf driving range (not accessory to golf course)		P			A	A
Golf course, miniature		P			A	A
Health club		P			A	A
Health spas	-	P	-	-	A	A
Hotels, motels	P	P	-	-	A	A
Industrial, low impact within enclosed facility				P		A
Kennels	-	P	-	-	A	A
Laundry establishments (self service)	-	P	-	P	A	A
Libraries	P		P		A	A
Massage therapy establishments	P	P	P		A	A
Microbrewery	P	P		P	A	A
Manufactured/mobile home park/RV park					A	
Multi-family dwelling units	P	-	-	-	-	A
Museums	P	P			A	A
Newspaper or publishing plant				P	A	A
Office, business or professional	P	P	P	P	A	A
Office, low intensity medical	P	P	P	P	A	A
Office, medical	P	P	P	P	A	A
Office, veterinary	P	P	P	P	A	A
Outdoor storage (refer to standards in Section 6.10.00)	P	P	-	P	A	A
Parking garages (private or government provided public)	P	P	-	-	A	A
Parking lots (private or government provided public)	P	P	-	-	A	A
Place of public assembly		P			A	A
Pool hall/billiard parlor		P			A	A
Public facilities and services	P	P	P	P	A	A
Public parks	P	P	P	P	A	A
Public utilities[1]	P	P	P	P	A	A
Radio and/or television broadcast stations	-	P	-	P	A	A
Religious institutions		P			A	A
Repair services	-	P	-	P	A	A
Residential units combined with non-residential uses	P	P	P	-	A	A
Restaurants, convenience and general	P	P	-	-	A	A
Restaurants, limited	-	-	-	P	-	A
Retail, bulk merchandise	-	P	-	P	A	A
Retail, department store		P			A	A
Retail, furniture stores		P			A	A
Retail, intensive sales and service	P	P			A	A

Business and PUD Districts Uses	B-1	B-2	B-3	B-4	CPUD	MXPUD
Retail, non-intensive sales and service		P		P	A	A
Retail, regional mall		P			A	A
Retail, strip shopping center		P		P	A	A
Rooftop dining area (refer to supplemental standards in Section 2.06.19)	CU	CU			CU	CU
Skating rink, rolling or ice	-	P	-	-	A	A
School private, parochial, technical	P	P	-	-	A	A
Shooting range, indoor (refer to Supplemental Standards Sec. 2.06.16)		P		P	A	
Sign painting and/or sign manufacturing shops within enclosed facility without outdoor storage	-	P	-	P	A	A
Stealth telecommunications facilities in excess of 45 feet in height (refer to supplemental standards in Section 2.06.12)	CU	CU	-	CU	A	A
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	P	P	-	P	A	A
Studio (art, dance, music, exercise)		P			A	A
Swimming pools		P			A	A
Telecommunications towers	-	CU	-	CU	A	A
Theaters	P	P	-	-	A	A
Urban farm (refer to supplemental standards in Section 2.06.08)	P	P	P	P	A	A
Warehouse, general storage	-	-	-	P	A	A
Warehouse, mini-storage	-	-	-	P	A	A
Warehouse, wholesale and distribution				P	A	A

Footnotes:

P - Use Permitted By Right; subject to all other applicable requirements of the Code.
CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process
A- Allowed through city commission public hearing process
[ ] - Prohibited

1 - Refer to Section 6.02.00. Utilities

Sec. 2.02.04. TABLE 4

Public Service (P), Industrial (I), Hospital (H) and PUD Districts Uses	P	I	A-1	H	PSPUD	IPUD	MXPUD
Adult businesses (refer to supplemental standards in Section 2.06.11)	-	CU		-	-	A	
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.06)	-	P		-	-	A	A
Boat building, outdoors		P				A	
Boat storage, dry		P				A	A
Religious institutions	P	-		-	A		A
Governmental buildings	P	P		-	A	A	A
Cold storage	-	P		-	-	A	A
Commercial nursery or tree farm		P				A	A
Community centers	P				A		A
Community garden (refer to supplemental standards in Section 2.06.08)	P	P		P	A	A	A
Drycleaning plants		P				A	A
Farm equipment and supplies sales establishment, including open storage	-	P		-	-	A	A
Gasoline or other motor fuel stations, including tank farms	-	P		-	-	A	A
Golf course	A				A		A
Hospital (new hospital construction shall not exceed over 45 feet in height) 1	-	-		P	-		-
Hospital auxiliary uses (within main hospital or freestanding building) 2	-	-		P	-		-
Industrial, high impact		P				A	A
Industrial, low impact		P				A	A
Libraries	P				A		
Museums	P				A		A
Newspaper or publishing plants	-	P		-	-	A	A
Pain management clinics (refer to supplemental standards in Section 2.06.16)				CU			
Places of public assembly	P	-		-	-		-
Planned industrial parks (refer to supplemental standards in Section 2.06.07)	-	P		-	-	A	A
Public facilities and services	P	P	P	P	A	A	A
Public parks	P	P	P	P	A	A	A
Public utilities[3]	P	P	P	P	A	A	A
Radio and/or television broadcast stations	P	-		-	A		A
Railroad freight stations/terminals	-	P		-	-	A	A
Repair services		P				A	A
Retail, intensive and non-intensive	-	CU		-	-	A	A
Schools—private, parochial at the elementary, junior high, or technical level	P	-		-	A		A
Shooting range, indoor (refer to supplemental		P				A	

Public Service (P), Industrial (I), Hospital (H) and PUD Districts Uses	P	I	A-1	H	PSPUD	IPUD	MXPUD
standards in Section 2.06.16)							
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in an enclosed building	-	P		-	-	A	A
Stealth telecommunications facilities in excess of 45 feet in height (refer to supplemental standards in Section 2.06.12)	CU	CU		-	A	A	A
Stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.12)	P	P		-	A	A	A
Storage yards	-	P		-	-	A	A
Swimming pools	P				A		A
Telecommunication towers (refer to supplemental standards in Section 2.06.12)	-	CU		-	-	A	A
Telecommunications towers to be located on real property not owned by the City of Stuart (refer to supplemental standards in Section 2.06.12)	CU	-		-	A		A
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the City Commission (refer to supplemental standards in Section 2.06.12)	P	-		-	A		A
Truck terminals	-	P		-	-	A	A
Urban farm (refer to supplemental standards in Section 2.06.08)		P				A	A
Warehouse, general storage	-	P		-	-	A	A
Warehouse, mini-storage	-	P		-	-	A	A
Warehouse, wholesale or distribution		P				A	A

Footnotes:

P - Use Permitted By Right; subject to all other applicable requirements of the Code.
CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process
A - Allowed through city commission public hearing process
[ ] Prohibited

1 - Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.

2 - e.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.

~~3 - Refer to Section 6.02.00. Utilities.~~

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Residential Land Uses																
Accessory dwelling units, detached (refer to Section 6.09.02)	P	P	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Assisted living facilities of 4 or fewer persons (refer to supplemental standards in Section 2.06.03)	P	P	P	P	-	-	-	-	-	-	-	A	-	-	-	-
Assisted living facilities of 5 or more persons (refer to supplemental standards in Section 2.06.03)	-	-	-	CU	-	-	-	-	-	-	-	A	-	-	-	-
Community residential home of 7- 14 residents	-	-	-	CU	-	-	-	-	-	-	-	A	A	A	-	-
Duplex dwelling unit	-	-	P	P	-	-	-	-	-	-	-	A	-	A	-	-
Family day care home in a residence	P	P	P	P	P	P	-	-	-	-	-	A	A	A	-	-
Group home of 6 or fewer residents	P	P	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Home occupations (refer to supplemental standards in Section 2.06.09)	P	P	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Multi-family dwelling units	-	-	-	P	P	-	-	-	-	-	-	A	-	A	-	-
Residential units combined with non-residential uses	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Single-family dwelling unit	P	P	P	P	-	-	-	-	S	-	-	A	-	A	A	-
Transient Residential Land Uses and Overnight Accommodations																
Bed and Breakfast Inns	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Hotels/motels	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Rooming and boardinghouses	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Institutional Uses																
Adult day care centers (< 5 acres) (> 5 acres)	- -	- -	- -	CU -	P P	P P	P P	CU CU	- -	- -	- -	A	A A	A A	- -	- -

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Cemeteries	-	-	-	-	-	P	-	-	-	-	-	-	A	-	-	-
Child care center (< 5 acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
(> 5 acres)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-
(refer to supplemental standards in Section 2.06.04)																
Community centers	-	-	P	P	-	-	-	-	P	-	-	A	A	A	A	-
Crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Funeral homes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Funeral homes with crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Governmental buildings	-	-	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Libraries	-	-	P	P	P	-	P	-	P	-	-	A	A	A	A	-
Museums	-	-	-	-	P	P	-	-	P	-	-	-	A	A	A	-
Religious institutions (<5 acres)	-	-	CU	P	-	P	-	-	P	-	-	A	A	A	A	-
(>5 acres)	-	-	-	CU	-	P	-	-	-	-	-	-	A	A	A	-
Schools – private, parochial, or technical (< 5 acres)	CU	CU	CU	CU	P	P	-	-	P	-	-	A	A	A	A	-
(>5 acres)				-	P	P	-	-	-	-	-	A	A	A	A	-
Health Care Uses																
Hospital (new hospital construction shall not exceed over 45 feet in height)[i]	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-

[i] Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Hospital auxiliary uses (within main hospital or freestanding building)[ii]											P					
Massage therapy establishment	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Nursing homes	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Pain management clinics (refer to supplemental standards in Section 2.06.14)	-	-	-	CU	-	-	-	-	-	-	CU	-	CU	-	-	-
Commercial Uses																
Adult business (refer to supplemental standards in Section 2.06.10)	-	-	-	-	-	CU	-	-	-	CU	-	-	-	-	-	A
Automatic amusement center and game room	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile rental/leasing	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile repair services, major and minor (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	P	-	-	A	-	-	A
Automobile sales provided all repair and service shall be done within an enclosed building (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Bakeries, retail and/or wholesale warehouses	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Banks/financial institutions	-	-	-	-	P	P	-	P	-	-	-	-	A	A		

[ii] e.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Barbershop, beauty salons, specialty salons	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Bars	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Boat building, indoors	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Boat building, outdoors	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A
Boat sales and service (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Boat storage, dry	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Bowling alleys	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Car washes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Catering shops	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Clubs, lodges, fraternal organizations	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Craft distillery	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-
Drycleaning establishment	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Drycleaning plant	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Farm equipment and supply sales establishments, including open storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Flea markets	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Gasoline or other motor fuel stations (refer to supplemental standards in Section 2.06.05 and 2.06.20)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Gasoline or other motor fuel stations, including tank farms (refer to supplemental standards in Section 2.06.05 and 2.06.20)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Health clubs	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Health spas	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Kennels	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Laundry establishments (self-service)	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Manufactured home, mobile home or RV parks	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-
Marinas including the sale, display, and storage of new and used boats for sale, and the repair and maintenance of boats.	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Microbrewery	-	-	-	-	P	P	-	P	-	P	-	-	A	A	-	-
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Office, business or professional	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, veterinary	-	-	-	-	P	P	P	P	-	-	-	-	A	A	-	-
Outdoor storage (refer to standards in Section 6.10.00)	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-
Place of public assembly	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Pool hall/billiard parlor	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Repair services	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Restaurants, convenience and general	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Restaurants, limited	-	-	-	-	-	-	-	P	-	-	-	-	-	A	-	-
Retail, bulk merchandise	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Retail, department store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, furniture store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, intensive sales	-	-	-	-	P	P	-	P	-	CU	-	-	A	A	-	A
Retail, non-intensive sales and service	-	-	-	-	-	P	-	P	-	CU	-	-	A	A	-	A
Retail, regional mall	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, strip shopping center	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Rooftop dining areas (refer to supplemental standards in Section 2.06.19)	-	-	-	-	CU	CU	-	-	-	-	-	-	CU	CU	-	-
Shooting range, indoor (refer to supplemental	-	-	-	-	-	P	-	P	-	P	-	-	A	-	-	A

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
standards in Section 2.06.16)																
Skating rink, rolling or ice	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Studio (art, dance, music, exercise)	-	-	-	P	-	P	-	-	-	-	-	A	A	A	-	-
Theaters	-	-	-	-	P	P	-	-	-	-	-	-	A	A		
Recreational Uses																
Golf course	-	-	-	-	-	-	-	-	P	-	-	A	A	A	A	-
Golf driving range (not accessory to golf course)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Golf course, miniature	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Public parks	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Swimming pools	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
Utility and Service Uses																
Public facilities and services	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Public utilities (refer to Section 6.02.00)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Industrial Uses																
Cold storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Fuel production facilities	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	CU
Industrial, high-impact	-	-	-	-	-	-	-	-	-	P	-	-	-	CU	A	A
Industrial, low-impact *within enclosed facility	-	-	-	-	-	-	-	P*	-	P	-	-	-	A	-	A
Industrial parks, planned (refer to supplemental standards in Section 2.06.07)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in enclosed facility	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Telecommunications Uses																
Radio and/or television broadcast stations	-	-	-	-	-	P	-	P	P	-	-	-	A	A	A	-

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in Section 2.06.11)	-	-	-	P	P	P	-	P	P	P	-	A	A	A	A	A
Stealth Communication Facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in Section 2.06.11).	-	-	-	CU	CU	CU	-	CU	CU	CU	-	A	A	A	A	A
Telecommunications towers (refer to supplemental standards in Section 2.06.11)	-	-	-	-	-	CU	-	CU	-	CU	-	-	A	A	-	A
Telecommunications towers to be located on real property not owned by the City of Stuart (refer to supplemental standards in	-	-	-	-	-	-	-	-	-	CU	-	-	-	A	-	A

Table 2: Land Uses	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
Section 2.06.11)																
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the City Commission (refer to supplemental standards in Section 2.06.12)	-	-	-	-	-	-	-	-	CU	-	-	-	-	A	A	-
Storage, Transportation and Logistics Uses																
Accessory structures (refer to Section 6.09.00)	P	P	P	P								A		A		
Bus and train (passenger) station/terminals	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Parking garages (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Parking lots (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Railroad freight stations and terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Truck terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Storage yards	-	-	-	-	-	-	-	-	-	P	-	-	-	-	A	A
Warehouse, general storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Warehouse, mini-storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Warehouse, wholesale and distribution	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Agricultural Uses																
Commercial nursery/tree farm	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	A
Community gardens (refer to supplemental standards in Section 2.06.08)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Urban farms (refer to supplemental standards in Section 2.06.08)	-	-	-	-	P	P	P	P	-	P	-	A	A	A	-	A

Footnotes:

1. Uses permitted in an Urban Planned Unit Development will be restricted to those listed as being permitted in sec. 3.01.00 Urban Code

2. Uses permitted in an East Stuart Planned Unit Development are restricted to those listed as being permitted in sec. 3.02.00 East Stuart Code.

P - Use Permitted By Right; subject to all other applicable requirements of the Code.
CU - Use Permitted as a Conditional Use by approval of a Major Conditional Use Approval through public hearing process
A - Allowed through city commission public hearing process
- Prohibited

2.03.00. DENSITY

Sec. 2.03.01. Generally.

Except as expressly provided herein, the densities for all zoning districts are set forth in *Table 3 – Maximum Dwelling Units per Acre* and percentages of residential and non-residential uses and Floor Area Ratio (FAR) for all zoning districts are set forth in *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR)*.

Sec. 2.03.02. Density.

A. The residential density for R-3, R-M, and B-1 of up to ten dwelling units per acre shall not be applicable to existing PUD zoning districts nor to those created hereafter.

B. Nothing in this section shall prevent a land owner from requesting a change of zone from a multi-family zone to RPUD. In such an event, however, the densities set forth in *Table 3 – Maximum Dwelling Units per Acre* for an RPUD must be followed. Such lands as may be used in creating such density calculations, shall not be used in any other calculation at any time, and a unity of title declaration shall be required to be recorded in the public records of Martin County, Florida.

Sec. 2.03.03. Planned Unit Development (PUD) density.

The density for a planned unit development shall not exceed those densities set forth in *Table 3b – Maximum Dwelling Units per Acre for Planned Unit Developments (PUD)*, ~~unless a density bonus has been~~ such density will only be granted by the city commission as part of a planned unit development zoning agreement.

Sec. 2.03.04. ALF density.

The residential density for an ALF is set forth in *Table 3 – Maximum Dwelling Units per Acre* for each respective zoning district. This density does not include adult care facilities. They will be governed by the residential district density in which they are located.

Sec. 2.03.05 Maximum dwelling units per acre table

The following *Table 3a – Maximum Dwelling Units per Acre* reflects the potential maximum dwelling units per acre for each zoning district.

Sec. 2.03.06 Intensity of development: Lot area and Floor Area Ratio (FAR) table

The following *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR)* reflects the percentages of residential and/or non-residential uses allowed on a lot and a ratio of the floor area of a building to the area of the lot in the future land use categories.

TABLE 3a

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts																	East Stuart		
	R1-A	R-1	R-2	R-3	~~RPUD[1]~~	B-1	B-2	B-3	B-4	~~CPUD~~	P	I	~~IPUD~~	H	~~PSPUD~~	~~MXPUD~~	~~Urban Code District~~	GRO	BMU	SFD
Low Density Residential	4	5	7		~~4[2]/7[3]/15[4]~~					-			-		-	-	-			
Multi-family Residential				10	~~4[2]/7[3]/15[4]~~	10	L	L		-			-		-	~~15[5]~~	-			
Office/Residential				10	~~15~~	10	10	10		~~5[7]/7[8]/10[9]~~			-		-	~~15[5]~~	-			
Commercial				10	-	10	L	L		~~5[7]/7[8]/10[9]~~			-		-	~~15[5]~~	-			
Downtown Redevelopment				15/30[27]	~~15~~	15/30[7]	15/30[7]			~~5[7]/7[8]/10[9]~~			-		-	~~15[5]~~	~~15/30[6]~~			
Neighborhood/ Special Dist.					~~15~~					~~5[7]/7[8]/10[9]~~			-		-	~~15[5]~~	~~15/30[6]~~			
Industrial					-					-			-		-	-	-			
East Stuart					-					-			-		-	~~15[5]~~	-	17 ~~15/30[10]~~	17 ~~15/30[10]~~	17
Marine/Industrial				15	-		15			-			-		-	~~15[5]~~	~~15/30[6]~~			
Public					-					-	E		-		-	-	-			
Recreation					-					-			-		-	-	-			
Institutional					~~4[2]/7[3]/15[4]~~					-			-		-	-	-			

Conservation																						

R-1A Single Family - Estate; R-1 Single Family - General; R-2 Duplex; R-3 Multi-Family/Office; R-M Residential Multi-Family; B-1 Business -Limited; B-2 Business-General; B-3 Business-Restricted; B-4 Limited Business/Manufacturing; P Public Service; I Industrial; H Hospital; Planned Unit Development (PUD) includes Residential (RPUD), Commercial (CPUD), Public Service (PSPUD), Industrial (IPUD), and Mixed Use (MXPUD); Urban Code District includes Urban General (UG), Urban Center (UC), Urban Neighborhood (UN), Urban Highway (UH), Urban Waterfront (UW); East Stuart District includes Business and Mixed Use (BMU), General Residential and Office (GRO), Single-family and Duplex (SFD).

Footnotes:

1 = Assisted Living Facility (ALF) is allowed a maximum of 30 units per acre in land use classification multi-family residential, office/residential, and downtown redevelopment.

~~2 = Single Family Detached Dwelling Unit~~

~~3 = Single Family Attached Dwelling Unit~~

~~4 = Multi-Family Dwelling Unit~~

~~5 = Potential Bonus Units Allowable. Where not less than 50% of the total residential units of site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded (Refer to Land Development Code Table 2.07.00.C).~~

~~6 = Up to 30 units with Major Urban Code Conditional Use~~

~~7~~2 = Based on R-1 Density Requirements

~~8 = Based on R-2 Density Requirements~~

~~9 = Based on R-3, B-1 and B-2 Density Requirements~~

~~10 = Up to 30 with East Stuart District Conditional Use Approval~~

E = Only Residential dwelling unit allowed and only by Conditional Use

L = Limited. No maximum density established by Land Development Code or Comprehensive Plan at this time. Rather, the term "Limited" is used instead of a numerical value.

[ ] = Not Permitted

TABLE 3b

MAXIMUM DWELLING UNITS PER ACRE FOR PLANNED UNIT DEVELOPMENT (PUD)

Comprehensive Plan Land Use Designation	RPUD		CPUD		MXPUD[2]		IPUD		UPUD		ESPUD		PSPUD	
	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA	Out CRA	In CRA
Low Density Residential[1]	8.72 to 11.62	8.72 to 11.62	-	-	-	-	-	-	-	8.72 to 11.62	-	-	-	-
Multi-family Residential	30	30	30	30	15	15	-	-	-	30	-	-	-	-
Office/Residential	30	30	30	30	15	15	-	-	-	30	-	-	-	-
Commercial	10	15	10	15	10	15	-	-	-	15	-	-	-	-
Downtown Redevelopment	30	30	30	30	15	15	-	-	-	30	-	-	-	-
Neighborhood/ Special Dist.	15	15	15	15	15	15	-	-	-	15	-	-	-	-
Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-
East Stuart	-	17	-	17	-	15	-	-	-	-	-	17	-	-
Marine/Industrial	15	15	15	15	15	15	-	-	-	15	-	-	-	-
Public	-	-					-	-	-	-	-	-	-	-
Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Institutional	30	30							-	30	-	-	-	-
Conservation	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Footnotes

1. Units per acre in an eligible PUD in the Low Density Residential designation are limited to 8.72 maximum for single family units to 11.62 maximum for duplex units.
2. Density bonus is available in an MXPUD

TABLE 4
INTENSITY OF DEVELOPMENT – LOT AREA AND FLOOR AREA RATIO (FAR)

Future Land Use Categories	% Lot Area Residential	% Lot Area Non-Residential	Non-Residential (maximum FAR)	>2.0 FAR
Low Density Residential	95-100	0-5	<0.75 FAR	N/A
Multi-family Residential	70-100	0-30	<3.0 FAR[1]/<.5 FAR[2]	<20 Acres[1]
Office/Residential	0-25	75-100	<3.0 FAR[1]/<1.5 FAR[2]	<10 Acres[1]
Commercial	0-15	85-100	<3.0 FAR[1]/<1.5 FAR[2]	<50 Acres[1]
Downtown Redevelopment	0-70	0-70	<4.0 FAR	<50 Acres[1]
Neighborhood/Special Dist.	30-90	10-70[3]	3.0 FAR[1]/<2.0 FAR[2]	<10 Acres[1]
Industrial	N/A	100	3.0 FAR[1]/<1.0 FAR[2]	<10 Acres[1]
East Stuart	70-100	0-30	<1.5 FAR	N/A
Marine/Industrial	0-25	0-75	<3.0 FAR	<5 Acres[1]
Public	N/A	100	<1.0 FAR	N/A
Recreation	N/A	100	<0.5 FAR	N/A
Institutional	N/A	100	<.75 FAR	N/A
Conservation	N/A	100	<10% ISR[4]	N/A

Footnotes:

1 = Inside Community Redevelopment Agency (CRA) Boundary
2 = Outside CRA Boundary
3 = Recreation Uses Shall Not Exceed 25 Percent of the Land Area
4 = ISR: Impervious Surface Ratio. Not to exceed 10,000 sq. feet

Note: The numbers in this table should be interpreted as follows (using a 1 acre lot and the Low Density Residential Future Land Use Category as an example):

1. The maximum amount of a 1 acre lot (43,560 square feet) that can be used for non-residential activities is 5% or 2,178 square feet.
2. The maximum Floor Area Ratio (FAR) allowed in this land use category is .75.
3. .75 of 2,178 square feet is 1,633 square feet which represents the maximum size of the non-residential structure that could be constructed within this land use category.

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Sec. 2.06.19. Rooftop dining

A. Definitions. The term "rooftop dining" is found in Chapter XII of this Code.

B. Procedure and locations. Rooftop dining shall be permitted in the B-1 and B-2 zoning districts by Major Conditional Use Approval; in the Urban District by a Major Urban Code Conditional Use Approval; in East Stuart by an East Stuart District Major Conditional Use Approval, or in Commercial Planned Unit Development (CPUD), Urban Planned Unit Development (UPUD), East Stuart Planned Unit Development (ESPUD) or Mixed Use Planned Unit Development (MXPUD). Any existing CPUD, UPUD, ESPUD or MXPUD may qualify for a rooftop dining area by obtaining a major PUD amendment.

C. *Standards*. Rooftop dining areas shall be subject to the following conditions:

a. The rooftop dining area shall be associated with an establishment doing business within the principal building. The floor immediately below the rooftop area must be occupied by a nonresidential use.

b. The preferred main access to the rooftop shall be from the interior space of the business within the principal building, provided an exterior access may be permitted upon demonstration of a de minimum impact on surrounding properties.

c. Use of the rooftop shall not exceed the hours of operation for the principal use, but in no event shall the rooftop be open and occupied later than 10:00 PM.

d. No live entertainment, music, speakers, television, or public address system shall be permitted on the rooftop. The windows and doors to areas where such noise originates shall be closed (except when being used as permitted means of egress), or such areas must be sound-proofed so as to prevent sound from being heard at the street level of the building.

e. Service areas, preparation stations and similar facilities shall be ancillary in nature, as determined by the City Commission, and shall service the rooftop dining area only.

f. All lights associated with the rooftop dining area shall be designed to effectively eliminate glare and not be directed towards property lines. All lighting associated with rooftop dining areas shall be turned off when the area is not in use.

g. Walls or railings shall comply with the applicable Florida Building Code requirements.

h. All applications for rooftop dining shall be accompanied by an engineer's or architect's certification that the proposed use is compliant with all applicable codes, including ADA, Building Code and Life Safety Code standards, and that the subject building is structurally capable of supporting the additional loads.

i. Seats associated with rooftop dining areas shall not be creditable towards obtaining a 4COP-SRX license; and the square footage of rooftop dining area will not be subject to the 30% gross floor area limitation in the Old Downtown Section as regulated by Section 4-3 of the Stuart Code of Ordinances.

j. The number of rooftop seats permitted in the Old Downtown District shall be capped at 24 per establishment unless a supplemental parking arrangement is proposed by the applicant and accepted by the City Commission.

k. To prevent litter and the possibility of intrusion by rodents, birds or other pests, rooftop dining areas shall at all times, when the area is not in use, be kept free of trash, debris and food waste.

D. Expiration and revocation.

a. Approval for a rooftop dining area shall expire automatically upon the sale of the establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a new conditional use permit.

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2.07.00 DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

A. *Purpose.* The purpose of this section 2.07.00 is to provide an alternative means of residential, commercial, public service and industrial land development and an alternative zoning procedure that may be used to establish residential, commercial, public service and industrial planned unit development zoning districts at appropriate locations and in accordance with the planning and development objectives of the city.

A planned unit development (PUD) established according to the provisions of this section may depart from the strict application of use, setback, parking requirements, and other requirements of standard zoning districts. A PUD shall be consistent with the overall planning and development goals and objectives of the city as reflected by the City of Stuart Comprehensive Plan. A primary purpose of this section is to provide a set of zoning requirements as a starting point from ~~standards by~~ which such flexibility may be accomplished while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section is to establish a ~~more complete~~ resilient living and working environment through the application of enlightened and imaginative approaches to community planning, stormwater infrastructure and property design. A PUD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development and the protection of adjacent existing and future development. Therefore, the PUD alternative may allow uses and design concepts which are not specifically allowed in standard zoning districts.

To the extent that any provisions of this section conflict with any other provisions of this Code, the provisions of this section shall prevail.

(Ord. No. 1877-02, § 2, 7-22-02)

B. *PUD defined.* A PUD may be a residential planned unit development (RPUD), a commercial planned unit development (CPUD), a mixed-use planned unit development (MXPUD), a~~nd~~ industrial planned unit development (IPUD), a urban planned unit development (UPUD), a East Stuart planned unit development (ESPUD) or a public service planned unit development (PSPUD). A PUD shall consist of land under unified control which may be planned and developed as a whole as a single development operation or as an approved programmed series of development operations by multiple developers. A typical PUD will include principal and accessory uses and structures substantially related to the character of the development itself and to the surrounding area of which it is a part.

As used above, "unified control" means that all land to be included within a PUD shall be owned or otherwise under the legal control of the person or legal entity which has applied for PUD district zoning. Such person or entity shall be legally capable of providing a commitment to the city that the PUD development will comply with all PUD documents, plans, standards and conditions ultimately approved by the city.

A PUD district shall consist of the approved PUD classification and the regulations thereof set forth in this section 2.07.00, and as well as any other documents specifically included within the PUD ordinance adopted by the city commission. The ordinance approving a PUD shall be deemed a zoning ordinance. The provisions of the PUD zoning ordinance shall replace all conflicting development regulations set forth in this Code which would otherwise apply to the development site. The PUD ordinance shall be recorded in the public records of Martin County. The PUD applicant shall also execute a PUD agreement that incorporates the terms and conditions that are set forth in the PUD ordinance.

The applicant may proceed with development only after a plat, if required by the city commission, is recorded in the Martin County public records and after certification by the city development director that the construction plans and other required documents substantially conform to all documents approved as part of the PUD ordinance. The applicant must produce evidence that would bind his successors in title to any commitments made upon approval of PUD.

(Ord. No. 1777-01, § 1, 4-9-01; Ord. No. 1865-02, § 1, 6-24-02; Ord. No. 1877-02, § 2, 7-22-02; Ord. No. 2077-06, § 2, 7-10-06)

C. *PUD district to be shown on official zoning map of the city.* The boundaries of land zoned PUD by ordinance of the city commission shall be indicated as such on the official zoning map of the city.

D. *Residential planned unit development districts.*

1. *Location.* An RPUD may be located anywhere in the city in any area defined and described as "low density residential," "multi-family residential," "office/residential," "institutional," "downtown redevelopment", "neighborhood/special district", “East Stuart”, or

"marine/industrial" by the Future Land Use Element of the City of Stuart's comprehensive plan.

2. *Uses.* The buildings, structures, land and water within an RPUD may be used for any of the following uses:

   a. A combination of uses permitted in the zoning classifications of R-1A, R-1, R-2 and R-3 districts.

   b. Residential uses not specifically permitted in the R-1A, R-1, R-2 or R-3 districts but which are of a like nature and quality to those uses permitted in said districts as determined by the City Commission.

   c. Commercial uses which are compatible with the residential uses permitted in the RPUD district provided the commercial uses shall not comprise more than 30 percent of the total development site and shall be buffered from the residential uses by site design and landscaping.

   d. A vertical as well as horizontal combination of residential and commercial uses which are mutually compatible as determined by the City Commission provided the commercial uses shall not comprise more than 30 percent of the total development gross square footage

3. *Density.* The ~~net~~gross residential density for an RPUD shall not exceed the maximum permitted as prescribed by ~~the following:~~ policy A7.2 of the City of Stuart Comprehensive Plan relating to Gross Densities:

   ~~a. Single-family, detached: Four dwelling units per acre.~~

   ~~b. Single-family, attached: Seven dwelling units per acre.~~

   ~~c. Multiple-family residential: 15 dwelling units per acre.~~

4. *General.* The following general requirements shall apply to an RPUD district:

   a. RPUD standards regarding circulation, parking, utilities, drainage, open space, density and other standards shall apply as described in this code except as modified by the city commission as reflected by the adopted RPUD ordinance.

   b. Open space. Not less than 30 percent of the RPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the RPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.

   c. Maximum building area.-Building coverage shall not exceed the maximum Floor Area Ratio (FAR) as defined in the Comprehensive Plan and section 2.03.06 *Table 4 – Intensity of Development: Lot Area and Floor Area Ratio (FAR).*~~Not more than 30 percent of the total development site shall be covered by buildings~~.

d. Native vegetation. Excluding wetlands defined by the SFWMD, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

(Ord. No. 2054-05, § 1, 11-28-05)

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E. *Urban planned unit development (UPUD) districts.*

a. Location. An UPUD may be located only within the defined Community Redevelopment Area of the city.

b. Density. An UPUD shall not exceed the density outlined in policy A7.2 of the City of Stuart Comprehensive Plan relating to Gross Densities of the underlying future land use designation as defined and described "low-density residential", "office/residential", "multi-family residential", "commercial", "industrial", "institutional", "marine-industrial", "recreation", "downtown redevelopment", or "public", by the Future Land Use Element of the City of Stuart's comprehensive plan, and which is of suitable character and compatible with surrounding uses as determined by the City Commission.

c. Uses. Uses permitted in an UPUD district. The uses of buildings, structures, land or water within a UPUD district are subject to the permitted uses outlined in section 3.01.03.F.2 Urban Code District Uses.

d. Development Standards. UPUD development standards shall be benchmarked against one of the Urban Districts as defined in section 3.01.00 Urban Code having regard to building placement, building height, parking, curb cuts, stormwater, open space, landscaping, architectural standards and the urban district design objectives. UPUD standards regarding circulation, parking, utilities, drainage, open space, density and other standards shall apply as described in this code except as modified by the city commission as reflected by the adopted UPUD ordinance.

F. *East Stuart planned unit development (ESPUD) districts.*

a. Location. An ESPUD may be located anywhere in the area defined and described "east stuart" by the Future Land Use Element of the City of Stuart's comprehensive plan, and which is of suitable character and compatible with surrounding uses as determined by the City Commission.

b. Density. The maximum allowable density of a ESPUD shall not exceed the density as allowed in policy A7.2 of the City of Stuart Comprehensive Plan relating to Gross Densities

c. Uses. Uses permitted in an ESPUD district. The uses of buildings, structures, land or water within a ESPUD district are subject to the permitted uses outlined in section 3.02.05 East Stuart Code.

d. Development Standards. ESPUD development standards shall have regard to section 3.02.05 Development standards for the East Stuart Code District in relation to building placement, building height, parking, curb cuts, stormwater, open space, landscaping, architectural standards and the east stuart code design objectives. ESPUD standards shall apply as described in this code except as modified by the city commission as reflected by the adopted ESPUD ordinance.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: 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.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2019.
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
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2019.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____

MICHAEL MORTELL
CITY ATTORNEY